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# **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

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

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## Legislative Charge

In accordance with Minnesota Statutes, 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 2019-20 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.<sup>1</sup>

## Introduction

Minnesota's restrictive procedures legislation—Minnesota Statutes, sections 125A.094, 125A.0941, and 125A.0942—was 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"<sup>2</sup> along with the following components:

- The resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce districts' use of seclusion; and

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<sup>1</sup> A list of the stakeholder organizations that participate in the Workgroup can be found in Appendix A of this report.

<sup>2</sup> Minn. Stat. § 125A.0942, subdivision 3(b) (2013).

- Recommendations to clarify and improve the law governing districts’ use of restrictive procedures.<sup>3</sup>

During the 2016 legislative session, prone restraint<sup>4</sup> was added to the list of actions or procedures prohibited in the school setting.<sup>5</sup> Further, in 2016 the restrictive procedures statute was amended to add “eliminate the use of seclusion”<sup>6</sup> as part of the legislative charge outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b).

The charge of the Workgroup also intersects with two goals outlined in the Minnesota Olmstead Plan<sup>7</sup> aimed at reducing the incidence of the emergency use of restrictive procedures in public schools and reducing the number of students who experience the emergency use of restrictive procedures in public schools.

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

This legislative report discusses the Workgroup process and the activities MDE and the Workgroup engaged in to accomplish the state’s goal to reduce the use of restrictive procedures and eliminate the use of seclusion, as outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b). This legislative report then describes school districts’ progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures by analyzing the quarterly seclusion data and annual summary physical holding data reported to MDE by school districts during the 2019-20 school year.

Overall, the use of restrictive procedures declined during the 2019-20 school year. Because of the global COVID-19 pandemic, Minnesota public schools were closed from March 18, 2020 to the end of the 2019-20 school year through the issuance of executive orders from Governor Walz.<sup>8</sup> Summer programs and extended school year services were offered through either a distance learning model or a hybrid model that employed both distance

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<sup>3</sup> Minn. Stat. § 125A.0942, subd. 3(b) (2016).

<sup>4</sup> “Prone restraint” means placing a child in a face down position. Minn. Stat. § 125A.0941(e).

<sup>5</sup> See Minn. Stat. § 125A.0942, subd. 4(10). The elimination of prone restraint was a result of building district capacity supported by a 2015 legislative appropriation totaling \$150,000 disbursed from November 2015 through June 30, 2016, to six entities (three intermediate school districts and three independent school districts) to develop work plans to address their specific needs.

<sup>6</sup> “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).

<sup>7</sup> On September 29, 2015, the State of Minnesota’s Olmstead Plan was approved by the Federal District Court and subsequently revised by the Olmstead subcommittee on March 26, 2018. The Olmstead Plan explains how state agencies work to meet the needs of persons with disabilities and support their participation in the most integrated settings in their communities.

<sup>8</sup> [Minn. Exec. Order No. 20-02](#) (March 15, 2020), (last accessed January 14, 2021), [Minn. Exec. Order No. 20-19](#) (March 25, 2020) (last accessed January 14, 2021). [Minn. Exec. Order No. 20-41](#) (April 24, 2020) (last accessed January 14, 2021).

learning and in-school learning.<sup>9</sup> As such, the data in this report presents as a significant departure from previous years, with a significant decline—26 percent—in the overall use of restrictive procedures during the 2019-20 school year as compared to the previous school year. The number of uses of seclusion decreased 30 percent and the number of students experiencing seclusion decreased 17 percent during the 2019-20 school year from the previous school year. The number of uses of physical holds decreased 25 percent and the number of students experiencing physical holds decreased 16 percent during the 2019-20 school year as compared to the previous school year. Students who identified as Black or African American, two or more races, and American Indian or Alaska Native continued to experience a disproportionate amount of restrictive procedures. For example, Black or African American students experienced 27 percent of physical holds although they comprised only 11.8 percent of the population.

This report recommends strategies and other resources to assist school districts in reducing the use of restrictive procedures and eliminating the use of seclusion. These strategies and resources stem from the increased use of Positive Behavioral Interventions and Supports (PBIS) and other strategies to address behaviors; the distribution of the Olmstead Local Improvement Grant funding for three districts to reduce the rates of restrictive procedures; the implementation of the Staff Development Grants for 10 intermediate districts and special education cooperative units to develop activities to better serve students who have challenging behaviors, mental health issues, and may be suffering from trauma; and MDE training sessions to enhance school districts' understanding of restrictive procedures laws and strategies to reduce the use of restrictive procedures. Further recommendations stem from federal resources discussing civil rights and disproportionalities in the use of restraint and seclusion and state resources pertaining to children's mental health services.

Finally, this legislative report includes the February 2021 Statewide Plan.<sup>10</sup> The February 2021 Statewide Plan outlines goals to support the continued submission of this legislative report; the compilation of strategies to recommend to school districts for reducing the use of restrictive procedures, working toward eliminating the use of seclusion, and addressing disproportionalities in the use of restrictive procedures; and the reduction of seclusion by 10 percent, in both the number of students experiencing seclusion and the number of uses of seclusion. The February 2021 Statewide Plan specifically outlines both MDE's actions and the Workgroup's actions in support of these goals, with an emphasis on addressing disproportionalities, family engagement, and mental health and trauma. The February 2021 Statewide Plan is intended to be in place for two years, with an update provided during the annual submission of the legislative report.

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<sup>9</sup> [Minn. Exec. Order No. 20-41](#) (April 24, 2020) (last accessed January 14, 2021).

<sup>10</sup> The 2019 Statewide Plan was implemented during the year 2020, and there is no gap in statewide plans. However, to avoid further confusion, statewide plans will now be named based on the year of submission.

## Analysis

### Workgroup process.

MDE continues working with a consultant from Minnesota Management and Budget's Management Analysis and Development to facilitate the Workgroup meetings and to increase stakeholder engagement in recommending to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. After the submission of the February 1, 2020 Legislative Report, due to the global COVID-19 pandemic, the Workgroup's April 10, 2020, meeting was cancelled. The remaining meetings—on July 17, 2020, October 28, 2020, and December 18, 2020—were held virtually. In addition to the virtual meetings, MDE conducted post-meeting surveys to gather additional input from stakeholders. Workgroup representatives were consistent with the interested stakeholders outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b). A list of the represented organizations may be found in Appendix A.

### Summary of the 2019 Statewide Plan progress and legislative recommendations.

The 2019 Statewide Plan includes six goals, many of which have accompanying strategies to assist with implementation. A copy of the 2019 Statewide Plan may be found in Appendix B.

**Goal 1:** By February 1, 2021, MDE will submit a report to the Minnesota Legislature summarizing the state's progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities related to the use of restrictive procedures.

**Goal 1 progress update:** Although the Workgroup did not meet in the spring of 2020 due to the global COVID-19 pandemic, a summer, fall, and winter meeting took place virtually. The Workgroup continued to meet quarterly; reviewed quarterly seclusion and restrictive procedures summary data, including data on student and staff injuries and data on disproportionalities reported by school districts to MDE; reviewed PBIS data collected by MDE; and reviewed the grantees' progress in implementing their work plan activities set forth in the Staff Development Grants. Further, the Workgroup began strategizing on how to diversify the Workgroup representation.

**Goal 2:** By June 20, 2021, in alignment with the Olmstead Positive Support Goals, schools will reduce the emergency use of restrictive procedures at school and increase the use of PBIS and other positive supports so that students are supported in the most integrated educational setting. Schools will continue to work toward the elimination of seclusion and to identify and consider strategies to address disproportionalities related to the use of restrictive procedures.

**Goal 2 progress update:** During the 2019-20 school year, there was a substantial reduction in the use of restrictive procedures, due, in part, to Minnesota schools closing from March 18, 2020 through the end of the 2019-20 school year. The overall use of restrictive procedures decreased 26 percent during the 2019-20

school year compared to the previous school year. The use of PBIS continued to increase with 55 percent of Minnesota school districts, 39 percent of Minnesota schools, and 43 percent of Minnesota students participating. The Workgroup's reexamination of MDE's data collection, analysis, and presentation of restrictive procedures data resulted in consistent data reporting and the addition of two qualitative questions to the physical holding summary data reporting during the 2020-21 school year. The recipients of the Staff Development Grants reported, overall, seeing a downward trend in the use of restrictive procedures.

**Goal 3:** Reduce seclusion statewide by 10 percent by the end of the 2019-20 school year: Ten percent reduction in number of students experiencing seclusion and 10 percent reduction in the number of uses of seclusion. The Workgroup will reevaluate the goal using data from SY19-20, data from the final work plan summaries for the FY19 Staff Development Grants for intermediate districts and special education cooperatives with instructional setting four programs, lessons from the [Olmstead Local Improvement] Grant, and research and analysis conducted as part of Workgroup or subgroup activities.

**Goal 3 progress update:** Highlights from the 2019-20 data collected by MDE show the number of uses of seclusion decreased 30 percent and the number of students experiencing seclusion decreased 17 percent during the 2019-20 school year from the previous school year. There was an overall reduction in the use of restrictive procedures from 22,528 in 2018-19 to 16,656 in 2019-20, a 26 percent reduction.

**Goal 4:** By January 1, 2020, MDE will provide funding to three school districts to pilot the [Olmstead Local Improvement] approaches for federal instructional settings one through three and setting four programs. The purpose of these grants is to assist districts in implementing positive behavior supports in order to reduce the rates of restrictive procedure use with students with disabilities. The grant awards will initially be one year in duration, with an option to annually extend the grant awards for up to a total of five consecutive years, and/or MDE may post the request for grant proposals annually. The request for grant proposals will require applicants to describe their school district's need in reducing the use of restrictive procedures and district and school-level data that supports how the need was determined. At least annually, the Workgroup will review the progress of the [Olmstead Local Improvement] Grants' impact on the school district recipients' use of restrictive procedures and will strategize how, where, and to whom to share the results.

**Goal 4 progress update:** Three school districts have been awarded Olmstead Local Improvement Grant funding and have set goals to reduce the overall number of restrictive procedures, as well as the number of restrictive procedures per student, number of students experiencing restrictive procedures, and the percentage of students experiencing restrictive procedures.

**Goal 5:** The restrictive procedures Workgroup will actively support: a) funding for staff development grants; b) expansion of mental health services; and c) additional funding for technical assistance.

**Goal 5 progress update:** In the past, the Workgroup has supported any and all funding for staff development grants, expansion of mental health services and any and all additional funding for technical assistance. The Workgroup committed to support these efforts, but there were not opportunities for additional funding this year.

**Goal 6:** The Workgroup will continue to participate in subgroups to work on these three specific areas in 2020: data and research, resources, and training.

**Goal 6 progress update:** During the July 17, 2020 meeting, the Workgroup participated in subgroups as outlined: data and research, resources, and training. Subsequently, at the October 28, 2020 and December 18, 2020 meetings, the Workgroup participated in subgroups assigned randomly by the virtual platform.

While the Workgroup does not recommend any amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942, the Workgroup was informed of amendments currently included in Governor Walz's 2021 policy bill. MDE shared these proposals with the Workgroup at its October 2020 meeting; the Workgroup discussed and provided comments.

## **School districts' progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures as outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b).**

### *Background*

In accordance with Minnesota Statutes, section 125A.0942, by July 15 of each year, districts must submit summary data for overall restrictive procedure use and physical holds for the preceding school year, as well as demographic information for students who were physically held. Summary data districts report include: total number of students who received special education services, total number of restrictive procedures uses, total number of students on whom a restrictive procedure was used, total physical holds, and demographic information of students who were physically held.

Following the end of each reporting quarter (i.e., July 1 through September 30, October 1 through December 31, January 1 through March 31, and April 1 through June 30),<sup>11</sup> all districts are further required to submit detailed information on the use of seclusions in that preceding quarter, including reports of zero uses.<sup>12</sup> Details of distinct seclusion uses that are collected include the start and end time of each seclusion use, the student's unique identification number, and whether any staff or student injuries resulted from the use. The student's unique identification number is then used to pull demographic data from MDE's student database, such as the student's birthdate, grade, race, primary disability, and instructional setting.<sup>13</sup>

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<sup>11</sup> Each quarter includes a different number of school days, which affects the number of seclusion uses that are reported during the quarter, and is important to consider when identifying trends over time.

<sup>12</sup> Required reporting of zero uses of seclusion by all districts began in the third quarter of the 2018-19 school year. This was the April 15 reporting date.

<sup>13</sup> Personally identifying information related to specific students constitute private data that cannot be released under the Minnesota Government Data Practices Act and the Family Education Rights and Privacy Act.

Ensuring consistent interpretation of terms and definitions of data elements among the districts has presented challenges. MDE continues to provide restrictive procedures training to districts to help with consistent reporting and continues to update reporting forms as needed to improve data collection. Despite these efforts, the current data collection system continues to be challenging for both school districts and MDE staff, particularly with regard to addressing and correcting errors in the data. Although the data presented in this report may still contain minor errors, MDE staff continue to correct errors in current and historical data as staffing and time permits. MDE is also in the process of developing a new data collection system for both physical holding and seclusion data and hopes to streamline data collection, reporting, and analysis for both reporting districts and MDE staff. MDE and the 2020 Workgroup believe that the integrity of the restrictive procedures data continues to improve each year.

School closures resulting from the COVID-19 pandemic, starting in March 2020, have had a significant impact on the collection and analysis of both seclusion and physical holding data. During the 2019-20 school year, Quarter 3 contained fewer school days than typical years, and no schools were open for typical in-person instruction during Quarter 4 of the school year. These changes contributed to significant decline in yearly numbers for the use of seclusions, physical holds, and total restrictive procedures. Because the data indicates that a downward trend was already underway prior to the COVID-19 pandemic, it is likely that reduced numbers would have been seen in 2019-20 even without school closures. However, this data should be interpreted with caution, as it is difficult to determine the effect of the COVID-19 pandemic as opposed to other possible reasons for such a decline.<sup>14</sup>

### **Key Data Points**

This report includes a summary of the key data points from the restrictive procedures data reported to MDE for the 2019-20 school year. A comprehensive analysis of the use of restrictive procedures, including demographic and disproportionality data, is described in Appendix C of this report.

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<sup>14</sup> In tables and figures in this report, an asterisk is used to indicate data that was affected by Covid-19-related school closures during the 2019-20 school year, as a reminder that caution should be used when making a comparison to previous years.

## Decline in the Use of Restrictive Procedures

Statewide, during the 2019-20 school year, districts reported a total of 16,656 restrictive procedures used, including 12,679 physical holds, and 3,977 seclusion uses. Total restrictive procedure use decreased from the 2018-19 school year by 26 percent.

**Table 1. Annual Physical Holds, Seclusion Uses, and Total Restrictive Procedures Uses, school years 2014-15 through 2019-20.**<sup>15</sup>

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2014-15	15,511	6,547	22,119
2015-16	15,600	6,425	22,028
2016-17	17,200	7,085	24,285
2017-18	18,884	6,163	25,175
2018-19	16,820	5,708	22,528
2019-20*	12,679	3,977	16,656

**Table 2. Percentage Change in the Use of Restrictive Procedures, school years 2018-19 to 2019-20.**

Year	Physical Holds	Percent Change	Seclusion	Percent Change	Total Restrictive Procedures	Percent Change
2018-19	16,820		5,708		22,528	
2019-20*	12,679	-25%	3,977	-30%	16,656	-26%

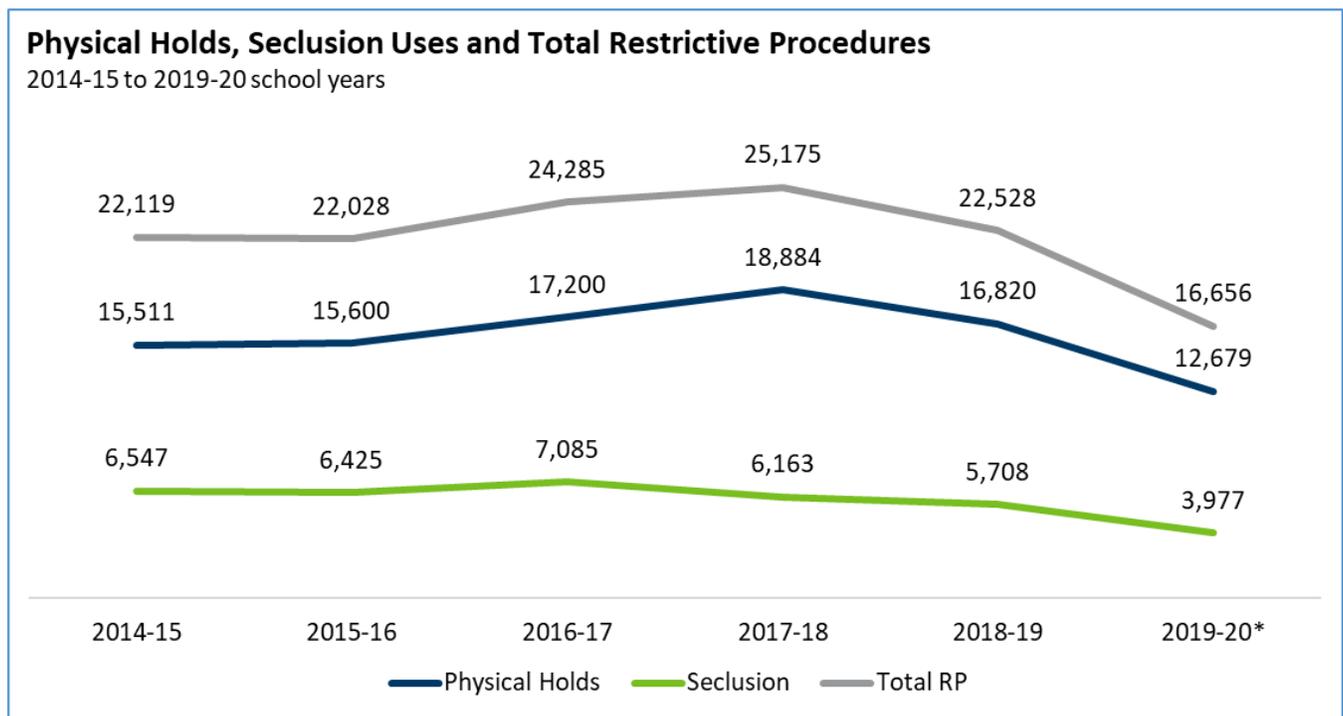
<sup>15</sup> Due to ongoing correction of data errors and an analysis with updated software, total counts of restrictive procedures reported in previous legislative reports has been revised and updated in this report.

