



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

Report to the Legislature

As required by Minnesota Statutes, section 125A.0942

For more information:

Sara V. Winter
Office of General Counsel
Minnesota Department of Education
400 Stinson Boulevard Northeast
Minneapolis, MN 55413
(651) 582-8237
sara.winter@state.mn.us
education.mn.gov

As requested by Minnesota Statutes, 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 |
| Table of Contents | 3 |
| Legislative Charge | 4 |
| Introduction..... | 4 |
| Analysis..... | 7 |
| Conclusion | 16 |
| Appendix A – List of Restrictive Procedures Workgroup Participants | 18 |
| Appendix B – February 2023 Two-Year Statewide Plan | 19 |
| Appendix C – Data on School Districts’ Progress on Reducing the Use of Restrictive Procedures and Eliminating Seclusion During the 2022-23 School Year..... | 22 |
| 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 (2022-23 School Year)..... | 46 |
| Appendix E – February 2023 Two-Year Statewide Plan: Progress | 61 |
| Appendix F – Letter to Education Chairs | 68 |

Legislative Charge

In accordance with Minnesota Statutes 2023, 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 2022-23 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).

During the 2023 legislative session, standards for the use of restrictive procedures were revised to:⁶

- Clarify that the restrictive procedures statutory provisions apply to children with disabilities from birth until the child with a disability becomes 22 years old;
- Add an additional responsibility to the oversight committee to quarterly review the use of restrictive procedures based on patterns or problems indicated by any disproportionate use of restrictive procedures based on race, gender, or disability status, the role of the school resource officer (SRO) or police in emergencies and the use of restrictive procedures, and documentation to determine if the standards for using restrictive procedures as described in sections 125A.0941 and 125A.0942 are met;
- Add a brief description of the post-use debriefing that occurred as a result of the use of the physical hold or seclusion to the information required to be documented each time physical holding or seclusion is used;
- Prohibit the use of seclusion on children from birth through grade 3 by September 1, 2024; and
- Clarify the restrictive procedures reporting requirement for districts by stating that any reasonable force used under sections 121A.582, 609.06, subdivision 1, and 609.379, which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedures, including physical holding or seclusion used by an unauthorized or untrained staff person.

² Minn. Stat. 125A.0942, subdivision 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, subdivision 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 [Minnesota Session Laws 2023, Chapter 55](#).

Further, during the 2023 legislative session, Minnesota Statutes, section 125A.0942, subdivision 6(c) was added:

By February 1, 2024, the commissioner, in cooperation with stakeholders, must make recommendations to the Legislature for urgently ending seclusion in Minnesota schools. The commissioner must consult with interested stakeholders, including parents of students who have been secluded or restrained; advocacy organizations; legal services providers; special education directors; teachers; paraprofessionals; intermediate school districts and cooperative units as defined under section 123A.24, subdivision 2; school boards; day treatment providers; county social services; state human services department staff; mental health professionals; autism experts; and representatives of groups disproportionately affected by restrictive procedures, including People of Color and people with disabilities. The recommendations must include specific dates for ending seclusion by grade or facility. The recommendations must identify existing resources and the new resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts.

Additionally, during the 2023 legislative session, Minnesota Statutes, section 121A.582, added a new reporting requirement for school districts pertaining to general education students: Beginning with the 2024-25 school year, districts must report annually by July 15, in a form and manner determined by the commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125.0941, paragraph (c).

Finally, the charge of the restrictive procedures legislation also intersects with two goals outlined in the Minnesota Olmstead Plan⁷ 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.⁸

Since fall 2012, MDE has convened a workgroup as a method to consult with interested stakeholders when preparing this report and recommend to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures, a statewide plan, as outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b).

This legislative report includes: key data points on districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2022-23 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 specifically related to urgently ending seclusion; the workgroup process; and the progress made on the

⁷ 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 DOJ on Enforcement of the Integration Mandate of Title II of the ADA and *Olmstead v. L.C.*, U.S. DOJ, Civil Rights Division, June 22, 2011, [Question 12, page 4](#) (DOJ Statement), last visited January 3, 2023. It is named after a United States Supreme Court decision: *Olmstead v. L.C.*, 527 U.S. 581 (1999).

⁸ See, [Putting the Promise of Olmstead into Practice: Minnesota's Olmstead Plan](#), for the 2021 Minnesota Olmstead Plan Revision (goal 4 and goal 5 pertaining to restrictive procedures in the school setting).

February 2023 Two-Year Statewide Plan developed through the workgroup. The statewide plan outlines three goals: to continue the submission of this legislative report; to compile of 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; and to reduce seclusions by 10% in both the number of seclusions and the number of students with disabilities experiencing seclusion. The statewide plan emphasizes addressing disproportionalities in the use of restrictive procedures, family engagement, and mental health and trauma. The statewide plan also outlines MDE actions and workgroup actions to meet the goals.

The February 2023 Two-Year Statewide Plan may be found in Appendix B 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 related to urgently ending seclusion, and workgroup processes. Appendices contain further information and analyses. In brief:

- Key data points from the 2022-23 school year show:⁹
 - An increase in restrictive procedures and the number of students with disabilities experiencing restrictive procedures as compared to the 2021-22 school year; however, a decline in both measurements as compared to the 2018-19 school year (pre-COVID-19).
 - A decrease in seclusions and an increase in the number of students with disabilities experiencing seclusions as compared to the 2021-22 school year; 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 2021-22 school year; 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.

⁹ 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, school districts continued to report strategies they used to reduce the use of restrictive procedures in their district. For most districts, staff training was a frequently used strategy, with many districts providing specific information regarding the training programs they used. MDE has compiled information about the trainings recommended by school districts, and this information is available as part of Appendix D.
 - 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 SROs 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.
- MDE's recommendations for urgently ending seclusion:
 - MDE recommends prohibiting the use of seclusion on all children by September 1, 2026. MDE recommends revising Minnesota Statutes, section 125A.0942, subdivision 4, by adding the following prohibition: **(12) the use of seclusion on all children by September 1, 2026.**
 - In addition to the strategies and resources outlined in Appendix D, MDE will continue efforts, based on future resources and staffing capacity, to consider the following:
 - Training for general education staff consistent with Minnesota Statutes, section 125A.0942, subdivision 5.
 - MDE collaborating with higher education to develop coursework for students preparing to become teachers consistent Minnesota Statutes, section 125A.0942, subdivision 5.
 - MDE working with the professional educators licensing and standards board (PELSB) to refine the positive behavior intervention requirement for professional licensure to include elements outlined in Minnesota Statutes, section 125A.0942, subdivision 5.
 - Developing a process where MDE staff are available to consult with school districts on specific students that exhibit extreme behaviors.
 - Expanding school districts' access to PBIS and other research-based behavior intervention programs.
 - Expanding mental health services.
 - MDE producing an online training course on the legal framework for using restrictive procedures in schools to increase availability of the training session currently offered by MDE.
 - MDE advocating for resources to support special education workforce needs.

Additional information on MDE's recommendations may be found in Appendix F of this report.

- 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 plan:
 - MDE reports on the progress made on the goals outlined in the February 2023 Two-Year Statewide Plan, including the MDE actions and workgroup actions taken to meet the goals.

Key Data Points from the 2022-23 School Year

Statewide, during the 2022-23 school year, districts reported a total of 16,343 restrictive procedures, including 3,938 seclusions and 12,405 physical holds. Overall, the use of restrictive procedures increased during the 2022-23 school year from the 2021-22 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.¹⁰ For example, the overall number of restrictive procedures in the 2022-23 school year (16,343) represents an increase of 11% from the 2021-22 school year; however, this is a 28% decrease from the 2018-19 school year, the pre-COVID-19 baseline.¹¹

Table 1. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2018-19 through 2021-22 school years.¹²

| Year | Physical Holds | Seclusion | Total Restrictive Procedures |
|----------|----------------|-----------|------------------------------|
| 2018-19 | 17,157 | 5,596 | 22,753 |
| 2019-20* | 12,679 | 3,983 | 16,662 |
| 2020-21* | 6,666 | 1,850 | 8,516 |
| 2021-22* | 10,091 | 4,598 | 14,689 |
| 2022-23 | 12,405 | 3,938 | 16,343 |

¹⁰ 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 heavily affected by the COVID-19 pandemic.

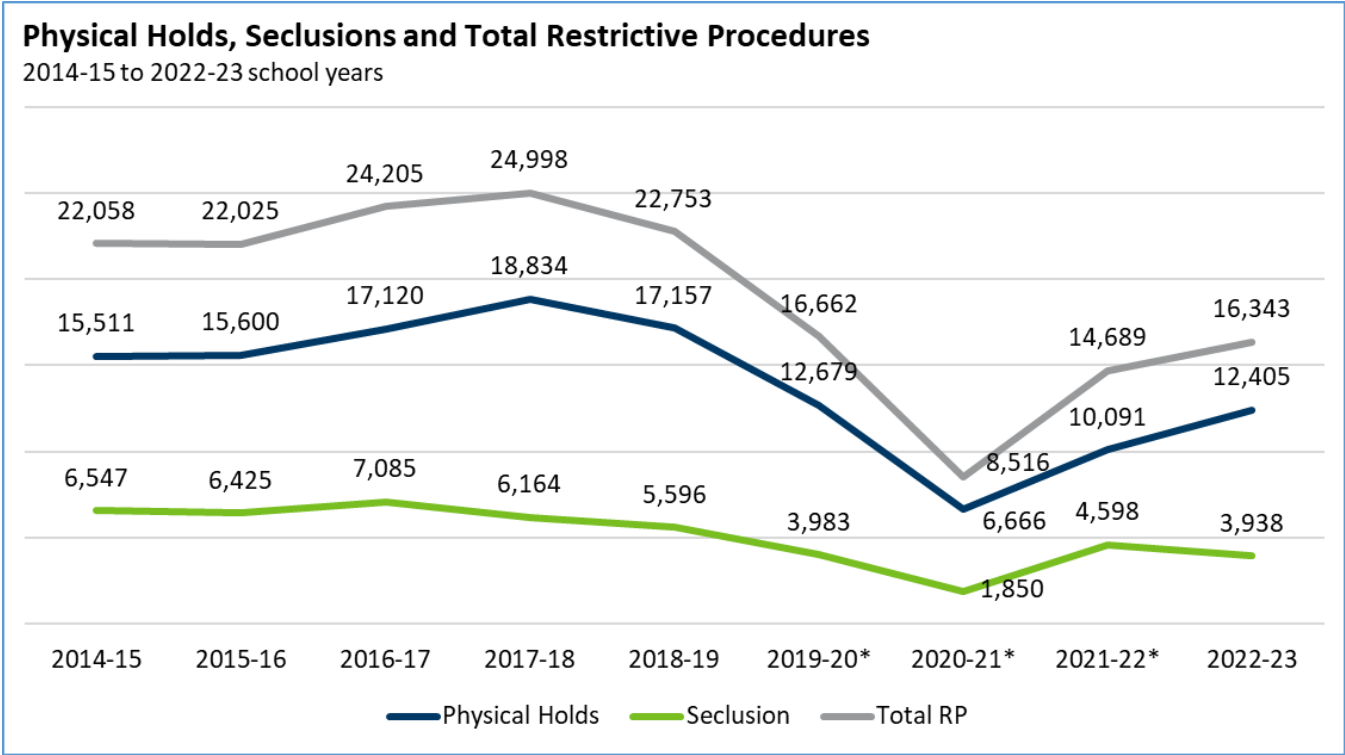
¹¹ Caution should be used when comparing data from recent years to similar data from other years, due to the continued effect of the COVID-19 pandemic on school environments.

¹² 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.

Similarly, more students with disabilities experienced restrictive procedures during the 2022-23 school year than in 2021-22, although fewer students than in previous years. Districts reported that 2,956 students with disabilities experienced one or more restrictive procedure during the 2022-23 school year.

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 2022-23 school year data indicates an increase in restrictive procedures over the previous year, rates continue to 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 2022-23 school years.



During the 2022-23 school year, districts reported a total of 3,938 seclusions and 730 students with disabilities experiencing seclusion. As compared to the 2021-22 school year, this represents a decrease of 14% in seclusions and an increase of 2% of students with disabilities experiencing seclusion. However, as compared to the 2018-19 school year, the pre-COVID-19 baseline, the 2022-23 school year data indicates a continued decrease: a reduction of 30% in seclusions, and a decrease of 15% of students with disabilities experiencing seclusion, as compared to the 2018-19 school year, the pre-COVID-19 baseline.

Annual data indicates an overall increase in the number of physical holds during the 2022-23 school year, the second 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 (12,405) as well as the total number of students with disabilities experiencing physical holds (2,750), both numbers increased from the 2021-22 school year (23% and 37%, 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 28 and 18%, 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 2022-23 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 setting four (setting 4), meaning the students receive special education and related services outside at separate school facilities for more than 50% of the school day, comprise about 3% of the special education population but 46% of secluded students. Finally, even though the special education population is disproportionately male (about 66%), male students experienced a disproportionate share of seclusions and physical holds (about 84% and 83%, respectively).

Additional data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2022-23 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 (OLI) 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 (FBAs) to develop individualized behavioral intervention plans (BIPs) for students whose behaviors interfere with their ability to access and benefit from the education program.

In recent years, in an effort to combat the improper use of seclusion, the Department of Justice (DOJ) conducted investigations to determine whether school districts engaged in improper seclusion and restraint practices that deny students with disabilities access to the school districts' programs and services in violation of Title II of the Americans with Disabilities Act of 1990 (ADA). In recent investigations, the DOJ determined that the school districts discriminated against students on the basis of disability by denying them equal opportunity to participate in or benefit from the school districts' education program and improperly isolated and restrained students with disabilities and failed to use appropriate behavior interventions. The DOJ reached a series of settlement agreements in which school districts agreed to remedy the improper use of seclusion by discontinuing their use of seclusion districtwide and instead put in place appropriate interventions and supports for students with disabilities.

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., FBAs, 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. In the 2022-23 school year, most districts reported a reliance on staff training regarding de-escalation strategies and the legal standards relating to the emergency use of restrictive procedures, using a variety of different training programs, as reported in Appendix D. Many districts also indicated the important role of social-emotional learning, trauma-informed classrooms, PBIS, restorative practices, board-certified behavior analysts, and mental health supports on their use of restrictive procedures.

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 (2022-23 school year) may be found in Appendix D of this report.

Recommendations for Urgently Ending Seclusion

MDE recommends prohibiting the use of seclusion on all children by September 1, 2026. MDE, in cooperation with interested stakeholders, continues to compile strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. This compilation is found in Appendix D of this report and includes existing resources and new resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts.

MDE's recommendations were based on: Minnesota's cumulative efforts working to end the use of seclusion since 2016; the U.S. DOJ findings that seclusion and restraint practices discriminate against students on the basis of disability by denying them equal opportunity to participate in or benefit from school district education programs, using eligibility criteria that effectively subject students with disabilities to discrimination, and failing to make reasonable modifications to avoid discrimination in school programs; the ADA integration mandate, the Individuals with Disabilities Education Act's (IDEA's) least restrictive environment mandate; and stakeholder engagement.

Further, in addition to the strategies and resources outlined in Appendix D, MDE will continue efforts, based on future resources and staffing capacity, to consider the following:

- Training for general education staff consistent with Minnesota Statutes, section 125A.0942, subdivision 5.
- MDE collaborating with higher education to develop coursework for students preparing to become teachers consistent Minnesota Statutes, section 125A.0942, subdivision 5.
- MDE working with PELSB to refine the positive behavior intervention requirement for professional licensure to include elements outlined in Minnesota Statutes, section 125A.0942, subdivision 5.
- Developing a process where MDE staff are available to consult with school districts on specific students that exhibit extreme behaviors.
- Expanding school districts' access to PBIS and other research-based behavior intervention programs.
- Expanding mental health services.
- MDE producing an online training course on the legal framework for using restrictive procedures in schools to increase availability of the training session currently offered by MDE.
- MDE advocating for resources to support special education workforce needs.

Additional information on MDE's recommendation to end the use of seclusion by September 1, 2026, may be found in Appendix F 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, 2023, Legislative Report, the workgroup met on February 22, 2023. In June 2023, due to an unexpected low response to RSVPs to the scheduled June 21 meeting, MDE sought feedback from the stakeholders in an asynchronous manner, using a combination of email updates and survey input. The workgroup convened again on September 27, 2023, and MDE held an office hour on December 13, 2023. The workgroup worked on the action items outlined in the February 2023 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 2023 Two-Year Statewide Plan Progress

The February 2023 Two-Year Statewide Plan includes three measurable goals along with five MDE actions and four 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 E of this report.

The goals and progress on the goals outlined in the February 2023 Two-Year Statewide Plan:

Legislative Report

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 strategies and the workgroup's progress on actions in the statewide plan.

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 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. 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.

This legislative report, including the appendices, serves as the February 1, 2024, 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, 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 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 to the commissioner strategies and resources to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities by identifying emergent issues (workgroup action 1) related to urgently ending seclusion; developing case studies with two districts stemming from the annual summary information gathered from school districts via the annual reporting (workgroup action 3); identifying and reviewing person-centered planning resources, and updating the oversight committee agenda and companion guide, to assist districts in increasing family and student engagement (workgroup action 1); providing feedback on MDE's restrictive procedures training (workgroup action 1), and reviewing MDE's 2023 legislative report to identify, develop, and recommend to MDE ways to use and share the information presented (workgroup action 2).

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% reduction in 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.

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 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.

- 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.

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 2022-23 school year demonstrates an increase in the use of restrictive procedures, including an increase in the use of physical holding and a decrease in the uses of seclusion, as compared to the 2021-22 school year. Minnesota school districts reported 3,938 seclusions during the 2022-23 school year, a decrease of 14% from the 2021-22 school year. Minnesota school districts also reported that 730 students with disabilities experienced seclusion, an increase of two 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 2022-23 school year represents a 30% decrease in seclusions and a 15% decrease in the number of students with disabilities 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.

Further, the workgroup identified the Legislature’s charge to urgently end seclusion and the prohibition of seclusion of children birth through grade 3 effective September 1, 2024, as an emergent issue. As a result, the workgroup discussed whether to revise the targets for the reduction of seclusion for the end of the 2023-24 school year outlined in this goal.

Additional data on school districts’ progress on reducing the use of restrictive procedures and eliminating seclusion during the 2022-23 school year may be found in Appendix C of this report.

Conclusion

MDE respectfully submits this report consistent with Minnesota Statutes, section 125A.0942, subdivisions 3(b) and 6(c). The report details school districts’ progress on reducing the use of restrictive procedures and eliminating seclusion along with strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. During the 2022-23 school year, the data reported by school districts, although an increase from previous COVID-19-impacted school years in some measures, continued a downward departure from the 2018-19 school year, the pre-COVID-19 baseline. Programs and interventions such as training on de-escalation techniques and 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 District 916
Northern Pines Mental Health Center
Olmsted County Child & Family Services
PACER Center, Inc.
Rosemount-Apple Valley-Eagan District 196
Roseville Public School District 623
Shakopee Public School District 720
Southwest Metro Intermediate District 288
Southwest West Central Service Cooperative
The Arc Minnesota
Wayzata Public School District 284

MDE Participants

Office of General Counsel – Dispute Resolution
Division of Special Education

Appendix B – 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 Minnesota Statutes, section 125A.0942, subdivision 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 Minnesota Statutes, section 125A.0942, subdivision 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% reduction in seclusion annually using the 2018-19 school year data as a baseline.¹⁴ 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.

¹⁴ 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.

- 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.

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 OLI 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/SROs;
- Providing feedback on a list of training programs developed by MDE after consultation with the Minnesota Department of Human Services (DHS) that may meet requirements for the skill and knowledge areas outlined in Minnesota Statutes, section 125A.0942, subdivision 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 Minnesota Statutes, section 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.

Appendix C – Data on School Districts’ Progress on Reducing the Use of Restrictive Procedures and Eliminating Seclusion During the 2022-23 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 on 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 MN 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 2022-23 school year was the third year using the Stepwell MN system, there were fewer challenges regarding data collection than in the previous school year. 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, and MDE staff worked with the Stepwell MN vendor to make improvements to the Stepwell MN system, many suggested by district users.

The 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. Another limitation is that demographic data in Stepwell MN is based on student data that is provided by districts, via MARSS, and verified by MDE on an annual schedule, and then uploaded into the Stepwell MN system on a quarterly basis. The nature of this process, and the legislatively mandated seclusion reporting periods, means that up-to-date student data is not always available via Stepwell MN, and can lead to some inaccuracies in the restrictive procedures data. This limitation is particularly evident with regard to age and grade data reported via seclusion.

