



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

Report to the Legislature

As required by Minnesota Statutes, section 125A.0942

## **For more information:**

Sara Winter  
Division of Compliance and Assistance  
Minnesota Department of Education  
1500 Highway 36 West  
Roseville, MN 55113  
(651) 582-8237  
[sara.winter@state.mn.us](mailto:sara.winter@state.mn.us)  
[education.mn.gov](http://education.mn.gov)

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

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

# Table of Contents

- For more information: ..... 2
- Legislative Charge..... 5
- Executive Summary..... 6
- Introduction..... 7
  - Background Information: Prone Restraint in the School Setting..... 7
  - Background Information: Status of Seclusion in the School Setting ..... 8
  - Minnesota’s Olmstead Plan ..... 8
- I. Report on 2019 Workgroup Process..... 9
- II. 2018 Statewide Plan Updates Recommended by the 2018 Workgroup ..... 10
  - 2018 Statewide Plan Goals and Goal Updates..... 10
- III. 2019 Statewide Plan Recommended by the 2019 Workgroup ..... 18
- IV. Analysis..... 21
  - Key Data Points..... 22
  - Quarterly Data on Individual Students Who Have Been Secluded During the 2018-19 School Year ..... 23
- V. Relevant Regulatory Developments ..... 27
  - Federal Developments ..... 27
- VI. Recommendations..... 29
  - Statutory Recommendations..... 29
  - Recommended Funding for Staff Development, Expanded Mental Health Services, and Increased Technical Assistance for Districts ..... 29
- Conclusion ..... 30
- Appendix A ..... 32
  - 2019 Stakeholder Group Members ..... 32
- Appendix B ..... 35

Background on Data Collection..... 35

Minnesota Students Receiving Special Education Services..... 35

Students Restricted 10 or More Days ..... 39

Physical Holding: Student Demographics ..... 40

Seclusion: Student Demographics..... 46

## 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 Education 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 department 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 the Minnesota Department of Education (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 2018-19 Restrictive Procedures Stakeholders' Workgroup (2019 Workgroup) included representation from the following legislatively mandated participants:

- Advocacy organizations
- Special education directors
- Teachers
- Paraprofessionals
- Intermediate school districts
- School boards
- County social services
- State human services department staff
- Mental health professionals
- Autism experts

## Executive Summary

This report summarizes progress toward the 2018 Statewide Plan goals, provides the updated 2019 Statewide Plan recommended by the 2018-19 Restrictive Procedures Stakeholders' Workgroup (2019 Workgroup), and includes the legislative recommendations of the Workgroup. Appendix A includes additional stakeholder information. Appendix B contains additional data analysis of the use of restrictive procedures in the school setting statewide.

This legislative report includes an analysis of the quarterly seclusion data and annual summary physical holding data for the 2018-19 school year. The data are disaggregated by race, gender, disability category, age, free or reduced-price lunch eligibility, and federal instructional setting. In addition, for seclusion, the data are broken down at a student level for duration of the seclusion and number of incidents per student. The report also provides an update on the Minnesota Olmstead Plan's positive support goals that are aligned with the legislative charge described above.

The restrictive procedures data in this report for the 2018-19 school year were shared with the 2019 Workgroup during its quarterly meetings. We commend the school districts for their commitment and candor in their submission of the required data to the Minnesota Department of Education (MDE). For the first time since the 2015-16 school year, we saw a decrease in the total number of restrictive procedures used. This was a result of a decrease in both the number of physical hold uses and seclusion uses during the 2018-19 school year. Seclusion use has trended downward for the past two school years.

There has been an upward trend in the percentage of students with disabilities in the total school enrollment. Despite this upward trend, during the 2018-19 school year, the percentage of all students with disabilities who experienced a restrictive procedure (2 percent) did not increase, and went down by a half a percent. However, there was a slight increase in the total number of students who experienced a restrictive procedure. In addition, over the past two school years, we have seen a downward trend in the number of students with whom a restrictive procedure is used on 10 or more days in a school year.

As described in more detail in the recommendations section, the 2019 Workgroup recommends that funding be restored for the staff development grant for setting four and higher special education programs. Work activities for the grant funds awarded through the 2016 legislative appropriation must be completed by June 30, 2020. We have seen positive trends in the programs receiving those grants over the past three years. The funds are targeted to the programs which serve students with disabilities with the most intensive needs and where the highest percentage of restrictive procedures occur, and specifically seclusion uses and the highest percentage of students who are secluded. See Appendix B for more detail. Those funds are needed to continue building and to sustain staff capacity in order to reduce the number of emergency situations that may result in the use of a restrictive procedure. In addition, the 2019 Workgroup recommends increased funding for mental health services, including school-linked mental health services, and additional funding for technical assistance available to staff across settings to increase staff capacity in providing special educational services and supports to students with disabilities.

## 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"<sup>1</sup> which, as of 2013, must include "specific and measurable implementation and outcome goals for reducing the use of restrictive procedures."<sup>2</sup> The statewide plan must also include 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.<sup>3</sup>

Since the fall of 2012, and in accordance with Minnesota Statutes, section 125A.0942, subdivision 3(b), MDE has convened the 2019 Workgroup to develop an annual statewide plan. MDE submitted annual reports to the Legislature providing restrictive procedures summary data with accompanying recommendations for reducing the use of restrictive procedures. The reports summarize the progress made in reducing the use of restrictive procedures, the progress that led to eliminating the use of prone restraint in the school setting in 2015, and the efforts made to eliminate the use of seclusion.

Restrictive Procedures is defined in Minn. Stat. 125A.0941(f) as "the use of physical holding or seclusion in an emergency. Restrictive procedures must not be used to punish or otherwise discipline a child."

## Background Information: Prone Restraint in the School Setting

During the 2016 legislative session, prone restraint was added to the list of actions or procedures that are prohibited in the school setting.<sup>4</sup> The elimination of prone restraint was a result of building district staff capacity and was achieved through implementation of the statewide plan, which was supported by a 2015 legislative appropriation. Six entities (three intermediate school districts and three independent school districts) received funding and developed work plans to address their specific needs. Those funds, totaling \$150,000, were disbursed from November 2015 through June 30, 2016.

---

<sup>1</sup> Minn. Stat. § 125A.0942, subd. 3(b) (2012).

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

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

<sup>4</sup> See Minn. Stat. § 125A.0942, subd. 4(10) (2016).

## Background Information: Status of Seclusion in the School Setting

When prone restraint became a prohibited procedure, the restrictive procedures statute was amended in 2016 to add “eliminate the use of seclusion” as a specific area of focus for the 2019 Workgroup and statewide plan.<sup>5</sup> Minnesota Statutes, section 125A.0941, paragraph (g), defines seclusion as “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.”

Appendix B provides a detailed report of the quarterly and annual summary seclusion data for the 2018-19 school year (July 1, 2018 through June 30, 2019).

## Minnesota’s Olmstead Plan

The Minnesota Olmstead Plan (Olmstead Plan) explains how state agencies work to meet the needs of persons with disabilities and supporting their participation in the most integrated settings of their communities. On September 29, 2015, the State of Minnesota’s Olmstead Plan was approved by the U.S. District Court. The plan was subsequently revised by the Olmstead subcabinet on March 26, 2018.

As part of the Olmstead Plan, MDE is responsible for two goals 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. The goals are:

- By June 30, 2020, the number of students receiving special education services who experience an emergency use of restrictive procedures at school will decrease by 318 students or decrease to 1.98 percent of the total number of students receiving special education services.
- By June 30, 2020, the number of incidents of emergency use of restrictive procedures occurring in schools will decrease by 2,251 or by 0.8 incidents of restrictive procedures per student who experiences the use of restrictive procedures in the school setting.

The strategies MDE employs for achieving these goals include:

- Engage the 2019 Workgroup at least annually to review restrictive procedure data, review progress in implementation of the Statewide Plan, discuss further implementation efforts, and revise the Statewide Plan as necessary.
- Engage the 2019 Workgroup to make recommendations to MDE and the [current] Legislature on how to eliminate the use of seclusion in schools on students receiving special education services, modify the Statewide Plan to reflect those recommendations. The recommendations shall include the funding,

---

<sup>5</sup> Minn. Stat. § 125A.0942, subd. 3(b) (2016).

resources, and time needed to safely and effectively transition to a complete elimination on the use of seclusion on students receiving special education services.

MDE is working with a consultant to facilitate the 2019 Workgroup meetings to increase stakeholder engagement in recommending to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. The Minnesota Department of Human Services (DHS) also participates in the 2019 Workgroup and informs other participating stakeholders of DHS initiatives related to children's mental health. MDE also collaborates with DHS in implementing the Olmstead Plan's goals and strategies for prevention of abuse and neglect.

## **I. Report on 2019 Workgroup Process**

As in previous years and in accordance with the legislative charge, MDE and the Restrictive Procedures Stakeholders' Group for the 2019-20 school year (2019 Workgroup) met on the following dates: July 19, 2019; September 27, 2019; December 13, 2019; and, January 17, 2020, with an additional meeting scheduled for April 10, 2020. The 2019 Workgroup includes representation from advocacy organizations, special education directors, teachers, intermediate school districts, school boards, day treatment providers, state human services department staff, mental health professionals, and autism experts.<sup>6</sup> For the 2019 Workgroup meetings, MDE used the services of a facilitator, Beth Bibus, through the Minnesota Management and Budget's Management and Analysis Development. Bibus has assisted MDE staff with planning meeting agendas, facilitating the exchange of information and stakeholder input, and furthering the 2019 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.

### *Stakeholder Workgroup Meetings Summary*

In meetings held during the 2019-20 school year, the 2019 Workgroup reviewed and exchanged information pertaining to:

- Aggregate data from districts' self-reported use of restrictive procedures for the 2018-19 school year;
- Quarterly aggregate data from districts' self-reported use of seclusion;
- Existing statutory language;
- Strategies employed by intermediate districts, special education cooperatives, and other districts to reduce the use of restrictive procedures and work toward the elimination of seclusion;
- Work accomplished from the 2018 Statewide Plan, and input on ongoing implementation and revision of that plan;
- The status of the Olmstead Plan's Positive Support goals, and other related goals and work plans; and

---

<sup>6</sup> The stakeholder list can be found in Appendix A of this report.