As shown in Figure A below, seclusion use has continued to decline since 2017-18. Districts reported 3,977 uses of seclusion during the 2019-20 school year, a decrease of 30 percent from the 2018-19 school year. Although the decrease in the use of seclusion is certainly due, at least in part, to Covid-19-related school closures, a decrease in the use of seclusion would likely have occurred in the absence of COVID-19.

Additionally, as shown in Figure A, the number of physical holds has continued to decrease since the 2017-18 school year. Districts reported 12,679 physical holds during the 2019-20 school year, a decrease of 25 percent from the 2018-19 school year. Although the lower number of physical holds during the 2019-20 school year is certainly due, at least in part, to Covid-19-related school closures, these numbers support a conclusion that a decrease in the use of physical holding would likely have been observed even if schools had operated in-person all year.

**Figure A. Annual Physical Holds, Seclusion Uses, and Total Restrictive Procedures Uses, school years 2014-15 through 2019-20.**

Covid-19-related school closures affected data from the 2019-20 school year.



### Decline in the Number of Students Experiencing Restrictive Procedures

The number of students experiencing restrictive procedures fell during the 2019-20 school year, including reductions in the number of students experiencing seclusions as well as the number of students experiencing physical holds. Districts reported using restrictive procedures with 3,052 students in the 2019-20 school year, as seen in Table 3 below, a decrease of 15.3 percent from the 2018-19 school year. Districts further reported using seclusion with 753 students during the 2019-20 school year, as seen in Table 4 below. This represents a decrease of 17 percent from the previous school year, as compared to an increase of six percent between the 2017-18 and 2018-19 school years. Although school closures resulting from the COVID-19 pandemic certainly contributed to the decline in the number of students experiencing seclusion, this measure has shown a slight downward trend since the 2016-17 school year. The percentage of special education students experiencing seclusion uses stayed relatively constant at .5 percent, as compared to .6 percent during the 2018-19 school year.

**Table 3. Annual Number of Students Experiencing Restrictive Procedures, 2016-17 to 2019-20 school years.**

Year	Number of Students Experiencing Restrictive Procedures
2016-17	3,476
2017-18	3,546
2018-19	3,603
2019-20*	3,052

**Table 4. Annual Number of Students Experiencing Seclusion, 2016-17 to 2019-20 school years.**

Year	Number of Students Experiencing Seclusion
2016-17	1,044
2017-18	855
2018-19	906
2019-20*	753

Districts reported using physical holds with 2,828 students during the 2019-20 school year, as seen in Table 4 below. This a decrease of 16 percent from the previous year, as compared to a decline of 3 percent between the 2017-18 and 2018-19 school years. The percentage of special education students experiencing physical holds decreased slightly to 1.9 percent, as compared to 2.3 percent during the 2018-19 school year.

**Table 5. Annual Number of Students Experiencing Physical Holds, 2017-18 to 2019-20 school years.**

Year	Number of Students Experiencing Physical Holds
2017-18	3,465
2018-19	3,357
2019-20*	2,828

## Continued Disproportionality on the Basis of Race

Consistent with previous years, both seclusion and physical holding data show disproportionality on the basis of race. Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races are all overrepresented in the use of physical holds and seclusions.

Figure B (below) shows the race/ethnicity of students who experienced seclusions during the 2019-20 school year. In the 2019-20 school year, Black or African American students experienced 14 percent of all seclusions, although they are 11.8 percent of the population. Students who are identified as two or more races account for 11.8 percent of all seclusion uses, although they comprised just 6.5 percent of the population. American Indian or Alaska Native students, at 2.8 percent of the population, experienced 3.9 percent of the uses of seclusion. Students identified as Hispanic or Latino and Asian students are underrepresented with regard to seclusion uses, with White students experiencing seclusion at a proportional rate.

**Figure B. Seclusion Uses by Student’s Race/Ethnicity, as compared to Special Education Enrollment, 2019-20 school year.**

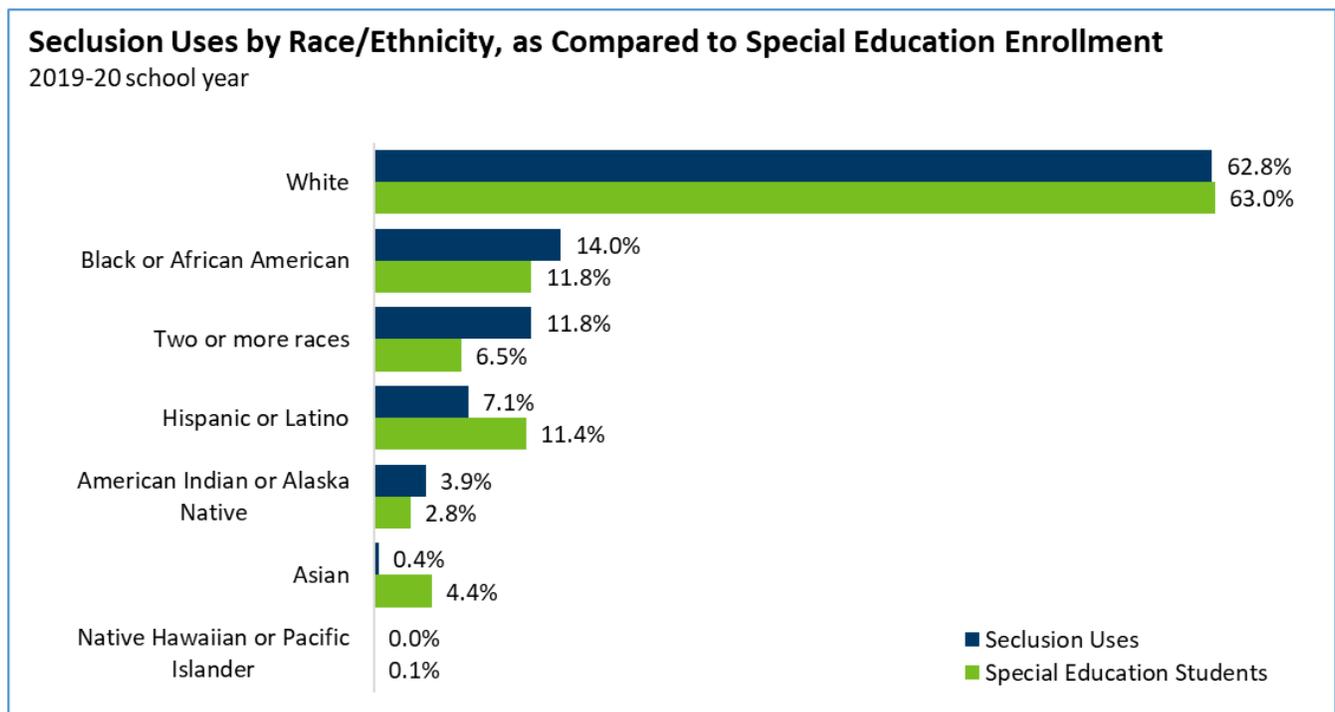
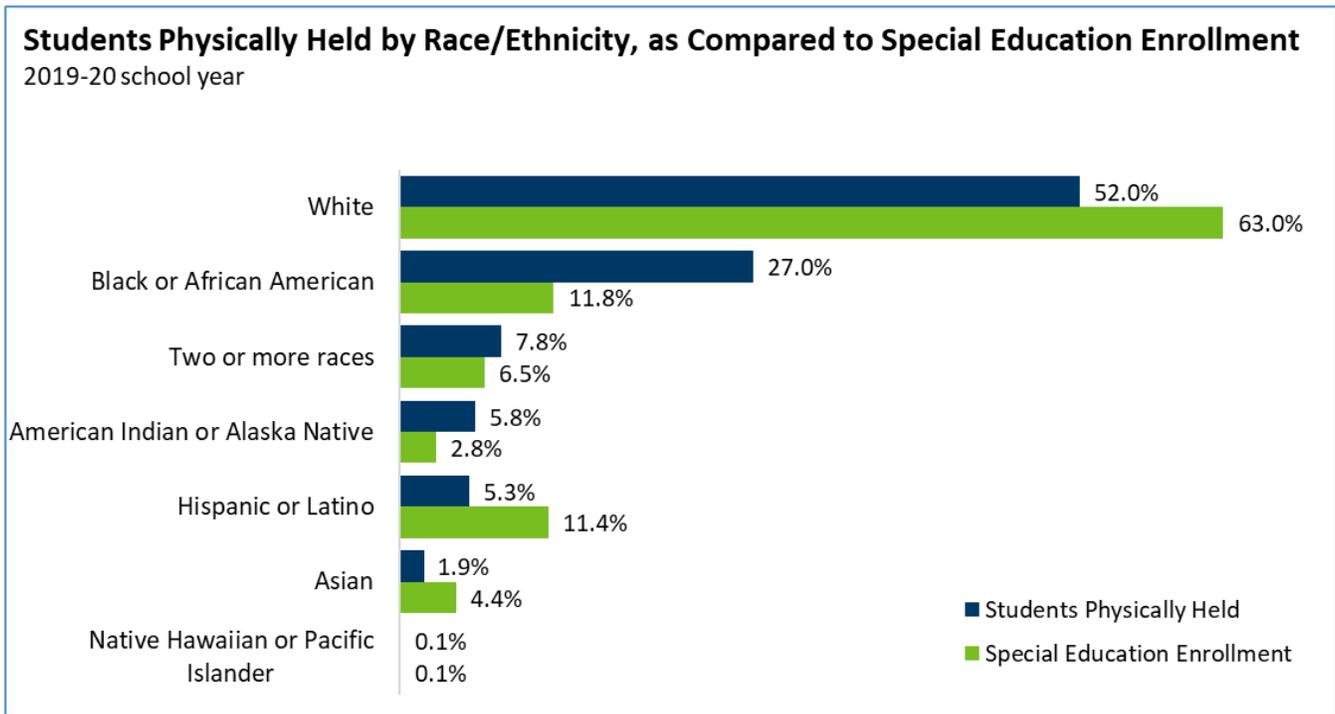


Figure C (below) shows the race/ethnicity of students who experienced physical holds during the 2019-20 school year. Black or African American students, who comprise 11.8 percent of the special education population, experienced 27 percent of the physical holds that occurred during the 2019-20 school year. Students reported as two or more races, who are 6.5 percent of the special education population, experienced 7.8 percent of the physical holds. American Indian or Alaska Native students are 2.8 percent of the population and experienced 5.8 percent of the physical holds.

**Figure C. Students Physically Held by Student’s Race/Ethnicity, as Compared to Special Education Enrollment, 2019-20 school year.**



Additional data on school districts’ progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures during the 2019-20 school year may be found in Appendix C.

**Recommended strategies and examples of implementation throughout the previous year for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures.**

The following recommended strategies are based on activities MDE, school districts, and/or Workgroup members engaged in to accomplish the state’s goal to reduce the use of restrictive procedures and eliminate the use of seclusion as outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b). The recommendations include resources, training, technical assistance, mental health services, and collaborative efforts taken to reduce the use of restrictive procedures and work towards eliminating the use of seclusion. Below are examples of strategies implemented since the submission of the 2020 Legislative Report. A list 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.

MDE continues to offer training sessions to school districts and other interested stakeholder groups throughout the state. The restrictive procedures training includes an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations and recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. MDE provided three restrictive procedures trainings during the 2019-20 school year, training over 75 school district staff throughout the State of Minnesota. MDE also provided eight school discipline training sessions to over 500 staff and 13 special education due process training sessions to over 750 staff across Minnesota.

PBIS is a state-initiated project that provides school 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. As reported above, Minnesota continues to expand PBIS with 55 percent of Minnesota school districts, 39 percent of Minnesota schools, and 43 percent of Minnesota students currently participating.

Fiscal year 2019 was the final year of the Staff Development Grants awarded to ten intermediate school districts and special education cooperative units to fund a wide range of activities related to enhancing services for students with challenging behaviors, mental health issues, or trauma. Commonalities and unique approaches reported by school districts on what is working included a focus on trauma-informed practices and relationship building; continued support for implementation; widespread training by onsite trainers; emphasis on social emotional learning for students; reduction in incidents involving police; and referral processes, improved debriefs, and/or individualized data reviews. The school districts reported COVID-19, lack of culturally-responsive school leadership, lack of qualified staff, and lack of access to ongoing resources for staff training as opportunities for improvement and/or barriers to success. School districts continued to report that changes, positive or negative, in the school district's restrictive procedures numbers do not always accurately portray their school district's story. Further, due to COVID-19-related school closures, school districts cautioned that their data from the 2019-20 school year is incomplete and difficult to compare to previous years. However, overall, most school districts report that they are seeing a downward trend in the use of restrictive procedures. A complete staff development grant FY19 summary may be found in Appendix E.

The funding for the Olmstead Local Improvement 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 individualized education programs—and goals were set to reduce the rates of restrictive procedures. The programs identified for implementation by the school districts include Love and Logic, Life Space Crisis intervention, and Crisis Prevention Institute Peer Coaching.

During the reexamination of MDE's data collection, analysis, and presentation of restrictive procedures data, two qualitative questions were proposed to be added to the summary data reporting for the 2020-21 school year. Specifically, the questions gather additional recommendations from school districts about what is or is not working with their attempts to reduce the use of restrictive procedures. The questions are:

1. The State of Minnesota has a goal to reduce the use of restrictive procedures in our schools. What did your district try this year to reduce the number of restrictive procedures in your

district, including addressing disproportionalities? For example, staff training, revised schedules, staffing changes, increase positive supports, etc. Please be as specific and detailed as possible.

2. MDE is gathering information on district strategies that have been successful in reducing the district's use of restrictive procedures for the purposes of sharing with other districts in Minnesota. Of the things your district tried this past year, what would you recommend to other districts to reduce the use of restrictive procedures in their schools? Please include any strategies used to successfully identify and address disproportionalities related to the use of restrictive procedures. What additional information regarding these strategies would be helpful to other districts or MDE?

It is anticipated that the information collected and reported out by MDE will provide additional strategies and resources to assist school districts in reducing the use of restrictive procedures and eliminating seclusion.

## February 2021 Statewide Plan.

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

The measurable goals outlined in the February 2021 Statewide Plan are:

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

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

**Goal 3:** Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion from July 1, 2019 to June 30, 2022,<sup>16</sup> and annually thereafter. Specifically, there will be at

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<sup>16</sup> MDE notes that monitoring this goal may be problematic during the COVID-19 pandemic. As noted in the legislative report, reduction in restrictive procedures, and seclusion, may be due in part to hybrid learning and distance learning models being implemented by school districts. MDE and the Workgroup will continue to monitor progress and adjust goals

least a 10 percent reduction in the number of students experiencing seclusion and at least a 10 percent reduction in the number of uses of seclusion as reported to MDE by Minnesota school districts.

Continuing to utilize a consultant from Minnesota Management and Budget's Management Analysis and Development, and utilizing principles from Results-Based Accountability, the Workgroup reviewed and analyzed partners' roles in reducing the use of restrictive procedures and eliminating seclusion. The identified partners, include: MDE, the Workgroup, oversight committees, school staff, IEP teams, advocates and associations, and families. The Workgroup discussed partners' roles in data collection and analysis and in responding to concurrent major events (namely the COVID-19 pandemic and calls for racial justice). Ultimately, the defined roles and identified partners assisted the Workgroup in determining the action items outlined in the February 2021 Statewide Plan.

The Workgroup identified seven action items for MDE and three action items for the Workgroup to achieve the three identified goals. The action items emphasize that recommendations will specifically consider disproportionalities, family engagement, and mental health and trauma. A copy of the February 2021 Statewide Plan may be found in Appendix F.

## Conclusion

MDE respectfully submits this report consistent with Minnesota Statutes, section 125A.0942, subdivision 3(b). The report details school districts' progress on reducing the use of restrictive procedures and eliminating seclusion along with recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. During the 2019-20 school year, the data reported by school districts was a significant downward departure from previous years, due in part to the global COVID-19 global pandemic and school closures, with a 26 percent decrease in the overall use of restrictive procedures from the previous school year. Programs and interventions such as training on the legal standards relating to the emergency use of restrictive procedures, PBIS, trauma-informed training and practices, restorative practices, social emotional learning, and continued 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.

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accordingly. Changes in data will be compared to the July 1, 2019 data, which was collected prior to the COVID-19 pandemic.