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 and July 2023. MDE, with input from the workgroup, has begun developing systems to review and analyze this data. For example, during the 2022-23 school year, the workgroup piloted a case study approach to obtain additional information from participating districts.¹⁵

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

¹⁵ Two districts were identified and agreed to participate in the case study. For further information, please see Case Study: Intermediate School District 917 and Case Study: Rum River Special Education Cooperative; both are available on the [Restrictive Procedures Workgroup](#) website.

year services through either a distance learning model or a hybrid model that employed both distance learning and in-person learning.¹⁶

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, there 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.¹⁷ MDE and the Minnesota Department of Health (MDH) developed the Safe Learning Plan guidance document¹⁸ 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% 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% 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% of districts used a hybrid or distance learning model during this time period. However, because all districts were required to provide an equitable

¹⁶ [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).

¹⁷ [Minn. Exec. Order No. 20-82](#) (July 30, 2020) (last accessed Jan. 3, 2023).

¹⁸ [Minnesota's Safe Learning Plan for the 2020-21 School Year](#) (July 30, 2020) (last accessed Jan. 3, 2023).

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. 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 MDH 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.

2022-23 School Year

During the 2022-23 school year, at least some Minnesota schools and communities continued to be affected by COVID-19, including ongoing staff shortages and the continuing effect of learning loss, mental health, and trauma experienced by students in recent years. These impacts remain difficult to measure and affected each community differently, but statewide assessment results released in August 2024 reinforce that students, families, school communities, and educators are continuing to recover from the COVID-19 pandemic.¹⁹

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. Although these rates were already trending downwards prior to the COVID-19 pandemic,

¹⁹ Statewide assessment results remain below pre-pandemic levels, and schools report ongoing attendance concerns. [Minnesota test scores stagnant as COVID-'s effects linger on students, schools](#), MPR News August 24, 2023; [Minnesota Department of Education News Release](#), August 24, 2023.

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 and staff shortages during the 2021-22 and 2022-23 school year is harder to interpret, it is possible that this data remains affected by COVID-19 and its continued effects.

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. Because of the varying and potentially unknown effect of COVID-19, 2022-23 restrictive procedures data is compared both to data from the previous year and to data from 2018-19. As the last full school year prior to 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 pandemic, data showed an increase in the use of restrictive procedures. Likewise, the 2022-23 school year also showed an increase in the use of restrictive procedures, although this overall measure includes both an increase in the use of physical holds and a decrease in the use of seclusions during the past year. Restrictive procedures during the 2022-23 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 2022-23 school year, districts reported a total of 16,343 restrictive procedures, including 3,938 seclusions and 12,405 physical holds, as described in Table 1 (below).

Table 1. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2014-15 through 2022-23 school years.²⁰

| 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 | 22,753 |
| 2019-20* | 12,679 | 3,983 | 16,662 |

²⁰ 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.

| Year | Physical Holds | Seclusion | Total Restrictive Procedures |
|----------|----------------|-----------|------------------------------|
| 2020-21* | 6,666 | 1,850 | 8,516 |
| 2021-22* | 10,091 | 4,598 | 14,689 |
| 2022-23 | 12,405 | 3,938 | 16,343 |

During the 2022-23 school year, the number of restrictive procedures increased from the 2021-22 school year by 11%, as described in Table 2 (below). As further described by Table 2, below, districts reported 3,938 seclusions during the 2022-23 school year, a decrease of 14% during from the 2021-22 school year, and 12,405 physical holds during the 2022-23 school year, an increase of 23% from the 2021-22 school year.

Table 2. Percentage Change in the Number of Restrictive Procedures, 2021-22 to 2022-23 school years.

| Year | Physical Holds | % Change | Seclusion | % Change | Total Restrictive Procedures | % Change |
|----------|----------------|----------|-----------|----------|------------------------------|----------|
| 2021-22* | 10,091 | | 4,598 | | 14,689 | |
| 2022-23 | 12,405 | +23% | 3,938 | -14% | 16,343 | +11% |

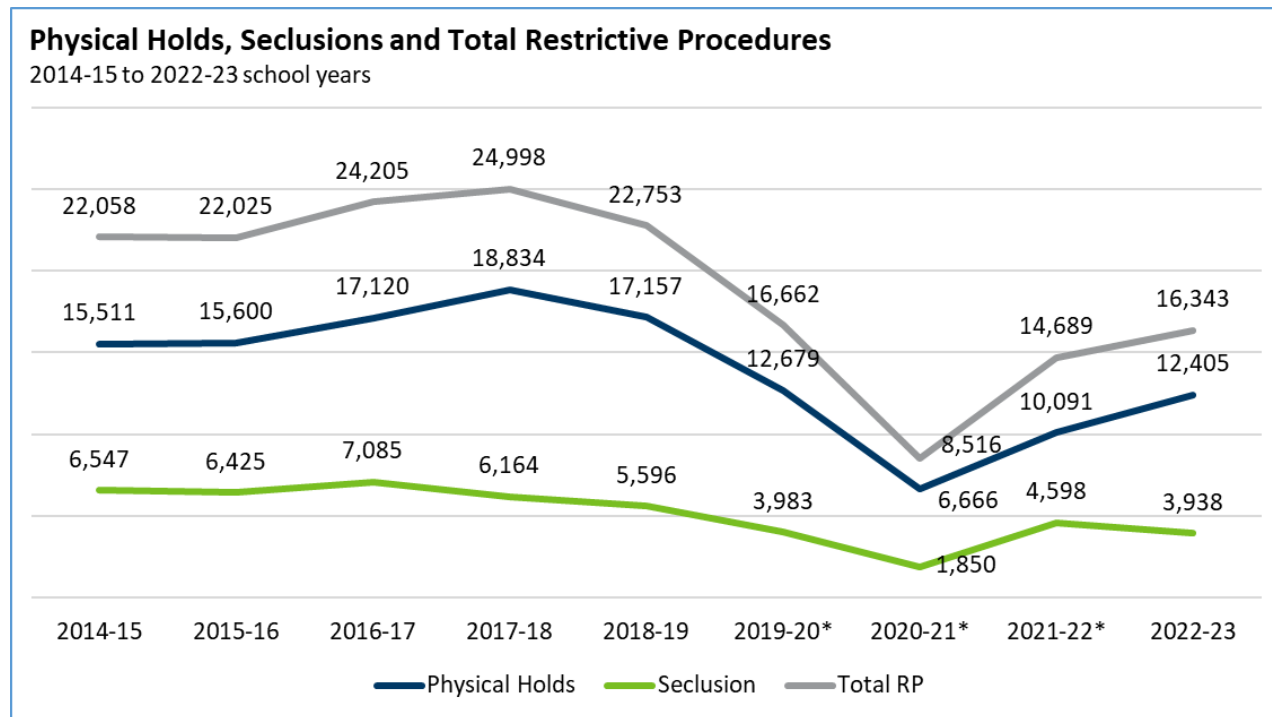
However, during the 2022-23 school year, total restrictive procedures continued to decrease as compared to the 2018-19 school year, the pre-COVID-19 baseline, by 28%, as described in Table 3 (below). As further described by Table 3, below, districts reported 3,938 seclusions during the 2022-23 school year, a 30% decrease from the 2018-19 school year, the pre-COVID baseline, and 12,405 physical holds during the 2022-23 school year, a decrease of 28% from the 2018-19 school year, pre-COVID-19 baseline.

Table 3. Percentage Change in the Number of Restrictive Procedures, 2018-19, the pre-COVID-19 baseline, to 2022-23 school years.

| Year | Physical Holds | % Change | Seclusion | % Change | Total Restrictive Procedures | % Change |
|---------|----------------|----------|-----------|----------|------------------------------|----------|
| 2018-19 | 17,157 | n/a | 5,596 | n/a | 22,753 | n/a |
| 2022-23 | 12,405 | - 28% | 3,938 | - 30% | 16,343 | - 28% |

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 2022-23 school year data indicates an increase in restrictive procedures over the previous year, rates continue to 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 2022-23 school years.



Similarly, more students with disabilities experienced restrictive procedures during the 2022-23 school year than the 2021-22 school year as shown in Table 4 (below). Districts reported that 2,956 students with disabilities experienced one or more restrictive procedures during the 2022-23 school year, a 26% increase from the 2,341 students with disabilities experiencing restrictive procedures in 2021-22, though a 24% decrease from the 2018-19 school year, the pre-COVID-19 baseline.

Table 4. Annual Number of Students with Disabilities Experiencing Restrictive Procedures, 2016-17 through 2022-23 school years.

| Year | Number of Students with Disabilities Experiencing Restrictive Procedures |
|----------|--|
| 2016-17 | 3,476 |
| 2017-18 | 3,546 |
| 2018-19 | 3,603 |
| 2019-20* | 3,052 |
| 2020-21* | 1,685 |
| 2021-22* | 2,341 |
| 2022-23 | 2,956 |

Seclusion

MDE now has detailed data of individual seclusions for seven school years. The number of school days in each reporting quarter varies, leading to a wide variance in the total number of seclusions and the number of

students with disabilities secluded during each quarter. Therefore, quarterly data should only be compared for the same reporting quarter across school years. The following data presents a longitudinal analysis of the seclusion data received through the 2022-23 school year, as well as a comparison of each reporting quarter across school years.

As discussed above, school closures due to the COVID-19 pandemic affected quarter three and four of the 2019-20 school year, as well as summary data for the 2019-20 school year. Likewise, the 2020-21 school year was characterized by frequently shifting learning models, as each district used public health guidelines and local data to determine its response to COVID-19. COVID-19 continued to impact schools and communities differently during the 2021-22 school year, and its effects continue to affect Minnesota schools and communities differently. Because of variation in number of learning days, variety of learning models use across districts, and varying effects of learning loss, trauma, and ongoing impacts of COVID-19, seclusion data from recent years should be interpreted with caution, particularly with regard to making comparisons from year-to-year data. It is likely to be one or more additional school years until further conclusions can be drawn about long-term trends regarding restrictive procedures use in Minnesota.

Reporting Districts

A total of 54 districts reported using seclusion during the 2022-23 school year, a slight decrease from 55 districts during the 2021-22 school year. In 2020-21, 45 school districts reported seclusions, and 54 reported using seclusion in 2019-20. The number of districts reporting seclusions remains below the pre-COVID-19 baseline: 66 districts reported using seclusions in the 2018-19 school year.

Overall Seclusions

Annual statistics indicate a decrease in the number of seclusions during the 2022-23 school year from the previous school year. During the 2022-23 school year, districts reported a total of 3,938 seclusions and 730 students with disabilities experiencing seclusion, a decrease of 14% in seclusions and an increase of two percent of students with disabilities experiencing seclusion from the previous school year. Data from 2022-23 continues to remain well below the 2018-19 school year, the pre-COVID-19 baseline, with a 30% reduction in seclusions and a 15% decrease in students with disabilities experiencing seclusion since that year. 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 2022-23 school years.

| Year | Number of Students with Disabilities Experiencing Seclusion |
|----------|---|
| 2016-17 | 1,044 |
| 2017-18 | 855 |
| 2018-19 | 860 |
| 2019-20* | 710 |

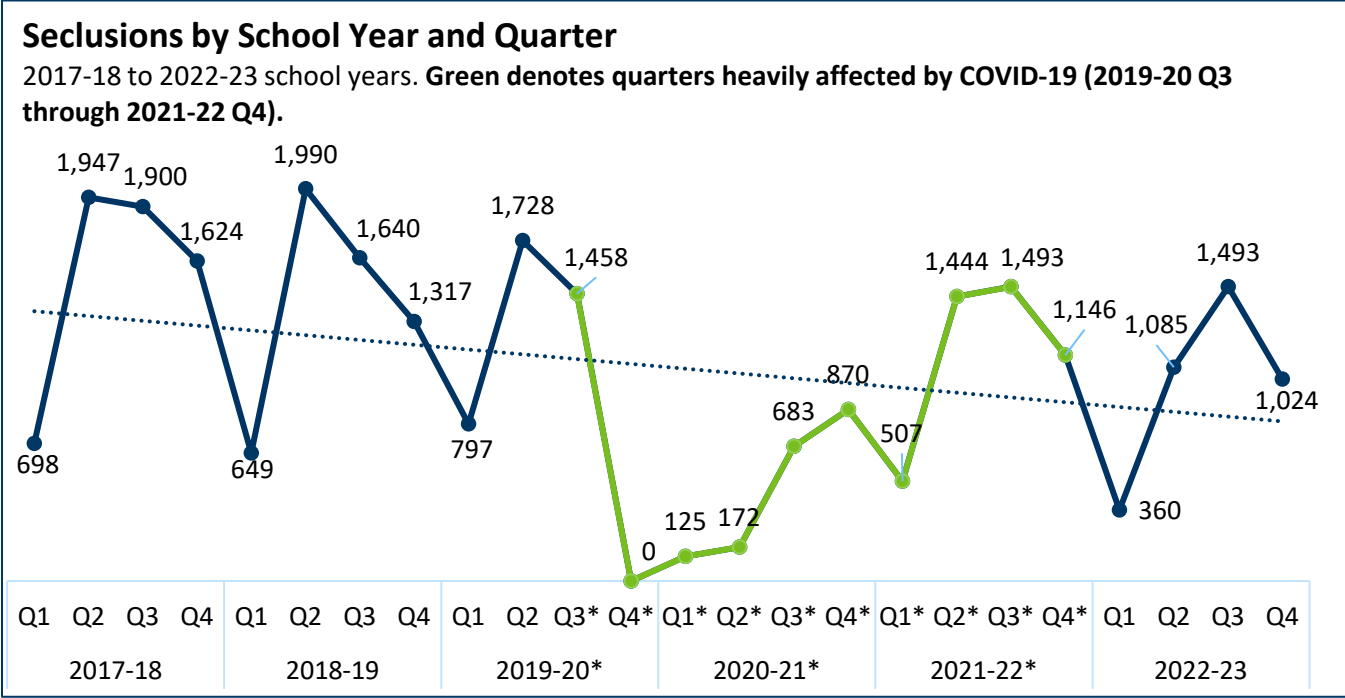
| Year | Number of Students with Disabilities Experiencing Seclusion |
|----------|---|
| 2020-21* | 463 |
| 2021-22* | 718 |
| 2022-23 | 730 |

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 are reported for quarters two, three and four (typically with a peak in quarter two or three).

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 and 2022-23 school years more closely represent 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. The 2022-23 school year, however, shows a pattern of decrease not just since 2018-19, the pre-COVID baseline, but also compared to the corresponding quarter in the 2021-22 school year. The current year's decrease in the use of seclusions, while likely still related to COVID-19, may also show the effectiveness of the strategies and resources used in Minnesota schools to reduce the use of seclusions, but it is likely that additional time and data will be needed before the patterns in this data can be fully understood.

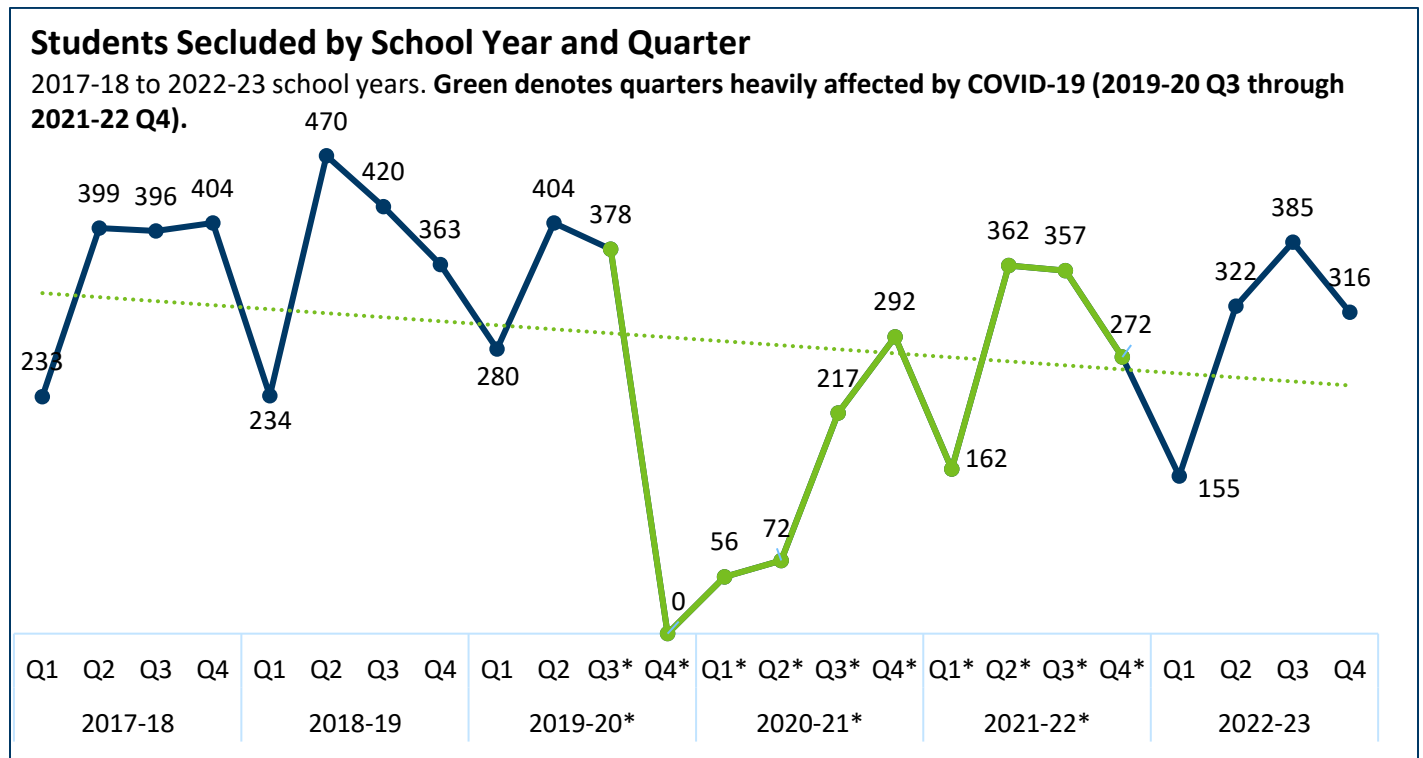
Figure B. Seclusions by School Year and Quarter, 2017-18 through 2022-23 school years.



Similar to the pattern shown in total seclusions, quarterly data for the number of students with disabilities secluded during the 2022-23 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, a typical pattern for years that were not heavily affected by COVID-19.

Figure C (below) highlights the overall trends in the number of students with disabilities experiencing seclusion since the 2017-18 school year. The 2018-19 school year remains the pre-COVID-19 baseline. Across all quarters, the number of students with disabilities experiencing seclusions reported in the 2022-23 school year remains lower than the corresponding quarter in the 2018-19 school year, the pre-COVID-19 baseline. Given the overall downward trend in the number of students with disabilities experiencing seclusion over time, 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. Data from future years is likely necessary before any conclusions can be drawn regarding whether the continued decline since 2018-19 is due to the continuing effect of COVID-19 or other factors.

Figure C. Students with Disabilities Secluded by School Year and Quarter, 2018-19 through 2022-23 school years.



Student Demographics

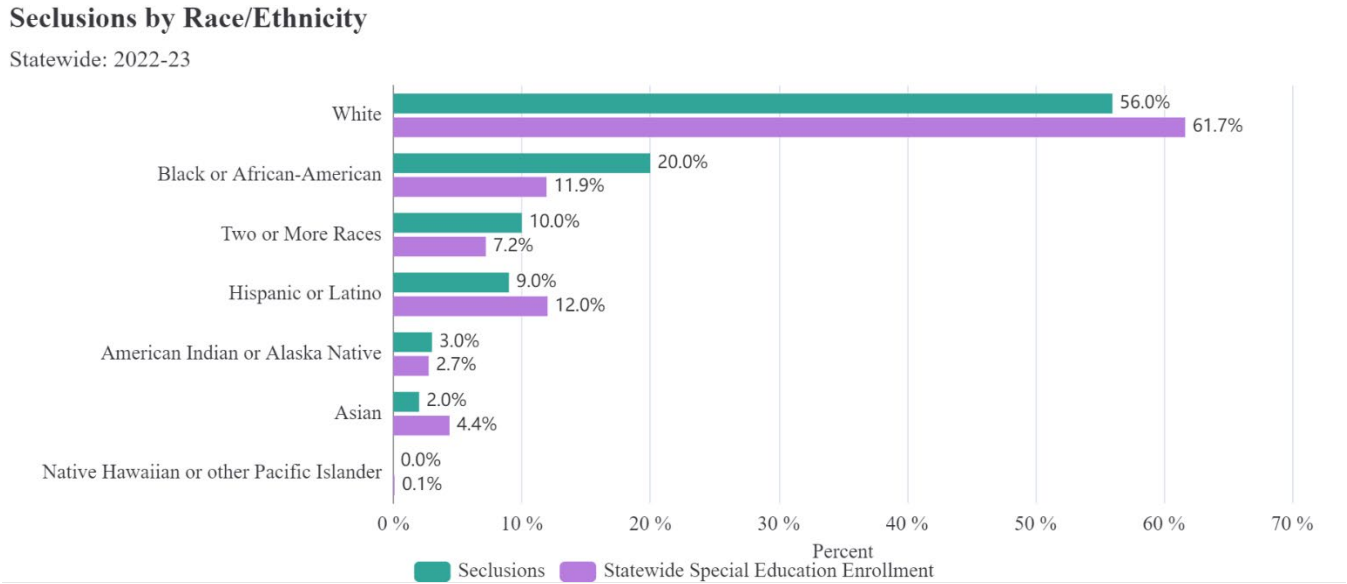
Race/Ethnicity

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 2022-23 school year, 56% of students with disabilities experiencing seclusion were white, and white students with disabilities comprised 61.7% of the special education population.