- Relevant quantitative and qualitative data pertaining to the FY18 Staff Development Grants work plan activities and outcomes; Positive Behavioral Interventions and Supports (PBIS); and MDE’s Improvement Tree Pilot Grant.

More specifically, at the September 27, 2019 meeting, the 2019 Workgroup heard presentations from MDE staff relating to the Staff Development Grants, PBIS, and the Improvement Tree Pilot Grant. MDE staff also presented the 2018-19 school year annual restrictive procedures summary data and the quarterly seclusion data for the fourth quarter of the 2018-19 school year (April through June 2019), set forth in more detail in Appendix B. The three subgroups—resources, training, and data—met separately to work on their respective focus areas, and then reconvened to share information with the 2019 Workgroup at large. The 2019 Workgroup also discussed progress toward the 2018 Statewide Plan goals.

At the December 13, 2019 meeting, the 2019 Workgroup heard presentations from stakeholders on 2019-20 legislative priorities and an update from MDE staff on the Improvement Tree Pilot Grant. MDE staff also presented to the 2019 Workgroup the updated data for the 2018-19 school year annual restrictive procedures summary data. The 2019 Workgroup also reviewed the 2018 Statewide Plan and generated ideas for revised and additional goal recommendations for the 2019 Statewide Plan.

Following the December 13, 2019 meeting, a proposed 2019 Statewide Plan was sent to the 2019 Workgroup for additional consideration, input and agreement. Based upon that input, the proposed document was revised and sent to the stakeholders via email, and consensus was reached. The 2019 Statewide Plan, as supported by the 2019 Workgroup, is described in Section III.

## **II. 2018 Statewide Plan Updates Recommended by the 2018 Workgroup**

### **2018 Statewide Plan Goals and Goal Updates**

#### *Goal 1*

By February 1, 2020, 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 restrictive procedures workgroup will meet in spring 2019 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, 2019, legislative report and reach consensus on recommendations for the February 1, 2020, legislative report, and
  - (ii) Review quarterly seclusion data collected by MDE.

2. The restrictive procedures workgroup will meet in summer 2019 to:
  - (i) Review quarterly seclusion data collected by MDE.
3. The restrictive procedures workgroup will meet in fall 2019 to:
  - (i) Review Positive Behavioral Interventions and Supports (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 progress of the Staff Development Grants updates.

### *Goal 1 Update*

The 2020 legislative report provides data that documents a racial disproportionality for students with disabilities who experience the use of restrictive procedures. For the 2018-19 physical holds summary data, comparing the enrollment percentage with the student data for physical holds, students who were reported under the Black/African American, American Indian/Alaska Native, and Two or More Races categories accounted for a disproportionately higher percentage of students experiencing the use of physical holds. In comparing the last two years of seclusion data, there were no significant reductions in any one group for number of students experiencing seclusion. However, those students reported as Two or More Races had the largest reduction in the number of uses of seclusion. The American Indian/Alaska Native group saw an increase in uses of seclusion.

Regarding the strategies for implementing Goal 1, the workgroup met in spring 2019, on April 12, 2019, and scheduled the following meetings to be held prior to filing the February 1, 2020 legislative report: July 17, 2019; September 27, 2019; December 13, 2019; and, January 17, 2020. At those meetings, the workgroup reviewed quarterly seclusion data collected by MDE for the 2018-19 school year. At the December 13, 2019 meeting, the workgroup also reviewed the annual restrictive procedures summary data collected by MDE for the 2018-19 school year, including data on student and staff injuries and disproportionalities, as set forth in this report.

At the September 27, 2019 meeting, Garrett Petrie and Erin Farrell, MDE Division of Special Education, presented an update on PBIS data collected by MDE. Petrie and Farrell reported that 769 schools are implementing PBIS, which is 43 percent of the state's elementary schools, 36 percent of the state's secondary schools, and 10 percent of the state's Alternative Learning Centers and special education schools. The presentation also included data on the alignment of PBIS efforts with school-linked mental health outcomes, an overview of applied behavioral analysis, and the ABCs of behavior (antecedent or triggers, behavior, and consequence or outcomes).

During that same meeting, Rachel Centinario, MDE Division of Compliance and Assistance, presented the progress reported by the 16 recipients of the Staff Development Grants. Funds were appropriated by the 2016 Regular Legislative Session under Minnesota Laws 2016, chapter 189, article 24, section 22. The funds may be used for activities related to enhancing services to students who may have challenging behaviors or mental health issues or be suffering from trauma. The recipients include the four intermediate school districts and special education cooperative entities providing instruction setting four programming. Because grants were

prorated based on remaining funds available for the FY19 recipients, grants ranged in size from \$1,521 to \$632,238, based upon the number of staff working directly with students in setting four programming. The recipients' locations were spread across the state. The grant work activities and outcomes for FY18, completed by June 30, 2018, were shared with the 2019 Workgroup and included:

1. Commonalities on what is working to reduce the emergency use of restrictive procedures with outcome data:
  - (i) Focusing on trauma-informed practices and crisis de-escalation in lieu of compliance-based training: Districts consistently report that, although Professional Crisis Management and Crisis Prevention Institute are beneficial in training de-escalation techniques, training staff to approach crises with empathy has made the most meaningful impact on students and staff alike, including impactful decreases in the use of restrictive procedures and increases in staff retention. Examples: Adverse Childhood Experiences, Culturally-Sensitive Trainings, Youth Mental Health First Aid, Restorative Practices, Trauma-Informed Trainings, and Conscious Discipline.
  - (ii) Paid staff hours for curriculum writing: Several districts report that compensating staff for intentionally integrating social-emotional learning into core academic curriculum has furthered staff members' depth of understanding and implementation of, and confidence in, using skills learned in staff development trainings.
  - (iii) Regular debriefs of staff injuries, use of restrictive procedures, and/or individualized data reviews: Most districts report that using on-staff trainers to review skills, provide best practices, and target key areas of skill development for students based on meaningful data, such as Multi-Tiered System of Support and Boys Town data collection, leads to more time students are receiving instruction, and has generally led to decreases in staff injuries.
  
2. Common keys to improvement were data collection, commonality in language with member districts, culturally responsive school leadership; and lack of substitutes.
  - (i) Data collection: Fewer districts have reported data fidelity and implementation issues. More districts are finding that, in year three of the grant, they are gathering meaningful data and using data effectively, both to respond to student behaviors and implement practices with fidelity. Some districts report their current restrictive procedures data is their accurate baseline data, and expect to see further improvement in the quantitative data in the coming years.
  - (ii) Commonality in language with member districts: Districts report that commonality of language and practice with member districts is one of the most important elements to successful transitions to home districts, as well as reducing restrictive procedures use and initial referrals to a setting four program. Expanding this grant opportunity to member districts may preempt some referrals to setting four programs and will positively impact data points reported, such as use of restrictive procedures, disciplinary referrals, and calls to law enforcement.
  - (iii) Culturally-responsive school leadership: Several districts report an increased need for training at all school staff levels, and specifically at the administration level, regarding school-specific racial equity issues.

- (iv) Lack of substitutes: Several districts report that a lack of substitutes generally, as well as a lack of adequate training for substitutes, stifles progress.

### 3. Data trends

- (i) Student turnover: Districts consistently report that student turnover during the school year affects how the data is reflected and what story it tells. For example, one or two students can “artificially inflate” data points.
- (ii) Per-student occurrence downward trend: Most districts report that, overall, they are seeing a downward trend in the use of restrictive procedures, especially with per-student occurrence. Many districts report substantial success in reducing the use of seclusions. Some districts report an increase, sometimes substantial, in the use of physical holds, though many districts report a decrease, even if slight, in the use of physical holds.
- (iii) Decrease in the use of discipline: Many districts report a substantial decrease in the use of discipline—primarily in out-of-school suspension, but also in in-school suspension to a lesser extent—and a decrease in calls to law enforcement. Districts attribute both of these decreases primarily to empathy-focused training. Even still, districts are consistently reporting that students’ mental health needs remain acute and severe.
- (iv) Successful transitions: Many districts report they are seeing an increase in successful transitions to home districts.

## *Goal 2*

By June 30, 2020, in alignment with the Olmstead Positive Support Goals, schools will reduce the emergency use of restrictive procedures at schools 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 under Minnesota Statutes, section 125A.0942.
2. MDE will continue to offer on-site training 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 Assistance to Schools, and d) positive behavior supports and PBIS. The training will be revised to include information from and references to the successful school district outcomes resulting from the receipt of the Staff Development Grants. The training will also include resources gathered by the restrictive procedures 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. Based upon a review of the annual summary restrictive procedures data and the quarterly review of the school districts use of seclusion data, MDE will contact school districts with high usage or atypical patterns of restrictive procedures, particularly seclusion, using the rates per 100 method for identification. MDE will offer to conduct a comprehensive review of the school district's plans, policies and procedures for using restrictive procedures, PBIS, and positive supports, and identify areas and review what is working, what is not working, and concerns from staff and parents. MDE will then facilitate the provision of on-site targeted technical assistance and training to address the identified needs. MDE will also make this review process available to all school districts upon request.
4. The workgroup will develop a Special Education 101 training for new teachers and teachers on variant licenses. The training will be provided in August 2019, and assist in working toward the elimination of seclusion and identifying disproportionalities related to the use of restrictive procedures. The stakeholders will determine the most beneficial topics to include in the training, based on survey information and presenters available, that will assist new teachers and teachers on variant licenses to understanding the state's goal to reduce the use of restrictive procedures and eliminate the use of seclusion. The topics include, but are not 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.
5. The workgroup will continue to gather, develop, and review information to share with school districts to assist in working toward the elimination 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, and federal agencies. Additionally, the workgroup will develop information as determined appropriate. A particular area of focus will be for preschool children who experience the use of seclusion and determine needed collaboration with interagency partners to provide needed services to reduce emergency situations where restrictive procedures, specifically seclusion, are used. MDE will continue to update its Restrictive Procedures Workgroup webpage on its website with resources. The workgroup will gather and review information to post on this page. This work will include reviewing definitions related to student and staff injuries occurring before, during and after the use of a restrictive procedure.
6. The workgroup will develop a standard data presentation template to assist in comparing and reporting the progress in working toward the elimination of seclusion, and identifying and considering strategies to address disproportionalities related to the use of restrictive procedures. The workgroup will review the content of the data collection form related to staff and student injuries.