## Appendix A - List of Restrictive Procedures Workgroup Participants

### Stakeholder Organizations that Participate in the Workgroup

AspireMN  
Autism Society of Minnesota  
Disability Law Center  
Grand Rapids School District 318  
Intermediate School District 287  
Intermediate School District 916  
Intermediate School District 917  
Minnesota Association of County Social Service Administrators – Hennepin County  
Minnesota Association of County Social Service Administrators – Meeker County  
Mahtomedi School District 832  
Minnesota Administrators for Special Education  
Minnesota Department of Human Services  
Minnesota School Board Association  
National Alliance on Mental Illness  
Olmsted County  
PACER Center  
Rosemount-Apple Valley-Eagan School District 196  
Shakopee School District 720  
Southwest Metro Intermediate School District 288  
Southwest Service Cooperative  
St. Paul Public School District 625  
The Arc Minnesota  
Waconia School District 110  
Wayzata School District 284

### MDE Participants

Assistant Commissioner  
Division of Compliance and Assistance  
Division of Special Education Policy

## Appendix B - 2019 Statewide Plan

### Goal 1

By February 1, 202[1], MDE will submit a report to the Minnesota Legislature summarizing the state's progress on reducing the use of restrictive procedures, working toward the elimination of seclusion, and identifying disproportionalities related to the use of restrictive procedures.

#### *Strategies for Implementing Goal 1*

1. The Workgroup will meet in spring 2020 to:
  - (i) Determine how many additional meetings and subgroup meetings are necessary to allow the Workgroup to accomplish the work outlined in the February 1, 2020 legislative report and reach consensus on recommendations for the February 1, 2021 legislative report; and
  - (ii) Review quarterly seclusion data collected by MDE.
2. The Workgroup will meet in summer 2020 to:
  - (i) Review quarterly seclusion data collected by MDE.
3. The Workgroup will meet in fall 2020 to:
  - (i) Review PBIS data collected by MDE;
  - (ii) Review restrictive procedures summary data collected by MDE, including data on student and staff injuries and data on disproportionalities;
  - (iii) Review quarterly seclusion data collected by MDE; and
  - (iv) Review the grantee's progress in implementing their work plan activities described in the Staff Development Grants.
4. During restrictive procedures meetings in 2020 and 2021, the Workgroup will strategize how to diversify Workgroup representation to include underserved and underrepresented communities, including, but not limited to, communities of color, the LGBTQ+ community, and teachers and paraprofessionals. This will include discussing how to obtain input beyond Workgroup representation, including obtaining input from parents and families.

### Goal 2

By June 30, 2021, in alignment with the Olmstead Positive Support Goals, schools will reduce the emergency use of restrictive procedures at school, and increase the use of PBIS and other positive supports so that students are supported in the most integrated educational setting. Schools will continue to work toward the elimination of

seclusion and identify and consider strategies to address disproportionalities related to the use of restrictive procedures.

*Strategies for implementing Goal 2*

1. MDE will continue to maintain updated model forms, including but not limited to, restrictive procedures plan forms and reporting forms, in response to any legislative changes to Minnesota Statutes, section 125A.0942.
2. MDE will continue to offer on-site training at school districts throughout the state that provides an overview of Minnesota's restrictive procedures statutes pertaining to children with disabilities, including: a) requirements that must be met before using restrictive procedures and the standards for use; b) information from and references to the Positive Intervention Strategies Training modules posted on MDE's website; c) successful school district work plan outcomes resulting from the receipt of the [Olmstead Local Improvement Grant]; and, d) positive behavior supports and PBIS. The training will include information from and references to the successful school district outcomes resulting from the receipt of the Staff Development Grants, including district-specific points of contact. The training will also include any resources gathered by the Workgroup to assist in working toward the elimination of seclusion, and identifying and considering strategies to address disproportionalities related to the use of restrictive procedures.
3. In consultation with the restrictive procedures Workgroup, MDE will develop a continuum of restrictive procedures and behavioral strategies trainings. These trainings will be designed for an array of audiences to assist in working toward reducing the use of restrictive procedures, eliminating the use of seclusion, and identifying disproportionalities related to the use of restrictive procedures. These trainings will include, but are not limited to, Special Education 101 training for new teachers and teachers on variant licenses; trainings designed for audiences of non-licensed school district staff, such as transportation, custodial, and food and nutrition services staff; and trainings designed for parents. The Workgroup will determine the most beneficial topics to include in the training(s) to assist school district staff in working toward reducing the use of restrictive procedures and eliminating the use of seclusion. Topics will include, but will not be limited to, resources on PBIS, positive behavior supports, mental health resources, working effectively with school resource officers or police officers, and the standards for using restrictive procedures in emergency situations.
4. The Workgroup will continue to gather, develop, and review information and resources to share with school districts and parents of students with disabilities to assist in working toward eliminating the use of seclusion, and will help identify and consider strategies to address disproportionalities related to the use of restrictive procedures. This information will come from other state agencies, other state task forces and Workgroups, federal agencies, and the Workgroup, as determined appropriate. In particular, the Workgroup will identify best and/or promising practices on collaboration and develop resources to support local collaborative efforts, and will identify and seek needed collaboration with interagency partners to provide services to reduce emergency situations where restrictive procedures, specifically seclusion, are used. The Workgroup will strategize how and where to house these resources to

efficiently and effectively reach targeted audiences, which may include MDE's Restrictive Procedures Workgroup page on its website and/or other publicly available platforms.

5. By February 1, 2020, the Workgroup will begin to reexamine MDE's collection, analysis and presentation of restrictive procedures data, in light of the Workgroup's legislative purpose of recommending specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and eliminating the use of seclusion, in accordance with Minnesota Statutes, section 125A.0942.

### **Goal 3**

Reduce seclusion statewide by 10 percent by the end of the 2019-20 school year: 10 percent reduction in number of students experiencing seclusion and 10 percent reduction in the number of uses of seclusion. The Workgroup will reevaluate the goal using data from SY19-20, data from the final work plan summaries for the FY19 Staff Development Grants for intermediate districts and special education cooperatives with instructional setting four programs, lessons from the [Olmstead Local Improvement Grant], and research and analysis conducted as part of Workgroup or subgroup activities.

### **Goal 4**

By January 1, 2020, MDE will provide grant funding to three school districts to pilot the [Olmstead Local Improvement Grant] approaches for federal instructional settings one through three and setting four programs. The purpose of these grants is to assist districts in implementing positive behavior supports in order to reduce the rates of restrictive procedure use with students with disabilities. The grant awards will initially be one year long, with an option to annually extend the grant awards for up to a total of five consecutive years, and/or, MDE may post the request for grant proposals annually. The request for grant proposals will require applicants to describe their school district's need in reducing the use of restrictive procedures and district and school-level data that supports how the need was determined. At least annually, the Workgroup will review the progress of the Improvement Tree Pilot Grants' impact on the school district recipients' use of restrictive procedures, and will strategize how, where, and to whom to share the results.

### **Goal 5**

The restrictive procedures Workgroup will actively support:

- a. Funding for staff development grants.
- b. Expansion of mental health services.
- c. Additional funding for technical assistance.

### **Goal 6**

The Workgroup will continue to participate in subgroups to work on these three specific areas in 2020: data/research, resources, and training.

## **Appendix C - Data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2019-20 school year**

### **Background on Data Collection**

Beginning in the 2011-12 school year, districts began submitting annual summary data to MDE on the use of restrictive procedures. Since the start of the 2016-17 school year, following 2016 legislative changes, public school districts are required, on a quarterly basis, to submit a form with detailed data for individual seclusion uses to MDE through a secure website. Starting in April 2019, all districts are required to complete quarterly seclusion reporting, either through completing the previously mentioned form or emailing to confirm zero seclusion uses. Currently, public school districts, including intermediate school districts and charter schools, are required to submit summary data regarding the overall use of restrictive procedures and physical holds and more detailed data regarding seclusion use. This section of the legislative report provides a brief overview of all students who received special education services, a summary of all restrictive procedure uses, and demographic information about students who experienced a restrictive procedure.

### *Collection Methods and Limitations*

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

The current data collection system continues to present challenges for districts in reporting data, as well as for MDE staff in collecting and analyzing the data. Identifying and correcting errors in the data is particularly challenging and continues to require extensive staffing resources and time. MDE continues to correct errors and update data as it becomes available, with the result being that some of the data contained in this report has been updated since it was reported in previous legislative reports. Although the data presented in this report may still contain minor errors, MDE staff continue to correct errors in current and historical data as staffing and time permits.

MDE has also been working to streamline our data collection and reporting process, with a goal of providing more consistent and accurate data to the Workgroup and in legislative reports. MDE staff have also been working to develop a new data collection system for both physical holding and seclusion data, with the goal that it will be easier for districts to report accurate data and easier for MDE to collect and analyze this data. In addition, MDE has, in consultation with the Workgroup, developed questions that will be used to gather information from districts about what has worked in their district to reduce the use of restrictive procedures. Districts will be asked to provide narrative responses to this set of qualitative questions annually as part of their July 15 annual physical holding summary report.

There are several limitations specific to the restrictive procedures data currently available to MDE. Although MDE now has eight school years of summary data for overall restrictive procedures use, physical holds, and demographic information of students physically held, analysis is limited by the fact that the data is summarized at the district level. Patterns of physical holding can be examined between districts or groups of students along several demographic categories, but it is not possible to know which students were physically held multiple times or how often. On the other hand, the seclusion data allows for a deeper analysis, but MDE currently has data for just four school years (2016-17, 2017-18, 2018-19, and 2019-20). MDE is in the process of developing different data reporting and analysis tools to further refine data validation processes.

### *Effect of COVID-19*

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

School closures due to COVID-19 had a significant impact on the collection and analysis of both seclusion and physical holding data. Quarter three seclusion data is collected by April 15, 2020, for the period of time between January 31 and March 31, 2020. During the 2019-20 school year, quarter three contained fewer school days than previous years: around 10 fewer days, although this number varied by district, as several districts had scheduled spring breaks during that time period, and other districts chose to close prior to March 18, 2020. The change in the number of school days in the third quarter of the 2019-20 school year makes it difficult to compare this data to the third quarter of previous years.

As no public school districts or charter schools provided in-school learning during the remainder of the 2019-20 school year, no seclusions or physical holds occurred during this time period. Accordingly, 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 demonstrates a significant reduction in the use of seclusions, physical holds, and total restrictive procedures as compared to previous years. Although the data does indicate that these rates were already trending downwards prior to the COVID-19 pandemic, it is clear that school closures related to the pandemic contributed to the decrease in rates. In general, caution should be used when comparing 2019-20 data to similar data from previous years, due to the effect of Covid-19-related school closures.<sup>18</sup>

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<sup>17</sup> [Minn. Exec. Order No. 20-02](#) (March 15, 2020), (last accessed January 15, 2021); [Minn. Exec. Order No. 20-19](#) (March 25, 2020) (last accessed January 15, 2021); [Minn. Exec. Order No. 20-41](#) (April 24, 2020) (last accessed January 15, 2021).

<sup>18</sup> In tables and figures in this report, an asterisk is used to indicate data that was affected by Covid-19-related school closures during the 2019-20 school year, as a reminder that caution should be used when making a comparison to previous years.

## Minnesota Students Receiving Special Education Services

For more than 20 years, the number of Minnesota students receiving special education services has been steadily increasing. In order to compare the students who experience restrictive procedures with the greater population of students receiving special education services in Minnesota, a brief overview of students receiving special education services in Minnesota schools is provided below in Table 1. The description includes the demographic characteristics collected on the Restrictive Procedures Annual Summary Form and shows how the special education population is changing over time.

**Table 1. Demographics of Minnesota Students Receiving Special Education Services, 2017-18 through 2019-20<sup>19</sup>**

Gender	2017-18	2018-19	2019-20
Female	32.8%	33.0%	33.1%
Male	67.2%	67.0%	66.9%
Total	100%	100%	100%

Age Group	2017-18	2018-19	2019-20
0-5 years	16.5%	16.6%	16.6%
6-10 years	32.7%	33.1%	33.5%
11-15 years	33.4%	33.3%	33.2%
16-21 years	17.4%	17.1%	16.7%
Total	100%	100%	100%

Race/Ethnicity	2017-18	2018-19	2019-20
American Indian/Alaska Native	2.7%	2.8%	2.8%
Asian	4.2%	4.3%	4.4%
Black/African American	11.9%	11.8%	11.8%
Hispanic	10.8%	11.0%	11.4%
Pacific Islander/Hawaiian Native	0.1%	0.1%	0.1%
Two or more races	5.9%	6.1%	6.5%
White	64.5%	63.9%	63.0%
Total	100%	100%	100%

<sup>19</sup> This chart was originally provided in the FY 2019 Annual Report. However, as the restrictive procedures data contained in this report address seclusions and physical holds that occurred during the 2019-20 school year, it remains most relevant to consider demographic information during the 2019-20 school year. Accordingly, this chart has not been updated with demographic information collected during the 2020-21 school year. However, minor corrections have been made to address previous reporting errors and/or updated data.

Instructional Setting	2017-18	2018-19	2019-20
Level 1: Outside of regular education classroom less than 21% of school day	52.2%	52.4%	52.4%
Level 2: Outside of regular education classroom more than 21% and less than 60% of school day	19.4%	19.2%	19.2%
Level 3: In a separate classroom more than 60% of the school day	8.4%	8.3%	8.3%
Level 4: Public separate day school for students with disabilities	3.2%	3.2%	3.2%
Early Childhood	11.9%	11.9%	12.0%
Other	4.9%	5.0%	4.9%
Total	100%	100%	100%

Disability	2017-18	2018-19	2019-20
Autism Spectrum Disorder	13.6%	13.9%	14.2%
Deaf – Blind	0.1%	0.1%	0.1%
Deaf – Hard of Hearing	1.8%	1.7%	1.7%
Developmental Delay	12.9%	13.1%	13.2%
Developmental Cognitive Disabilities: Mild-Moderate	3.9%	3.7%	3.5%
Developmental Cognitive Disabilities: Severe-Profound	1.4%	1.3%	1.2%
Emotional/Behavioral Disorders (EBD)	11.2%	11.4%	11.4%
Other Health Disabilities	13.9%	13.6%	13.4%
Physically Impaired	1.1%	1.1%	1.1%
Severely Multiply Impaired	1.1%	1.0%	1.1%
Specific Learning Disabilities	22.7%	22.9%	23.1%
Speech/Language Impaired	15.6%	15.5%	15.4%
Traumatic Brain Injury Disabled	0.3%	0.3%	0.3%
Visually Impaired	0.4%	0.3%	0.3%
Total	100%	100%	100%

Minnesota schools reported 152,012 students receiving special education services in the 2019-20 school year. Figure A (below) shows the annual growth of students receiving special education services since the 2014-15 school year and highlights the increasing rate at which the population has grown since that time. In the last two years, the number of students receiving special education services increased by 3.7 percent in the 2018-19 school year and 3 percent in the 2019-20 school year.

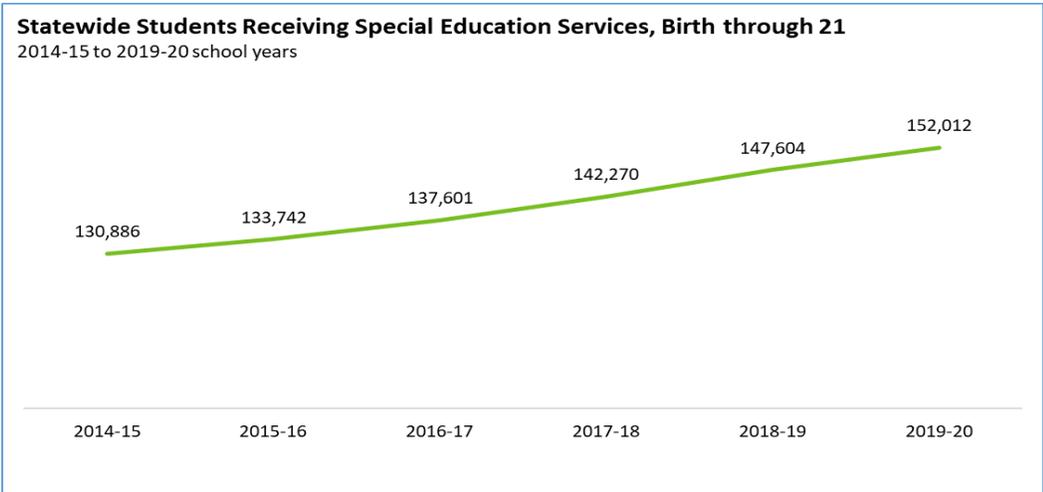
Since the 2011-12 school year, the demographic characteristics of Minnesota students receiving special education services have remained largely stable, with the exception of race and ethnicity. Table 1 (above) shows the percentage of students by gender, age group, race and ethnicity, primary disability, and the most common instructional setting for the 2017-18 through 2019-20 school years. The percentage of students across the groups within each category displayed in Table 1 has fluctuated within 2 percentage points over the last seven school years, with the exception of race and ethnicity. There have been no consistent trends for any one group within the categories listed. However, there have been greater changes between the race and ethnicity groups of students who receive special education services. With race and ethnicity groups, the greatest change is a 6.4 percentage point decrease in the proportion of students identified as white from the 2011-12 to the 2019-20

school years. As the percentage of white students decreased, students identified as two or more races and Hispanic have both increased.

Districts determine a student’s eligibility for special education services based upon meeting criteria in one of 14 disability categories. The category Specific Learning Disability is the largest category, accounting for 23.1 percent of students receiving special education services in Minnesota. Students with speech or language impairments account for just over 15 percent of students with disabilities, a number that has slightly decreased nearly every year since 2011-12. During the same time, the percentage of students with Autism Spectrum Disorders or Developmental Delay have slightly increased nearly every year. Table 1 shows the percentage of students in each of the 14 disability categories.