In the 2022-23 school year, 20% of the secluded students with disabilities were Black or African American, although they comprise 11.9% of the special education population. Students with disabilities identified as two or more races accounted for 10% of secluded students, although they comprise just 7.2% of the special education population. American Indian or Alaska Native Students, at 2.7% of the special education population, were 3% of the secluded students with disabilities.

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 2022-23 school year.

Figure D. Students with Disabilities Secluded by Race/Ethnicity, as compared to Special Education Enrollment, 2022-23 school year.



Age

Legislative reports prior to 2021 reported the age of students who were secluded, rather than the grade level, due to the reporting system in place at that time. Starting in 2021, MDE began including information regarding the grade level of secluded students in the legislative report, and in the 2022 legislative report, data was provided with regard to both the age and grade of students with disabilities experiencing seclusion. Although data consistently shows similar trends with regard to both age and grade from year to year, MDE has identified inaccuracies in grade data reported through the current Stepwell MN system. In the 2023 legislative report, MDE notified the Legislature that future legislative reports would include data regarding the age, but not the grade, of students with disabilities experiencing seclusion.

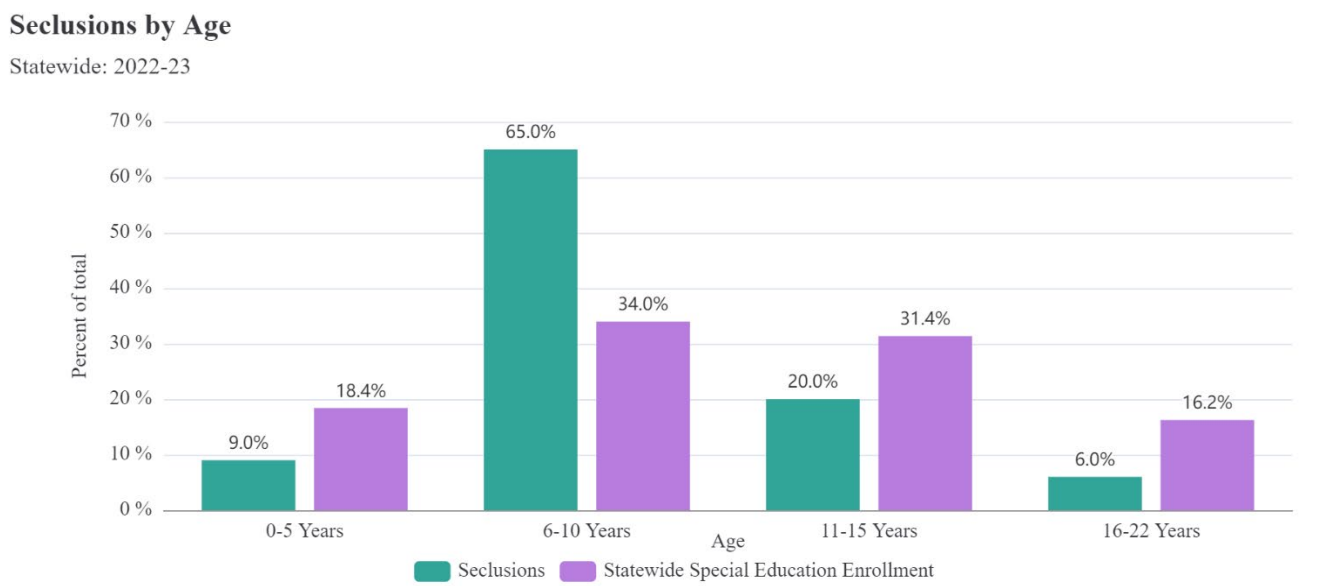
At this time, MDE is not able to collect, or report, accurate quarterly data regarding the grade of students with disabilities experiencing seclusion, particularly for the first two quarters of each school year. Minnesota statute requires that MDE collect quarter one seclusion data by October 15 annually, which is before most Minnesota school districts have provided updated, complete fall student data. Given this conflict, the grade reported for most students through Stepwell MN is inaccurate for the first quarter of each school year under MDE’s current

legislative mandate. However, as age and grade data do show similar trends from year to year, information regarding the age of students provides similar and sufficient information at this time.²¹

During the 2022-23 school year, the majority of students with disabilities experiencing seclusion were in the 6-10-year age range: 65%. Students with disabilities in this age range are 34% of the total special education population. Twenty 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 2022-23 school year.

Figure E. Students with Disabilities Secluded by Age, as compared to Special Education Enrollment, 2022-23 school year.



Setting

Districts reported using seclusion most often for students with disabilities receiving services in federal setting four (setting 4), meaning the student receives special education and related services at a separate school facility

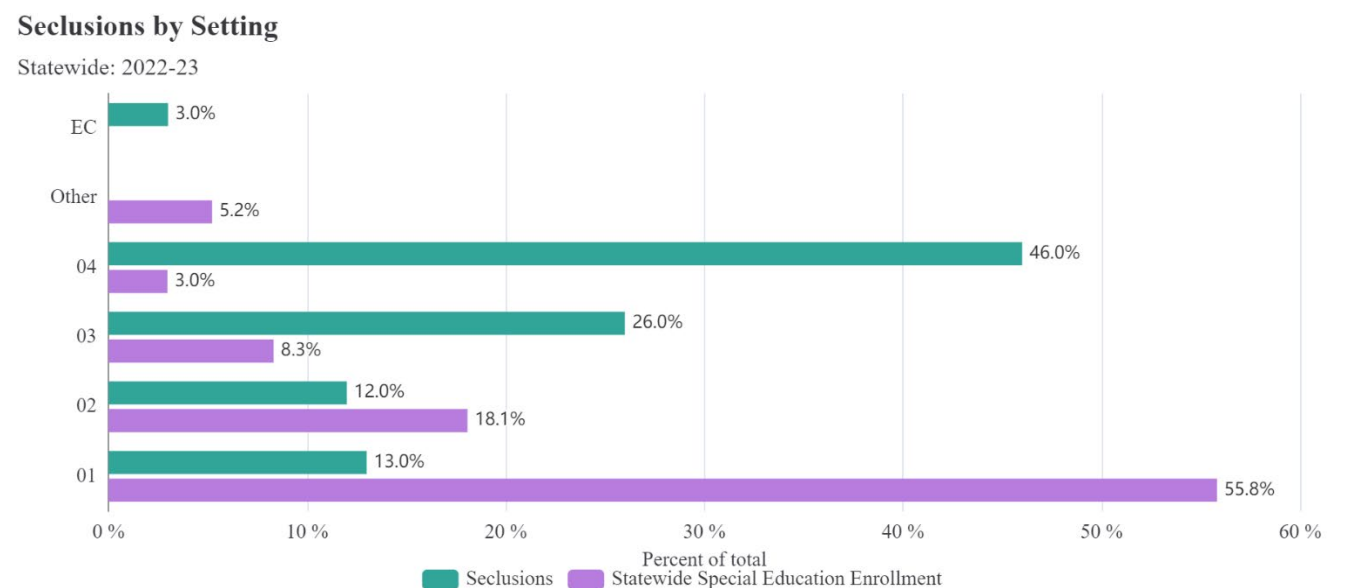
²¹ Starting on September 1, 2024, the use of seclusion on children from birth through grade three is prohibited. In Minnesota, most students tend to turn 9 during third grade, so the 6-10 year age range includes some fourth-grade students. Because of this, MDE’s data regarding students aged 6-10 provides only approximate information regarding students in this age range. Legislative changes and/or changes to the Stepwell MN system may be necessary if more detailed information regarding the age and/or grade of students is required.

for more than 50% of the school day. This includes setting 4 programs operated by independent school districts, intermediate school districts, and special education cooperatives.

During the 2022-23 school year, 3% of the special education population received services in setting 4 programs. However, students with disabilities receiving services in setting 4 programs were 46% of the students with disabilities experiencing seclusion, as shown below in Figure F. This has changed slightly from last year, when 47% (2021-22) of the students with disabilities experiencing seclusion were students receiving services in setting 4 programs. In previous years, 57% (2020-21) and 60% (2019-20) of the students with disabilities experiencing seclusion were students receiving services in setting 4 programs.

On the other end of the spectrum, the majority of students with disabilities receive special education and related services outside the general education classroom for less than 21% of the school day and are considered setting 1 students. Setting 1 students with disabilities make up 55.8% of the special education population and are much less likely to experience seclusion. During the 2022-23 school year, 13% of secluded students with disabilities were receiving services in a setting 1.

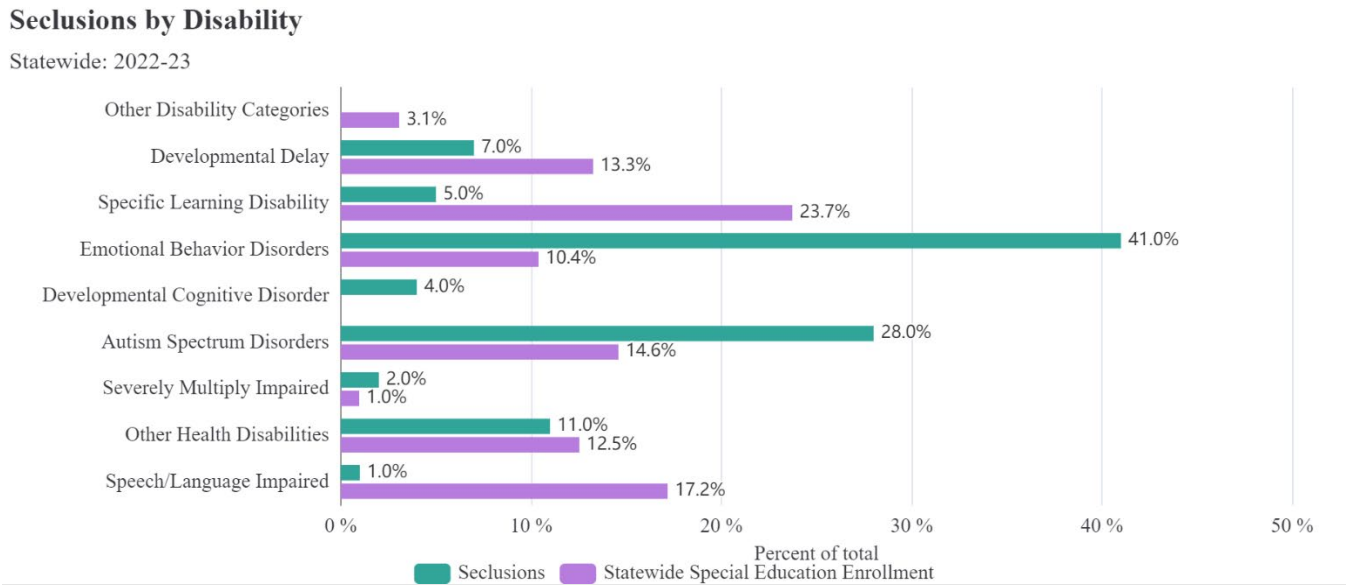
Figure F. Students with Disabilities Secluded by Setting, as Compared to Special Education Enrollment, 2022-23 school year.



Disability Category

Figure G (below) provides information regarding the disability category of students with disabilities who experienced seclusion during the 2022-23 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 10.4% of the special education population, they were 41% of the students with disabilities that experienced seclusion during the 2022-23 school year. ASD students, who comprise 14.6% of the special education population, were 28% of students with disabilities who experienced seclusion during the 2022-23 school year.

Figure G. Students with Disabilities Secluded by Disability Category, as Compared to Special Education Enrollment, 2022-23 school year.



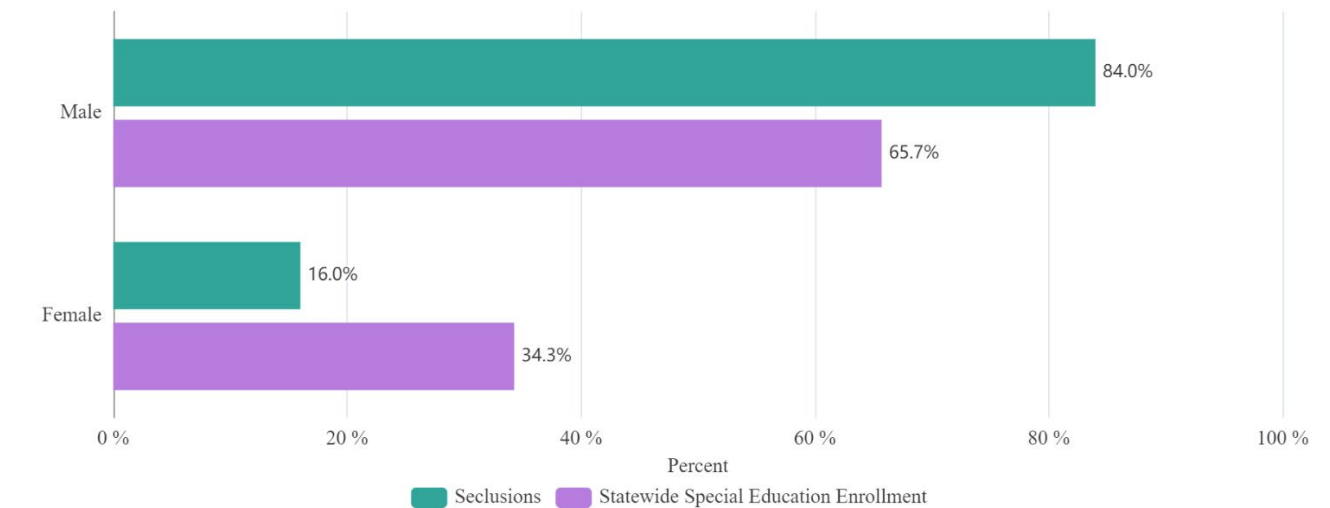
Gender

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 65.7%, with female students comprising just 34.3% 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), 84% of the students with disabilities who experienced seclusion in the 2022-23 school year were male. This is similar to the percentages reported in previous years: students with disabilities experiencing seclusion in 2021-22 were 85% male, 2020-21 were 88% male, and 90% male in 2019-20.

Figure H. Students with Disabilities Secluded by Gender, as Compared to Special Education Population, 2022-23 school year.

Seclusions by Gender

Statewide: 2022-23



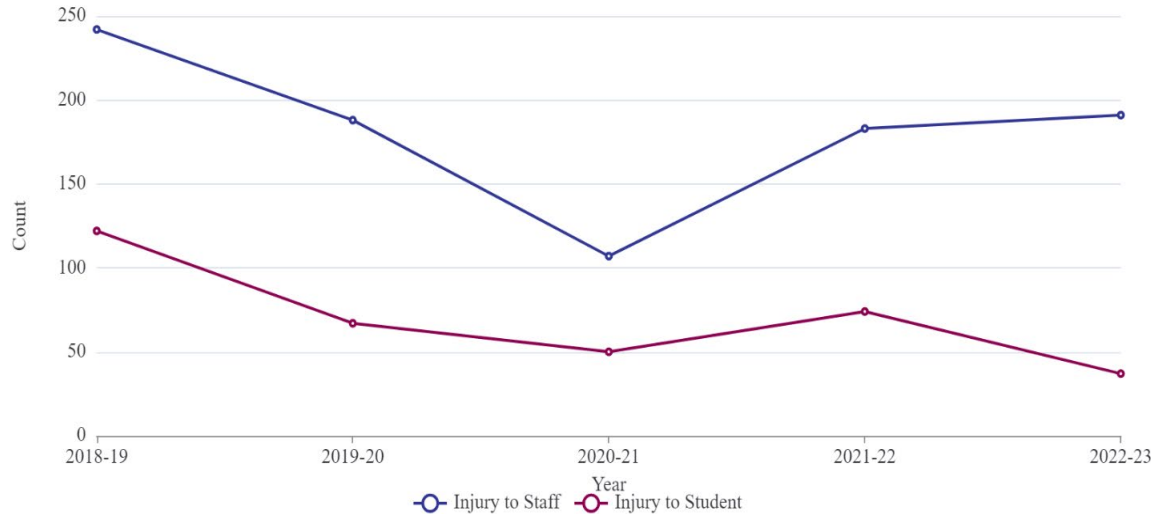
Staff and Student Injuries Reported by Districts Resulting from Seclusions

Figure I (below) shows staff and student injuries from the 2017-18 through 2022-23 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 a slight increase in staff injuries during the 2022-23 school year, and a decrease in student injuries. Both measures remain well below the 2018-19 school year, the pre-COVID-19 baseline. For the 2022-23 school year, districts reported 191 staff injuries and 37 student injuries as a result of seclusion, as compared to 183 and 74 injuries, respectively, in the 2021-22 school year.

Figure I. Student and Staff Injuries Resulting from Seclusions, 2017-18 through 2022-23 school years.

Injuries as the Result of Seclusions

Statewide: School Years 2018-19 - 2022-23



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 258 districts reported using physical holds during the 2022-23 school year, a slight increase from the 2021-22 school year, when 249 districts reported using physical holds, and the 2020-21 school year, when 245 districts reported using physical holds. This remains below the pre-pandemic baseline: 285 districts reported using physical holds 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 2022-23 school year, the second 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 2022-23 school year, districts reported a total of 12,405 physical holds and 2,750 students with disabilities experiencing physical holds, an increase of 23% in physical holds and an increase of 37% in the number of students with disabilities experiencing physical holds. However, 2022-23 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 28 and 18%, respectively). During the 2022-23 school year, the average number of physical holds per physically held student was 4.5, a decrease from 5.0 in 2021-22. This is also 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 is likely to take additional time to fully understand patterns in the data from recent years.

Districts reported using physical holds with 2,750 students during the 2022-23 school year, which is an increase of 37% from the previous year. Compared to the 2018-19 school year, the pre-COVID-19 baseline, this is a decrease of 18%. 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 and 2022-23 school years, 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 2022-23 school year to 1.7%, as compared to 1.3% in the 2021-22 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% during the 2019-20 school year and 2.3% 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 2022-23 school years is presented below in Table 6.

Table 6. Annual Number of Students with Disabilities Experiencing Physical Holds, 2017-18 through 2022-23 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 |
| 2022-23 | 2,750 |

Student Demographics

Race/Ethnicity

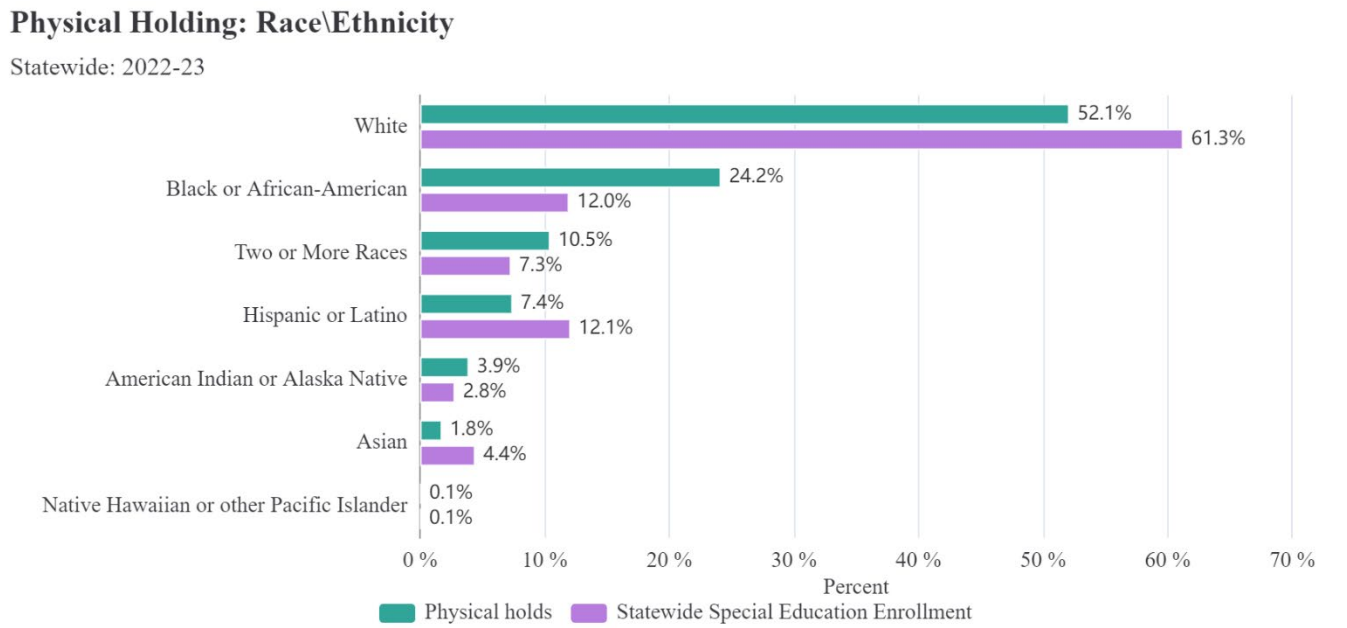
Students with disabilities identified as Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races continue to be overrepresented in the use of physical holds. Conversely, categories of white, Hispanic or Latino, and Asian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

In the 2022-23 school year, 24.2% of the physically held students with disabilities were Black or African American, although they comprise just 12% of the special education population. Students with disabilities identified as two or more races accounted for 10.5% of physically held students with disabilities, although they comprise 7.3% of the special education population. American Indian or Alaska Native Students, at 2.8% of the

population, were 3.9% of the physically held students with disabilities. Since the 2020-21 school year, this disproportionality has remained relatively consistent. The percentage of physically held students with disabilities in these race/ethnicity categories has stayed relatively similar – with minor fluctuations in both the percentage of physically held students in these race/ethnicity groups (in 2020-21, 19.6, 10.2, and 3.4%, respectively, and in 2021-22, 24.2, 10.9, and 3.4) and their percentage of the population (in 2020-21, 11.9, 6.9, 2.8%, respectively, and in 2021-22, 11.9, 7.1, and 2.7, respectively).