## *Goal 2 Update*

In accordance with the Olmstead Positive Support Goals, and as set forth in this legislative report, schools have successfully reduced the emergency use of restrictive procedures at schools, as well as increased the use of PBIS and other positive supports to ensure students are supported in the most integrated educational setting.

Regarding the strategies for implementing Goal 2, although no legislative changes to Minnesota Statutes, section 125A.0942 occurred in the past year, some changes have been made to MDE's restrictive procedures reporting forms and process based on workgroup input. Beginning with the third quarter seclusion report for the 2018-19 school year (January through March 2019), districts have been required to affirmatively report to MDE if they have had zero instances of seclusion in a given quarter. Previously, districts were not obligated to report zero seclusions on a quarterly basis; thus, it had been unclear if the districts failed to submit a quarterly seclusion report or had no such instances of seclusion to report.

MDE has continued to offer on-site training to districts, both upon request and using a targeted approach, which provides an overview of Minnesota's restrictive procedures statutes pertaining to children with disabilities. This training has been, and continues to be, revised to include information from and references to the Positive Intervention Strategies training modules and the positive outcomes resulting from the Staff Development Grants. During the 2018-19 school year, MDE staff conducted on-site restrictive procedures training at school districts throughout the state of Minnesota five times to over 687 school staff. MDE also provided one restrictive procedures training at MDE during the 2018-19 school year, which had 55 school staff attendees. As of the date of this report, MDE staff conducted on-site restrictive procedures training at two school districts for 27 attendees during the 2019-20 school year.

Additionally, on August 24, 2018, Sara K. Wolf from MDE's Division of Compliance and Assistance held the second "Special Education Bootcamp" workshop for new teachers, teachers with variant licenses, and other interested school staff, for 140 attendees. The agenda was developed by interested workgroup stakeholders and included topics, such as how to get the most out of individualized education program (IEP) team meetings, restrictive procedures training, student maltreatment training, behavior basis and applications of positive behavior supports to classroom management, and mental health and trauma-informed care. Presenters included Maren Hulden, J.D. and Dan Stewart, J.D., from the Disability Law Center; Erin Farrell, the MDE Autism Specialist and Certified Behavior Analyst; and Sue Abderholden, Executive Director of the National Association of Mental Illness Minnesota.

Over the course of the meetings, the workgroup and data subgroup discussed standardizing the restrictive procedures data presentation template and reviewing the data collection form as it relates to staff and student injuries. At the December 13, 2019 meeting, MDE shared two reports as a starting point for further discussion at the January 17, 2020 meeting related to MDE's collection, analysis, and presentation of restrictive procedures data, and how it aligns with 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.<sup>7</sup>

### *Goal 3*

Reduce seclusion statewide by 10 percent by the end of the 2020 school year: 10 percent reduction in the 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 SY18-19, data from the final work plan summaries for the FY18 Staff Development Grants for intermediate districts and special education cooperatives with instructional setting four programs, lessons from the pilot initiatives described below, and research/analysis conducted as part of workgroup or subgroup activities.

### *Goal 3 Update*

At the December 13, 2019 meeting, Bridgette Ramaley, MDE Fiscal Monitoring/Discipline Incident Reporting System (DIRS) Supervisor, presented the annual restrictive procedures summary data for the 2018-19 school year, which is described and analyzed in more detail in this legislative report. Ramaley reported that the goal of reducing seclusion statewide by 10 percent by the end of the 2019-20 school year is close to being met as of the end of the 2018-19 school year. However, the number of students experiencing seclusion increased.

After the presentation, the 2019 Workgroup reevaluated the goal in light of nearly reaching the reduction in seclusion uses, but ultimately determined to continue with the goal, with updated dates. The workgroup discussed the need to focus on reducing the number of emergency situations in which seclusion may be used, by focusing on preventative measures through the resource and training subgroups' work over the next year.

### *Goal 4*

MDE will partner with one or two districts to pilot the Improvement Tree approaches for federal instruction levels one through three and level four settings. MDE will identify potential partner districts by reviewing data on use of seclusion. [Note: the Improvement Tree approaches were developed in consultation with the workgroup in 2018. MDE shared copies at the January 4, 2019 Workgroup meeting and will send electronic versions to the workgroup. Changes/additions will include: clarification that "staff" includes all district staff (including bus drivers, custodians, lunchroom staff, paraprofessionals, teachers and administrators); a section on parent education (to include participation of advocacy groups); and, inclusion of disproportionality as an area of analysis.]

---

<sup>7</sup> See [Heading Home Together Minnesota's 2018-2020 Action Plan to Prevent and End Homelessness](#) and [Beyond Suspensions: Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#) (last accessed January 17, 2020).

### *Goal 4 Update*

At the September 27, 2019 meeting, Holly Andersen, MDE Division of Special Education, presented an update on the Improvement Tree Pilot Grant opportunity that was developed in consultation with the workgroup. She reported an improvement tree includes the following steps: define, measure, analyze, improve, and control, which in turn, directly correspond to the continuous improvement framework of plan, do, study, and act. Andersen shared the grant's goal is to: reduce the rates of restrictive procedures use; will provide districts with support to obtain staff training and implement innovations that reduce restrictive procedure use and improve student engagement; and, will be targeted toward districts with high rates and demonstrated readiness for focused improvement.

During the December 13, 2019 meeting, Andersen reported the Improvement Tree Pilot Grants would be awarded to three school districts by December 31, 2019. Andersen stated the grants will be supported by MDE staff with an expertise in implementation science and proven practices in data fidelity, and that the three workgroup subgroups' work will similarly inform and support the Improvement Tree Pilot Grants.

### *Goal 5*

The workgroup will actively support:

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

### *Goal 5 Update*

At the December 13, 2019 meeting, the 2019 Workgroup heard presentations from stakeholders, including intermediate districts, mental health advocates, and advocates for parents of children with disabilities, on the 2019-20 legislative priorities. Across stakeholders, legislative priorities included seeking additional funding for staff development, staff support, and specialized mental health services for students. The 2019 Workgroup also discussed the importance of seeking legislative funding and resources by multiple stakeholders, including MDE. As a result of this discussion, the workgroup agreed to continue supporting stakeholders in seeking funding for Staff Development Grants, expanding mental health services, and funding for technical assistance.

### *Goal 6*

The workgroup will establish and participate in subgroups to work on these three specific areas in 2019: data/research, resources, and training.

### *Goal 6 Update*

The 2019 Workgroup established three subgroups, including a data subgroup, resource subgroup, and training subgroup, to align with the 2018 Restrictive Procedures Statewide Plan goals and implementing strategies. At each meeting, the subgroups met individually to discuss goals, implement strategies, and progress, and develop and make recommendations for their respective area. Following the subgroups' individual meetings, the

workgroup reconvened to hear each subgroup's presentation of a brief overview of their discussions. The goal was to have focused and deeper conversations about how the Workgroup can meet its legislative purpose of recommending specific and measurable implementation and outcome goals for reducing the use of restrictive procedures and eliminating the use of seclusion. To further facilitate this effort, in July 2019, MDE created a Microsoft SharePoint site for stakeholders of each of the subgroups to exchange information and develop trainings and resources.

### *Goal 7*

The workgroup endorses MDE's ongoing efforts to obtain consistent data from districts, including MDE's efforts to obtain quarterly seclusion reports from each district/local education agency (even if there are none to report).

### *Goal 7 Update*

Based on the workgroup's recommendations, MDE revised quarterly seclusion reporting requirements to require districts to affirmatively report to MDE if they have had zero instances of seclusion in a given quarter. This requirement will assist in data reporting fidelity.

## **III. 2019 Statewide Plan Recommended by the 2019 Workgroup**

### *Goal 1*

By February 1, 2020, 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 Assistance to Schools; 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 Improvement Tree Pilot 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 Improvement Tree 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.

## **IV. Analysis**

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 district reports 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>8</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>9</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>10</sup>

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 update reporting forms as needed to improve data collection. MDE and the 2019 Workgroup believe that the integrity of the restrictive procedures data continues to improve.

---

<sup>8</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>9</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>10</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.

## Key Data Points

This report includes a summary of the key data points from the restrictive procedures data reported to MDE for the 2018-19 school year. A comprehensive analysis of the use of restrictive procedures, including demographic and disproportionality data, is described in Appendix B of this report.

Restrictive procedures use must be considered within the context of the total population of students receiving special education services, which has been increasing each year.<sup>11</sup> The total enrollment of students in special education increased by 4 percent in 2018-19. Despite this increase, compared to 2017-18, there was an overall decrease in total restrictive procedure uses. However, the number of students who experienced a restrictive procedure during the 2018-19 school year also increased by 4 percent.

Statewide efforts to help districts reduce the number of emergency situations that may result in the use of a restrictive procedure include: the grant monies allocated in 2016 by the Legislature to be used for staff development over three years, and MDE's review of district evaluation, which has been shared at the workgroup meetings; multiple trainings MDE has conducted on Restrictive Procedure Compliance to help districts with more consistent reporting, along with sharing the promising strategies resulting from the Staff Development Grant work. In addition, stakeholders have described how the school-linked mental health funds have been helpful in addressing students' mental health needs, and the need for additional funding.