Students receive special education services in different types of instructional settings, depending on their age and needs. The instructional setting a student is placed in is one indicator of the intensity of his or her needs, but setting alone is insufficient to describe the student’s needs. Over time, the percentage of students receiving special education services in each setting has remained constant. Students receiving special education services in kindergarten through grade 12 are most commonly in federal instruction setting levels one through four, with level one being the least restrictive placement, where students with disabilities spend most of their time with nondisabled peers. More than half of the students (52.4 percent) receiving special education services in kindergarten through grade 12 are in level one settings, meaning they spend most of their time in a general education classroom and spend less than 21 percent of their time separated from nondisabled peers. Students in level four settings, 3.2 percent, spend more than 50 percent of the day in a separate school facility for students with disabilities that does not include nondisabled peers. This number includes level four programs operated by independent school districts, intermediate school districts, and special education cooperatives.

**Figure A. Annual Enrollment of Students Receiving Special Education Services, Birth through 21, 2014-15 to 2019-20 school years.**



## Total Restrictive Procedures Use

The use of restrictive procedures, as outlined below in Table 2, has been decreasing since a peak in the 2017-18 school year. Statewide, during the 2019-20 school year, districts reported a total of 16,656 restrictive procedures used, including 12,679 physical holds and 3,977 seclusion uses. Total restrictive procedure use decreased from the 2018-19 school year by 26 percent, as described in Table 3.

**Table 2. Annual Physical Holds, Seclusion Uses, and Total Restrictive Procedures Uses, 2014-15 through 2019-20 school years.**<sup>20</sup>

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2014-15	15,511	6,547	22,119
2015-16	15,600	6,425	22,028
2016-17	17,200	7,085	24,285
2017-18	18,884	6,163	25,175
2018-19	16,820	5,708	22,528
2019-20*	12,679	3,977	16,656

**Table 3. Percentage Change in the Use of Restrictive Procedures, 2018-19 to 2019-20 school years.**

Year	Physical Holds	Percent Change	Seclusion	Percent Change	Total Restrictive Procedures	Percent Change
2018-19	16,820		5,708		22,528	
2019-20*	12,679	-25%	3,977	-30%	16,656	-26%

Fewer students experienced restrictive procedures during the 2019-20 school year than in previous years, as shown in Table 4. Districts reported that 3,052 students experienced one or more uses of restrictive procedures during the 2019-20 school year, a 15 percent decrease from the 3,603 students that experienced restrictive procedures in 2018-19.

**Table 4. Annual Number of Students Experiencing Restrictive Procedures, 2016-17 to 2019-20 school years.**

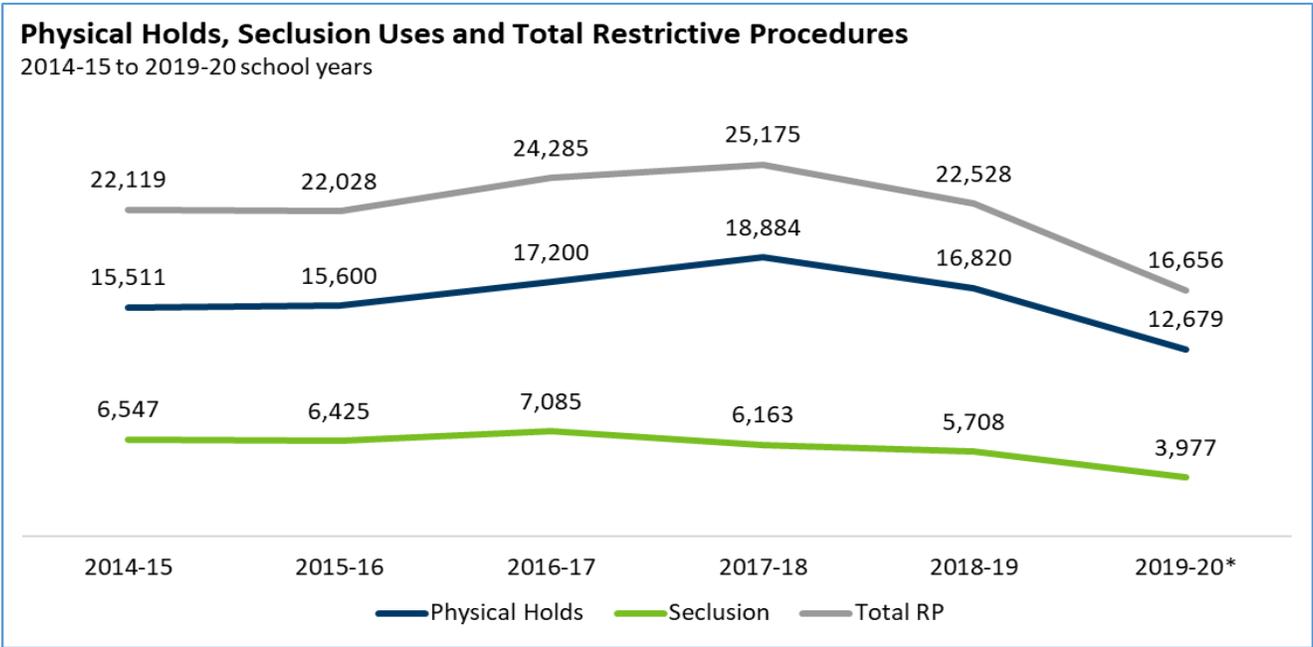
Year	Number of Students Experiencing Restrictive Procedures
2016-17	3,476
2017-18	3,546
2018-19	3,603
2019-20*	3,052

<sup>20</sup> Due to ongoing correction of data errors and an analysis with updated software, total counts of restrictive procedures reported in previous legislative reports has been revised and updated in this report.

Figure B (below) shows the trend of total restrictive procedures used, as well as physical holds and seclusions, reported by Minnesota districts since the 2014-15 school year. As shown in Figure B, the number of physical holds has continued to decrease since the 2017-18 school year. Districts reported 12,679 physical holds during the 2019-20 school year, a decrease of 25 percent from the 2018-19 school year. Districts reported using physical holds with 2,828 students during the 2019-20 school year, which is a decrease of 16 percent from the previous year. The percentage of special education students experiencing physical holds decreased slightly to 1.9 percent, as compared to 2.3 percent during the 2018-19 school year. Although the lower numbers of physical holds during the 2019-20 school year is certainly due, at least in part, to Covid-19-related school closures, these numbers support a conclusion that a decrease in the use of physical holding would likely have been observed even if schools had operated in-person all year.

Additionally, as shown below in Figure B, seclusion use has continued to decline since the 2017-18 school year. Districts reported 3,977 uses of seclusion during the 2019-20 school year, a decrease of 30 percent from the 2018-19 school year. Districts reported using seclusion with 753 students during the 2019-20 school year, a decrease of 17 percent from the previous school year. The percentage of special education students experiencing seclusion stayed relatively constant at .5 percent (as compared to .6 percent during the 2018-19 school year). As with physical holds, although the decrease in the use of seclusion is certainly due, at least in part, to Covid-19-related school closures, a decrease in the use of seclusion likely would have occurred in the absence of COVID-19.

**Figure B. Annual Physical Holds, Seclusion Uses, and Total Restrictive Procedures Uses, 2014-15 through 2019-20 school years.**



## Seclusion

MDE now has detailed data of individual seclusion uses for four school years: 2016-17, 2017-18, 2018-19, and 2019-20. The number of school days in each reporting quarter varies, leading to a wide variance in the total number of students secluded and seclusion uses during each quarter. Therefore, quarterly statistics 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 2019-20 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. Due to a significantly reduced number of school days as compared to typical school years, comparison of 2019-20 seclusion numbers to previous school years should be reviewed with caution.

### *Reporting Districts*

A total of 54 districts reported seclusion use during the 2019-20 school year, a decrease from 66 districts in 2018-19 and 71 districts in the 2017-18 school year.

### *Overall Seclusion Use*

Annual statistics indicate an overall decrease in seclusion use during the 2019-20 school year from the previous school year. During the 2019-20 school year, districts reported a total of 3,977 seclusion uses and 753 students who experienced seclusion, a reduction of 30 percent in uses overall and a decrease of 17 percent of students experiencing seclusion from the previous school year. Data regarding the change in the number of students experiencing seclusion is presented below in Table 5.

**Table 5. Annual Number of Students Experiencing Seclusion, 2016-17 to 2019-20 school years.**

Year	Number of Students Experiencing Seclusion
2016-17	1,044
2017-18	855
2018-19	906
2019-20*	753

Figure C (below) highlights the overall downward trend of seclusion uses since the 2016-17 school year. Although an increase in seclusion uses occurred during quarter one of the 2019-20 school year, relative to the same quarter in the previous three school years, quarter two shows a decline in seclusion uses for 2019-20 relative to previous years. A decrease in seclusion uses in quarter three of the 2019-20 school year may have been due to both a general downward trend in the use of seclusion as well as COVID-19 school closures. Quarter four is not represented, as zero seclusions were reported due to COVID-19 school closures. Given the overall downward trend of seclusion uses, it is likely that a decrease in uses during quarter four would have occurred in the absence of COVID-19 school closures, though to a lesser extent.

**Figure C. Seclusion Uses by School Year and Quarter, 2016-17 through 2019-20 school years.**

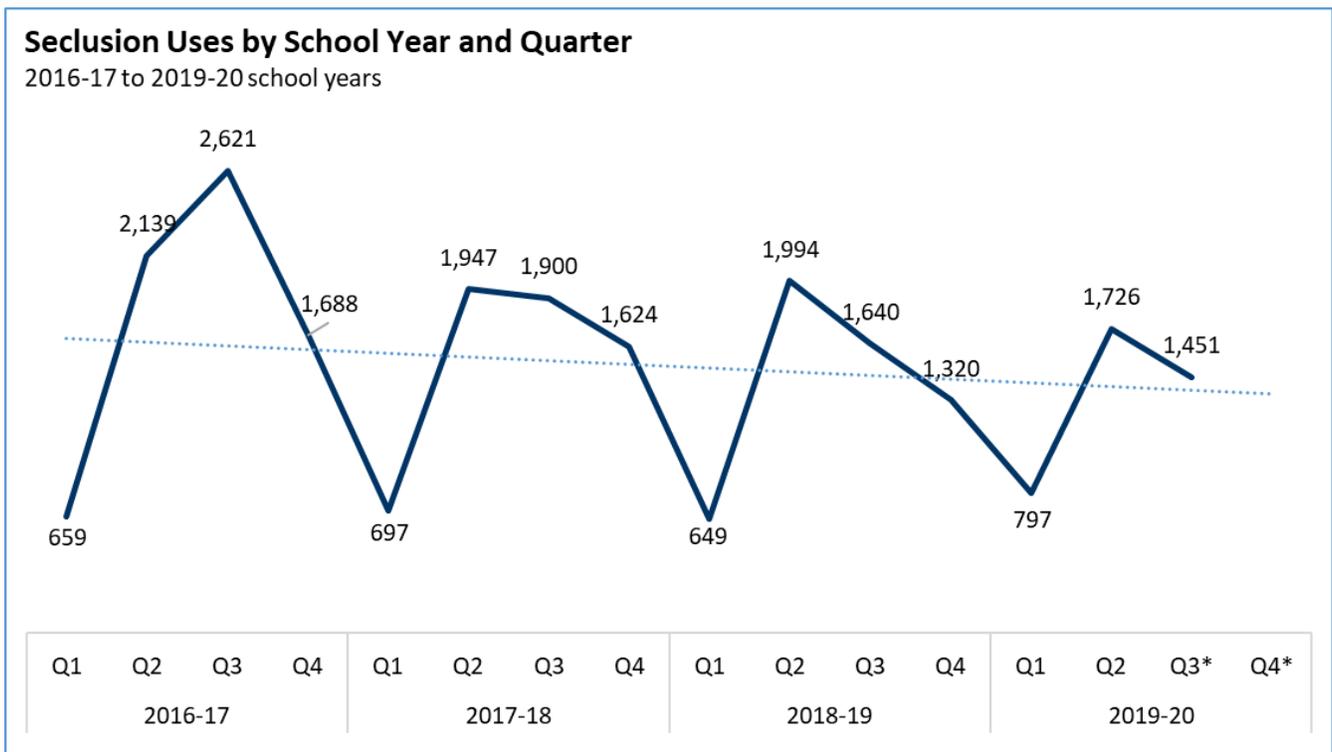


Figure D (below) highlights a slight overall downward trend in the number of students secluded since the 2016-17 school year. Similar to the pattern shown in seclusion uses, quarter one of the 2019-20 school year shows an increase in the number of students secluded relative to the same quarter in the previous school year, although the number of students secluded in quarter two and three decreased relative to previous school years. Again, quarter four is not represented, as zero seclusions were reported due to COVID-19 school closures. Given the overall downward trend, however slight, in the number of students who experienced seclusion, it is possible that a decrease in number of students experiencing seclusion would have continued to occur during quarter three and four in the absence of COVID-19 school closures.

**Figure D. Students Secluded by School Year and Quarter, 2016-17 to 2019-20 school years.**

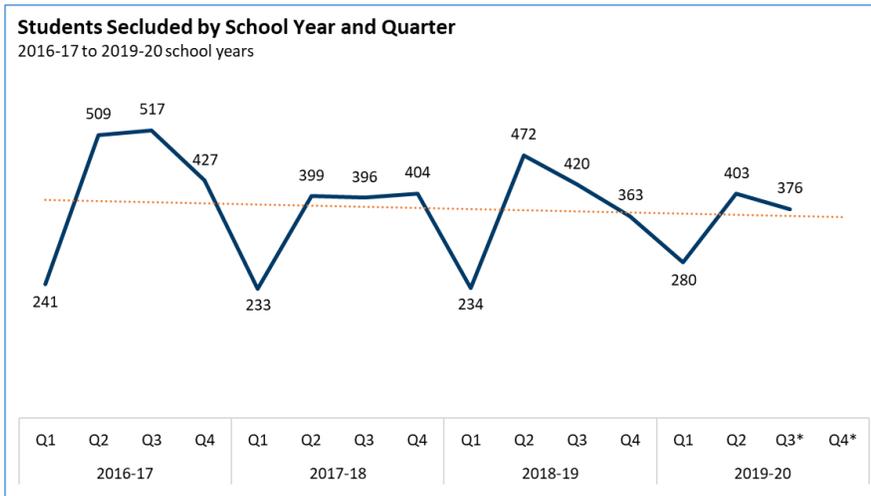
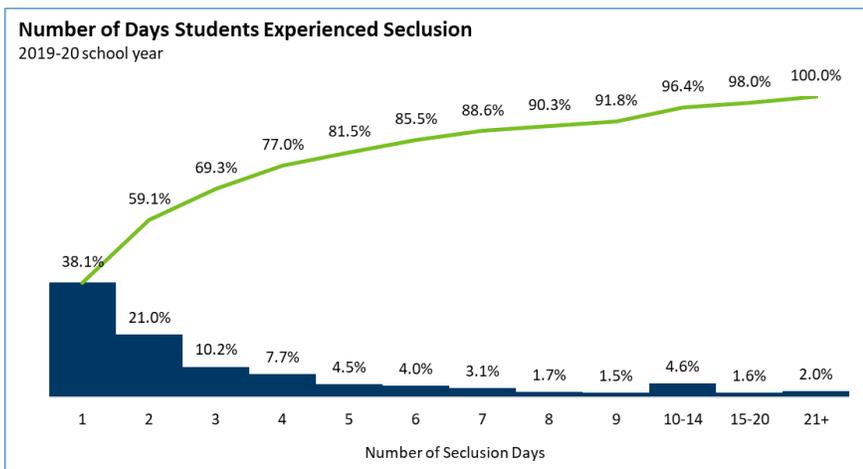


Figure E shows the number of days students experienced seclusion during the 2019-20 school year. Just over 38 percent of students who experienced seclusion during the 2019-20 school year experienced seclusions on only one school day, with 59.1 percent experiencing seclusion on two or fewer school days and 77 percent experiencing seclusion on four or fewer school days. 23 percent of students experienced seclusion on five or more school days, and just over eight percent of students experienced seclusion on ten or more school days.