Figure J (below) compares the race/ethnicity of students with disabilities who experienced physical holds during the 2022-23 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, 2022-23 school year.



Age

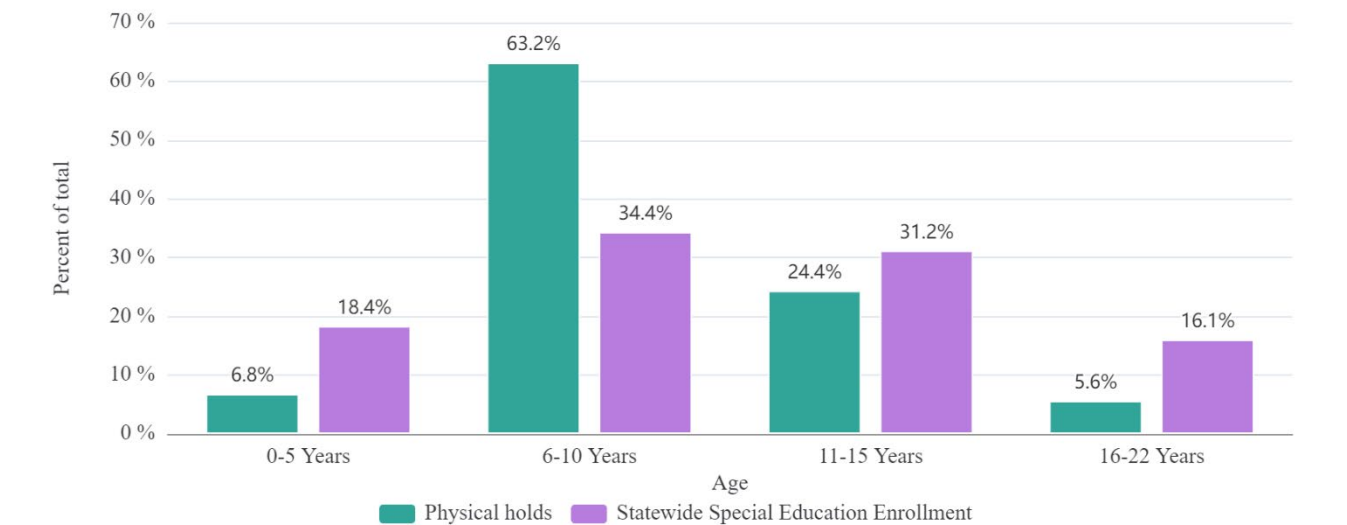
During the 2022-23 school year, the majority of students with disabilities experiencing physical holds were in the 6-10 age range: 63.2% of the physically held students with disabilities were in the 6-10-year age range, although students in this age range comprised just 34.4% of the special education population. This pattern is consistent with the age range data from previous years. In contrast, 24.4% of the physically held students with disabilities were in the 11-15-year age range, although students in this range comprise 31.2% of the special education population. 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 6.8% and 5.6%, respectively.

Figure K (below) compares the age of students with disabilities who experienced physical holds in the 2022-23 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, 2022-23 school year.

Physical Holding: Age

Statewide: 2022-23



Setting

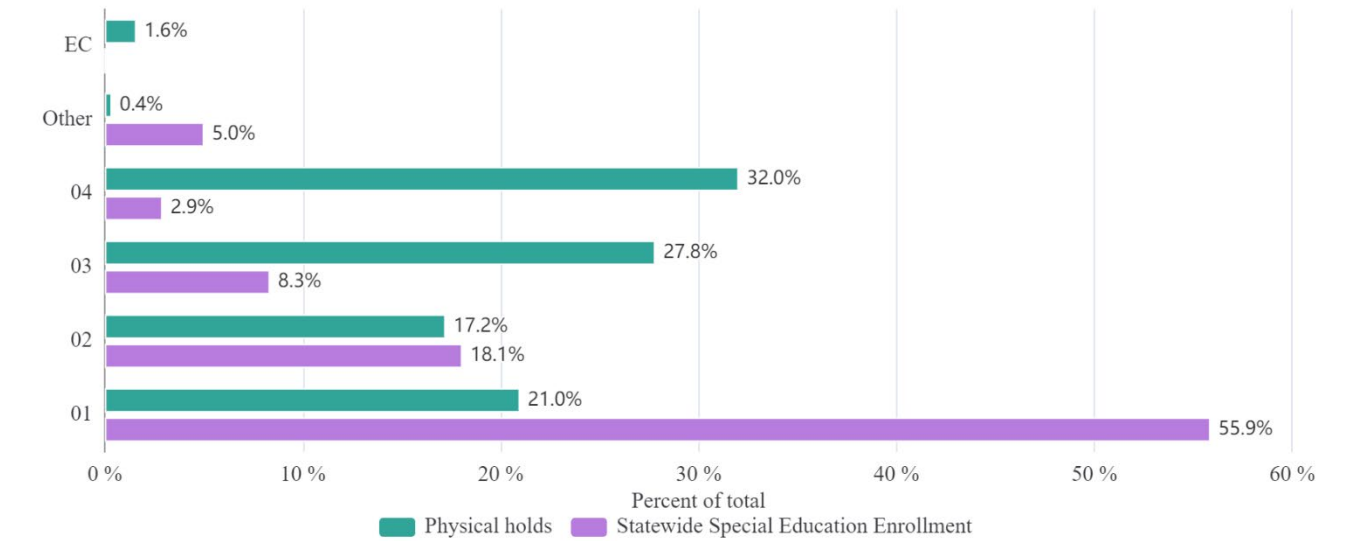
In 2014-15, MDE began collecting demographic data related to the federal setting of physically held students with disabilities. Since then, the pattern of physical holding use across students in different instructional settings has been generally consistent. Relative to the proportion of all students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

During the 2022-23 school year, 3.9% of the special education population received services in setting 4 programs. However, students with disabilities receiving services in setting 4 programs were 32% of students with disabilities experiencing physical holds. As shown in Figure L (below) most of the physically held students with disabilities in 2022-23 received services in setting 4 programs (32.0%) or setting 3 programs (27.8%), although these students comprise a relatively small percentage of the total special education population (2.9% and 8.3%, respectively). In contrast, only 38.2% of students who were physically held received services in settings 1 or 2, although these students comprised 74% of students with disabilities in the 2022-23 school year.

Figure L. Students with Disabilities Physically Held by Setting, as Compared to Special Education Enrollment, 2022-23 school year.

Physical Holding: Setting

Statewide: 2022-23



Disability Category

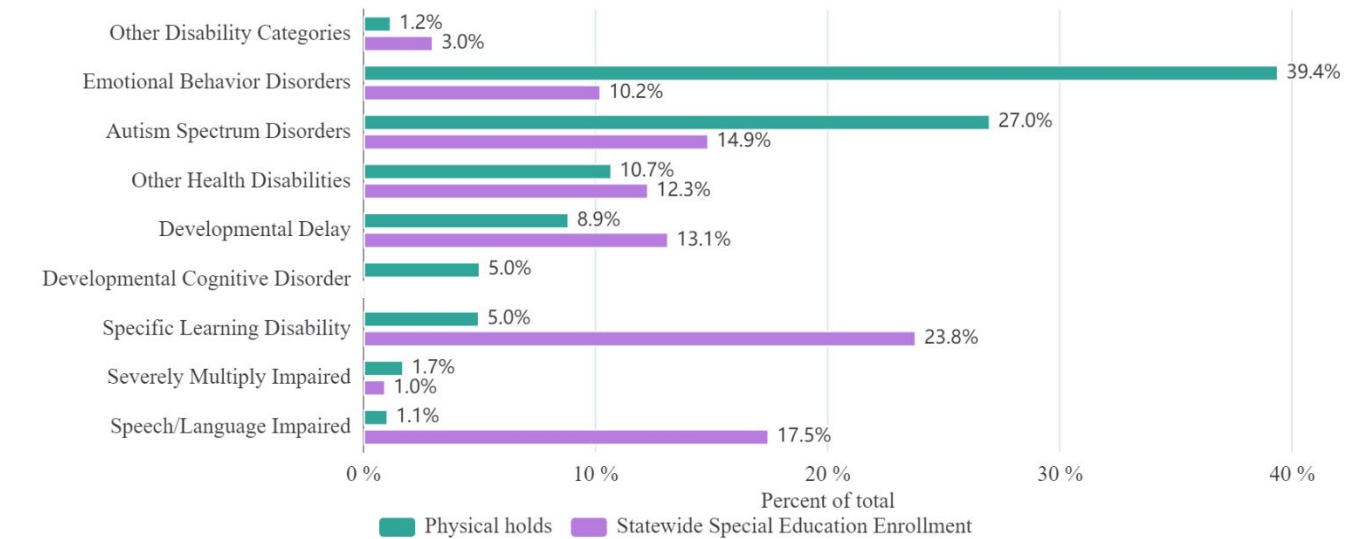
As in previous years, students who received services under the disability category of EBD or ASD experienced the majority of physical holds during the 2022-23 school year. Together, students from those two categories comprised 66.4% of the students who experienced physical holds. Students in both categories experienced physical holds at a rate disproportionate to their representation in the special education population. EBD students, who were 39.4% of physically held students, comprised just 10.2% of the special education population. ASD students, who were 27% of physically held students, comprised 14.9% of the special education population. The percentage of physically held students who receive services under the disability category of EBD remained relatively consistent since the 2016-17 school year, between 40 and 50%.

Figure M (below) provides information regarding the disability of categories of students who experienced physical holding during the 2022-23 school year.

Figure M. Students Physically held by Disability Category, as Compared to Special Education Enrollment, 2022-23 school year.

Physical Holding: Disability

Statewide: 2022-23



Gender

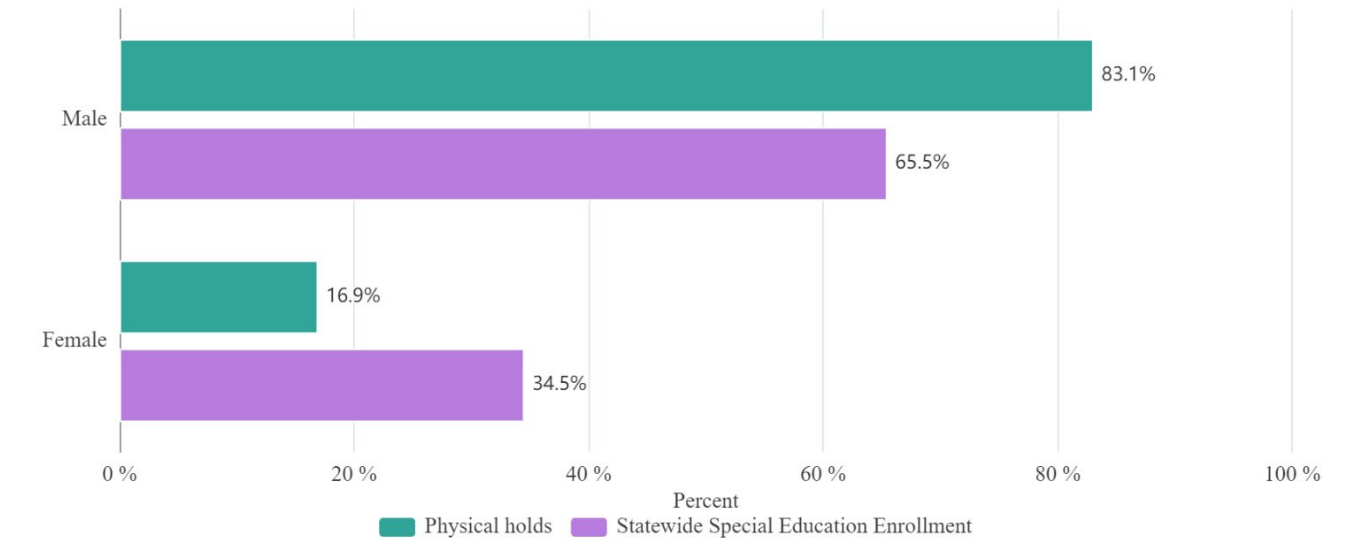
Consistent with previous years, male students comprised a greater percentage of students receiving special education services as well as a greater percentage of students with disabilities experiencing physical holding. This pattern is also consistent with seclusion data. During the 2022-23 school year, 65.5% of students receiving special education services were male and 34.5% of students were female, a ratio of approximately two male students to each female student. During the same time period, 83.1% of the students experiencing physical holds were male, and 16.9% were female. This is a ratio of 4.9 male students to each female student, meaning male students with disabilities are about 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 2022-23 school year.

Figure N. Students with Disabilities Physically Held by Gender, as Compared to Special Education Enrollment, 2022-23 school year.

Physical Holding: Gender

Statewide: 2022-23



Staff and Student Injuries Reported by Districts Resulting from Physical Holding

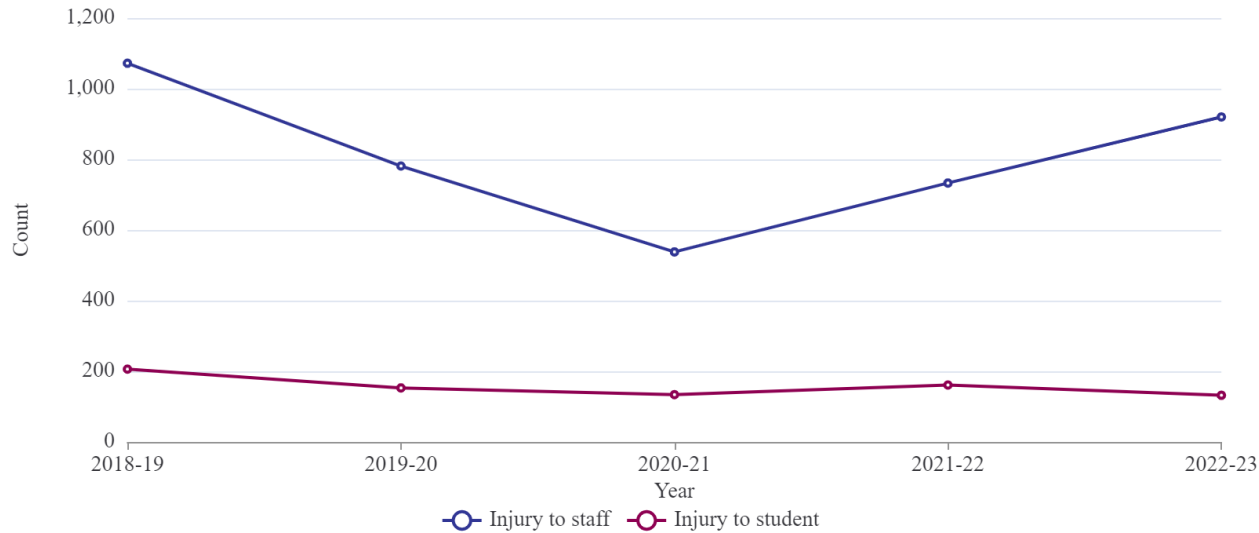
During the 2022-23 school year, districts reported 920 staff injuries directly related to physical holding, an increase of 25.5% since the 2021-22 school year and an approximate rate of one staff injury for every 13 physical holds. During the same time period, districts reported 132 student injuries directly related to physical holding, a decrease of 18% since the 2021-22 school year, and a rate of one student injury for every 94 physical holds. In 2021-22, staff injuries occurred at a rate of one injury for every 14 physical holds, and student injuries occurred at a rate of one injury for every 63 physical holds. This suggests that, relative to the number of physical holds occurring, staff are injured at a similar rate, while students are less likely to be injured. Figure O (below) shows the rate of staff and student injuries since the 2018-19 school year. As with other measurements, although the staff number of injuries increased this year as compared to previous years, 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, 2018-19 through 2022-23 school years.

Physical Holding: Injuries

Statewide: School Years 2018-19 - 2022-23



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 (2022-23 School Year)

This appendix includes an overview of research and guidance at the national level, information about proposed legislation regarding the use of restrictive procedures, and resources to support school districts' efforts to reduce the use of restrictive procedures, eliminate seclusion, 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 school 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.

In 2016, the U.S. Department of Education, Office for Civil Rights (OCR), issued a [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#) 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.

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 of the ADA, and the IDEA inform the development and implementation of policies regarding restraint and seclusion and in January 2020, as part of this initiative, the Department released a [webinar](#) to explain how federal laws apply to the use of restraint and seclusion.

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.

In April 2020, the U.S. Government Accountability Office released a [Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data](#) 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.

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. 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 2021, the U.S. Department of Education released a supplement to its [ED COVID-19 Handbook on Strategies for Safely Reopening Elementary and Secondary Schools](#) titled [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs](#). 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 [FBAs] 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."

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 in a [Dear Colleague Letter on Implementation of IDEA Discipline Provisions](#). In addition, [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provision](#) and [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#) 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.

On July 19, 2022, the U.S. Department of Education also released [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973](#),

guidance describing schools' responsibilities under Section 504 to ensure nondiscrimination against students based on disability when imposing student discipline. 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.

On March 23, 2023, the U.S. Secretary of Education, Miguel Cardona, released a [guidance letter](#) regarding the use of corporal punishment in schools in the United States. Included in the release was an [infographic](#) describing the current use of corporal punishment in schools. Secretary Cardona urged states that permit or practice corporal punishment in schools and educational settings to move swiftly toward condemning and eliminating it.

In March 2023, The U.S. Department of Education also released [Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates](#). This resource identifies five guiding principles and suggests actions schools and school districts can take to create inclusive, safe, supportive, and fair learning environments and lists federal resources to support these efforts. The five guiding principles are: 1. Foster a sense of belonging through a positive, safe, welcoming, and inclusive school environment; 2. Support the social, emotional, physical, and mental health needs of all students through evidence-based strategies; 3. Adequately support high-quality teaching and learning by increasing educator capacity; 4. Recruit and retain a diverse educator workforce; and 5. Ensure the fair administration of student discipline policies in ways that treat students with dignity and respect (including through system-wide policy and staff development and monitoring strategies).

On May 1, 2023, the U.S. Department of Education's OCR released its [Annual Report to the President and the Secretary of Education](#) for fiscal year 2022. The report includes a description of compliance reviews of three districts' use of restraint and seclusion to assess whether its use denied students with disabilities a FAPE.

In November 2023, the U.S. DOJ released a [School Resource Officers, 2019-2020](#) report. This report provides details on demographics and certification of SROs by the type of law enforcement agency that employs them. It also describes law enforcement, mentoring, and teaching activities performed by the officers. The report discusses equipment typically carried and training received by the officers.

Also, in November 2023, the U.S. Department of Education's OCR released [New Civil Rights Data on Students' Access to Educational Opportunities During the Pandemic](#). The 2020-21 school year data showed "stark inequities in students' educational access throughout the nation and across civil rights indicators, including regarding courses and programs, school staff, and student discipline." Given OCR paused the collection of data due to the pandemic, the 2020-21 CRDC is the first published since the 2017-18 collection which was related in 2020. The 2020-21 data contains information collected from over 17,000 school districts and 97,000 schools.