The data below summarizes the change in restrictive procedures use from 2017-18 to 2018-19:

- In the 2018-19 school year, there were 526 active local educational agencies, which includes public school districts and charter schools, required to report the use of restrictive procedures, which is unchanged from the 2017-18 school year.
- The official enrollment of students receiving special education services increased by 4 percent, from 142,270 to 147,605.
- The percentage of students who experienced a restrictive procedure as compared to the entire special education population, 2 percent, decreased from the prior year, which in 2017-18 was 2.5 percent.
- Districts reported 17,180 total uses of physical holding, a decrease of 1,704 uses (9 percent), and 3,357 students who were physically held, a decrease of 108 students (3 percent).
- Districts reported 5,592 seclusion uses, a decrease of 569 uses (9 percent), and 861 students who experienced seclusion, an increase of 37 students (4 percent).
- Of those students who experienced a restrictive procedure, the overall rate of restrictive procedure use per student decreased from 7.1 to 6.3 uses per student. The rate of physical holds per student who were

---

<sup>11</sup> The enrollment percentage of students in special education was 17.1 percent for the 2018-19 school year, as compared to 15.5 percent for the 2015-16 school year.

physically held decreased from 5.4 to 5.1, and the rate of seclusions per secluded student decreased from 7.5<sup>12</sup> to 6.5.

## Quarterly Data on Individual Students Who Have Been Secluded During the 2018-19 School Year

MDE now has detailed data of individual seclusion uses for three full school years: 2016-17, 2017-18, and for 2018-19. 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 last reporting quarter of the 2018-19 school year, as well as a comparison of the same reporting quarter across school years.

### *Reporting Districts*

A total of 65 districts reported seclusion use during the 2018-19 school year, a decrease from 71 districts reporting use during the 2017-18 school year. Although the number of districts reporting seclusion use decreased during the school year overall, the number of districts reporting seclusion used during the first quarter of the 2018-19 school year was 39, an increase from 36 in the same period of 2017-18.

The types of districts that reported seclusion use during the 2018-19 school year include:

- 48 of 327 traditional school districts
- 4 of 4 intermediate school districts
- 13 of 27 cooperatives and education districts

### *Overall Seclusion Use*

Annual statistics indicate an overall decrease in seclusion use during the 2018-19 school year from the previous one. In 2018-19, districts reported a total of 5,592 seclusion uses and 861 students who experienced seclusion, a reduction of 9.2 percent in uses overall but an increase of 4.5 percent of students experiencing seclusion from the previous year, respectively. As Table 1 shows, nearly all annual summary statistics indicate a reduction in total seclusion use. Although the number of students experiencing seclusion overall has gone up by 4.5 percent, Table 1 shows the average number of seclusion uses per student has decreased from 7.5 in the 2017-18 school year to 6.5 in the 2018-19 school year. However, during the 2018-19 school year, average minutes per use rose to 15.0 from 13.5 during the previous school year.

---

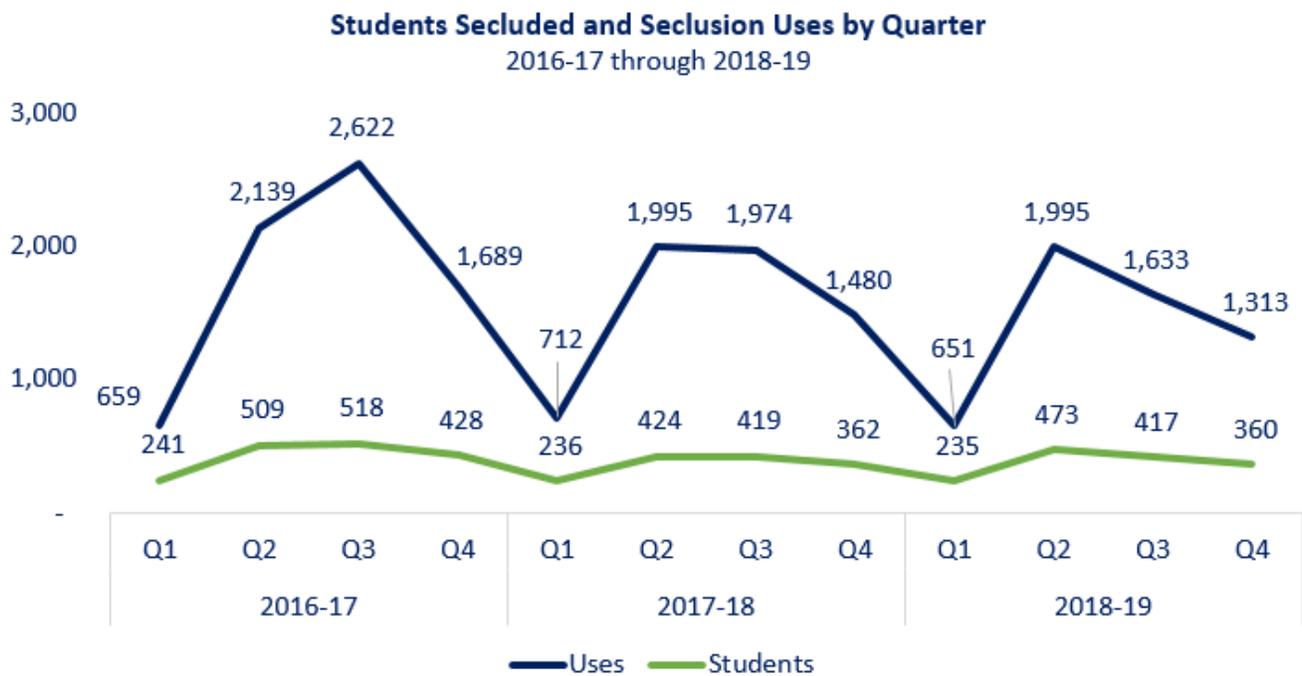
<sup>12</sup> Due to an analysis with updated software, the rate of seclusions per secluded student in the 2017-18 school year was revised from 7.6 in the 2019 legislative report to 7.5.

Figure A highlights the overall downward trend of seclusion uses and shows a decline in the number of seclusion uses occurring each quarter, relative to the same quarter in the previous two years. The data in Table 1 also documents the downward trend in the average number of uses per student.

**Table 1. Average Seclusion Uses per Student, Days Seclusion was Used, and Minutes per Seclusion Use, 2017-18 and 2018-19**

Seclusion Data Point	2017-18 <sup>13</sup>				2018-19			
	Average	Median	Max	Std Dev <sup>14</sup>	Average	Median	Max	Std Dev
Uses Per Student	7.5	3	148	14.1	6.5	3	131	10.5
Seclusion Days Per Student	4.9	2	62	6.9	4.7	2	57	6.1
Minutes Per Use	13.5	10	122	12.8	15.0	10	205	16.5

**Figure A. Students Secluded and Seclusion Uses by Quarter, 2016-17 through 2018-19**



<sup>13</sup> Due to an analysis with updated software, the rate of seclusions per secluded student in the 2017-18 school year was revised from 7.6 in the 2019 legislative report to 7.5. The minutes per use was revised from 12.2 to 13.5.

<sup>14</sup> Std Dev is abbreviated from the term standard deviation, which measures the extent of deviation from the group as a whole.

## Annual Summary Data on the Use of Restrictive Procedures during the 2018-19 School Year

This section provides an overview of the annual summary data submitted by districts, including overall restrictive procedure use, physical holding use and trends, and reporting district data.

### Reporting Districts

For the 2018-19 school year, of the 524 districts that reported summary data to MDE, 296 of the school districts reported use of at least one restrictive procedure, whether physical holding, seclusion, or a combination of both. The number of districts reporting restrictive procedure use decreased from 309 in the previous school year. The types of districts that reported restrictive procedure use during the 2018-19 school year include:

- 211 of 327 traditional districts
- 4 of 4 intermediate school districts
- 21 of 27 cooperatives and education districts
- 60 of 164 charter schools

### Overall Restrictive Procedure Use

Figure B 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. Statewide, during the 2018-19 school year, districts reported a total of 22,772 restrictive procedures used, including 17,180 physical holds and 5,592 seclusion uses. Total restrictive procedures use decreased from the 2017-18 school year by 9 percent and was the lowest total number of restrictive procedures used since the 2015-16 school year. The average number of restrictive procedures used per restricted student increased slightly from 14 to 16.

Districts reported using restrictive procedures with 3,546 students during the 2017-18 school year, or about 2.5 percent of the total number of students who received special education services. Although the number of students who experienced a restrictive procedure increased from the previous year, the proportion of students who experienced a restrictive procedure decreased to 2 percent, because the total number of students receiving special education services also increased.