**Figure E. Number of Days Students Experienced Seclusion, 2019-20 school year.**



### Student Demographics

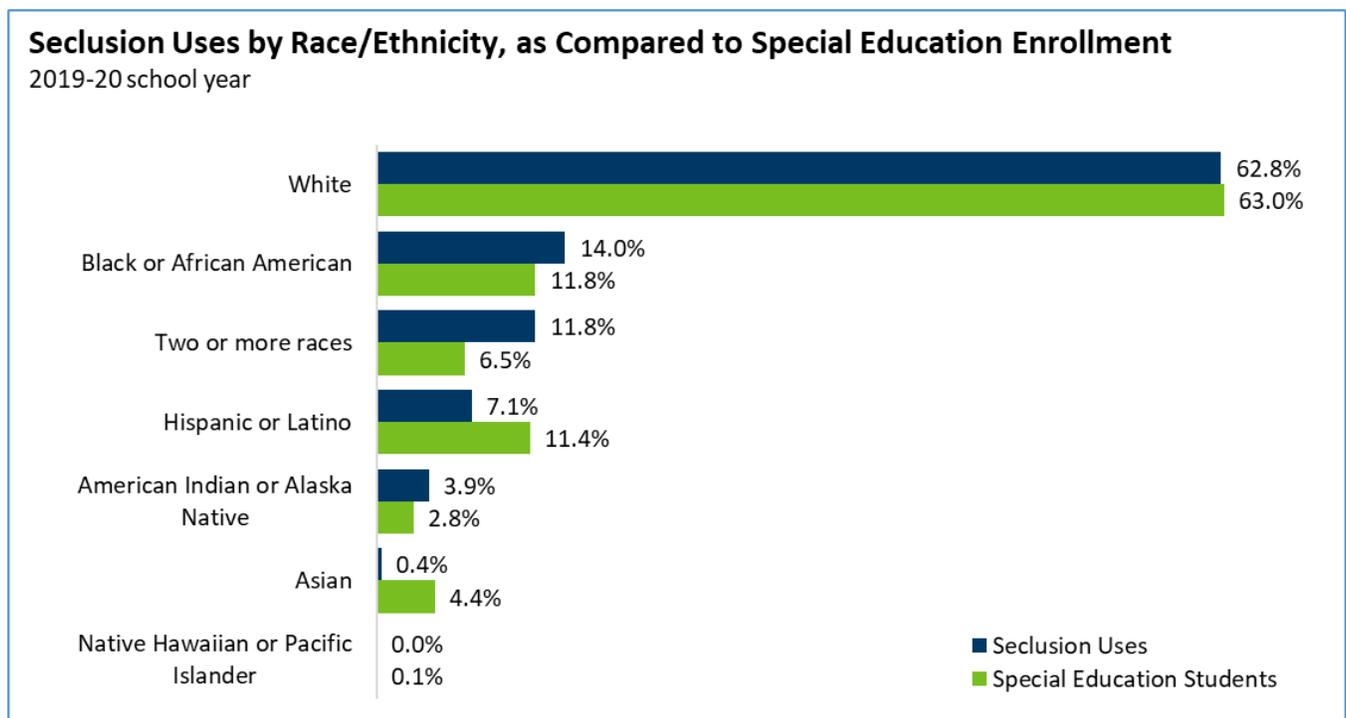
#### Race/Ethnicity

Since the 2016-17 school year, students 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 secluded, a pattern that is also consistent with students experiencing physical holding. In the 2019-20 school

year, Black or African American Students experienced 14 percent of all seclusion uses, although they are 11.8 percent of the population. Students identified as two or more races accounted for 11.8 percent of all seclusion uses, although they comprised just 6.5 percent of the population. American Indian or Alaska Native Students, at 2.8 percent of the population, experienced 3.9 percent of the seclusion uses. Students identified as Hispanic or Latino and Asian students are underrepresented with regard to seclusion uses, with White students experiencing seclusion uses at a proportional rate.

Figure F (below) shows the percentage of seclusion uses experienced by students in each federal race/ethnicity category, as compared to the percentage of students in the total special education population.

**Figure F. Seclusion Uses by Race/Ethnicity, as compared to Special Education Enrollment, 2019-20 school year.**



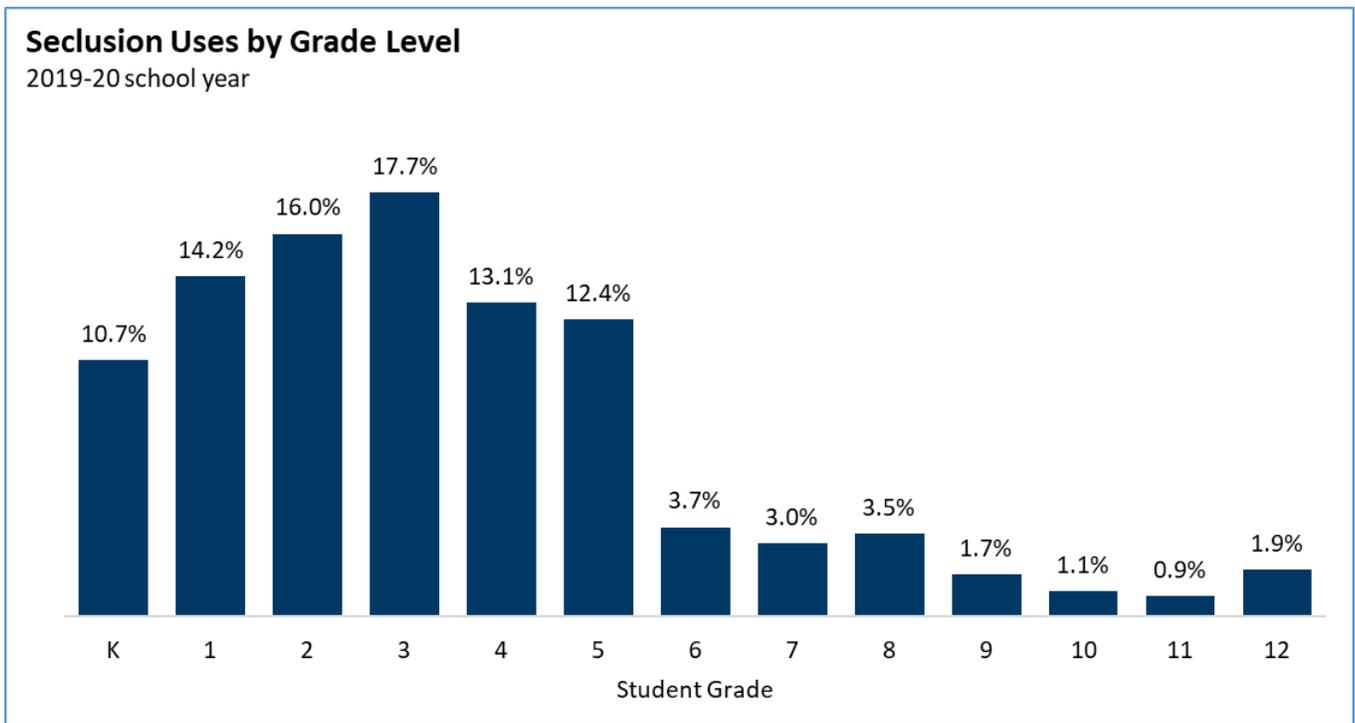
### Grade

During the 2019-20 school year, the majority of students experiencing seclusion were elementary students, especially those in first through fourth grade. Figure G below shows the grade level of students who experienced seclusion, with second-grade students comprising 16.2 percent of students experiencing seclusion, and third-grade students comprising 17.1 percent. Relatively few of the students experiencing seclusion were high school students. Students in grades 9-12 (and post high-school transition programs) experienced just under 6 percent of all seclusion uses during the 2019-20 school year.

Although previous legislative reports reported the age of students who were secluded, rather than grade level, the data continues to show similar trends, as previous reports documented that the majority of students

experiencing seclusion were in the 6-10-year age range, with the second highest group in the 11-15-year age range and relatively small numbers for students ages 16-21.

**Figure G. Seclusion Uses by Grade Level, 2019-20 school year.**



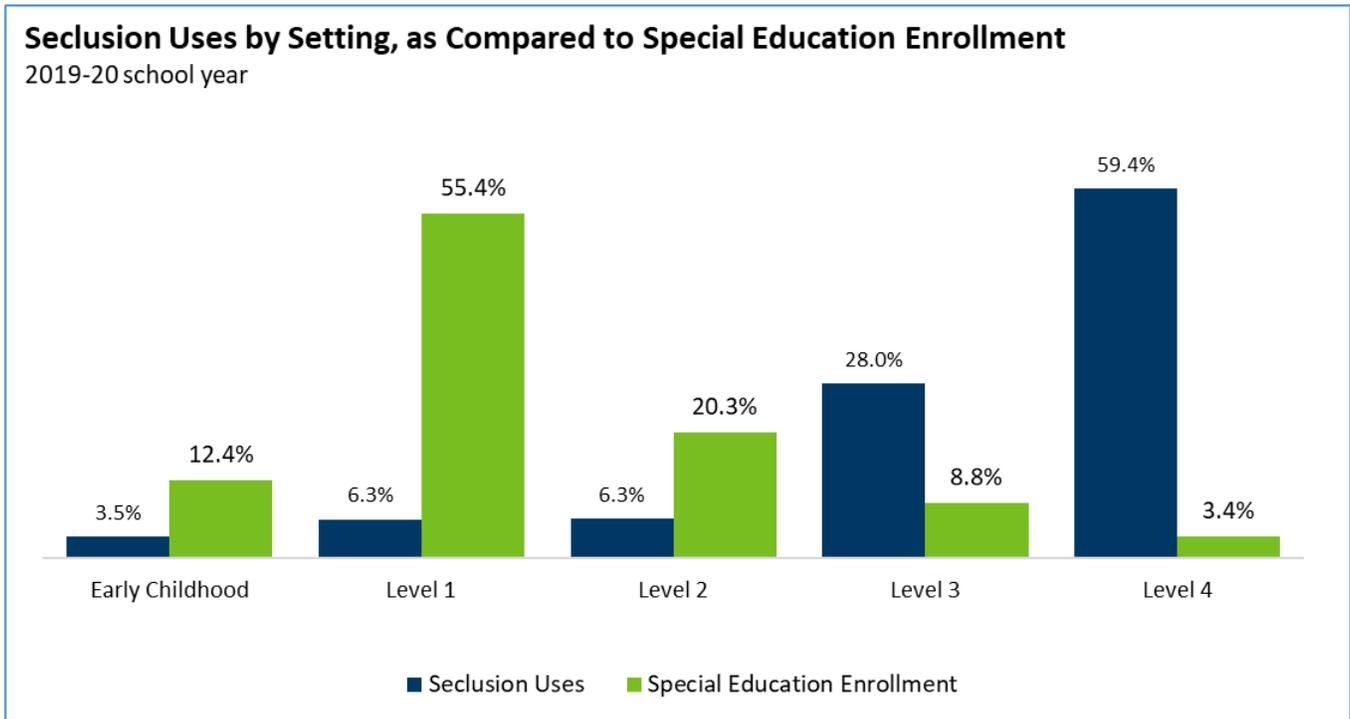
**Setting**

Districts reported using seclusion most often for students receiving services in federal instructional setting four (Level 4), meaning the student spends at least 50 percent of their day in a public separate day school facility for students with disabilities. This setting includes Level 4 programs operated by independent school districts, intermediate school districts, and special education cooperatives. During the 2019-20 school year, 3.4 percent of the special education population received services in Level 4 programs. However, these students experienced almost 59.4 percent of the seclusion uses, as shown below in Figure H. This is a slight reduction from the 2018-19 school year, when students in Level 4 programs experienced 61 percent of all seclusion uses.

On the other end of the spectrum, the majority of special education students spend less than 20 percent of their time in special education settings and are considered Level 1 students. Level 1 students make up 55.4 percent of the special education population and are much less likely to experience seclusion. During the 2019-20 school year, students receiving services in Level 1 settings experienced 6.3 percent of the seclusion uses.

Students in early childhood settings were about 12 percent of the special education population during the 2019-20 school year. These students experienced 3.5 percent of the seclusion uses.

**Figure H. Seclusion Uses by Setting, as Compared to Special Education Enrollment, 2019-20 school year.**

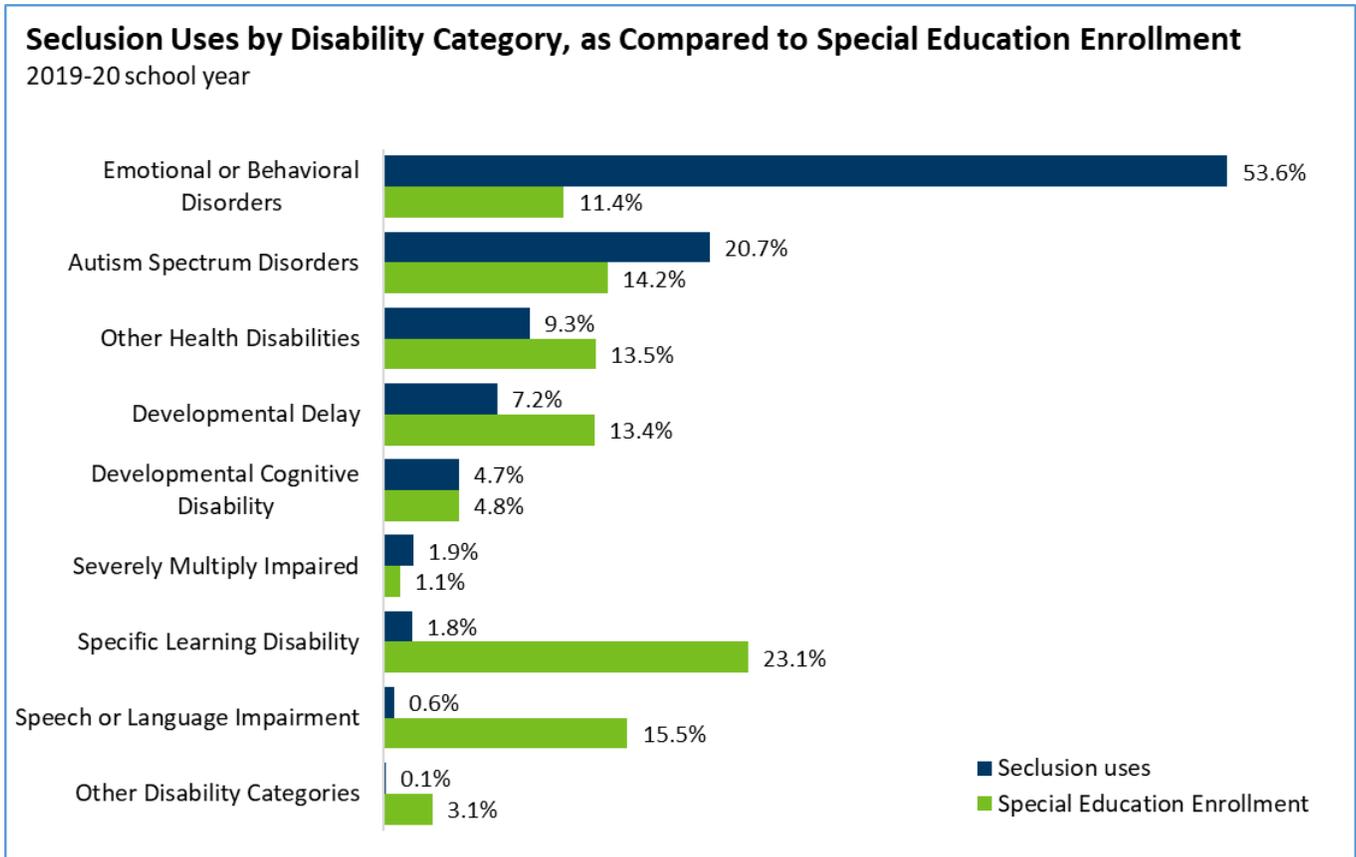


*Disability Category*

Figure I (below) provides information regarding the disability category of students who experienced seclusion during the 2019-20 school year. Consistent with the previous school year, as well as physical holding data, the highest number of seclusion uses were experienced by students who receive services under the Emotional or Behavioral Disorders (EBD) and Autism Spectrum Disorders (ASD) categories. Although EBD students make up 11.4 percent of the special education population, these students experienced 53.5 percent of the seclusion uses during the 2019-20 school year. ASD students, who comprise 14.1 percent of the special education population, experienced just over 20 percent of the seclusion uses.

The “Other Disability Categories” data set includes seclusion uses experienced by students who receive services under the following low incidence categories: Physically Impaired, Deaf – Hard of Hearing, and Traumatic Brain Injury (respectively, 1.1 percent, 1.7 percent, and .3 percent of the total special education population). The categories of Visually Impaired and Deaf-Blind are not included as no students in those disability categories were secluded during the 2019-20 school year. The chart also excludes 12 seclusions (0.3 percent of all seclusion uses) that were reported for students without an Individualized Education Program (IEP), Individual Family Service Plan (IFSP), or Individual Interagency Intervention Plan (IIIP).