The 2020-21 CRDC details the following pertaining to restraint and seclusion:

- Approximately 52,800 K-12 students were physically restrained, mechanically restrained, and/or placed in seclusion at schools.
- Boys, Black students, students of two or more races, and students with disabilities who received services under the IDEA were subjected to restraints and seclusion at higher percentages than their overall K-12 enrollments.
 - Boys represented 51% of K-12 student enrollment, but 83% of students physically restrained, 82% of students mechanically restrained, and 82% of students secluded.
 - Black students represented 15% of the K-12 student enrollment, but 21% of students physically restrained, 42% of students mechanically restrained, and 19% of students secluded.
 - Students of two or more races were 4% of K-12 student enrollment yet accounted for 7% of students physically restrained and 7% of students secluded.
 - Students with disabilities who received services under IDEA represented 14% of K-12 student enrollment but accounted for 81% of students physically restrained, 32% of students mechanically restrained, and 75% of students secluded.

In an effort to combat the [Improper Use of Seclusion in Schools](#) the Educational Opportunities Section of the Civil Rights Division of the DOJ initiated investigations to determine whether school districts engaged in improper seclusion and restraint practices that deny students with disabilities access to the school districts' programs and services in violation of Title II of the ADA, 42.U.S.C §§ 12132-1234 (Title II) and its implementing regulations at 28 C.F.R. Pt. 35. Title II provides that no "individuals with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." In recent investigations, the DOJ determined that the school districts discriminated against students on the basis of disability by denying them equal opportunity to participate in or benefit from the school districts' education program, see 28 C.F.R. § 35.130(b)(1)(i); using eligibility criteria that effectively subjects students with disabilities to discrimination, see 28 C.F.R. § 35.130(b)(8); and failing to make reasonable modifications to avoid discrimination in the school districts' program, see 28 C.F.R. § 130(b)(7). Specifically, the DOJ concluded that the school districts improperly isolated and restrained students with disabilities and failed to use appropriate behavior interventions.

The DOJ reached a series of settlement agreements in which school districts agreed to remedy the improper use of seclusion by discontinuing their use of seclusion districtwide and instead put in place appropriate interventions and supports for students with disabilities. For more information about the DOJ's work to combat improper seclusion of students with disabilities in public schools, read [summaries of recent investigations, including press releases, notice letters, and settlement agreements](#). A summary of the *Action Steps from Settlement Agreements between the U.S. Department of Justice and School Districts Ending the Use of Seclusion* may be found on MDE's website [Restrictive Procedures](#).

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.

Most recently, the Keeping All Students Safe Act was introduced into the 118th Congress [S.1750 - 118th Congress \(2023-2024\): Keeping All Students Safe Act | Congress.gov | Library of Congress](#). This bill prohibits the use of seclusion and limits the use of physical restraint in schools and Head Start programs that receive federal funding. The bill prohibits the use of mechanical or chemical restraints or physical restraints that restrict breathing or are life threatening. The bill outlines the requirements for the use of physical restraint, including that the student's behavior must pose an imminent danger of serious physical injury to the student or other individual. Each state must ensure that a sufficient number of program personnel are trained and certified by a state-approved crisis intervention training program. Additionally, each program must establish procedures to follow after an incident involving physical restraint. Further, the bill establishes enforcement provisions, including a private right of action for a student who has been subjected to unlawful seclusion or restraint. The Department of Education and the Department of Health and Human Services must withhold payments from a program for unlawful seclusion or restraint. Finally, the bill requires state educational agencies to establish, implement, and enforce policies and procedures required by the bill. It also creates a grant program to assist state educational agencies with these activities.

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](#). You can find more information on the use of restrictive procedures, including data collection, recent legislation, and other resources on the [MDE Restrictive Procedures webpage](#).

- **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.

Partners in Policy Making: Thirty-five years ago, the Minnesota Governor's Council on Developmental Disabilities in the Department of Administration created [Partners in Policymaking](#), a groundbreaking advocacy and leadership training program to give people with disabilities and their families the resources and skills to communicate effectively with elected officials. In today's political climate of radical change, we must work harder than ever to prevent the loss of basic rights for people with disabilities. The goal of *Partners in Policymaking* is to educate participants to be active partners with those who make policy. The idea is to develop partnerships that are based on positive relationships.

The Partners in Policymaking e-learning site gives participants the opportunity to increase knowledge and understanding of best practices in the disability field, and learn how to communicate effectively with their elected officials. Six online courses are now available at [PartnersOnlineCourses.com](#) to anyone who would like to increase their knowledge and skills.

Strategies Reported by School Districts in Narrative Responses

Beginning in the 2020-21 school year, as part of reporting annual physical holding data, school districts are asked to respond to two questions: 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 in July 2022 included:²²

- 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

²² 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.

- Benefit of on-site trainers, continued coaching, or other on-going training opportunities for staff
- Providing student supports
 - FBAs
 - Proactive and positive behavioral support plans
 - BIPs
 - 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
- 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)

Compilation of School Districts' Narrative Responses: 2022-23 School Year

In July 2023, 449 school districts and charter schools provided information on strategies they used to reduce the use of restrictive procedures within their district during the 2022-23 school year. Almost all of these districts indicated that they used staff training as a strategy, often in addition to other strategies.

Although some districts (about a third) did not provide information about the specific training they use, most districts provided more detailed information about their training curriculums. Of the districts that did provide specific information, about half of them indicated that they use [CPI](#) to provide training. Some districts explicitly identified CPI's Verbal Intervention Training as an effective resource for their staff.

The use of programs other than CPI appears to be growing, with about 15% of schools reporting using alternative programs to provide training to their staff. Twice as many districts indicated that they used Handle with Care, Ukeru, or Professional Crisis Management (PCM), as compared to the 2021-22 school year. Districts reported using the following programs to provide training for their staff:

- [Handle With Care](#)
- [Ukeru](#)
- [PCM](#)
- [Life Space Crisis Intervention](#) (LCSI)
- [Safety Care](#)

Districts also reported training staff on de-escalation strategies, student and staff mental health, and race and equity, without indicating specific training programs in these areas. Many districts also indicated the important role of social-emotional learning, trauma-informed classrooms, PBIS, restorative practices, board-certified behavior analysts, and mental health supports on their use of restrictive procedures.

Other Trainings and Resources Mentioned by Districts

[BARR Program](#)
[Coaching for Equity](#)
[Reclaiming Youth at Risk](#) (book)
[Brih Design](#)
[Catalyst Training](#)
[Nurtured Heart](#)
[Larry Thompson/Innovative Schools](#)
[Cradle to Career Education Summit](#)
[Envoy](#)
[Conscious Discipline](#)
[Move Mindfully](#)
[Boys Town](#)
[Registered Behavior Technician](#) training
[Safe Schools Platform](#)
[Brightworks](#)
[PREPaRE Training](#)
[Teach To Heal](#)
[Tough Kid Workshop](#)
[Dialectical Behavior Therapy](#) training
[Zones of Regulation](#)
[Olweus Bullying Prevention Program](#)
[Top 20 Training](#)
[Developmental Designs](#)
[Responsive Classroom](#)
[Incredible Flexible You](#)
[Prevent-Teach-Reinforce/Pyramid Model Training](#)
[Multi-Tiered System of Supports Implementation Reviews](#)

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, 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, 2021-22, and 2022-23 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 (SEL) for Students

[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.”²³ 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.²⁴

- Districts report that focusing on programs that explicitly teach students prosocial behaviors and emotional regulation has strengthened positive staff and student relationships, contributed to

²³ CASEL. [Fundamentals of SEL – CASEL](#) (Dec. 2021) (last accessed Jan. 3, 2023).

²⁴ 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*, 82 (1), 1-29.

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.

- [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.

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 \(MnMTSS\)](#)

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](#)

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](#)

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 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.

- [Person-Centered Practices](#)

Person-centered practices are a continuum of strategies and activities that support the informed choice of students and families to make or have input into both major transitions and everyday life decisions. Person-centered practices focus on the interests and needs of the person receiving instruction or support. They emphasize each person's strengths and dreams rather than weaknesses or deficits. Person-centered principles and practices can help assure that people with disabilities have the same rights and responsibilities as other people, including having control over their lives, making their own choices and contributing to the community in a way that makes sense to the person.

[Ten Suggestions for Adding Person-Centered Features in IEPs](#) AND [Person-centered Interagency Individualized Education Program \(IEP\) sample facilitator actions](#)

These documents provide recommendations of good practices that are not required, but can be helpful to increase student and family engagement in the IEP planning process. Use this document to add person-centered features that may support students to:

- Have more control over their lives.
 - Make more of their own choices.
 - Contribute to their school and community in a way that makes sense to them
- [Person-Centered Thinking®](#)
For people supported with services, it is not person-centered planning that matters as much as the pervasive presence of PCT®. PCT® begins with learning *both* what is “important to” a person and what is “important for” a person and the balance between them. PCT® skills help people describe both how they want to live, and a reasonable balance between the components of “important to” and “important for” in their lives. As the core PCT® concept, this balance is at the center of both planning and practice.

PCT® training has been made available to educators in Minnesota since April 2018. For more information, contact the [Person-Centered Practices in Education Leadership Team \(MDE\).Person-Centered@state.mn.us](#).
 - [Teacher-Child Interaction Training](#) – Universal (TCIT–U) is a professional development, train-the-trainer-model, designed to strengthen teacher-child relationship skills.

Implement PBIS

PBIS as defined in [Minnesota Statutes, section 125A.0941](#), are interventions and strategies to improve the school environment and teach children the skills to behave appropriately. 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 FBAs, positive behavior support plans, 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 strategies for school district staff to use with students with disabilities, including students with ASD, complex EBD, 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](#).
- BIPs are typically developed following an 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.
- [Collaborative & Proactive Solutions \(CPS\)](#) is the model of care Dr. Greene originated and describes in his various books. The CPS model is based on the premise that challenging behavior occurs when the demands and expectations being placed on a kid exceed the kid's capacity to respond adaptively.

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 to 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 a critical skill for adults to understand and consistently use.

Support Mental Health

- [Children's Mental Health Division of the Minnesota 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](#)

- 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, 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.
- [Coping with Crisis Website](#): The Minnesota DHS offers Minnesotans resources for dealing with crisis and maintaining mental and physical health.

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: Progress

The February 2023 Two-Year Statewide Plan includes three measurable goals along with five MDE actions to support the goals and four workgroup actions to support the goals. Progress on the first year of implementation of the February 2023 Two-Year Statewide Plan is outlined below.

Measurable Goals and Progress

Legislative Report

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 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 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. 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.

This legislative report, including the appendices, serves as the February 1, 2024, 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.

Recommended Strategies and Resources

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 2 progress: The workgroup engaged in activities to recommend to the commissioner strategies and resources to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities by identifying emergent issues (workgroup action 1) related to urgently ending seclusion; developing case studies with two districts stemming from the annual summary information gathered from school districts via the annual reporting (workgroup action 3); identifying and reviewing person-centered planning resources, and updating the oversight committee agenda and companion guide, to assist districts in increasing family and student engagement (workgroup action 1); providing feedback on MDE’s restrictive procedures training (workgroup action 1), and reviewing MDE’s 2023

legislative report to identify, develop, and recommend to MDE ways to use and share the information presented (workgroup action 2).

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% reduction in seclusion annually using the 2018-19 school year data as a baseline.²⁵ 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.

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 2022-23 school year demonstrate an increase in the use of restrictive procedures, including an increase in the use of physical holding and a decrease in the uses of seclusion, as compared to the 2021-22 school year. Minnesota school districts reported 3,938 seclusions during the 2022-23 school year, a decrease of 14% from the 2021-22 school year. Minnesota school districts also reported that 730 students with disabilities experienced seclusion, an increase of 2% from the previous school year.

²⁵ 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 show 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.

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 2022-23 school year represents a 30% decrease in seclusions and a 15% decrease in the number of students with disabilities 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 2022-23 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 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 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 2022-23 school year. MDE also reported trends identified through qualitative analysis of school districts' reported strategies for reducing the use of restrictive procedures for the 2022-23 school year.

A total of 54 districts reported using seclusion during the 2022-23 school year, a slight decrease from 55 districts during the 2021-22 school year. In 2020-21, 45 school districts reported seclusions, and 54 reported using seclusion in 2019-20. The number of districts reporting seclusions remains below the pre-COVID baseline: 66 districts reported using seclusions in the 2018-19 school year.

A total of 258 districts reported using physical holds during the 2022-23 school year, a slight increase from the 2021-22 school year, when 249 districts reported using physical holds, and the 2020-21 school year, when 245 districts reported using physical holds. This remains below the pre-pandemic baseline: 285 districts reported using physical holds in 2018-19, and 302 in 2017-18.

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 setting 4 programs; and male students typically experience a disproportionate number of restrictive procedures in Minnesota school districts.

MDE is in the third 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 streamlines 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 are asked to provide updated information annually as part of their July 15 annual physical holding reporting.

In July 2023, 449 school districts and charter schools provided information on strategies they used to reduce the use of restrictive procedures within their district during the 2022-23 school year. Almost all of these districts indicated that they used staff training as a strategy, often in addition to other strategies.

Although some districts (about one third) did not provide information about the specific training that they use, most districts provided more detailed information about their trainings. Of the districts that did provide specific information, about one half of them indicated that they use CPI to provide training. Some districts explicitly identified CPI's Verbal Intervention Training as an effective resource.

The use of programs other than CPI appears to be growing, with about 15% of districts reporting using alternative programs to provide training to their staff. Twice as many districts indicated that they used Handle with Care, Ukeru, or PCM, as compared to the 2021-22 school year. Districts also reported training staff on de-escalation strategies, student and staff mental health, and race and equity, without indicating specific training programs in these areas. Many districts also indicated the important role of social-emotional learning, trauma-informed classrooms, PBIS, restorative practices, board-certified behavior analysts, and mental health supports on their use of restrictive procedures.

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

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 2 progress: The workgroup met quarterly to facilitate the implementation of the February 2023 Two-Year Statewide Plan. Meetings were held on February 22, June 21 (due to an unexpected low response to RSVPs, MDE determined to seek feedback from the stakeholders in an asynchronous manner, using a combination of email updates and survey input), September 27, and an office hour December 13, 2023.

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 OLI 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 3 progress:

PBIS: MDE reported school districts' use of PBIS for the 2022-23 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% of Minnesota school districts, 40% of Minnesota schools, and 47% of Minnesota students participating.

OLI Grants: 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. Districts that received OLI grants reported focusing on students with disabilities served in special education instructional settings three, four, and separate sites. Districts identified students with EBD as a group in need of additional supports, and especially students with disabilities who are Black, male, and under the age of 15. Districts are also focusing on supporting students with multiple life stress factors, including students with disabilities that have high absenteeism, are living in economically challenged families, or who have experienced trauma. The programs identified for implementation by the districts include Love and Logic, LCSi, and CPI Peer Coaching. The hexagon tool assisted districts and schools to systematically evaluate new and existing interventions by needs, fit, capacity, evidence, usability, and supports. The three districts have implemented the selected programs since the 2020-21 school year. By the fourth year of the grant, the percentage of students with disabilities experiencing restrictive procedures was reduced by 5%, from 28% of students with disabilities experiencing restrictive procedures to 23% of students with disabilities.

Discipline Data: Public school districts self-report disciplinary data through MDE's electronic disciplinary incident reporting system. Reports are available that summarize the disciplinary incident data as well as student demographic data (grade, gender, race/ethnicity) for disciplinary actions (out of school suspensions for one day or more, exclusions and expulsions) by district and state totals for the most current school years. The 2021-22 state trend report reported 48,735 disciplinary actions in Minnesota. This is the most recent published data as of the date of this report. This number is a slight decrease from the 2018-19 pre COVID-19 school year, which reported 49,437 disciplinary incidents statewide.

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 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 4 progress: MDE continues to collaborate internally among divisions in developing and improving training and 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 four restrictive procedures training sessions during FY23 to approximately 60 participants. MDE also provided nine discipline training sessions during FY23 to over 200 participants and provided information about its dispute resolution programs in six forums for parents, advocates, and people with disabilities, with over 300 participants.

In April and May, 2023, MDE provided opportunities for workgroup participants to provide feedback 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.

MDE Action 5 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 legislation regarding the use of restrictive procedures, and resources and references regarding efforts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities 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 school 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.

Workgroup's 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/SROs;

- Providing feedback on a list of training programs developed by MDE after consultation with the Minnesota DHS that may meet requirements for the skill and knowledge areas outlined in Minnesota Statutes, section 125A.0942, subdivision 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 Minnesota Statutes, section 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.

Workgroup Action 1-4 progress: The workgroup engaged in activities to recommend to the commissioner strategies and resources to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities by: identifying emergent issues (workgroup action 1) related to urgently ending seclusion; developing case studies with two districts stemming from the annual summary information gathered from school districts via the annual reporting (workgroup action 3); identifying and reviewing person-centered planning resources, to assist school districts in engaging families and students and updating the oversight committee agenda and companion guide, to assist school districts in increasing family and student engagement (workgroup action 1); providing feedback on MDE’s restrictive procedures training (workgroup action 1); providing feedback and recommendations on experts to help IEP teams reduce the use of restrictive procedures (workgroup action 1); and, reviewing MDE’s 2023 legislative report to identify, develop, and recommend to MDE ways to use and share the information presented (workgroup action 2) and identifying other state advisory groups for workgroup collaboration on recommendations to MDE regarding changes to guidance, practice, or legislation related to reducing the use of restrictive procedures (workgroup action 4).

Appendix F – Letter to Education Chairs



Dear Legislators:

As part of amendments enacted during the 2023 legislative session, the Legislature tasked the Minnesota Department of Education (MDE), in cooperation with stakeholders, with making recommendations for urgently ending seclusion in Minnesota schools. Minn. Stat. 125A.0942, subd. 6(c) [Sec. 125A.0942 MN Statutes](#). The recommendations include specific dates for ending seclusion by grade or facility and must identify existing resources and the new resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts. The 2023 amendments also prohibit “the use of seclusion on children from birth through grade 3 by September 1, 2024.” Minn. Stat. 125A.0942, subd. 4(11) [Sec. 125A.0942 MN Statutes](#).

1. Recommendation for Specific Dates for Ending Seclusion

MDE Recommends Prohibiting the Use of Seclusion on All Children by September 1, 2026

MDE recommends revising Minnesota Statute, section 125A.0942, subdivision 4 by adding the following prohibition: (12) the use of seclusion on all children by September 1, 2026. (Attachment 1).

2. Resources Necessary for Ending Seclusion by September 1, 2026

Policy makers could consider direct resources or funding opportunities to schools to obtain training and systemically implement evidence-based behavioral crisis prevention practices and/or alternatives to restrictive procedures for managing student behavioral crises, and to systemically install and implement the practices.

3. Feedback received from Restrictive Procedures Work Group and Special Education Advisory Panel Members

While the legislature directly charged the commissioner with developing these recommendations, MDE values the feedback and input from our partners regarding the use of restrictive procedures in schools. Therefore, these recommendations were shared with members of the Restrictive Procedures Working Group and the Special Education Advisory Panel. Below is a summary of their feedback for policy makers to consider as they review these recommendations:

- Schools are experiencing staffing shortages and well as an increased need for level IV programming
- Resources to provide annual training for use of restrictive procedures, trauma-informed care, and social-emotional strategies are essential.
- Expanding training opportunities to general education staff

- Addressing the increasing challenges of student dysregulation in early grades is a priority. Dedicated funding for trauma-informed care, responding to dysregulation, and other supportive strategies is necessary.
- Support for teacher recruitment and retention efforts, with a focus on setting four programs
- Collaboration with DHS to increase residential and other mental health placements
- A delay of two years is not necessary and delays implementation of a goal the state has held for over a decade.
- The state should emphasize more upstream solutions to avoid getting students into situations where students become dysregulated to begin with.

Existing and New Resources are Compiled in Appendix D of the FY24 Restrictive Procedures Legislative Report

MDE, in cooperation with interested stakeholders, continues to compile strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. The most recent compilation of Appendix D is included in the FY24 Restrictive Procedures Legislative Report titled *School Districts' Progress in Reducing the Use of Restrictive Procedures in Minnesota Schools*. 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 (2022-23 school year) is attached (Attachment 2).

Appendix D includes an overview of research and guidance at the national level, information about proposed legislation regarding the use of restrictive procedures, and resources to support school districts' efforts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionality in the use of restrictive procedures. It 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 school districts report using and recommending to reduce the use of restrictive procedures through MDE's annual restrictive procedures reporting. Appendix D embeds resources and strategies necessary for staff capacity, staff training, children's supports, child mental health services and schoolwide collaborative effects. This document continues 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.

In addition to the strategies and resources outlined in Appendix D, MDE will continue efforts, based on future resources and staffing capacity, to consider the following:

- Training for general education staff consistent with Minnesota Statute, section 125A.0942, subdivision 5.
- MDE collaborating with higher education to develop coursework for students preparing to become teachers consistent Minnesota Statute, section 125A.0942, subdivision 5.
- MDE working with PELSB to refine the positive behavior intervention requirement for professional licensure to include elements outlined in Minnesota Statute, section 125A.0942, subdivision 5.