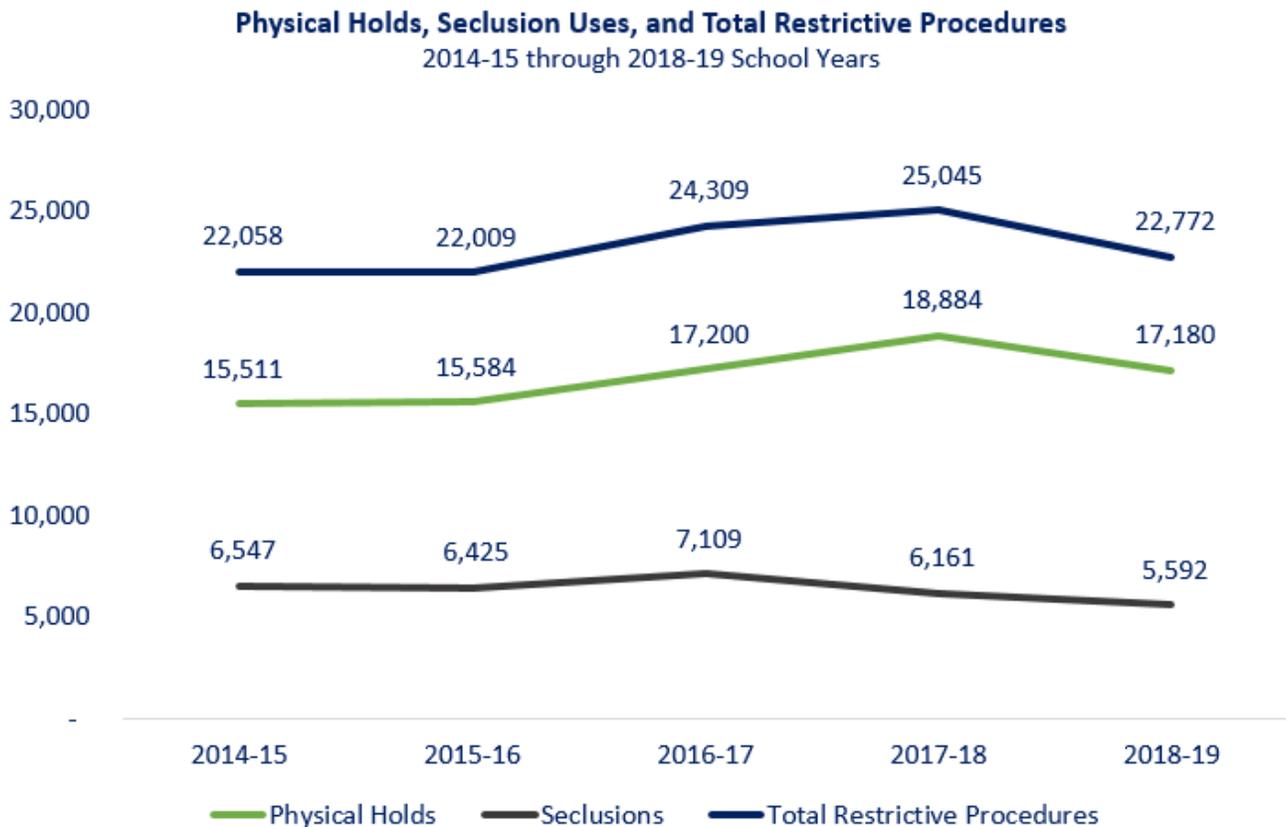
**Table 2. Annual Physical Holds, Seclusion Uses, and Total Restrictive Procedure Uses, 2014-15 through 2018-19<sup>15</sup>**

School Year	Physical Holds	Seclusions	Total Restrictive Procedures
2014-15	15,511	6,547	22,058
2015-16	15,584	6,425	22,009

<sup>15</sup> Due to an analysis with updated software, the total count of total restrictive procedures in the 2019 legislative report is revised in the 2020 legislative report.

School Year	Physical Holds	Seclusions	Total Restrictive Procedures
2016-17	17,200	7,109	24,309
2017-18	18,884	6,161	25,045
2018-19	17,180	5,592	22,772

Figure B. Annual Restrictive Procedures Uses since the 2014-15 School Year



As Figure B shows, the number of physical holds have declined after several years of increases. When comparing the reported number of physical holds (17,180) as well as the total number of students with whom physical holding was used (3,357), both decreased from the 2017-18 school year by 9 percent and 3 percent, respectively. From the 2017-18 school year to the 2018-19 school year, the average number of physical holds per physically held student decreased from 5.4 to 5.1.

Additionally, as Figure B shows, there has been a decrease in the use of seclusion over the past two school years. As compared to the 2017-18 school year, the total number of seclusion uses (5,592) decreased by 9 percent, and the average number of seclusion uses per secluded student also decreased from 7.5 to 6.5.

## V. Relevant Regulatory Developments

### Federal Developments

On May 12, 2012, the Office of Special Education Programs at the U.S. Department of Education issued a document titled *Restraint and Seclusion: Resource Document* (Resource Document). It defined the terms “prone restraint” and “seclusion” and included 15 principles to assist states and districts to consider when developing or revising restrictive procedures policies and procedures. The 15 principles provide additional protections from restraint and seclusion and include:

- 1) Every effort should be made to prevent the need for the use of restraint and for the use of seclusion;
- 2) Schools should never use mechanical restraints to restrict a child’s freedom of movement, and schools should never use a drug or medication to control behavior or restrict freedom of movement (except as authorized by a licensed or other qualified health professional);
- 3) Physical restraint or seclusion should not be used except in situations where the child’s behavior poses imminent danger of serious physical harm to self or others and other interventions are ineffective and should be discontinued as soon as imminent danger of serious physical harm to self or others has dissipated;
- 4) Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities;
- 5) Any behavioral intervention must be consistent with the child’s rights to be treated with dignity and to be free from abuse;
- 6) Restraint or seclusion should never be used as punishment or discipline (e.g., placing in seclusion for out-of-seat behavior), as a means of coercion or retaliation, or as a convenience;
- 7) Restraint or seclusion should never be used in a manner that restricts a child’s breathing or harms the child;
- 8) The use of restraint or seclusion, particularly when there is repeated use for an individual child, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, revision of strategies currently in place to address dangerous behavior; if positive behavioral strategies are not in place, staff should consider developing them;
- 9) Behavioral strategies to address dangerous behavior that results in the use of restraint or seclusion should address the underlying cause or purpose of the dangerous behavior;
- 10) Teachers and other personnel should be trained regularly on the appropriate use of effective alternatives to physical restraint and seclusion, such as positive behavioral interventions and supports and, only for cases involving imminent danger of serious physical harm, on the safe use of physical restraint and seclusion;
- 11) Every instance in which restraint or seclusion is used should be carefully and continuously and visually monitored to ensure the appropriateness of its use and safety of the child, other children, teachers, and other personnel;
- 12) Parents should be informed of the policies on restraint and seclusion at their child’s school or other educational setting, as well as applicable federal, state, or local laws;

- 13) Parents should be notified as soon as possible following each instance in which restraint or seclusion is used with their child;
- 14) Policies regarding the use of restraint and seclusion should be reviewed regularly and updated as appropriate; and,
- 15) Policies regarding the use of restraint and seclusion should provide that each incident involving the use of restraint or seclusion should be documented in writing and provide for the collection of specific data that would enable teachers, staff and other personnel to understand and implement the preceding principles.

On December 28, 2016, the U.S. Department of Education, Office of Civil Rights Division issued a guidance document titled, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities*.<sup>16</sup> As described in that document, “In particular, this guidance informs school districts how the use of restraint and seclusion in the school setting may result in discrimination against students with disabilities, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) (both as amended).”

Based upon the most recent civil rights data collected for the 2013-14 school year, students with disabilities and receiving services under the Individuals with Disabilities Education Act represented 12 percent of students enrolled nationally in public schools; however, they represented 67 percent of the students who were subjected to restraint and seclusion in the school setting. The federal guidance focuses on students enrolled in kindergarten through grade 12; however, as noted in the guidance, restraint and seclusion can impact a child’s access to a program at the preschool level, and there are nondiscrimination obligations under federal disability civil rights laws for those students.

The guidance also reiterates that “there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.” Through a series of questions and answers, the documents provide guidance on how school districts should respond to students with or without disabilities who engage in physical aggression/self-injurious behavior. In addition, resources are listed that address positive behavioral interventions, evidence-based positive classroom strategies, and student trauma. Those resources include trauma-informed care and information on the serious impact of traumatic stress on children.

On July 23, 2019, the U.S. Commission on Civil Rights issued a briefing report titled, *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*.<sup>17</sup> Although the report focuses on exclusionary discipline policies, the report outlined nationwide data addressing the use of restraints and seclusions of students with disabilities, which reflect disproportionate use on students with disabilities. In pertinent parts, the commission noted the use of restraints or seclusion to

---

<sup>16</sup> See [Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities](#) (last accessed January 17, 2020).

<sup>17</sup> See [Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#) (last accessed January 17, 2020).

control a student’s behavior may have a discriminatory effect on students of color with disabilities that may violate federal and state civil rights laws. The commission generally recommended similar trauma-informed trainings, PBIS, and restorative practices presently be used by the districts receiving funds through the Staff Development Funds.

On January 17, 2020, the U.S. Secretary of Education, Betsy DeVos, announced an initiative to examine the possible inappropriate use of restraint and seclusion in the school setting. As a part of this initiative, the Office for Civil Rights has partnered with the Office of Special Education and Rehabilitative Services to support teachers, school leaders, parents, and stakeholders as they work to address the behavioral needs of children with disabilities. One primary component of the U.S. Department of Education’s initiative has focused on providing technical assistance to support schools in understanding how Section 504, Title II, and the Individuals with Disabilities Education Act informs the development and implementation of policies governing the use of restraint and seclusion.

## **VI. Recommendations**

### **Statutory Recommendations**

The 2019 Workgroup does not recommend any amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942.

### **Recommended Funding for Staff Development, Expanded Mental Health Services, and Increased Technical Assistance for Districts**

#### *Recommendation for Staff Development Funding*

The districts that received Staff Development Grants over the past three years reported how the funds helped build staff capacity and reduce the number of emergency situations. Further, the funds assisted districts with finding appropriate curriculum to engage students in the setting four programs. That funding ends as of June 30, 2020.<sup>18</sup> Many of the grantees reported success in the reduction in the use of restrictive procedures and/or seclusion, as well as more successful transitions for students returning to their home districts. Common keys to improvement were ongoing training, and additional meeting time for staff to ensure consistent implementation and share what works and does not work. Many grantees reported a change in how staff view student behavior.

The 2019 Workgroup recommends and actively supports continued staff development funding. The funds are to be used for activities related to enhancing services to students who may have challenging behaviors or mental

---

<sup>18</sup> The FY19 grants were reduced by approximately 40 percent, due to the inability to fully fund the grantees based on the number of employed staff. The grantees must complete their work by June 30, 2020.

health issues, or be suffering from trauma. The funds are necessary for districts to continue to make school/program improvement efforts with fidelity to build staff capacity and reduce the use of restrictive procedures, specifically seclusion.

### *Recommendation for Expanded Mental Health Services*

MDE continues to hear from districts how difficult it is to maintain training, resources, support, wrap-around processes, and/or mental health services. The 2019 Workgroup reports that there is inconsistency in the availability of consistent and effective mental health services offered throughout the state. Some districts are unable to obtain needed county/community-level supports for their students.

Accordingly, the 2019 Workgroup actively supports expanded mental health services to provide needed services for students with complex mental health needs. These services would include expanding school-linked mental health grants, community mental health services for children, addressing federal Medicaid funding changes related to residential care and treatment programs, and increased funding for district staff for professional development related to better understanding mental health issues and suicide prevention.