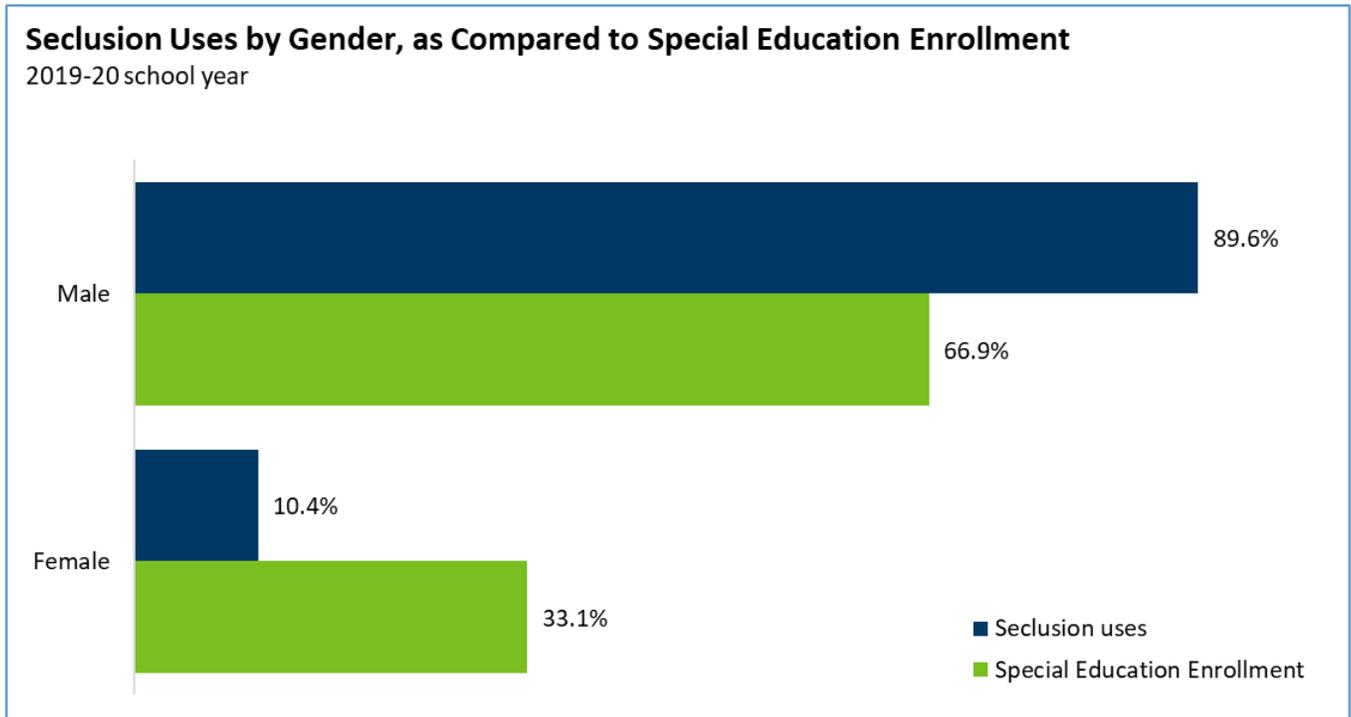
**Figure I. Seclusion Uses by Disability Category, as Compared to Special Education Enrollment, 2019-20 school year.**



*Gender*

Male students have comprised a greater proportion of students receiving special education services and a greater proportion of students 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, with female students comprising just 33.1 percent of the total special education population. Even considering this overrepresentation in the special education population, male students experience a disproportionate amount of seclusion uses. Male students, who comprise 66.9 percent of the special education population, experienced 90 percent of the seclusion uses, as shown below in Figure J. This is similar to the percentages reported in previous years: the students experiencing seclusion uses in 2018-19 were 86 percent male and 88 percent male in 2017-18.

Figure J. Seclusion uses by Gender, as Compared to Special Education Population, 2019-20 school year.

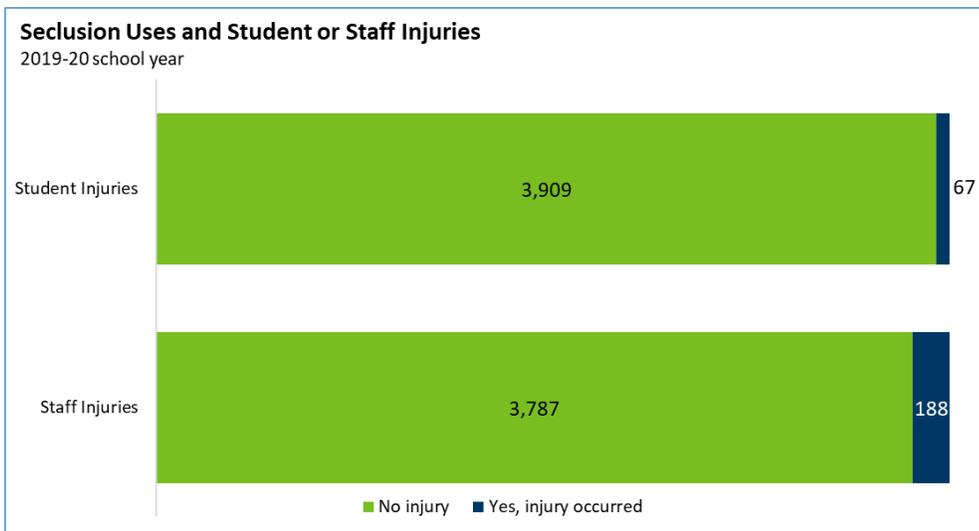


### Staff and Student Injuries Resulting from Seclusion Use

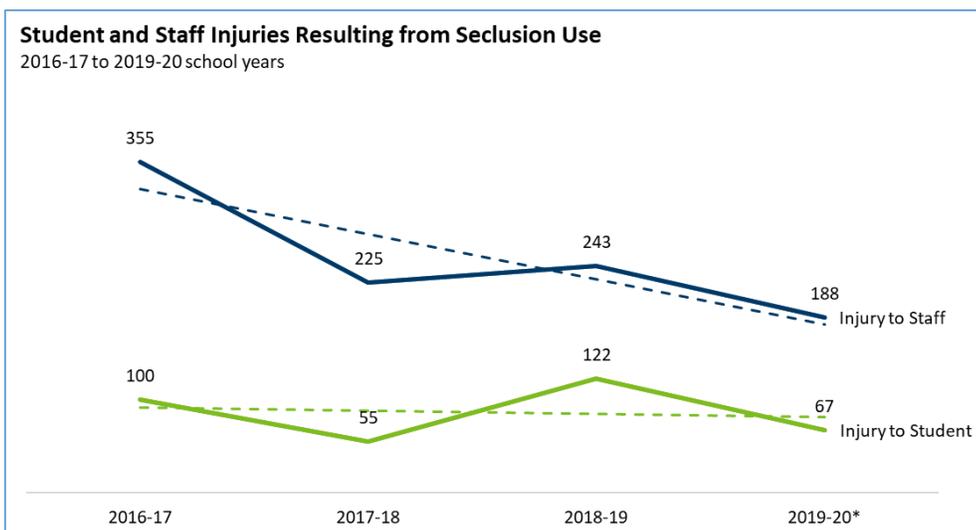
Figure K (below) demonstrates that most seclusion uses did not result in staff or student injuries. Student injuries occurred in 67 seclusions (1.6 percent), and staff injuries occurred in 188 seclusions (4.7 percent) during the 2019-20 school year.

Figure L (below) shows staff and student injuries over time, demonstrating a general downward trend in staff injuries resulting from seclusion use since the 2016-17 school year. Despite this, student injuries show a relatively flat trend line since 2016-17, demonstrating that there has not been a significant upward or downward trend in student injuries resulting from seclusion use in the same time frame.

**Figure K. Seclusion Uses and Student or Staff Injuries, 2019-20 school year**



**Figure L. Student and Staff Injuries Resulting from Seclusion Use, 2016-17 to 2019-20 school years**



## Physical Holding

This section provides an overview of the annual summary data submitted by districts in July each year, including physical holding use and trends, and data about reporting districts.

### *Reporting Districts*

For the 2019-20 school year, 531 districts reported annual physical holding summary data to MDE. Of those districts, 279 reported the use of at least one physical hold. This is a decrease from previous years, with 285 schools reporting the use of at least one physical hold in 2018-19 and 302 in 2017-18.

### *Overall Physical Holding Use*

The number of physical holds declined during the 2019-20 school year, the second year of declining numbers after several years of increases. When comparing the total number of physical holds (12,679) as well as the total number of students with whom physical holding was used (2,828), both numbers decreased from the 2018-19 school year by 25 percent and 16 percent, respectively. In addition, the average number of physical holds per physically held student was 4.5, a continued decrease from 5.1 in 2018-19 and 5.4 in 2017-18.

Although COVID-19-related school closures significantly impacted these numbers, a decrease in the use of physical holding would likely have been observed even if schools had operated in-person all year.

**Table 6. Annual Number of Students Experiencing Physical Holds, 2017-18 to 2019-20 school years.**

Year	Number of Students Experiencing Physical Holds
2017-18	3,465
2018-19	3,357
2019-20*	2,828

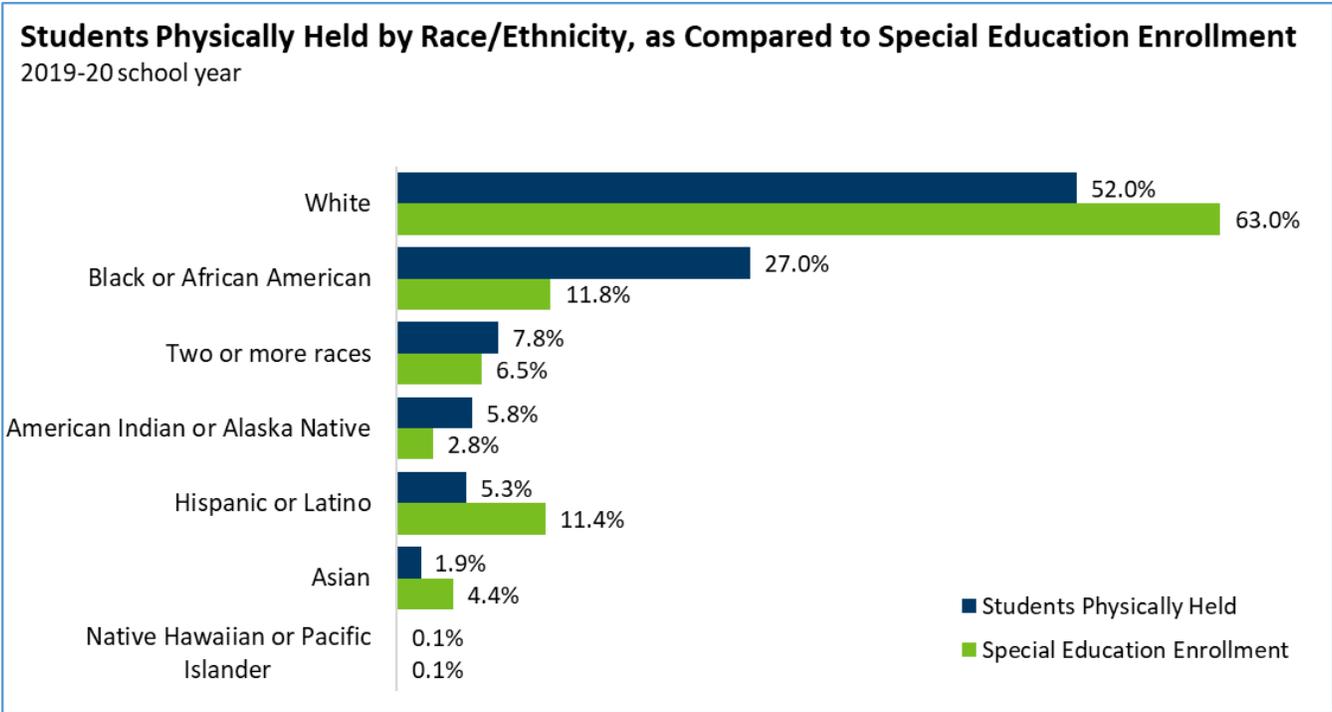
### *Student Demographics*

#### *Race/Ethnicity*

Prior to the 2017-18 school year, MDE collected the race and ethnicity of students who experienced physical holds on the *Restrictive Procedures Annual Summary Data Form (Summary Form)* according to the State of Minnesota's five race and ethnicity categories. MDE began collecting race and ethnicity data using the seven federal race and ethnicity categories on the *Summary Form* in the 2017-18 school year, making historical comparisons of students by race and ethnicity less reliable. Federal race and ethnicity categories include two additional groups, Pacific Islander or Native Hawaiian and two or more races, which were not specifically identified on the Summary Forms for the reporting periods of prior to the 2017-18 school year.

Figure M (below) compares the proportion of students enrolled in special education services with the proportion of students who experienced physical holding during the 2019-20 school year. Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races are all overrepresented in the use of physical holds. Black or African American students were 27 percent of the students physically held during the 2019-20 school year, although they comprised just 11.8 percent of the special education population. Students reported as two or more races, who are 6.5 percent of the special education population, represent 7.8 percent of physically held students. American Indian or Alaska Native students are 2.8 percent of the population and 5.8 percent of physically held students. Conversely, categories of White, Hispanic or Latino, and Asian students are all considerably underrepresented.

**Figure M. Students Physically Held by Race/Ethnicity, as Compared to Special Education Enrollment, 2019-20 school year.**

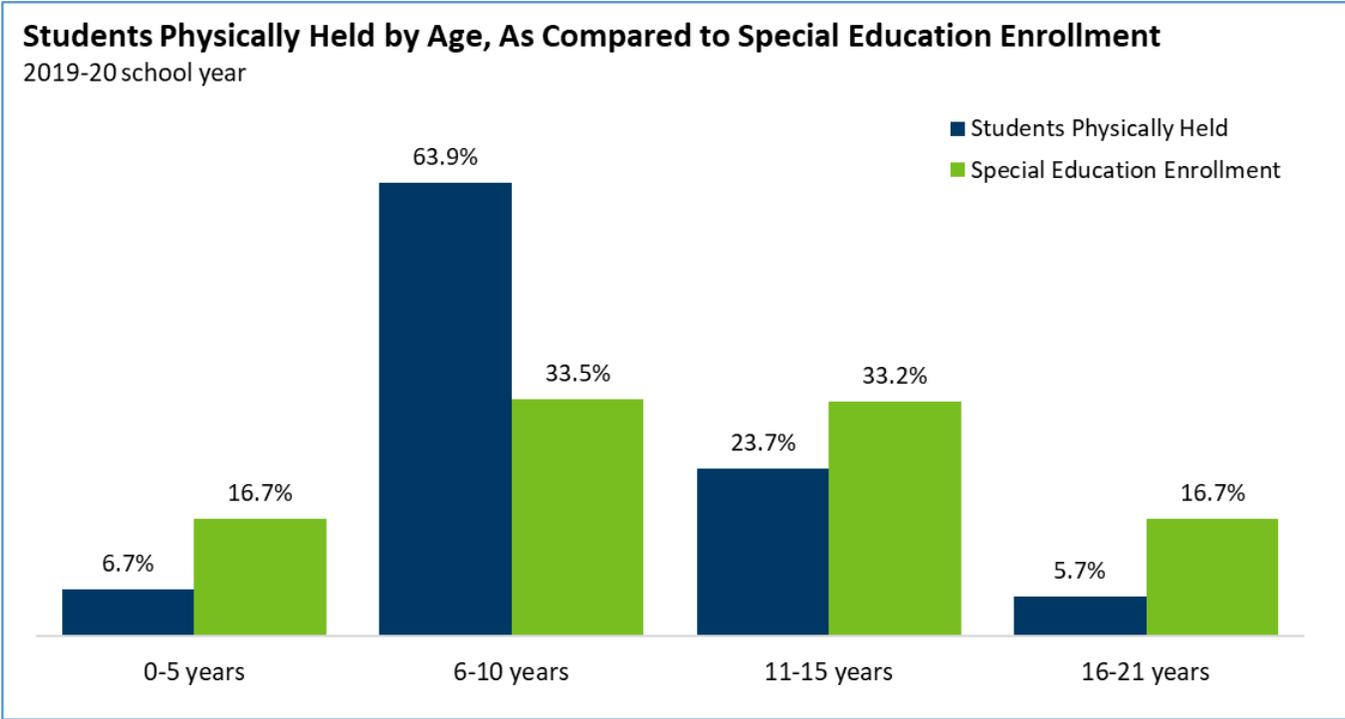


*Age*

Over time, the use of physical holds among students in different age groups has been relatively consistent, with the majority of students experiencing physical holds falling between 6 and 15 years old. In the 2019-20 school year, 87.6 percent of the students who experienced physical holds were in this age range, compared to 88 percent in the 2018-19 school year and 90 percent in the 2017-18 school year.

Figure N (below) shows that students age 6-10 continue to experience a disproportionate number of physical holds. During the 2019-20 school year, 63.9 percent of the physically held students were in this age range, although students in this age range comprised just 33.5 percent of the special education population. In comparison, only a small percentage of physical holds were used on students who were younger than five or older than 16, just 6.7 percent and 5.7 percent, respectively.

**Figure N. Students Physically Held by Age, as Compared to Special Education Enrollment, 2019-20 school year.**

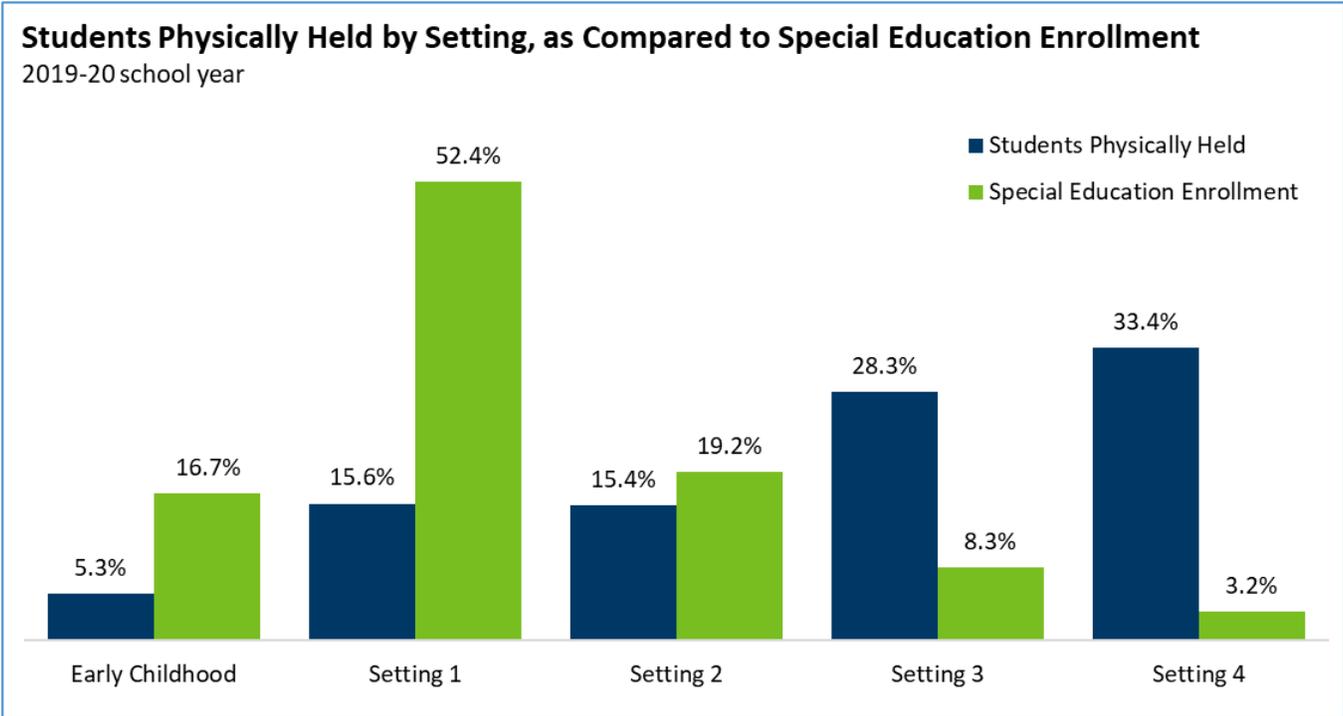


*Setting*

The *Summary Form* was amended for the 2014-15 school year to include federal instruction demographic data. Since then, the pattern of physical holding use across students in different instructional settings has been generally consistent. Relative to the proportion of all special education students in federal level 4 programs, a disproportionate number of students who are physically held are in level 4 programs, a trend that is consistent with data from the past three school years and with seclusion data.