- Developing a process where MDE staff are available to consult with school districts on specific students that exhibit extreme behaviors.
- Expanding school districts' access to PBIS and other research-based behavior intervention programs.
- Expanding mental health services.
- MDE producing an online training course on the legal framework for using restrictive procedures in schools to increase availability of the training session currently offered by MDE.
- MDE advocating for resources to support special education workforce needs.

3. Stakeholder Engagement

Consistent with Minnesota Statutes section 125A.0942, subdivision 6(c) [Sec. 125A.0942 MN Statutes](#), MDE engaged interested stakeholders by utilizing existing advisory groups, the Special Education Advisory Panel (SEAP), the Restrictive Procedures Workgroup (workgroup), and developing an open-link survey to gather insights and input. The survey link was distributed in MDE's Special Education Updates in November and December 2023 and distributed to PACER (Minnesota's parent training and information center) and the Minnesota Disability Law Center (Minnesota's designated Protection and Advocacy System). Both organizations are represented on the workgroup, however MDE conducted extra outreach given their connections with families and students. MDE encouraged workgroup members, PACER, and the Minnesota Disability Law Center to distribute the survey link as well. In all, MDE received 176 responses to the survey.

Opinions on use of seclusion range widely. Some individuals are in favor of ending the practice immediately for all ages and settings, and some are concerned that ending seclusion will have negative consequences. MDE received few grade recommendations from stakeholders. Instead, stakeholders noted that setting is more relevant than age when considering a transition plan to end seclusion, and described different challenges and needs within federal settings, especially for students receiving services in setting 4 programs, which include Minnesota's students with more intense behavioral needs.²⁶

Resources necessary for staff capacity, staff training, children's supports, child mental health services, and schoolwide collaborative efforts have been incorporated into Appendix D as appropriate. Detailed information about stakeholder engagement may be found in Attachment 3.

4. Legal and Data Driven Support for Recommendations

The U.S. Department of Justice (DOJ), through its investigatory authority, is consistently finding that school districts' seclusion and restraint practices deny students with disabilities access to school districts' programs and

²⁶ Setting 1: Students receive special education and related services outside the general education classroom for less than 21 percent of the school day. Setting 2: Students receive special education and related services outside the general education classroom, typically a resource room, for 21 percent to 60 percent of the school day. Setting 3: Students are outside of the general education classroom for more than 60 percent of the school day. Setting 4: Students receive special education and related services at separate school facilities for more than 50 percent of the school day.

services in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. sections 12132-1234 (Title II) and its implementing regulations at 28 C.F.R. Part 35.²⁷ The DOJ finds that seclusion and restraint practices discriminate against students on the basis of disability by denying them equal opportunity to participate in or benefit from school district education programs (see 28 C.F.R. section 35.130(b)(1)(i)); using eligibility criteria that effectively subject students with disabilities to discrimination (see 28 C.F.R. section 35.130(b)(8)); and failing to make reasonable modifications to avoid discrimination in school district programs (see 28 C.F.R. section 130(b)(7)). The DOJ has entered into settlement agreements with school districts after concluding that the school districts improperly isolated and restrained students with disabilities and failed to use appropriate behavior interventions.²⁸ The settlement agreements require school districts to immediately end the use of seclusion and outline action steps to assist in doing so.²⁹

Further, the U.S. Department of Education, Office for Civil Rights (OCR) continues to find stark inequities in students' educational access throughout the nation and across civil rights indicators, including the use of

²⁷ See [Civil Rights Division | Seclusion Enforcement – Recent Investigations \(justice.gov\)](#).

²⁸ The DOJ has reached a series of settlement agreements in which school districts have agreed to remedy the improper use of seclusion by discontinuing their use of seclusion districtwide and instead putting in place appropriate interventions and supports for students with disabilities. See Kentucky ([Civil Rights Division | Covington Independent Public Schools - Settlement Agreement | United States Department of Justice](#)), Indiana ([Civil Rights Division | North Gibson School Corporation - Settlement Agreement | United States Department of Justice](#)), Maryland ([Civil Rights Division | Frederick County Public School District - Settlement Agreement | United States Department of Justice](#)), Iowa ([Civil Rights Division | Cedar Rapids Community School District - Settlement Agreement | United States Department of Justice](#)), Florida ([Civil Rights Division | OKALOOSA COUNTY SCHOOL DISTRICT - SETTLEMENT AGREEMENT | United States Department of Justice](#)), Alaska ([Civil Rights Division | Anchorage School District - Settlement Agreement | United States Department of Justice](#)), and Washington ([Civil Rights Division | Spokane Public Schools - Settlement Agreement | United States Department of Justice](#)).

²⁹ Under each settlement agreement, the school district agreed to immediately end the use of seclusion in its schools. Action steps included in the settlement agreements and a brief description of each may be found here [Restrictive Procedures](#). Briefly, the action steps included: prohibit the use of seclusion; appoint an intervention coordinator; create classroom-wide behavior management plans; provide annual training to staff; supplement annual training with ongoing observation and in-service coaching; complete an incident report for any instance of seclusion or restraint; review all BIPs of current students who were secluded and/or restrained in the past five years; develop a complaint procedure to ensure that the school district timely responds to any complaint about the use of restraint or seclusion; send a letter to all parents and guardians of currently enrolled students who were secluded or restrained in the past five years; require each school to have a crisis prevention team with at least three staff members trained on crisis prevention and intervention and revise school district policies and practices to permit only crisis prevention team members to physically restrain students; provide counseling or psychological support to the student after physical restraint; adopt policies and procedures for suicide prevention, trauma, and toxic stress responses; ensure that school administrators lead a debrief meeting and log data after a student is restrained as well as hold a weekly meeting each week that a crisis prevention call is made; contract with consultants to provide professional development and school-level consultation to eliminate the use of seclusion as a response to student behavior; develop an individualized plan for students who, based on the documented history of the intensity of the student's past behaviors, may be anticipated to be subjected to the use of physical restraint; strengthen MTSS processes; require behavior support specialists to be Board Certified Assistant Behavior Analysts (BCaBAs); complete a written report every time school district staff requests that a School Resource Officer (SRO) or other law enforcement officer responds to student behavior; consult with SROs, administrators, the intervention coordinator, and parents and students, to identify ways to minimize unnecessary referrals to or reliance on SROs; and stop stationing SROs at school district elementary schools.

seclusion and restraint. Similar to Minnesota’s data collection on the disproportionate use of restrictive procedures, OCR’s civil rights data collection found that, nationwide, during the 2020-21 school year, boys, Black students, students of two or more races, and students with disabilities who receive services under the Individuals with Disabilities Education Act (IDEA) continue to be subjected to restraints and seclusion at higher percentages than their overall K-12 enrollments. Students with disabilities who receive services under IDEA represented 14% of K-12 student enrollment nationwide but accounted for 81% of students physically restrained, 32% of students mechanically restrained, and 75% of students secluded.³⁰

Currently, Minnesota’s data only provides information about the use of seclusion with students with disabilities.³¹ This data consistently shows disproportionate use of seclusion in Minnesota schools, indicating that seclusion is used disproportionately on boys, students receiving services under the categories of autism spectrum disorders (ASD) and emotional or behavioral disorders (EBD), and students who are Black, two or more races, or American Indian. In addition, seclusion is most frequently experienced by students in the 6-10 year age range and by students receiving services in setting 4 programs.

Below is a chart comparing the percent of seclusions experienced by students with disabilities with the percent of statewide special education enrollment by age for the 2022-23 school year.³²

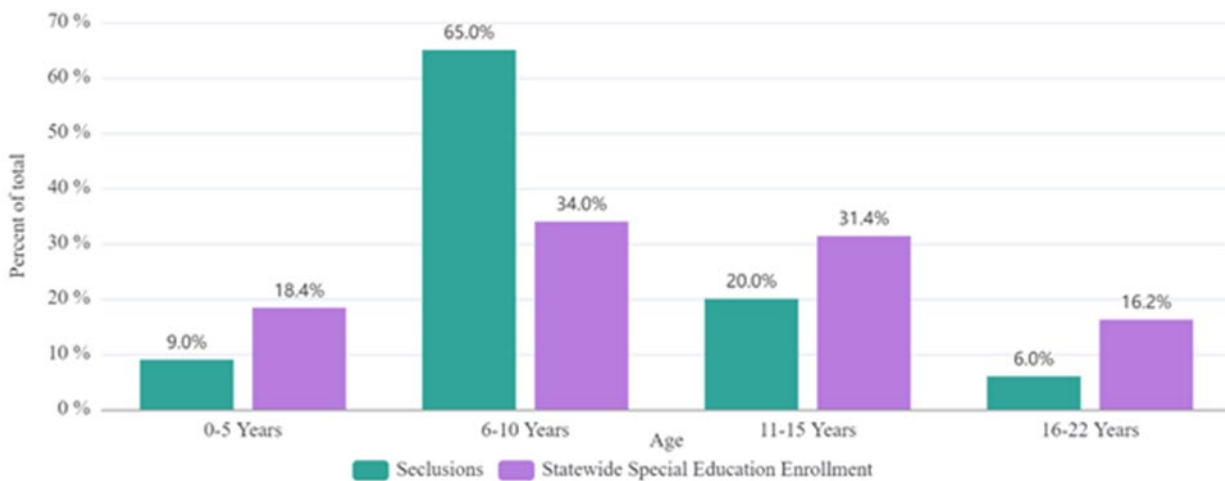
³⁰ See [U.S. Education Department’s Office for Civil Rights Releases New Civil Rights Data on Students’ Access to Educational Opportunities During the Pandemic | U.S. Department of Education](#) (Nov. 2023) (finding the 2020-21 school year data, the first published since the 2017-18 collection was released in 2020, that approximately 52,800 K-12 students were physically restrained, mechanically restrained, and/or placed in seclusion). Note that Minnesota school districts are not required to report to MDE uses of mechanical restraint.

³¹ During Minnesota’s 2023 legislative session, Minnesota Statutes, section 121A.582 added a new reporting requirement for school districts pertaining to general education students that “[b]eginning with the 2024-2025 school year, districts must report annually by July 15, in a form and manner determined by the commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent imminent bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c).” This data will inform the level of disproportionality in the use of physical holding between students with and without disabilities in Minnesota.

³² In general, students in grade 3 are 8-9 years old.

Seclusions by Age

Statewide: 2022-23



During the 2022-23 school year, 74% of students with disabilities experiencing seclusion were birth through age 10. The majority (65%) of students with disabilities experiencing seclusion were in the 6-10-year age range. Students with disabilities in this age range are 34% of the total special education population. Further, 20% 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 age 5 or over age 16 experienced seclusion during the 2022-23 school year.

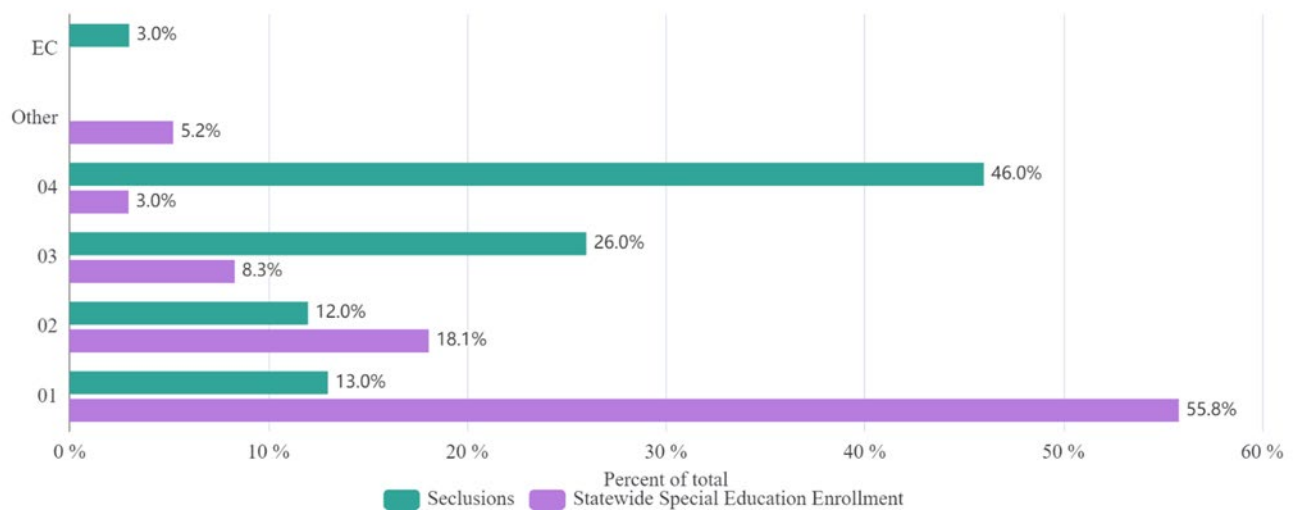
Minnesota ends the use of seclusion on children from birth through grade 3 by September 1, 2024.³³ By September 1, 2024, Minnesota will end 74% of seclusions under the currently statutory scheme.

Below is a chart comparing the percent of total seclusions experienced by students with disabilities with the percent of total statewide special education enrollment by setting for the 2022-23 school year.

³³ The 2023 amendments prohibit “the use of seclusion on children from birth through grade 3 by September 1, 2024.” Minn. Stat. 125A.0942, subd. 4(11) [Sec. 125A.0942 MN Statutes](#).

Seclusions by Setting

Statewide: 2022-23



During the 2022-23 school year, only 3% of the special education population received services in setting 4 programs, yet students in setting 4 programs were 46% of the students with disabilities experiencing seclusion. This has changed slightly from previous years, when 47% (2021-22), 57% (2020-21), and 60% (2019-20) of the students with disabilities experiencing seclusion were students receiving services in setting 4 programs.

On the other end of the spectrum, the majority of students with disabilities (55.8%) spend less than 20% of their time in special education settings and are considered setting 1 students. Setting 1 students with disabilities are much less likely to experience seclusion. During the 2022-23 school year, 13% of secluded students with disabilities were receiving services in setting 1.

Title II of the ADA, 42 U.S.C. § 12132, prohibits public entities (school districts) from discriminating against individuals with disabilities in the provision of public services. The ADA’s implementing regulations, 28 C.F.R. § 130(d)(the “integration mandate”), requires public entities to “administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.” Further, DOJ has consistently interpreted the “most integrated setting appropriate” to mean one that “enables individuals with disabilities to interact with nondisabled persons to the fullest extent possible.”³⁴ See also, *Olmstead v. L.C.*, 527 U.S. 581 (1999) (holding, when interpreting the ADA’s integration mandate, that Title II prohibits unjustified segregation of individuals with disabilities).

The IDEA, 20 U.S.C. § 1412(a)(5), ensures that “to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not

³⁴ See Guidance on ADA Regulation on Nondiscrimination on the Basis of Disability in State and Local Government Services, 28 C.F.R. pt. 35, app. B (addressing 28 C.F.R. § 35.130).

disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily” (the “LRE mandate”).

The MDE considered stakeholder recommendations and concerns voiced over ending seclusion in setting 4 programs.³⁵ However, recommendations based on setting (i.e., eliminating seclusion in settings 1, 2, and 3 prior to eliminating seclusion in setting 4), interferes with Title II of the ADA’s integration mandate and IDEA’s LRE mandate.

Finally, Minnesota has taken steps to reduce the use of restrictive procedures, eliminate seclusion, and identify disproportionate use of restrictive procedures.

Below is a chart illustrating the number of physical holds, seclusions, and total restrictive procedures students with disabilities experienced from the 2014-15 school year through the 2022-23 school year.

| 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* | 6,666 | 1,850 | 8,516 |
| 2021-22* | 10,091 | 4,593 | 14,689 |
| 2022-23 | 12,405 | 3,938 | 16,343 |

Since 2012: MDE has collected annual data from school districts on the use of seclusion and physical holding; MDE has provided training throughout the state regarding the standards for using restrictive procedures, including statutory responsibilities and reporting requirements; and state legislation has required school districts to:³⁶

³⁵ Stakeholders noted that setting is more relevant than age or grade-level when considering a transition plan to end seclusion, and described different challenges and needs within federal settings, especially for students receiving services in setting 4 programs, which include Minnesota’s students with more intense behavioral needs.

³⁶ Minnesota has eliminated the use of other restrictive procedures. Specifically, prone restraint was phased out over a three year period (2012-2015). During the 2016 legislative session, beginning FY17, Minnesota provided additional monies to entities that serve students with the highest needs to address challenging behaviors to prevent and/or reduce the use of restrictive procedures. Intermediate school districts and special education cooperative units that provide level four or

- develop a restrictive procedures plan if they intend to use seclusion or physical holding;
- implement a range of positive behavior strategies;
- provide training on de-escalation techniques and additional skills and knowledge areas to reduce the use of restrictive procedures and ensure the safety of the child and staff;
- monitor and review the use of restrictive procedures by conducting post-use debriefings and convening quarterly oversight committee meetings;
- document the use of restrictive procedures;
- limit the school personnel that may use a restrictive procedure based on their licensure;
- timely notify parents when a restrictive procedure is used on their child;
- hold a team meeting within 10 calendar days after a restrictive procedure is used on two separate school days within 30 calendar days or a pattern of use emerges, or at the request of a parent or the district, to: conduct or review a FBA; review data; consider developing additional or revised positive behavioral interventions and supports; consider actions to reduce the use of restrictive procedures; modify the child's education plan or BIP as appropriate; and review any known medical or psychological limitations, including any medical information the parent provides voluntarily, that contraindicate the use of a restrictive procedure, consider whether to prohibit that restrictive procedure, and document such in the education plan or BIP;
- consult with other professionals working with the child; consult with experts in behavior analysis, mental health, communication, or autism; consult with culturally competent professionals; review existing evaluations, resources, and successful strategies; or consider whether to reevaluate the child, if the district uses restrictive procedures on a child on ten or more school days during the same school year;
- only use restrictive procedures if: there is an emergency; it is the least intrusive intervention that effectively responds to the emergency; it is not used to discipline a noncompliant child; it ends when the threat of harm ends and the staff determines the child can safely return to the classroom or activity; staff directly observes the child when a restrictive procedure is used; and staff documents the use as soon as possible after the incident concludes.

Furthermore, since 2016 MDE has been charged with working to eliminate the use of seclusion. Effective the 2016-17 school year, MDE has collected seclusion data from school districts on a quarterly basis. Effective the 2019-20 school year, three school districts received grants funded by MDE's federal IDEA funds, each receiving approximately \$15,000 annually, to implement evidence-based practices to reduce the use of restrictive procedures (commonly referred to as the Olmstead Local Improvement Grants).

Since 2021, via Stepwell MN, MDE has collected specific information from each school district on what is working for school districts to reduce the use of restrictive procedures and to address disproportionalities in the use of restrictive procedures and MDE compiles this qualitative data and includes it in the annual legislative

higher settings, received funding (state legislative appropriation in the amount of \$4,500,000) for FY17, FY18 and FY19 specifically to use for activities related to enhancing services to students who have challenging behaviors or mental health issues or suffering from trauma.

report; and MDE has compiled and reported out strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. This information may be found in the legislative reports, Appendix D. [Legislative Reports](#). This information is also shared during restrictive procedures trainings conducted by MDE and is available on MDE's website [Restrictive Procedures](#).

Finally, during the 2023 legislative session, [Chapter 55 - MN Laws](#), standards for the use of restrictive procedures were revised to:

- clarify that the restrictive procedures statutory provisions apply to children with disabilities from birth until the child with a disability becomes 22 years old;
- add an additional responsibility to the oversight committee to quarterly review the use of restrictive procedures based on patterns or problems indicated by any disproportionate use of restrictive procedures based on race, gender, or disability status; the role of the school resource officer or police in emergencies and the use of restrictive procedures; and documentation to determine if the standards for using restrictive procedures as described in sections 125A.0941 and 125A.0942 are met;
- add a brief description of the post-use debriefing that occurred as a result of the use of the physical hold or seclusion to the information required to be documented each time physical holding or seclusion is used;
- prohibit the use of seclusion on children from birth through grade 3 by September 1, 2024;
- clarify the restrictive procedures reporting requirement for districts by stating that any reasonable force used under sections 121A.582, 609.06, subdivision 1, and 609.379 which intends to hold a child immobile or limit a child's movement where body contact is the only source of physical restraint or confines a child alone in a room from which egress is barred shall be reported to the Department of Education as a restrictive procedure, including physical holding or seclusion used by an unauthorized or untrained staff person; and
- urgently end the use of seclusion.

5. Conclusion

Based on Minnesota's cumulative efforts working to end the use of seclusion since 2016, the DOJ findings that seclusion and restraint practices discriminate against students on the basis of disability by denying them equal opportunity to participate in or benefit from school district education programs; using eligibility criteria that effectively subject students with disabilities to discrimination; and failing to make reasonable modifications to avoid discrimination in school district programs; the ADA's integration mandate, and the IDEA's LRE mandate; and stakeholder engagement, MDE recommends Minnesota prohibits the use of seclusion on all children by September 1, 2026. A compilation of strategies and resources to assist school districts in reducing the use of restrictive procedures, may be found in Appendix D.