### *Recommendations for Technical Assistance Funding*

Workgroup stakeholders have consistently reported the need for additional funding for technical assistance for staff. As with setting four programs, districts are seeking training for their staff, such as de-escalation and trauma-informed practices.

The 2019 Workgroup actively supports technical assistance funding. Funding would be available for districts to obtain supports, as needed, to build staff capacity to reduce the number of emergency situations in which a physical hold and/or seclusion is used. This funding would be similar to funding the Minnesota Department of Human Services received to work directly with providers as they worked to reduce the use of restrictive procedures, specifically, to eliminate the use of seclusion.

## **Conclusion**

MDE is committed to ensuring that all students and all staff are safe in all educational environments. We are also committed to working with the Minnesota Legislature and all interested stakeholders, including parents, educators, school administrators, and community leaders, to ensure schools have necessary and effective tools to support student safety, while working together to reduce the use of restrictive procedures and work toward the elimination of seclusion.

MDE and the Restrictive Procedures Workgroup respectfully submit this report to provide the Legislature with objective data to inform its continuing policy discussions regarding restrictive procedures. The report details a statewide reduction in the number of physical hold uses and the number of students who experienced the use of physical holding. The report also details the decrease in the number of uses of seclusion, and an increase in the number of students experiencing the use of seclusion. The report addresses Minnesota's 2018 Olmstead Plan. While the number of students affected by this discussion is small, about 2 percent of the total special

education student population experience the use of restrictive procedures, and it is clear that these students have significant and complex needs. In order to move forward, the 2019 Workgroup reached consensus on a number of recommendations, including increased legislative funding to continue the Staff Development Grants, expanded mental health services, and increased technical supports for districts. The recommendations are detailed above. In addition, Appendix B includes additional data and graphs and narrative related to the statewide restrictive procedures data.

We anticipate this report will result in informed decision-making, promoting safe educational environments. We appreciate the opportunity to inform the Legislature about this important issue and commend the Legislature for its continued commitment to this task.

## Appendix A

### 2019 Stakeholder Group Members

Anoka-Hennepin School District	Stacey Dahlby
Anoka-Hennepin School District	Tasha Hoium
Autism Society of Minnesota	Jean Bender
Goodhue County Education District	Maggie Helwig
Grand Rapids School District 318	Anna Lloyd
Intermediate District 287	Tina Houck
Intermediate District 287	Kate Hulse
Intermediate District 287	Amie Wold
Intermediate District 288	Melanie Kray
Intermediate District 916	Val Rae Boe
Intermediate District 917	Melissa Schaller
Intermediate District 917	Amy Swaney
Mahtomedi School District 832	Jill Doherty
Mahtomedi School District 832	Tony Pierce
Minnesota Administrators for Special Education	Cherie Johnson
Minnesota Administrators for Special Education	John Klaber
Minnesota Association of County Social Services – Hennepin County	Mark Sander
Minnesota Association of County Social Services – Meeker County	Paul Bukovich
Minnesota Council of Child Care Agencies	Kirsten Anderson
Minnesota Department of Human Services	Mary Paulson
Minnesota Department of Human Services	Charles Young
Minnesota Disability Law Center	Mike Hagley
Minnesota Disability Law Center	Joshua Ladd

Minnesota Disability Law Center	Dan Stewart
Management Analysis and Development (Facilitator)	Beth Bibus
Minnesota School Board Association	Maria Lonis
National Alliance on Mental Illness	Sue Abderholden
National Alliance on Mental Illness	Sam Smith
Olmsted County	Pat McEvoy
PACER Center	Paula Goldberg
PACER Center	Jody Manning
PACER Center	Virginia Richardson
Rosemount-Apple Valley-Eagan School District 196	Andrea Engstrom
Shakopee School District 720	Maggie Helwig
Southwest Metro Intermediate District 288	Melanie Kray
Southwest West Central Service Cooperative 991	Amber Bruns
Southwest West Central Service Cooperative 991	Mindy Halverson
Southwest West Central Service Cooperative 991	Marissa Stordahl
St. Paul Public School District 625	Marcy Doud
St. Paul Public School District 625	Amy Johnson
The Arc Minnesota	Maren Christenson
Waconia School District 110	Jenn Froelich
Wayzata School District 284	Rebecca Boggs

### **2019 Stakeholder Minnesota Department of Education Participants**

Assistant Commissioner	Daron Korte
Director, Compliance and Assistance	Marikay Canaga Litzau
Supervisor, Dispute Resolution	Sara Winter
Supervisor, Fiscal Monitoring	Bridgette Ramaley

Supervisor, Special Education Interagency Partnerships	Tom Delaney
Supervisor, Special Education	Eric Kloos
Compliance and Assistance Data Analyst	Carly Lykes
Compliance and Assistance	Sara K. Wolf
Compliance and Assistance	Rachel Centinario
Special Education	Janet Christiansen
Special Education	Garrett Petrie
Special Education	Holly Andersen
Special Education	Erin Farrell

## Appendix B

### Background on Data Collection

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. 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 collecting detailed data for individual seclusion uses to MDE through a secure website. This section of the report provides a brief overview of all students who received special education services, a summary of all restrictive procedure uses, and students who experienced a restrictive procedure.

#### *Collection Methods*

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 report any use of seclusion or a physical hold, data collection efforts must consider the reporting burden to districts and the integrity of the data reported.

#### *Data Limitations*

There are several limitations specific to the restrictive procedures data available to MDE. Although MDE now has seven full school years of summary data for overall restrictive procedures use, physical holds, and demographic information of students physically held, an 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 three full school years (2016-17, 2017-18, and 2018-19). MDE is in the process of reviewing different data reporting and analysis tools to further refine data validation processes.

### 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. The description includes the demographic characteristics collected on the Restrictive Procedures Annual Summary Form and how the special education population is changing over time.

**Table 3. Demographics of Minnesota Students Receiving Special Education Services, 2017-18 through 2019-20<sup>19</sup>**

<b>Gender</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
F	32.8%	33.0%	33.1%
M	67.2%	67.0%	66.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Age Group</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
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%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Race/Ethnicity</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
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%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Instructional Setting</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
1 Outside of Regular Classroom	52.2%	52.4%	52.4%
2 Resource Room	19.4%	19.2%	19.2%
3 Separate Classroom	8.4%	8.3%	8.3%
4 Public Separate Facility	3.2%	3.2%	3.3%
Early Childhood	11.9%	11.9%	12.0%
Other	4.9%	5.0%	4.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

---

<sup>19</sup> Due to an analysis with updated software, the demographic breakout in the 2019 legislative report is revised in the 2020 legislative report.

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%	15.5%
Traumatic Brain Injury Disabled	0.3%	0.3%	0.3%
Visually Impaired	0.4%	0.3%	0.3%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Minnesota schools reported 151,647 students receiving special education services in the 2019-20 school year. Figure C shows the annual growth of students receiving special education services since the 2014-15 school year and highlights the increasing rate that the population has grown at since that time. For the last two years, the number of student receiving special education services increased by 3.7 percent in the 2018-19 school year and 2.7 percent in the 2019-20 school year.

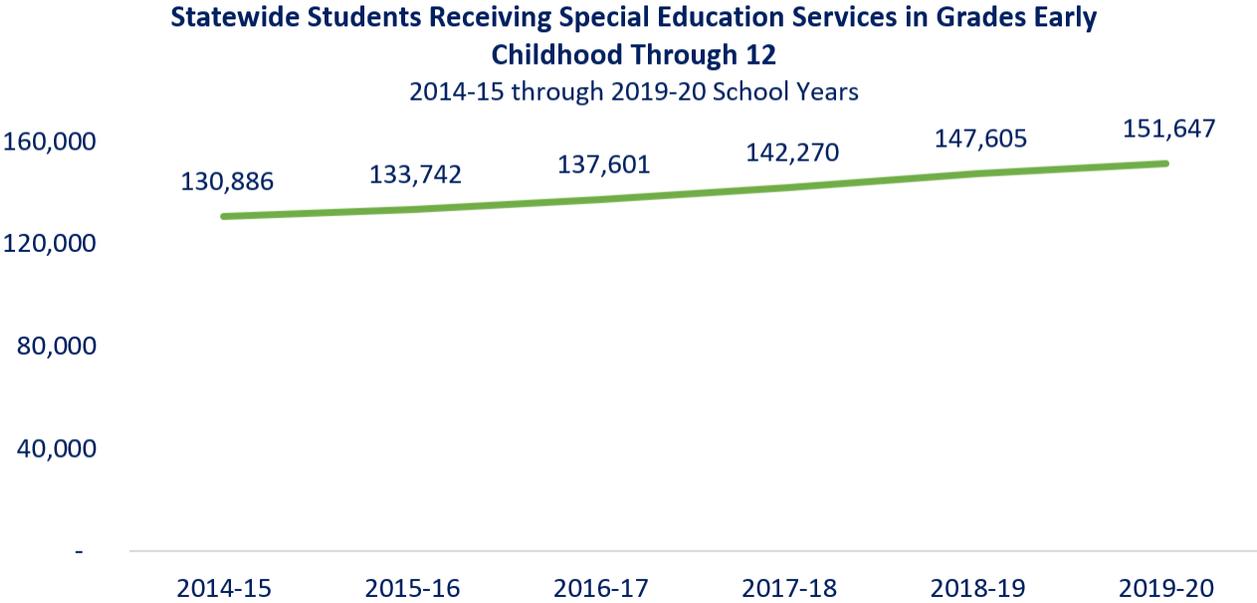
Since 2011-12, the demographics characteristics of Minnesota students receiving special education services have remained largely stable, with the exception of race and ethnicity. Table 3 shows the percentage of students by gender, age group, race and ethnicity, primary disability, and the most common instructional setting for the 2017-19 through 2019-20 school years. The percentage of students across the groups within each category displayed in Table 3 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 year. As the percentage of white students declined, 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 categories of disability types. The most prevalent disability type is Specific Learning Disabilities, 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 Disorder or Developmental Delay have slightly increased nearly every year. Table 3 shows the percentage of students in each of the 14 disability types.