As Figure O shows below, most physical holds in 2019-20 were used with students in level 4 programs (33.4 percent) or level 3 programs (28.3 percent), although these students comprise a relatively small percentage of the total special education population (3.2 percent and 8.3 percent, respectively). In contrast, only 31 percent of students who were physically held received services in federal levels 1 or 2, although these students comprised over 70 percent of special education students in the 2019-20 school year. Although 16.7 percent of the special education population received services in an early childhood setting, only 5.3 percent of the students who experienced a physical hold were early childhood students.

**Figure O. Students Physically Held by Setting, as Compared to Special Education Enrollment, 2019-20 school year.**



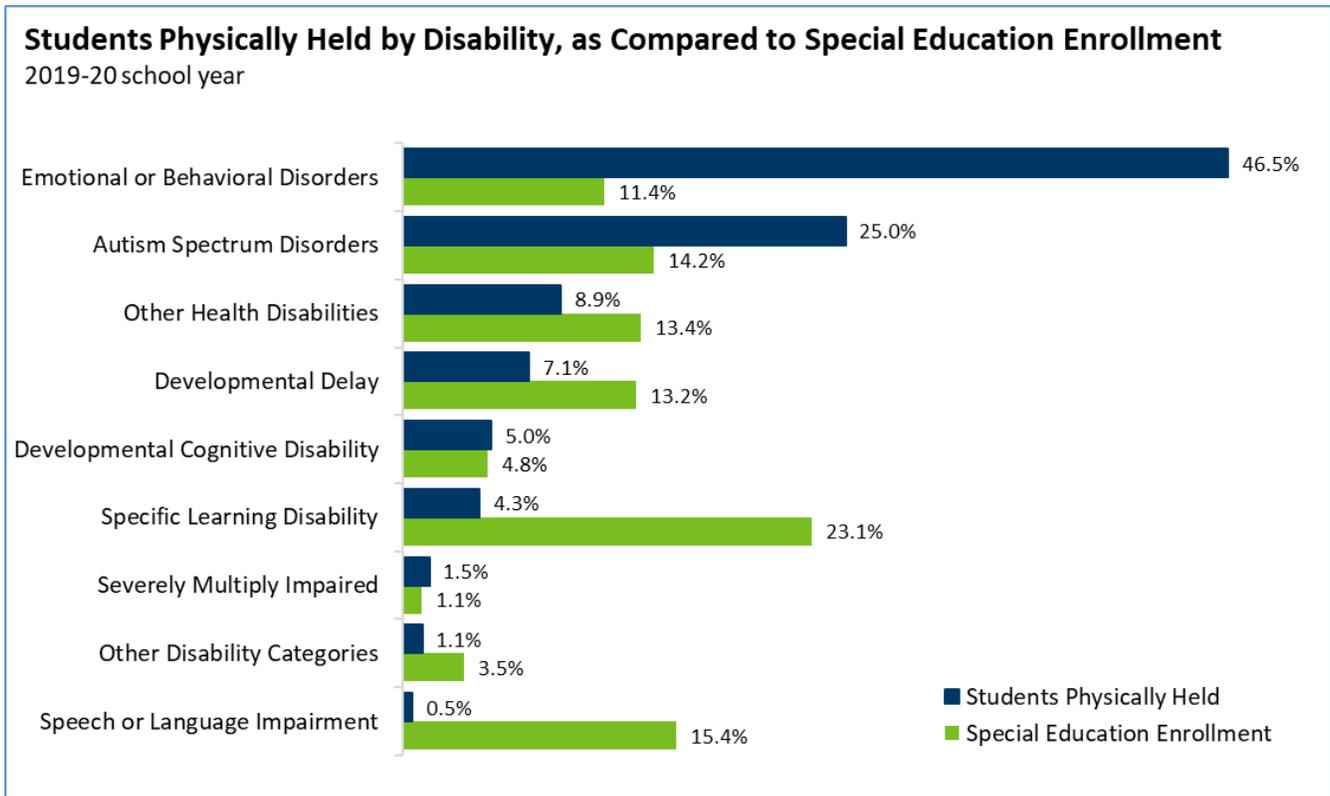
*Disability Category*

As in previous years, students who received services under the disability category of EBD or ASD experienced the majority of physical holds during the 2019-20 school year. Together, students from those two categories comprised 71.5 percent of the students who experienced physical holds. Students in both categories experienced physical holds at a rate disproportionate to their representation in the special education population. EBD students, who were 46.5 percent of physically held students, comprised just 11.4 percent of the special education population. The percentage of physically held students who receive services under the disability category of EBD has remained relatively consistent since the 2016-17 school year, decreasing from 50 percent to 45.5 percent and then increasing again over the 2019-20 school year.

Figure P (below) provides information regarding the disability of categories of students who experienced physical holding during the 2019-20 school year. The “Other Disability Categories” data set includes physically

held students who receive services under the following low incidence categories: Visually Impaired, Deaf – Hard of Hearing, Deaf-Blind, Physically Impaired, and Traumatic Brain Injury (collectively, 3.5 percent of the total special education population). The chart also excludes 55 physical holds that were reported for students without an IEP, IFSP, or IIIP.

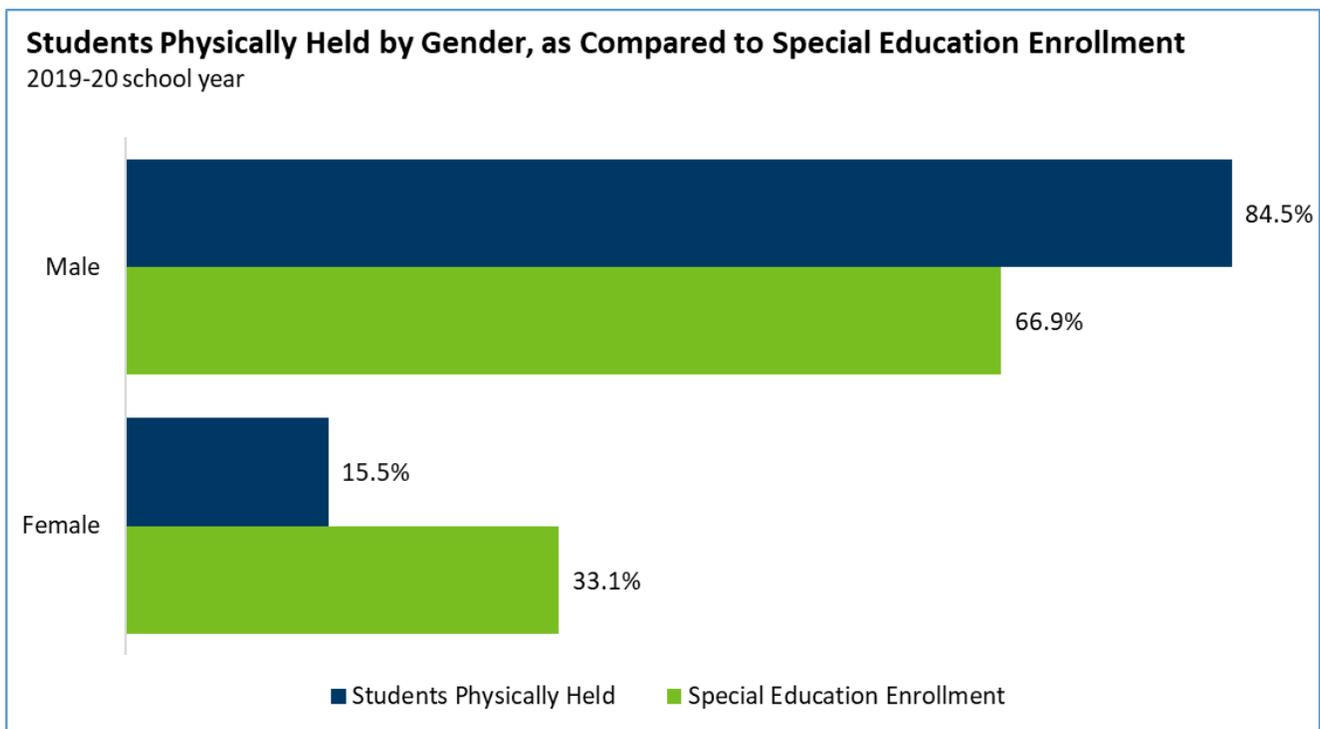
**Figure P. Students Physically held by Disability Category, as Compared to Special Education Enrollment, 2019-20 school year.**



## Gender

Consistent with previous years, male students comprised a greater proportion of students receiving special education services as well as a greater proportion of students experiencing physical holding. This pattern is also consistent with seclusion data. During the 2019-20 school year, 66.9 percent of students receiving special education services were male and 33.1 percent of students were female, a ratio of approximately two male students to each female student. During the same time period, 84.5 percent of the students experiencing physical holds were male, and 15.5 percent were female, as shown below in Figure Q. This is a ratio of 5.5 male students to female students, meaning male students with disabilities are more than five times more likely to experience a physical hold.

**Figure Q. Students Physically Held by Gender, as Compared to Special Education Enrollment, 2019-20 school year.**



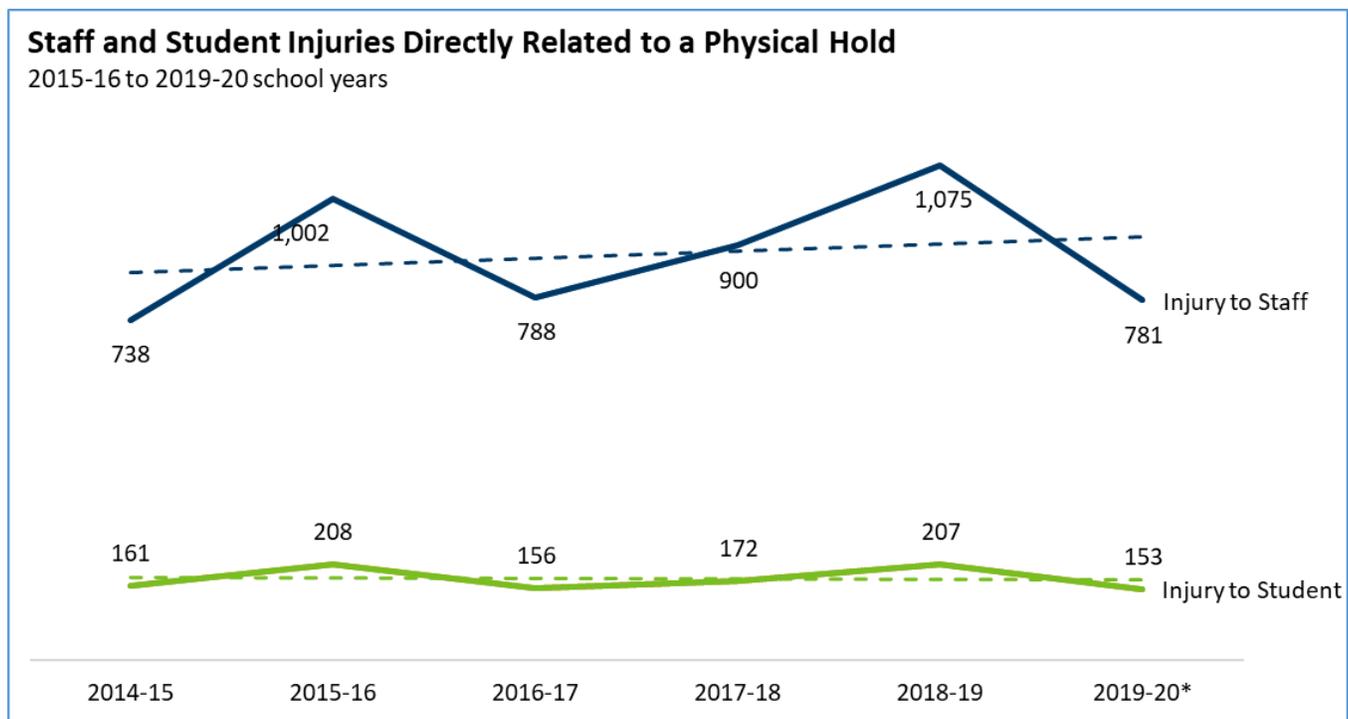
### Staff and Student Injuries Directly Related to Physical Holds

During the 2019-20 school year, districts reported 781 staff injuries directly related to a physical holding use, a decrease of about 27 percent since the 2018-19 school year and an approximate rate of one staff injury for every 15.5 physical holds. During the same time period, districts reported 153 student injuries directly related to a physical holding use, a decrease of 26 percent since the 2018-19 school year, and a rate of one student injury for every 80.5 physical holds.

Figure R (below) shows that, although there was a decrease in injuries during the 2019-20 school year, the data continues to demonstrate an upward trend in the number of staff injuries directly related to a physical holding use, with very little change in the number of student injuries since the 2014-15 school year.

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 R. Staff and Student Injuries Directly Related to a Physical Hold, 2014-15 through 2019-20 school years.**



## **Appendix D - Strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures**

This appendix includes an overview of research and guidance at the national level, information about proposed federal and state legislation regarding the use of restrictive procedures, and resources and references regarding efforts to reduce the use of restrictive procedures and address disproportionalities in the use of restrictive procedures. This non-exhaustive compilation of strategies and resources includes information gathered from both state and federal guidance and reports by school districts through MDE-administered grants and programming. As stakeholders and partners continue to work together to ensure the safety of students and staff while reducing the use of restrictive procedures in Minnesota schools, this document will continue to expand and develop.

### **I. 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.<sup>21</sup>

In 2016, the U.S. Department of Education, Office for Civil Rights (OCR), issued guidance warning school districts that the use of restraint and seclusion may result in discrimination against students with disabilities and reiterating that there is no evidence that using restraint or seclusion is effective in reducing problem behaviors, noting that instead, research supports a positive approach that incorporates positive behavioral interventions, evidence-based positive classroom strategies, and trauma-informed care.<sup>22</sup>

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, Title II, and the Individuals with Disabilities Education Act (IDEA) inform the

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<sup>21</sup> U.S. Department of Education, [Restraint and Seclusion: Resource Document](#) (May 12, 2012) (last accessed Dec. 29, 2020).

<sup>22</sup> OCR, [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#) (Dec. 28, 2016) (last accessed Dec. 29, 2020).

development and implementation of policies regarding restraint and seclusion.<sup>23</sup> As part of this initiative, the Department released a webinar to explain how federal laws apply to the use of restraint and seclusion.<sup>24</sup>

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.<sup>25</sup>

In April 2020, the U.S. Government Accountability Office (GAO) released a report finding that the U.S. Department of Education’s quality control processes for data it collects on incidents of restraint and seclusion are “largely ineffective” and recommending several changes to better detect problematic data in the Civil Rights Data Collection (CRDC), including that the Department expand its CRDC business rules to cover all school districts, identify and address factors underlying misreporting, and refine and clarify its definitions of restraint and seclusion.<sup>26</sup>

In October 2020, the U.S. Department of Education released its most recent CRDC data on restraint and seclusion,<sup>27</sup> which continued to show that students with disabilities were disproportionately subjected to physical restraint and seclusion in the school setting,<sup>28</sup> and that this disproportionality was compounded when analyzed by race, especially for Black students with disabilities.<sup>29</sup>

## II. Proposed federal legislation impacting the use of restraint and seclusion in schools

On November 19, 2020, the U.S. House of Representatives introduced the *Keeping All Students Safe Act*.<sup>30</sup> According to a fact sheet released by the House Committee on Education and Labor,<sup>31</sup> the bill would:

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<sup>23</sup> See U.S. Department of Education Press Release: [U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws](#) (Jan. 17, 2019) (last accessed Dec. 29, 2020).

<sup>24</sup> See U.S. Department of Education Press Release: [Education Department Releases Webinar on Use of Restraint and Seclusion](#) (Jan. 9, 2020) (last accessed Dec. 29, 2020).

<sup>25</sup> U.S. Commission on Civil Rights, [Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#) (July 23, 2019) (last accessed Dec. 29, 2020).

<sup>26</sup> U.S. Government Accountability Office, [Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data](#) (April 21, 2020) (last accessed Dec. 29, 2020).