Attachment 1. Proposed change to Minnesota Statutes, section 125A.0942, subdivision 4:

Subd. 4. Prohibitions.

The following actions or procedures are prohibited:

- (1) engaging in conduct prohibited under section [121A.58](#);
- (2) requiring a child to assume and maintain a specified physical position, activity, or posture that induces physical pain;
- (3) totally or partially restricting a child's senses as punishment;
- (4) presenting an intense sound, light, or other sensory stimuli using smell, taste, substance, or spray as punishment;
- (5) denying or restricting a child's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the child's functioning, except when temporarily removing the equipment or device is needed to prevent injury to the child or others or serious damage to the equipment or device, in which case the equipment or device shall be returned to the child as soon as possible;
- (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical abuse under chapter 260E;
- (7) withholding regularly scheduled meals or water;
- (8) denying access to bathroom facilities;
- (9) 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;
- (10) prone restraint; ~~and~~
- (11) the use of seclusion on children from birth through grade 3 by September 1, 2024; and
- (12) the use of seclusion on all children by September 1, 2026.

Attachment 2. Appendix D of Legislative Report

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 (2022-23 school year)

This appendix includes an overview of research and guidance at the national level, information about proposed legislation regarding the use of restrictive procedures, and resources to support school districts' efforts to reduce the use of restrictive procedures, eliminate seclusion, 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 school 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.

In 2016, the U.S. Department of Education, Office for Civil Rights (OCR), issued a [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#) 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.

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 of the Americans with Disabilities Act (ADA), and the Individuals with Disabilities Education Act (IDEA) inform the development and implementation of policies regarding restraint and seclusion and in January 2020, as part of this initiative, the Department released a [webinar](#) to explain how federal laws apply to the use of restraint and seclusion.

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.

In April 2020, the U.S. Government Accountability Office (GAO) released a [Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data](#) 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.

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. 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 2021, the U.S. Department of Education released a supplement to its [ED COVID-19 Handbook on Strategies for Safely Reopening Elementary and Secondary Schools](#) entitled [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs](#). 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 assessments 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."

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 in a [Dear Colleague Letter on Implementation of IDEA Discipline Provisions](#). In addition, [Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provision](#) and [Positive, Proactive Approaches to Supporting Children with Disabilities: A Guide for Stakeholders](#) 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.

On July 19, 2022, the U.S. Department of Education also released [Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973](#), guidance describing schools' responsibilities under Section 504 to ensure nondiscrimination against students based on disability when imposing student discipline. 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.

On March 23, 2023 the U.S. Secretary of Education, Miguel Cardona, released a [guidance letter](#) regarding the use of corporal punishment in schools in the United States. Included in the release was an [infographic](#) describing the current use of corporal punishment in schools. Secretary Cardona urged states that permit or practice corporal punishment in schools and educational settings to move swiftly toward condemning and eliminating it.

In March 2023, The US Department of Education also released [Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates](#). This resource identifies five guiding principles and suggests actions schools and school districts can take to create inclusive, safe, supportive, and fair learning environments and lists federal resources to support these efforts. The five guiding principles are: 1. Foster a sense of belonging through a positive, safe, welcoming, and inclusive school environment; 2. Support the social, emotional, physical, and mental health needs of all students through evidence-based strategies; 3. Adequately support high-quality teaching and learning by increasing educator capacity; 4. Recruit and retain a diverse educator workforce; and 5. Ensure the fair administration of student discipline policies in ways that treat students with dignity and respect (including through system wide policy and staff development and monitoring strategies).

On May 1, 2023 the U.S. Department of Education's Office for Civil Rights (OCR) released its [Annual Report to the President and the Secretary of Education](#) for fiscal year 2022. The report includes a description of compliance reviews of three districts' use of restraint and seclusion to assess whether its use denied students with disabilities a FAPE.

In November of 2023, the U.S. Department of Justice released a [School Resource Officers, 2019-2020](#) report. This report provides details on demographics and certification of school resource officers (SROs) by the type of law enforcement agency that employs them. It also describes law enforcement, mentoring, and teaching activities performed by the officers. The report discusses equipment typically carried and training received by the officers.

Also, in November 2023, the U.S. Department of Education's Office for Civil Rights (OCR) released [New Civil Rights Data on Students' Access to Educational Opportunities During the Pandemic](#). The 2020-21 school year data showed "stark inequities in students' educational access throughout the nation and across civil rights indicators, including regarding courses and programs, school staff, and student discipline." Given OCR paused the collection of data due to the pandemic, the 2020-21 civil rights data collection (CRDR) is the first published since the 2017-18 collection which was related in 2020. The 2020-21 data contains information collected from over 17,000 school districts and 97,000 schools.

The 2020-21 CRDC details the following pertaining to restraint and seclusion:

- Approximately 52,800 K-12 students were physically restrained, mechanically restrained, and/or placed in seclusion at schools.
- Boys, Black students, students of two or more races, and students with disabilities who received services under the Individuals with Disabilities Education Act (IDEA) were subjected to restraints and seclusion at higher percentages than their overall K-12 enrollments.
 - Boys represented 51% of K-12 student enrollment, but 83% of students physically restrained, 82% of students mechanically restrained, and 82% of students secluded.
 - Black students represented 15% of the K-12 student enrollment, but 21% of students physically restrained, 42% of students mechanically restrained, and 19% of students secluded.
 - Students of two or more races were 4% of K-12 student enrollment yet accounted for 7% of students physically restrained and 7% of students secluded.
 - Students with disabilities who received services under IDEA represented 14% of K-12 student enrollment but accounted for 81% of students physically restrained, 32% of students mechanically restrained, and 75% of students secluded.

In an effort to combat the [Improper Use of Seclusion in Schools](#) the Educational Opportunities Section of the Civil Rights Division of the Department of Justice (DOJ) initiated investigations to determine whether school districts engaged in improper seclusion and restraint practices that deny students with disabilities access to the school districts' programs and services in violation of Title II of the Americans with Disabilities Act, 42.U.S.C §§ 12132-1234 (Title II) and its implementing regulations at 28 C.F.R. Pt. 35. Title II provides that no "individuals with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by an such entity." In recent investigations, the DOJ determined that the school districts discriminated against students on the basis of disability by denying them equal opportunity to participate in or benefit from the school districts' education program, see 28 C.F.R. § 35.130(b)(1)(i); using eligibility criteria that effectively subjects students with disabilities to discrimination, see 28 C.F.R. § 35.130(b)(8); and failing to make reasonable modifications to avoid discrimination in the school districts' program, see 28 C.F.R. § 130(b)(7). Specifically, the DOJ concluded that the school districts improperly isolated and restrained students with disabilities and failed to use appropriate behavior interventions.

The DOJ reached a series of settlement agreements in which school districts agreed to remedy the improper use of seclusion by discontinuing their use of seclusion districtwide and instead put in place appropriate interventions and supports for students with disabilities. For more information about the DOJ's work to combat improper seclusion of students with disabilities in public schools, read [summaries of recent investigations, including press releases, notice letters, and settlement agreements](#). A summary of the *Action Steps from Settlement Agreements between the U.S. Department of Justice and School Districts Ending the Use of Seclusion* may be found on MDE's website [Restrictive Procedures](#).

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.

Most recently, the Keeping All Students Safe Act was introduced into the 118th Congress [S.1750 - 118th Congress \(2023-2024\): Keeping All Students Safe Act | Congress.gov | Library of Congress](#). This bill prohibits the use of seclusion and limits the use of physical restraint in schools and Head Start programs that receive federal funding. The bill prohibits the use of mechanical or chemical restraints or physical restraints that restrict breathing or are life threatening. The bill outlines the requirements for the use of physical restraint, including that the student's behavior must pose an imminent danger of serious physical injury to the student or other individual. Each state must ensure that a sufficient number of program personnel are trained and certified by a state-approved crisis intervention training program. Additionally, each program must establish procedures to follow after an incident involving physical restraint. Further, the bill establishes enforcement provisions, including a private right of action for a student who has been subjected to unlawful seclusion or restraint. The Department of Education and the Department of Health and Human Services must withhold payments from a program for unlawful seclusion or restraint. Finally, the bill requires state educational agencies to establish, implement, and enforce policies and procedures required by the bill. It also creates a grant program to assist state educational agencies with these activities.

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](#). You can find more information on the use of restrictive procedures, including data collection, recent legislation, and other resources on the [MDE Restrictive Procedures webpage](#).

- **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.

Partners in Policy Making: Thirty-five years ago, the Minnesota Governor's Council on Developmental Disabilities in the Department of Administration created [Partners in Policymaking](#), a groundbreaking advocacy and leadership training program to give people with disabilities and their families the resources and skills to communicate effectively with elected officials. In today's political climate of radical change, we must work harder than ever to prevent the loss of basic rights for people with disabilities. The goal of *Partners in Policymaking* is to educate participants to be active partners with those who make policy. The idea is to develop partnerships that are based on positive relationships.

The Partners in Policymaking e-learning site gives participants the opportunity to increase knowledge and understanding of best practices in the disability field, and learn how to communicate effectively with their elected officials. Six online courses are now available at [PartnersOnlineCourses.com](#) to anyone who would like to increase their knowledge and skills.

Strategies Reported by School Districts in Narrative Responses

Beginning in the 2020-21 school year, as part of reporting annual physical holding data, school districts are asked to respond to two questions: 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 in July 2022 included:³⁷

- 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

³⁷ 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.

- 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
- 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)

Compilation of School Districts' Narrative Responses: 2022-23 School Year

In July 2023, 449 school districts and charter schools provided information on strategies they used to reduce the use of restrictive procedures within their district during the 2022-23 school year. Almost all of these districts indicated that they used staff training as a strategy, often in addition to other strategies.

Although some districts (about a third) did not provide information about the specific training they use, most districts provided more detailed information about their training curriculums. Of the districts that did provide specific information, about half of them indicated that they use Crisis Prevention Institute (CPI) to provide training. <https://www.crisisprevention.com/>. Some districts explicitly identified CPI's Verbal Intervention Training as an effective resource for their staff.

The use of programs other than CPI appears to be growing, with about 15 percent of schools reporting using alternative programs to provide training to their staff. Twice as many districts indicated that they used Handle with Care, Ukeru, or Professional Crisis Management (PCM), as compared to the 2021-22 school year. Districts reported using the following programs to provide training for their staff: ○

- Handle With Care - <https://www.handlewithcare.com/>
- Ukeru - <https://www.ukerusystems.com/how-we-can-help/training/>
- Professional Crisis Management (PCM) - <https://crisisintervention.com/>
- Life Space Crisis Intervention (LCSI) - <https://www.lsci.org/>
- Safety Care - <https://qbs.com/safety-care-crisis-prevention-training/>

Districts also reported training staff on de-escalation strategies, student and staff mental health, and race and equity, without indicating specific training programs in these areas. Many districts also indicated the important role of social-emotional learning, trauma-informed classrooms, PBIS, restorative practices, board-certified behavior analysts, and mental health supports on their use of restrictive procedures.

Other Trainings and Resources Mentioned by Districts

BARR Program - <https://barrcenter.org/>
Coaching for Equity - <https://www.brightmorningteam.com/>
Reclaiming Youth at Risk (book) - <https://reclaimingyouthatrisk.org/>
Brih Design - <http://www.brihdesign.com/>
Catalyst Training - <https://www.thecatalystapproach.com/>
Nurtured Heart - <https://nurturedheartinstitute.com/>
Larry Thompson/Innovative Schools - <https://innovativeschoolssummit.com/>
Cradle to Career Education Summit - <https://c2cmn.com/>
Envoy - <https://michaelgrinder.com/envoy/>
Conscious Discipline - <https://consciousdiscipline.com/>
Move Mindfully – <https://move-mindfully.com/>
Boys Town - <https://liftwithboystown.org/>
Registered Behavior Technician (RBT Training) - <https://autismpartnershipfoundation.org/product/rbt/>
Safe Schools Platform - <https://www.safeschools.com/>
Brightworks - <https://brightworksmn.org/index.html>
PREPaRE Training - <https://www.nasponline.org/professional-development/prepare-training-curriculum>
Teach To Heal - <https://www.danielletheisconsulting.com/>
Tough Kid Workshop - <http://www.toughkid.com/>
Dialectical Behavior Therapy training - <https://www.aptmentalhealthtraining.com/>
Zones of Regulation - <https://zonesofregulation.com/training/>
Olweus Bullying Prevention Program - <https://olweus.sites.clemson.edu/>
Top 20 Training - <https://top20training.com/>
Developmental Designs - <https://originsonline.org/>
Responsive classroom - <https://www.responsiveclassroom.org/>
Incredible Flexible You - <https://www.socialthinking.com/>
Prevent-Teach-Reinforce/Pyramid Model Training - <https://challengingbehavior.org/>
Multi-Tiered System of Supports Implementation Reviews - <https://carei.umn.edu/>

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, 2021-22, and 2022-23 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.”³⁸ 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.³⁹

- Districts report that focusing on programs that explicitly teach students prosocial behaviors and

³⁸ CASEL. [Fundamentals of SEL – CASEL](#) (Dec. 2021) (last accessed Jan. 3, 2023).

³⁹ 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*, 82 (1), 1-29.

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.

- [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.

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.

- [Person-Centered Practices](#)

Person-centered practices are a continuum of strategies and activities that support the informed choice of students and families to make or have input into both major transitions and everyday life decisions. Person-centered practices focus on the interests and needs of the person receiving instruction or support. They emphasize each person's strengths and dreams rather than weaknesses or deficits. Person-centered principles and practices can help assure that people with disabilities have the same rights and responsibilities as other people, including having control over their lives, making their own choices and contributing to the community in a way that makes sense to the person.

[Ten Suggestions for Adding Person-Centered Features in IEPs](#) AND [Person-centered Interagency Individualized Education Program \(IEP\) sample facilitator actions](#)

These documents provide recommendations of good practices that are not required, but can be helpful to increase student and family engagement in the IEP planning process. Use this document to add person-centered features that may support students to:

- Have more control over their lives.
- Make more of their own choices.
- Contribute to their school and community in a way that makes sense to them

- [Person-Centered Thinking®](#)

For people supported with services, it is not person-centered planning that matters as much as the pervasive presence of Person-Centered Thinking® (PCT®). PCT® begins with learning *both* what is “important to” a person and what is “important for” a person and the balance between them. PCT® skills help people describe both how they want to live, and a reasonable balance between the components of “important to” and “important for” in their lives. As the core PCT® concept, this balance is at the center of both planning and practice.

Person-Centered Thinking® training has been made available to educators in Minnesota since April 2018. For more information contact the [Person-Centered Practices in Education Leadership Team](#) (MDE.Person-Centered@state.mn.us).

- [Teacher-Child Interaction Training](#) – Universal (TCIT –U) is a professional development, train-the-trainer-model, designed to strengthen teacher-child relationship skills.

Implement Positive Behavioral Interventions and Supports

Positive behavioral intervention and supports as defined in [Minnesota Statutes, section 125A.0941](#) are interventions and strategies to improve the school environment and teach children the skills to behave appropriately. 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 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.
- [Collaborative & Proactive Solutions \(CPS\)](#) is the model of care Dr. Greene originated and describes in his various books. The CPS model is based on the premise that challenging behavior occurs when the demands and expectations being placed on a kid exceed the kid's capacity to respond adaptively.

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.
- [Coping with Crisis Website](#): The Minnesota Department of Human Services offers Minnesotans resources for dealing with crisis and maintaining mental and physical health.

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.

Attachment 3. Engagement Efforts with Stakeholders.

In summer 2023, MDE identified methods to effectively engage with the various perspectives outlined in the legislation. MDE staff met with existing advisory groups and conducted a survey to gather insights and input.

Opinions on use of seclusion range widely. As further described in this summary, some individuals are in favor of ending the practice immediately for all ages and settings, and some are concerned that ending seclusion will have negative consequences.

MDE’s methods were designed to gather relevant information in a relatively short amount of time. The information presented in this summary should not be viewed as being representative of all individuals in the various perspectives and disciplines outlined in the legislation. Additionally, it is possible that specific individuals provided input more than once via the different engagement modes (in the survey, for example, several response patterns were remarkably similar). Even with these caveats, MDE can reasonably use this information to understand current issues and perspectives.

The table below summarizes MDE’s engagement of the required perspectives, by mode: the Special Education Advisory Panel (SEAP), the Restrictive Procedures Workgroup (workgroup), and an open survey. Categories with an “X” participated in discussions or surveys. (The workgroup includes representatives of school boards and county social services, but those members did not directly provide input as part of this process.)

| Stakeholder perspective | SEAP | Workgroup | Survey |
|---|------|---|--------|
| Parents of students who have been secluded or restrained | X | | X |
| Advocacy organizations | X | X | X |
| Legal services providers | | X | X |
| Special education directors | X | X | X |
| Teachers | X | X | X |
| Paraprofessionals | | X | X |
| Intermediate school districts and cooperative units as defined under section 123A.24, subdivision 2 | | X | X |
| School boards | | represented, did not provide specific input | X |
| Day treatment providers | | X | X |
| County social services | | represented, did not provide specific input | |
| State human services department staff | X | X | |
| Mental health professionals | | X | X |
| Autism experts | | X | X |

| Stakeholder perspective | SEAP | Workgroup | Survey |
|---|------|-----------|--------|
| Representatives of groups disproportionately affected by restrictive procedures, including People of Color and people with disabilities | X | X | X |

1. SEAP Engagement

As described on [MDE's website](#), "The Minnesota Special Education Advisory Panel (SEAP) provides guidance to the Minnesota Department of Education (MDE) with respect to policies on special education and related services for children and youth with disabilities in Minnesota. The federal Individuals with Disabilities Education Act (IDEA) establishes SEAP and outlines its duties. Members are appointed by the governor's office through the commissioner of education. Advisory panel members include parents/guardians, individuals with disabilities, educators, teacher trainers, advocates, special education administrators, and staff from our agency and other state agencies to bring diverse perspectives together to make recommendations on special education issues."

At the September 2023 SEAP meeting, MDE shared an overview of existing law and data on use of seclusion and other restrictive procedures, and SEAP members asked questions and shared observations. Members asked questions and discussed their observations about the data, including surprise that data is not collected for students without disabilities, surprise about data for 6-10 year olds, and curiosity about how data is used within districts.

MDE asked the group to respond to several questions in small groups via an online whiteboard. MDE left the whiteboard open for additional comments for several days after the meeting. The information below is a summary of the notes from the whiteboard.

Where and how can Minnesota build upon its success in reducing the use of restrictive procedures and eliminating seclusion? Member ideas and input included:

- Training and development for general education teachers, including de-escalation strategies, crisis prevention, alternatives to restrictive procedures and seclusion, special education field experience, and empowerment to teach students with disabilities.
- More inclusive services and classrooms, more dual trained general education and special education professionals.
- More training and resources for special education paraprofessionals and teachers; pay increases for these positions.
- Specific topics for training and development, such as how trauma impacts behaviors, greater emphasis on fostering belonging, and the history of disability.
- Full education team buy-in to prevention and de-escalation approaches (including general education teachers, special education, paraprofessionals, psychologists, leadership).
- Use of behavior analysts to develop behavior interventions for students experiencing seclusion.
- Easier access for children to have aids from external agencies in schools to assist with their day-to-day needs.

What barriers are there to implementing that expansion? Member ideas and input included:

- Need for resources in the classroom to de-escalate and be proactive.
- Workforce issues, such as staff turnover, staff shortages, need for additional teacher support, and challenges with paperwork.
- General education teachers' belief that they are not qualified to teach students with an IEP.
- Funding in general, and funding philosophy in particular (funding special education as a place instead of a service)

What new resources are necessary for increasing staff capacity, staff training, children's supports, child mental health services, and school-wide collaborative effects would you recommend for urgently ending seclusion in Minnesota schools? Member ideas and input included:

- Sufficient trained staff to proactively anticipate and react to what is happening with the student.
- Broad-based training in trauma-informed care for teachers and teacher aides.
- More specialized staff to meet student needs, including BCBAs, Check & Connect staff, school social workers, and school-based mental health service providers.
- More capacity building, more outreach to a diverse workforce.
- More direct funding to schools to support increasing teachers pay, training, and mental health services within schools.
- Identify systemic ways to help schools capture parent wisdom to eliminate seclusion for their child.

What recommendation would you give for specific dates for ending seclusion by grade or facility? Member responses to this question:

- Today
- Mandate all staff training and eliminate immediately after

2. Restrictive Procedures Workgroup Engagement

As described on [MDE's website](#), "The Restrictive Procedures Workgroup is an advisory workgroup established as a way for MDE to consult with interested stakeholders in developing a statewide plan to reduce the use of restrictive procedures and to provide an annual report to the legislature...Interested stakeholders are statutorily identified to include 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."