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 service 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 one through four, with students in a higher setting number spending less time in class with their nondisabled peers. More than half of the students (52.4 percent) receiving special education services in kindergarten through grade 12 are in setting one, and spend most of their time (at least 79 percent) in a general education classroom. Students in setting four, 3.3 percent, spend more than 50 percent of the day in a separate school facility for students with disabilities. This number includes federal instructional setting four programs operated by independent school districts, intermediate school districts, and special education cooperatives.

Minnesota students in early childhood education programs, 3-5 years of age, can also receive special education services in different settings. Twelve percent of Minnesota students receiving special education services are early childhood students in settings 31 through 34, and spend at least part of their week with their nondisabled peers.

**Figure C. Annual Enrollment of Minnesota Students Receiving Special Education Services**

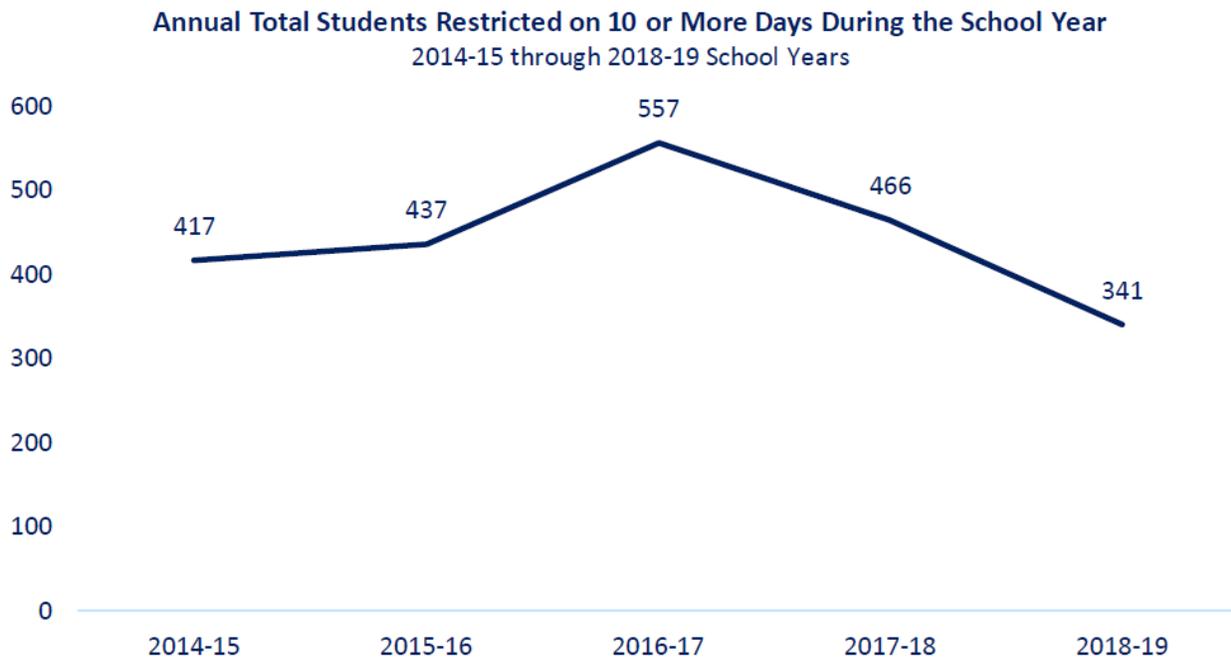


## Students Restricted 10 or More Days

Minnesota Statutes, section 125A.0942, subdivision 2(d), obligates districts to take additional action when restrictive procedures have been used 10 or more days for a single student within one school year. Therefore, MDE requires districts to report the number of students who experiences any restrictive procedure 10 or more days. Figure D shows the total number of students who were restricted at least 10 days since the 2014-15 school year.

For the second year in a row, districts reported a decrease in the number of students receiving special education services who were restricted 10 or more days, down to 341 from 466 in the previous year, or a decrease of just over 27 percent. These students account for 1.5 percent of all students who experienced a restrictive procedures and less than half a percent of all students receiving special education.

**Figure D. Students Restricted 10 or More Days, 2014-15 through 2018-19**

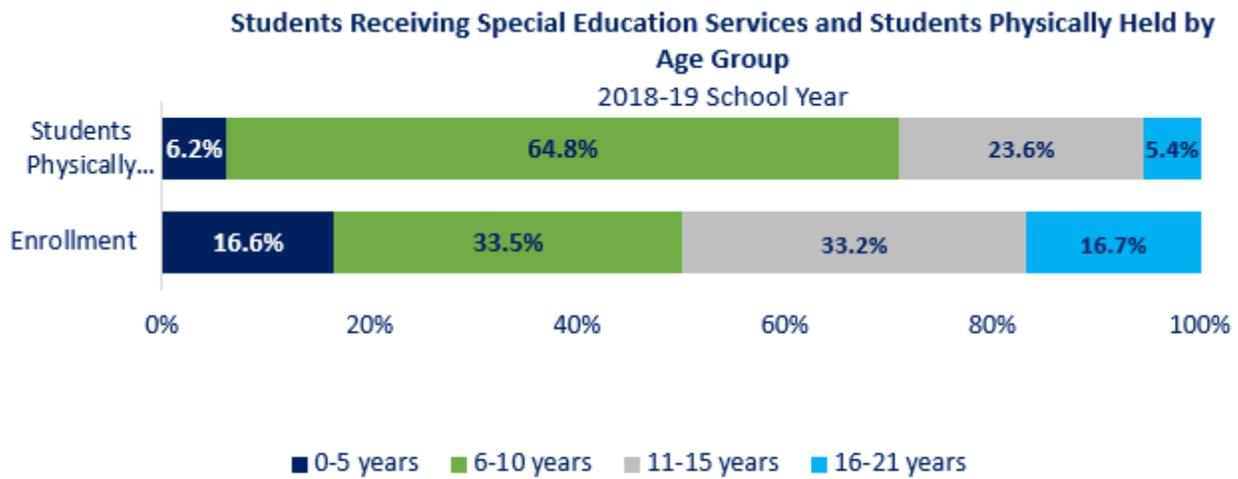


## Physical Holding: Student Demographics

### Age

Over time, physical hold use among students in different age groups has been relatively constant, with only a small shift during the 2018-19 school year. Approximately 88 percent of physical holds during the 2018-19 school year were used for students ages 6 through 15, down from 90 percent during the previous school year. Conversely, physical holds for students ages birth through 5 went up from 5.4 percent to 6.2 percent in the 2018-19 school year. In comparison, Figure E shows that students ages 6 through 15 represent about 67 percent of the enrollment of students receiving special education services.

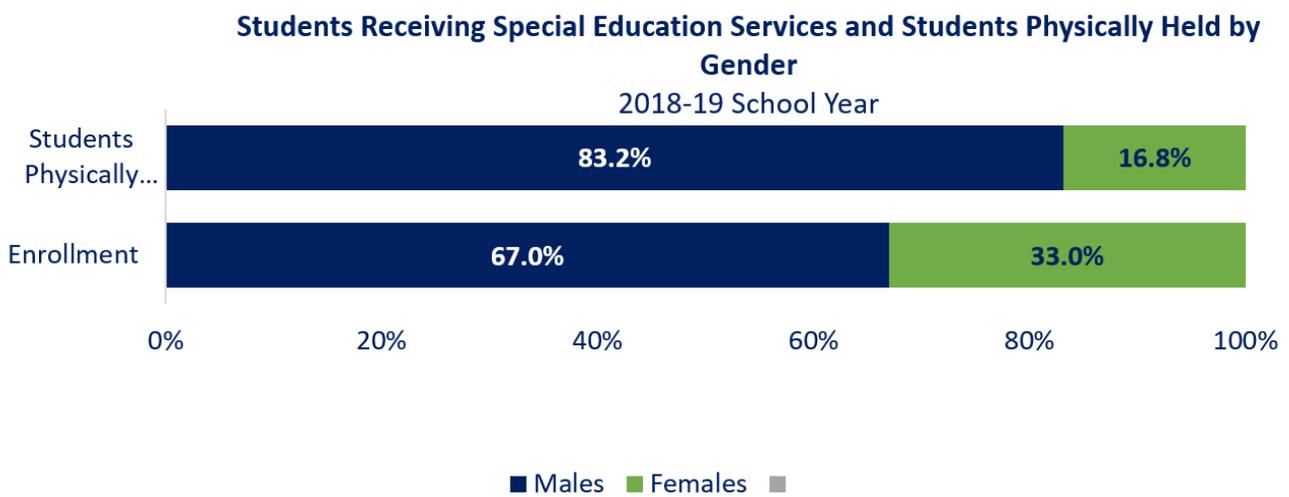
**Figure E. Enrollment and Physically Held Students by Age Group, 2018-19**



## Gender

Male students have comprised a greater proportion of students receiving special education services and a greater proportion of students experiencing physical holding since the 2011-12 school year. Sixty-seven percent of students receiving special education services in the 2018-19 school year were males and 33 percent females, a ratio of approximately two males to every female. During the same time period, approximately 83 percent of the students experiencing physical holds were male and 17 percent were female, a ratio of 4.9 males to every female, as shown in the second graph of Figure F.