<sup>27</sup> See OCR, [Civil Rights Data Collection \(CRDC\) for the 2017-18 School Year](#) (October 15, 2020) (last accessed Dec. 29, 2020).

<sup>28</sup> During the 2017-18 school year, students with disabilities receiving services under IDEA represented 13 percent of students enrolled nationally in public schools; however, they represented 80 percent of the students who were subjected to physical restraint, and 77 percent of the students who were subjected to seclusion.

<sup>29</sup> Black students represented 18 percent of students with disabilities served by IDEA but represented 26 percent of the students subjected to physical restraint and 22 percent of the students subjected to seclusion

<sup>30</sup> [Keeping All Students Safe Act](#), H.R. \_\_\_, 116<sup>th</sup> Cong. (Nov. 19, 2020) (last accessed Dec. 30, 2020).

<sup>31</sup> See Committee on Education and Labor, [Fact Sheet on The Keeping All Students Safe Act](#) (last accessed Dec. 29, 2020).

Establish requirements in schools by:

- Prohibiting seclusion, mechanical restraints, chemical restraints, physical restraint that restricts breathing or is life threatening including prone and supine restraint;
- Requiring certification of staff conducting physical restraint that meets the additional requirements;
- Prohibiting physical restraint as a planned intervention; and
- Requiring parental notification and follow-up meetings if a physical restraint occurs.

Support states to provide training to better ensure students' and staffs' safety and to establish monitoring and enforcement systems by:

- Requiring each state to have its own policies, procedures, monitoring, and enforcement systems in place to meet the requirements within two years of the law's enactment;
- Allowing states to apply for competitive grants for support in establishing, implementing, and enforcing the policies and procedures required by the law; and
- Improving state and local capacity to analyze the data and improving school climate and culture.

Increase transparency, oversight, and enforcement to prevent future abuse and death by:

- Requiring states to collect and report data on the use of seclusion and restraint annually;
- Making data about restraint and seclusion publicly available while protecting student privacy, including data on the number of incidents, injuries, cases of death, and the demographic breakdown.

### **III. Proposed state legislation on the use of restraint and seclusion in Minnesota schools**

Governor Walz, in the 2021 policy bill, proposes statutory revisions prohibiting the use of prone restraint and expanding standards for the use of restrictive procedures that would:

- Prohibit the use of prone restraint in public schools, including the use of prone restraint by school resource officers (SROs);
- Add additional responsibilities to the oversight committee involving:
  - Review of disproportionality, racial disparities, in the use of restrictive procedures;
  - Review of the use of SROs in handling behaviors;
  - Review of student documentation to determine if IEP team has followed the standards for using restrictive procedures; and
  - Review to determine if the IEP has updated information about whether the restrictive procedures are contraindicated.
- Add a brief description of the post-use debriefing process to the list of information that a staff person has to document following the use of a restrictive procedure;
- Make the restrictive procedures provisions applicable to both children with and without disabilities; and
- Prohibit the use of restrictive procedures in school based prekindergarten settings.

#### IV. State resources on the legal standards for using restrictive procedures in Minnesota schools

MDE continues to provide training and model forms to assist Minnesota school districts in ensuring the safe and legal implementation of restrictive procedures in emergency situations, in accordance with the standards for using restrictive procedures found in Minnesota Statutes, sections [125A.0941](#) and [125A.0942](#).

- **MDE training sessions.** 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 for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. MDE offers live, interactive training sessions to school districts and other interested groups throughout the state. For more information or to request a training, please contact [Sara K. Wolf](#).
- **MDE model forms.** MDE posts [model forms](#) related to restrictive procedures. The model forms provide minimum compliance standards in a format that school districts can modify to meet their needs.

#### V. School district strategies reported to reduce the use of restrictive procedures

The following list is a compilation of strategies reported by school districts as part of the staff development grant administered by MDE to 10 intermediate school districts and special education cooperative units:

- **Focus on Trauma-Informed Practices and Relationship Building:** 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.
- **Consistent, widespread training and support from onsite staff:** Some districts 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 based on meaningful data 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 collaborate has been critical to successful implementation of programs.
- **Emphasis on Social Emotional Learning for Students:** Districts reported that focusing on programs that explicitly teach students prosocial behaviors and emotional regulation has strengthened positive staff and student relationships, contributed to reductions in the use of restrictive procedures, and increased student capacity for academics. Further, several districts reported that compensating staff for intentionally integrating social-emotional learning into core academic curriculum has furthered staff’s depth of understanding and ability to confidently implement the skills learned in staff development trainings.
- **Reduction in Police Presence:** One district reported that it shifted away from the use of school resource officers in its programs and moved towards the use of district employees with specialized training in

school building safety, preventative security practices, verbal de-escalation techniques, non-violent crisis response, mental health disorders, and restorative justice practices. This district experienced a substantial decrease in arrests and citations of students and other incidents involving police, which it attributes to this initiative and the specialized training received by these employees.

- **Referral Processes, Improved Debriefing Meetings, and Individualized Data Reviews:** Several districts reported 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.

## VI. Training programs, interventions, and other resources to reduce or respond to restrictive procedures

While not intended as an endorsement of any specific training program or method, this list of resources provides information collected from school district reports, federal guidance, and MDE-administered grants and programming. As stakeholders and education partners continue to work to address students' needs and reduce the use of restrictive procedures in schools, this list will continue to develop:

- **Positive behavioral interventions and supports** are interventions and strategies to improve the school environment and teach children the skills to behave appropriately.<sup>32</sup> The State of Minnesota has had a longstanding policy encouraging the use of positive approaches to behavioral interventions. Specifically, [Minnesota Rule 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."
- **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

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<sup>32</sup> [Minn. Stat. § 125A.0941\(d\)](#) and [Minn. Stat. § 122A.627](#).

guide decision-making. <https://education.mn.gov/MDE/dse/sped/pbis/index.htm> Information is also available about the [federal implementation of PBIS](#).

- [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 Autism Spectrum Disorder, 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.
- **Trauma-informed training and practices** emphasizes 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.
- [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 is key element to learning, bullying prevention, and creating a positive school climate for students and adults. Key principles guide the practices.
- [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.”<sup>33</sup> 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

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<sup>33</sup> CASEL. [What is SEL?](#) (Dec. 2020).

problems, diminishes emotional stress and improves academic performance.<sup>34</sup> Resources and practices used by school districts include PBIS, Boys Town training, Yoga Calm, and WhyTry.

- **Behavioral intervention plans (BIPs)** are typically developed following a functional behavioral assessment (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.<sup>35</sup>
- [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. The DHS website contains additional resources to support children’s mental health, including Children’s Mental Health Crisis Response Services (CRS), School-Linked Mental Health Services, and suicide prevention.
- [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.<sup>36</sup> 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, and 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,

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<sup>34</sup> Greenberg, Weissberg, O’Brien, Zins, Fredericks, Resnik, Elias. “Enhancing school-based prevention and youth development through coordinated social, emotional, and academic learning” (2003). *American Psychologist*: 58, 466-474; Durlak. “The impact of enhancing students’ social and emotional learning: A meta-analysis of school based universal interventions” (2011). *Child Development*, 872 (1), 1-29.

<sup>35</sup> [U.S. Department of Education, Restraint and Seclusion: Resource Document 18](#) (May 2012), <https://www2.ed.gov/policy/seclusion/restraints-and-seclusion-resources.pdf>

<sup>36</sup> [Minn. Stat. § 260E.14, subd. 1\(d\)](#)

takes action to remedy the complaints. Visit its website for more information, or to file a complaint by contacting your regional ombudsman.

## Appendix E - Staff Development Grant FY19 Final Summary<sup>37</sup>

In the final year of the Staff Development Grant, 10 intermediate school districts and special education cooperative units (districts) used grant dollars to fund a wide range of activities related to enhancing services for students with challenging behaviors, mental health issues, or trauma. At the end of the grant period, each district provided a summary of the activities funded by the grant, relevant data, and the district's analysis of what was most meaningful in meeting its objectives.

Because each of the 10 districts is unique and took a different approach, no single approach emerged as the solution to addressing students' challenging behaviors, mental health issues, or trauma. Accordingly, rather than endorsing a specific training program, the Minnesota Department of Education (MDE) has identified common themes and important lessons that emerged from the districts' final program reports. As other districts work to address students' needs and reduce the use of restrictive procedures in their schools, these themes and lessons may be helpful in assisting them in developing and meeting their objectives, regardless of the specific training program chosen by the district.

### What's Working: Commonalities and Unique Approaches

- **Focus on Trauma-Informed Practices and Relationship Building:** Districts continue to report that training staff to approach crises with empathy has made a meaningful impact on students and staff, including impactful decreases in the use of restrictive procedures and increases in staff retention. Districts further report that these skills allowed staff to pivot successfully to distance learning in the spring of 2020, and that trauma informed practices continue to be utilized to meet student needs related to COVID-19.
  - Examples: Restorative Practices, Trauma-Informed Trainings, Conscious Discipline, Nurtured Heart, Life Space Crisis Intervention.
- **Continued Support for Implementation:** Although some districts report challenges related to integrating new approaches into their programs, other districts reported successful implementation of these

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<sup>37</sup> Minnesota Laws 2016, chapter 189, article 24, section 22 sets forth a state legislative appropriation in the amount of \$4,500,000 for the state fiscal years of 2017, 2018, and 2019, for eligible intermediate school districts and special education cooperative units who provide instruction to students in federal instructional settings of level four or higher. The grant funds received are required to be used for activities related to enhancing services to students who may have challenging behaviors or mental health issues or be suffering from trauma. Specific qualifying staff development activities include, but are not limited to:

1. Proactive behavior management,
2. Personal safety training,
3. De-escalation techniques, and
4. Adaptation of published curriculum and pedagogy for students with complex learning and behavioral needs.

The final period of the grant ran from February 1, 2019 through June 30, 2020. This summary provides an overview of FY19 grantees' reports on the impact of those grant funds.

models. The districts that achieved successful implementation received initial training and ongoing support from the trainer, via a program audit, ongoing observation and modeling, or another long-term relationship with a trainer to provide program-specific support through the implementation phase.

- **Widespread Training by Onsite Trainers:** Districts continue to report that compliance-based trainings, like Professional Crisis Management (PCM), Crisis Prevention Institute (CPI), and Handle with Care (HWC), are beneficial in teaching de-escalation techniques, particularly when all staff are trained, including paraprofessionals. However, many districts report that these trainings are more impactful when conducted by qualified district staff, located onsite, who are available for ongoing retraining and in-the-moment guidance. Some districts report that hiring Board Certified Behavior Analysts (BCBAs) to train staff and/or having their staff trained as CPI or PCM trainers had the greatest impact on their restrictive procedures numbers.
- **Emphasis on Social Emotional Learning for Students:** Several districts report a focus on programs to explicitly teach students prosocial behaviors and emotional regulation, including positive behavior interventions and supports (PBIS), Boys Town, Yoga Calm, and Why Try. These districts report that training all staff, including paraprofessionals, to implement these tools consistently and creating time for teams to plan and collaborate has been critical to successful implementation of these programs. Districts report that these tools have strengthened staff and student relationships, contributed to reductions in the use of restrictive procedures, and increased student capacity for academics.
- **Reduction in Incidents Involving Police:** One district reported that it shifted away from the use of school liaison officers in its programs, shifting instead to district employees with additional specialized training in school building safety, preventative security practices, verbal de-escalation techniques, non-violent crisis response, mental health disorders, and restorative justice practices. This district experienced a substantial decrease in arrests and citations of students and other incidents involving police, which it attributes to this initiative and the specialized training received by these employees.
- **Referral Processes, Improved Debriefs, and/or Individualized Data Reviews:** Several districts report that the development/and or implementation of new procedures to address student behaviors, including office referrals and more formal debriefs following incidents, have contributed to a reduction in the use of restrictive procedures. Some districts implemented a more formal referral process to a behavior interventionist or other specialist, while other districts successfully implemented a team meeting process to address individual student behavior or “true debriefs” that 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 had measurable impacts on the reduction of restrictive procedures.

## Opportunities for Improvement/Barriers to Success

- **COVID-19:** Districts reported that the COVID-19 pandemic interrupted planned staff development opportunities and inhibited the district’s ability to use grant dollars as originally intended. For example, several districts report that trainings were scheduled for the spring or summer of 2020, and were cancelled due to COVID-19. Although some districts were able to shift their plans, including the use of virtual trainings and/or conferences, districts reported that these trainings were less beneficial to the district than the originally planned activities.

- **Culturally-Responsive School Leadership:** Some districts continue to report the need for a continued focus on school-specific racial equity issues, including the need for additional resources in this area. One district reports that administrators and staff have received relevant training, and an equity cohort has been initiated.
- **Lack of Qualified Staff:** Several districts report that it continues to be difficult to hire qualified special education teachers for their programs, and many report that progress is inhibited by high rates of staff turnover and resultant training issues. However, some districts reported a particular focus on increasing staff retention, and attributed their successes to mental health support for staff and/or having on-site CPI trainers and a resultant safer school environment.
- **Access to Ongoing Resources for Staff Training:** Districts report that this grant was critical in enabling them to fund needed professional development opportunities to their programs. For example, one administrator reported, “I need to say that in my 30 years in education this grant has had the most impact on programs and ultimately outcomes for students. It truly helped us focus on what was needed for both staff and students.” However, districts also report that ongoing training and collaboration is a continuous need, requiring them to problem-solve funding streams to support ongoing professional development.

## Data Trends

- Districts continue to report that changes, positive or negative, in the district’s restrictive procedures numbers do not always accurately portray their district’s story. For example, one district reported that it closed, merged, and/or relocated several of its level four programs. The district reports that this resulted in dramatic changes to the restrictive procedures numbers in these programs, though this was due mostly to shifting student populations rather than any particular training program. Another district reported that, although it was not obvious from their data, an important success for their staff was that one particular high school student with a history of physical holds and seclusions was “more consistently regulated than in previous years.”
- Due to Covid-19-related school closures,<sup>38</sup> districts caution that their data from school year 2019-20 is incomplete and difficult to compare to previous years.
- Most districts report that, overall, they are seeing a downward trend in the use of restrictive procedures.
  - Some districts report substantial success in reducing the use of seclusions.
  - Some districts report an increase in the use of physical holds, though many districts report a decrease, sometimes substantial, in the use of physical holds.
  - Several districts further report a decrease in the intensity and frequency of student behaviors.

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<sup>38</sup> Governor Walz closed all Minnesota schools March 18-27, 2020 to prepare for distance learning as a result of the COVID-19 global pandemic. [Minn. Exec. Order No. 20-02](#) (March 15, 2020) (last accessed January 14, 2021). Minnesota schools did not resume in-person services for the remainder of the 2019-20 school year. [Minn. Exec. Order No. 20-19](#) (March 25, 2020), (last accessed January 14, 2021). See Also [Minn. Exec. Order No. 20-41](#) (April 24, 2020) (last accessed January 14, 2021).

- Several districts report positive trends regarding other measures, including a decrease in office referrals, an increase in student attendance and achievement, and a decrease in staff injuries and/or out of work time, as well as fewer incidents involving police.
- Districts continue to report that students' mental health needs remain acute and severe.

### **MDE Contact Information**

For more information about the Staff Development Grants, including district- and cooperative-specific points of contact regarding the trainings mentioned in this document, please contact [Carolyn Ellstra](#) by email or by phone at 651-582-8366.

## Appendix F - February 2021 Statewide Plan

### Statutory Context

Report school district's progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures under Minn. Stat. 125A.0942, subdivision 3(b).

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

### Measurable Goals

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

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

**Goal 3:** Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion from July 1, 2019 to June 30, 2022,<sup>39</sup> and annually thereafter. Specifically, there will be at least a 10 percent reduction in the number of students experiencing seclusion and at least a 10 percent reduction in the number of uses of seclusion as reported to MDE by Minnesota school districts.

### Scope of the February 2021 Statewide Plan

The February 2021 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.

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<sup>39</sup> MDE notes that monitoring this goal may be problematic during the COVID-19 pandemic. As noted in the legislative report, reduction in restrictive procedures and seclusion may be due, in part, to hybrid learning and distance learning models being implemented by school districts. MDE and the Workgroup will continue to monitor progress and adjust goals accordingly. Changes in data will be compared to the July 1, 2019 data, which was collected prior to the COVID-19 pandemic.

## Timeline

The February 2021 Statewide Plan will be implemented starting February 1, 2021. Updates to the February 2021 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 district use of quarterly seclusion data and physical holding summary data, including data on disproportionalities, for each school year.

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

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

**MDE Action 4:** MDE will collect, analyze and report school district use of Positive Behavioral Interventions and Supports (PBIS) for each school year.

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

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

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

## Workgroup's Actions in Support of the Goals

**Workgroup Action 1:** The Workgroup will develop recommendations pertaining to the presence of police liaison officers/school resource officers (SRO) in school districts, as related to the use of restrictive procedures. In developing these recommendations, the Workgroup will specifically consider disproportionalities, family engagement, and mental health and trauma. The Workgroup will collect, compile, and consider relevant information from sources such as: school districts and associations in Minnesota, families and students who have experience with police liaison officers/SROs, best practices and advice from academic sources or state or

federal agencies, and other research on effective strategies. Recommendations may include model policies, descriptions of effective strategies (such as restorative justice), training practices for police liaisons/SROs, FAQs or other resources, legislative changes, funding needs, and/or areas for additional research.

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

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

## **Workgroup Process**

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

## **Potential Legislative Changes**

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