MDE engaged with workgroup members in several ways in fall 2023: a discussion at the September 2023 workgroup meeting, a follow-up survey, a December drop-in office hour, and email discussions. Workgroup members shared their perspectives and expertise, summarized here.

The summary below is based on notes from the workgroup meeting and responses to the follow-up survey. Example comments are from the survey. Readers should not infer proportionality or intensity of sentiment based on the order or presentation of groupings below—information is presented so that readers can review the range of perspectives from the experts and advocates involved in the workgroup. These do not represent consensus views of the Workgroup—MDE sought the full range of opinions from members.

Setting-specific concerns: Members described the different challenges and needs within federal settings, with some noting that setting is more relevant than grade-level when considering a transition plan to end seclusion. Some members from setting IV programs expressed concerns with ending seclusion, or ending seclusion in the near term. Students in setting IV programs have more intense needs, they noted. An example:

I do agree that we should not be using seclusion in our traditional school sites. I do think there times that within our setting 4 sites this is the only option to ensure safety of both the student and staff. We often find our setting 4 sites serving students that have been denied programming at higher levels of care because of their intense needs. School do not have the option to deny service. We must serve ALL students. Many times these students come with extensive history of trauma and abuse. There are times using a restrictive procedure is what is needed. There are other times we create a more unsafe situation by touching the child and they need a safe secure place to work through the behavior or emotional response they are having.

Clarity needed: Members discussed areas where clarity would be useful in the definition and interpretation of “seclusion,” with some noting that there are specifics and nuances to what is/isn’t “seclusion” and that there may be different interpretations of law and practice. Specific issues included the use of pads, personal protective equipment, and breakout spaces.

Time and resources to implement: Members discussed the need for time and resources to end seclusion, particularly for training staff and providing additional supports for students (specific areas are described further below).

Student-focus/voice: Members discussed the importance of student and family voices, with some emphasizing that listening and engagement needs to be a real a real part of the process, not just a compliance check. Some described the importance of learning from adults with disabilities as part of the process. An example comment:

I feel like I have mentioned this many times, but there is so much to be learned from adults with disabilities about co-regulation, about spoon theory, about cup-theory, about how to support students with sensory differences, about collaborative problem solving, but yet that is rarely, if ever, part of the conversation.

Workforce issues: Members discussed workforce issues related to ending seclusion such as ongoing staffing shortages, time and resources needed for training, and supports needed for staff safety and well-being. Specific ideas or issues included:

- More paraprofessionals are needed, and certificate or credential programs would be valuable.
- Mentoring, training, adult mental social well-being and supports are needed so that students and kids and adults can reset and repair.
- Ability to sustain practices is impeded by staff shortages and difficulty bringing people up to speed due to high turnover rates.
- Staff that work with students who exhibit aggressions towards others should be paid more than others, due to the risk they face when they go to work every day.

- Class sizes in center-based programs should be smaller so that students with special needs can get more individualized support and attention.

An example comment:

Schools are currently experiencing a staff shortage and do not have staff with adequate training. Staff mental health and the ability to offer needed services are challenges. There are currently many students who require a setting IV program but are not receiving educational services at a school due to staffing shortages. Students are being served via home-based options or as part-time students. If we are not purposeful in how we work to end seclusion, I fear that more students will not be able to safely have their educational needs met within a school setting.

Mental health services: Members discussed lack of mental health services as a challenge to ending seclusion. Some noted the waitlist for mental health services, and that there are “significant lack of mental health supports for students outside of the school system (schools can’t do it all).” Some urged MDE to advocate for additional mental health services beyond school systems, and some noted the complicating factor of DHS requirements regarding day treatment programs (leading to closure, they report).

Unintended consequences: Members discussed potential unintended consequences for ending seclusion entirely, such as the potential for increased physical holding/restraints or calls to law enforcement, which could in turn lead to additional injuries to staff or students and potential trauma for students and staff. Some indicated that ending seclusion could result in shortened or lost school days, placement in a more restrictive setting or homebound schooling, or out of state placement. Some described potential solutions and mitigations would take time to plan and implement. An example comment:

Students may need to be in a more restrictive setting if seclusion is not an option, or have their days shortened. School staff may need to access community crisis supports (police, mental health crisis teams) sooner, and those community resources will need to shore up their available staffing/resources.

Culture change: Members described the culture change that will be required to end seclusion, with some noting that training and development should go beyond legal compliance and should focus on relationship building and culture change. Example comments:

I think what we really need to talk about is not the change in the law, but a change in culture that has to happen in order to view secluding and restraining students as something schools simply should not do. So many of our conversations focus on how not to get sued. So few of our conversations focus on how to avoid situations where students are melting down and losing control in the first place.

If we want to eliminate the use of seclusion successfully and not have it replaced by more restraints or more calls to law enforcement, then we need to focus the discussion on how to support students so they are not finding themselves in situations where seclusion or restraint are deemed necessary. - our district has already ended seclusion- I think school leaders supporting

this change is critical, more training to show these procedures are ineffective, can be dangerous, and are another predictable pattern of disproportionality is needed.

Other specific approaches or issues: During discussions, some members highlighted specific approaches that could be valuable:

- Training regarding trauma and mental health.
- Ukeru helps keep staff calmer as they feel safer.
- Disability awareness training for staff.
- Focus on strong planning – IEPs, intervention plans.
- ABA therapies in schools [but note divergent perspectives on what might be beneficial or harmful].
- Use of a weekly debrief with administrators—in general education as well as special education.
- Additional expertise at the state level to provide support to districts in working toward this legislative requirement.
- Suggestion for MDE to do site visits to schools using seclusion due to size or aggression of students so that MDE can partner in developing solutions.
- Suggestion for MDE to report on more districts that have lower restrictive procedures so that similar districts can learn from each other (beyond written review of results).

3. Open-link Survey

MDE designed a brief survey to gather input from interested individuals. MDE distributed the survey link in MDE's Special Education Updates in November and December 2023. MDE also distributed the survey to PACER (Minnesota's parent training and information center) and the Minnesota Disability Law Center (Minnesota's designated Protection and Advocacy System) even though both organizations are represented on the workgroup. MDE encouraged workgroup members, PACER, and the Minnesota Disability Law Center to distribute the survey as well. In all, MDE received 176 responses to the survey. Since the survey link was open to anyone, MDE cannot say with certainty that there are no repeat responses in this data set (indeed, several responses were remarkably similar, suggesting either individual repeats or organized responses).

Survey Responses: The survey asked respondents to self-identify their perspective from the list outline in legislation. Respondents could select more than one option from the list. The majority of survey respondents were school district employees. The list below is ordered by the relative number of respondents who self-identified as one of the offered categories.

- Teacher
- Intermediate school district employee
- Special Education Director
- Parent of a student
- Special Education Cooperative employee
- Paraprofessional
- Autism expert
- Mental health professional
- Person with a disability

- Parent of a student who has been secluded/restrained at school
- Member of an advocacy group
- Person of Color
- Legal services provider
- School board member
- Day treatment provider

Some respondents offered specific roles in the “other” category offered by the survey. These included, in alphabetical order:

- ABS- ASD case manager
- Administrator
- Assistant Director of Special Education
- BCBA
- BCBA, MA in Counseling, employed by both an Intermediate district as well as single district
- Behavior Analyst
- Board Certified Behavior Analyst
- Building Administrator
- Certified Medical Assistant
- CNA health office
- District School Psychologist
- EBD Special Education Teacher
- Elementary School Principal
- Setting 3 in elementary
- Immediate family member of intermediate special educator
- Licensed EBD, ASD & Certified Traumatic Stress Studies
- Occupational Therapy Assistant
- Parent of a student of color
- PCA
- Principal
- Professor of Criminology
- School psychologist
- School social worker
- Setting 4 Building Principal
- Site Administrator for a setting 4 program
- Special Education Assistant Director
- Special Education Coach
- Special Education Coordinator
- Special Education Program Supervisor
- Special Education Teacher
- Supervisor of a Federal Setting IV program

Survey Summary: This summary provides an overview of responses to the survey. MDE continues to review the detailed responses to identify valuable information for future efforts. Information is summarized qualitatively, without counts or specific proportions—this is especially appropriate in this survey because of the possible duplication of responses.

Perspectives on urgently ending seclusion: The survey asked respondents: *The use of seclusion on children from birth through grade 3 will be prohibited in schools as of September 1, 2024. As we continue to move forward in urgently ending the use of all seclusion in schools, what ideas do you have for a timeline for ending seclusion by grade level? By type of facility (eg. federal setting, type of school)? Please include information that supports your recommendation.* Broadly, response patterns are:

- The largest proportion of respondents had setting specific recommendations, typically that seclusion should **not** be eliminated in setting 3 and 4.
- The next largest proportion of respondents expressed opposition to ending seclusion, typically strong opposition.
- Some respondents urged MDE to delay ending seclusion until more information or resources are available.
- Some respondents indicated that seclusion should be eliminated immediately at all levels.

Common themes included:

- Support for seclusion as an option in high-intensity behaviors (federal setting 3 and 4): Advocacy for maintaining seclusion in setting 3 and 4 programs due to the complex needs and safety considerations for students and staff, especially in cases of high-intensity behaviors.
- Specific concerns for level 4 programs and grade-level exceptions: Emphasis on unique challenges in setting level 4 programs, recommendations for exceptions for specific grade levels, and considerations for the complexity of behaviors in older students.
- Concerns and opposition to ending seclusion: Expressions of concern and opposition to completely ending seclusion, citing safety risks, especially in settings with intense externalizing behaviors. Some proposed alternatives and training instead.
- Trauma and mental health impact concerns: Concerns about the potential trauma and mental health impact on students if seclusion is abruptly ended, emphasizing the need for careful consideration, alternative strategies, and trauma-informed approaches.
- Need for gradual phase-out with comprehensive training and support: Recommendations for a gradual phase-out with a well-planned timeline based on comprehensive training programs and additional resources to support staff in managing students' behavioral challenges effectively.
- Advocacy for nuanced approach, evaluation, and disability/trauma education: Proposals for a nuanced approach, case-by-case evaluation, and the importance of disability and trauma education for teachers. Highlighting the need for flexibility based on individual behavior plans.
- Concerns about staff turnover and burnout: Worries about potential staff turnover, burnout, and challenges in maintaining a safe learning and work environment. Calls for careful consideration and monitoring of indicators like staff injuries, physical holding, and police calls.

Illustrative comments: The comments below highlight some of the specific perspectives shared by survey respondents. They should not be viewed as representative.

The use of seclusion in general education schools should end. BUT the use of seclusion in federal setting 4 programs should be re-evaluated. I work in a intermediate district, a self-contained school, with students with diagnoses of ASD and DCD. Although a high school/transition school, the developmental level of our students is between 2 years old-3rd grade. The behavioral levels of these students paired with the size of the students, makes behavior response a large part of the job. We are already using all the proactive measures, TCIT, relationship building, and we still see physically aggressive behaviors that injure at least 2 staff each year. These staff do not get replaced because hiring in education is at an all time low. If you remove seclusion as a last resort for our school to use when imminent harm is obvious, our students will then move to home bound schooling.

I believe MDE should at least consider exclusions. Special education means we provide every student with individualized plans to support their education. Why would we think a blanketed legislation is effective when talking about special education as a whole. Our level 4 program exists because we have to be even more individualized with how we work with our students. At the very least, we should be an exception to the legislation and allowed to continue to utilize seclusion as a tool to effectively support of student and promote safety for all.

My son was secluded in a closet when he could not regulate his emotions. This only served to cause him to become much more deregulated. When he was placed in alternative settings - the seclusion completely ended because they had more of the resources needed to deal with disregulation. Mainstream schools do not have the space, the professional skills, the empathy, the raw availability needed to deal with this so seclusion becomes the easy near term band aid that only caused the problem to grow. My experiences are from the Hopkins school district in 2007-2013 timeframe.

I work in Rochester Public Schools. Only our Setting 3 and 4 classrooms have seclusion rooms. I would love for the people who are making this decision to come and work in these settings for 5 days, so see the need for seclusion. We are not taking seclusion lightly in Rochester, and I would like you to see that for yourselves. We have young students who are hurting staff and students EVERY DAY. What would you like us to do with them? Do you want to be the one to call the parents of the students who are being hurt every day and explain this to them?

I would like to see it ended for all grades at all schools immediately. There is excellent research on how children/people with emotional regulation issues NEED CO-regulation which means they need a person with them to help them regulate and seclusion means no people and restraint triggers fight/flight more. It is also punitive and more leads to the school to prison pipeline as these situations escalate students, not calm them down, not educate them, not teach them how to regulate in a healthy manner.

[T]he data on the number of disabled students that end up in juvenile and adult detention because they are targeted early and often (research shows it begins in preschool) and especially if they are also students of color. Yes, some may be more likely to be impulsive and some may have lower thresholds for frustration and lack emotional regulation skills, but they are faced daily with being behind their classmates and unable to keep up with the other kids, so they continually face degradation ceremonies at school where they are called out, punished, etc. I remember one time going to my son's school party and other moms telling me that they had all heard about my son and things the teachers had said about my son. One teacher mocked his stutter in front of the whole class and faced no disciplinary action and my son was harassed by those peer for two years more until he left there. That teacher also purposely pushed him past his tolerance level so that he would flip out so she could get rid of him for the rest of that day or other days. He wasn't even being disruptive, he just wasn't participating and would just read his books because he was ashamed he couldn't do the math. This type of shaming and then exclusion needs to end. And she tried to restrain him when he went to escape and then and only then did he get physical and then this escalated his punishment. This school was determined to get him hospitalized and punished severely. Amazingly, he goes to another school and has none of those issues and is considered a good kid. There they sent kids to work on their emotional regulation and problem solved the issue with a trained person and then they went back to class. Guess what? It worked! We have the knowledge, we need to make every school and every teacher and every para and every administrator learn the current research.

I believe ending seclusion needs to be re-evaluated due to the concern for staff and student safety when engaging in a child hold during a crisis situation. Becoming hands-on is always a last resort after several interventions and practices have been utilized and fail. In my experience as a Setting 3, EBD teacher, putting student's in team control holds or individual holds is very challenging and feels more detrimental to staff and students' mental health. In many cases, an adult putting their hands on a child is more triggering and traumatizing versus being in a separate, safe, space such as seclusion. I truly believe it all comes down to building strong relationships with students and knowing them and their triggers. I have had students who respond well to seclusion and de-escalate quickly and other students who hate it and will elevate their behaviors. In those cases, my team avoids seclusion as much as we can. I am ultimately worried about the safety of staff and students when using other restrictive procedures during a crisis. How will a school and the state support SPED teachers and staff who become injured? How do we prevent turnover and burnout? I feel this whole amendment needs to be reassessed.

While I do not have further recommendations on the timeline for ending seclusion, but it is my hope that the MDE and the state of Minnesota have considered that there are many, many school districts in Minnesota that simply lack county and community supports to provide safety to students and staff when there are students engaging in behaviors that constitute an emergency situation. A solution to this challenge is not as simple as "hiring staff," or "starting programs to...". While employed by a service cooperative, there are not nearly enough resources to support the students in our region at residential or setting IV facilities to support students with

significant mental health and behavioral needs. Many of our students who are birth-grade 3 that restrictive procedures have been utilized for are self-harming and/or the function of their behavior has been determined attention and when put into a physical holding maneuver they continue to escalate versus de-escalate. There are far more considerations to be made than to provide a blanket solution to districts and students across the state, many of which have little to nothing in common in regard to resources, personnel and other unique characteristics.

We recommend developing a timeline for termination of seclusion use in schools that is based upon available data. Recent legislation prohibiting the use of seclusion for students aged birth to grade 3 provides an opportunity to measure the effects of termination of the practice on other relevant, potentially detrimental indicators. These other indicators include but are not limited to the use of physical holding, shortened school days, in-school and out-of-school suspensions, and police calls with these students. Once the side effects of seclusion termination are better understood, a data-informed timeline for other age groups can more appropriately be developed. Timeline development particular to various settings, i.e., federal settings, types of schools, etc., will also benefit from the data available before and after the use of seclusion among students aged birth to grade 3. Systems to collect data related to side effects of seclusion termination should be developed.

I support first implementing with fidelity other less restrictive interventions. This will require funds to address the high amount of training and support that staff will need to implement with fidelity, in addition to professional development on topics such as categorical disabilities, behavioral manifestations of disability, de-escalation, etc. I strongly do not agree with the proposal to end seclusion in all schools (esp Fed 4) and especially with students who have a long-documented history of high-magnitude aggression that has been resistant to previous interventions and has resulted in staff injury. MHP, BCBA, School Psych, etc. are all qualified to work with teams to identify students for whom seclusion is actually the safest and least restrictive intervention to maintain safety in an emergency. For example, a student who has experienced physical abuse or neglect may be more traumatized by the use of a physical hold than seclusion. This should be an IEP team decision that includes an MHP, BCBA, school psych, etc.

I equate seclusion to punishment. Both give a consequence without supporting, modeling and teaching our students they have control of their bodies, words, thoughts, etc.

There needs to be a focus on general education- kids are being pushed to special education too quickly because they need the attention. Focus on general education, small classes, more adults. This alone gives a child more academics because they focus more.

I understand the principle and philosophy and I completely disagree with their use, especially in working with children who have experienced trauma. Unfortunately, as a teacher in a behavior program, I understand the need for them from a safety component as there are times when a

severely mentally ill student needs to, for safety reasons, be isolated until more capable staff are able to respond.

There are staff and students being harmed each and everyday by students who are dysregulated. Students who are enrolled in a federal setting IV program have exhausted all other options within a typical school district. Federal setting IV programs are being innovative and creative with programming, staff training, parent supports etc. so if in the event a seclusion is warranted, it's only being used as a last resort. We have staffing shortages in all of our federal setting IV programs as staff don't want to come to work and get assaulted by students. We know that 99.9% of the time the behavior has a communicative intent, students don't "want" to harm others but in some cases it's their only means to get their needs and wants met. Staff should have tools they could use in the event a situation isn't safe for the student, other students or themselves if all other options have been exhausted. I would fully support MDE staff or legislative staff to come and work in a building for 1 week and see what is being done each day as 99.9% of the time it's AMAZING and the other .01% of the time it requires the use of a seclusion to keep everyone safe.

I think it is important to consider within counties what resources are reasonably available. In NW MN we do not have access to higher structured settings or adequate mental health support or facilities that can support the needs of physically aggressive, distraught students, or students with significant mental health deterioration (i.e., schizoaffective disorder).

While I absolutely support implementing practices and standards to ensure that restrictive procedures (in this case specifically, seclusion) are being utilized appropriately and only in emergency situations, there are instances that the district(s) I serve will be adversely effected should the option no longer be available when considering staffing, the physical toll that long-term physical holds may have on our staff when student's continue to escalate, students that have medical disabilities that would not allow the use of a physical holding skill thus leaving no safe alternatives for students or staff to turn to to regain a safe level of control over an emergency situation, the severity of student behavior(s) we are beginning to see more and more frequently, all paired with the severely limited community, county and regional resources to support behavior and mental health. I am not an advocate for the use of restrictive procedures or physical holding; however, I trust school districts to make informed decisions and provide staff training as to how to safely and appropriately utilize them to maintain safety for students engaging in risk behavior(s), students in the vicinity of a student engaging in severe risk behavior(s) and the staff there to support children engaging in risk behavior(s) back to a place of calm. I hope, that as the MDE is making legislative recommendations there is consideration of schools in greater Minnesota as the needs and resources available to meet those needs are significantly discrepant to those available in the Metro area, Duluth or Rochester area(s). Thank you.

Strategies and resources: The survey also asked respondents to identify existing resources and/or new resources you believe are necessary in several topic areas. In some cases, respondents simply endorsed that the resource

or topic area is important (for example, answering “YES” under Staff training). The summary below highlights themes in each topic area offered by the survey. MDE incorporated specific resources into the legislative report, Appendix D, as appropriate.

- Building staff capacity for addressing behavioral needs of students: additional funding, increased staff, additional behavioral expertise and credentialing, increased mental health staff involvement, additional resources and time for training, improved student to staff ratios, specific training and approaches.
- Staff training: need for additional training for all staff, training on proactive/preventative approaches, training on alternatives to restrictive procedures, de-escalation training, trauma-informed training, safety training, specific training approaches or curriculum.
- Children's supports: need for safe educational environments, need for community supports and improved regional/local resources, additional supports for families and parents, access to specialized education and therapies, need for mental health and medical services, additional financial and other supports.
- Child mental health services: need for more access, more funding, school-based social workers and mental health professionals, community-based mental health services (particularly for high-need students), availability of crisis response teams and paramedics in schools, sensory spaces and resources in schools, mental health training for all staff, wrap-around supports for families and students, additional research on medicines and therapies.
- Schoolwide collaborative efforts: MTSS/PBIS implementation, professional development, social-emotional skills development, school-wide coordination, collaboration with medical providers, culture/systemic approaches.