**Figure F. Enrollment and Students Physically Held by Gender, 2018-19**

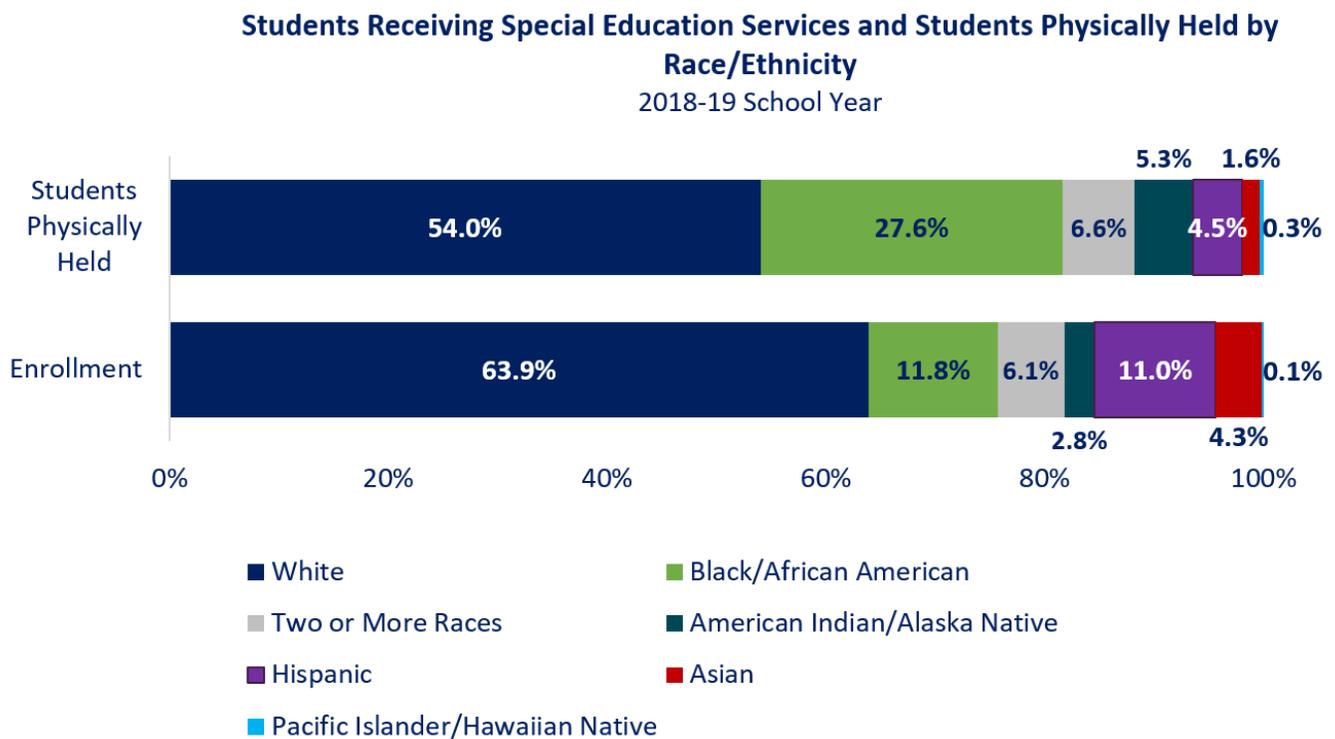


## Race/Ethnicity

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 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 categories include two additional groups, Pacific Islander/Native Hawaiian and Two or More Races, which were not specifically identified on the Summary Forms for the reporting periods of FY12 through FY17.

Figure G compares the proportion of students enrolled in special education services with the proportion of students who experienced physical holding during the 2018-19 school year. Black/African American students, American Indian/Alaska Native students, and students reported under the category of Two or More Races, are all overrepresented in the use of physical holds. Conversely, categories of white, Hispanic, and Asian are all considerably underrepresented.

**Figure G. Enrollment and Students Physically Held by Race/Ethnicity, 2018-19**



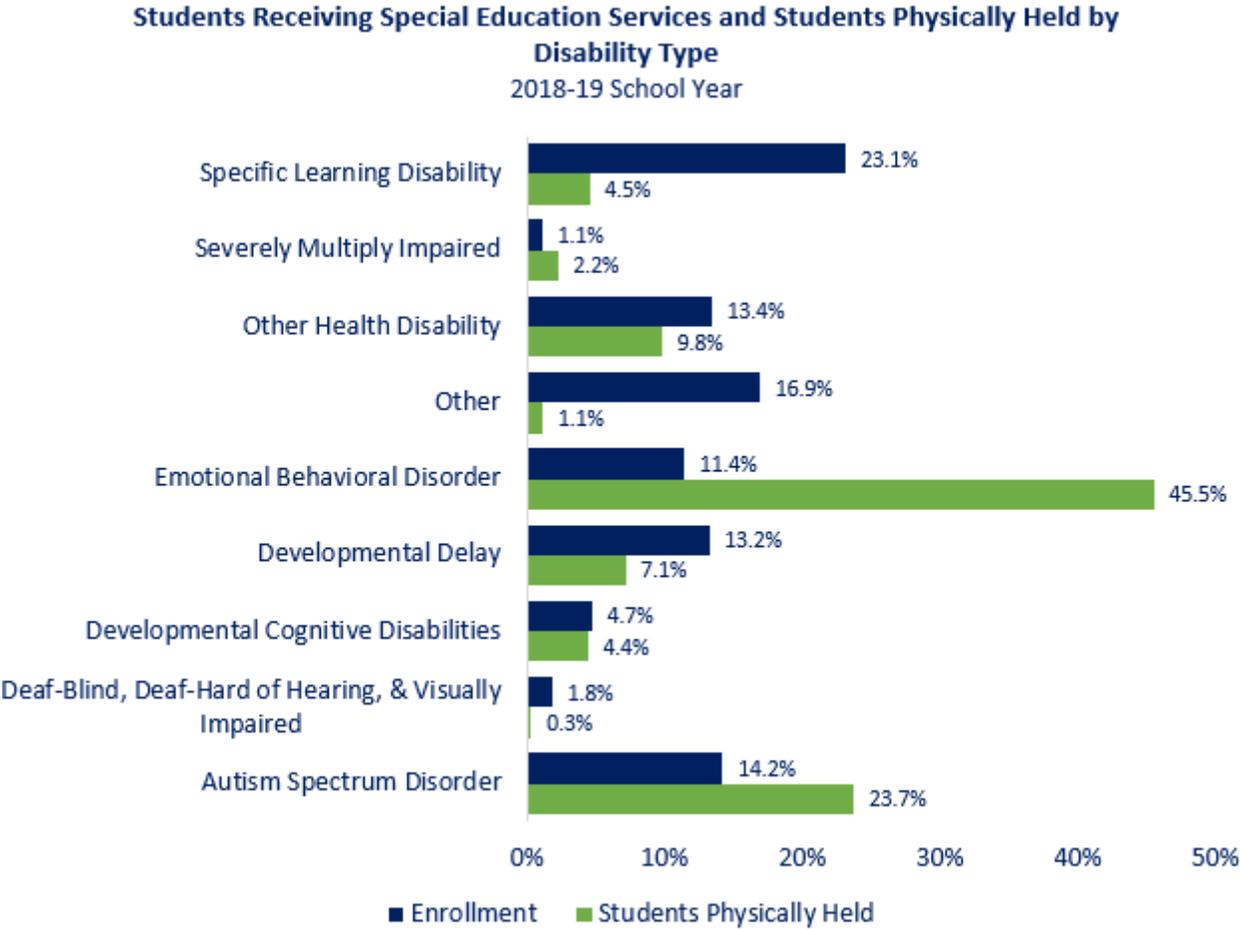
## Disability

During the 2018-19 school year, students whose primary disability was reported as emotional behavioral disorder (EBD) or autism spectrum disorder (ASD) accounted for just under 70 percent of the students who

experienced physical holding. Students receiving special education services under the ASD category made up approximately 14 percent of the special education student population, and students receiving special education services under the EBD category made up approximately 11 percent. Since the 2016-17 school year, the percentage of students with EBD who were physically held has been steadily decreasing from 50 percent to 45.5 percent.

Figure H shows the nine disability categories with the largest percentage of students who experience physical holding during the 2018-19 school year, which include the following disability categories: specific learning disability (SLD), severely multiply impaired (SMI), other health disorders (OHD), EBD, developmental delay (DD), developmental cognitive disabilities (DCD), deaf-blind (DB)/deaf-hard of hearing (DHH)/visually impaired (VI), and ASD. Approximately 1 percent of students who experienced physical holding, and 17 percent of all students in special education, had one of the following disabilities, which are listed under Other in Figure H. The other category includes speech or language impairments (SLI), traumatic brain injury (TBI), physically impaired (PI).

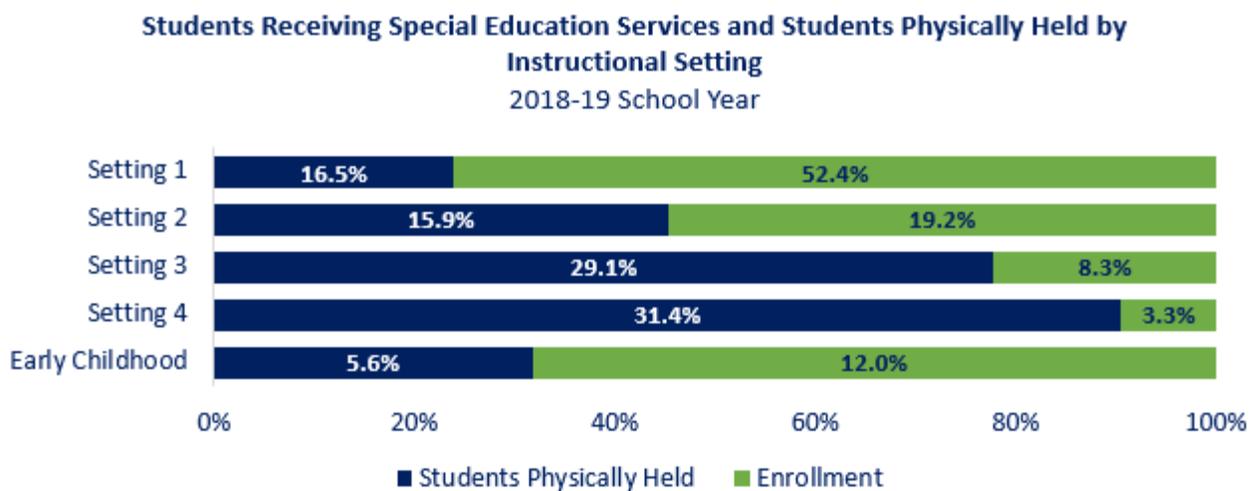
**Figure H. Special Education Enrollment and Students Physically Held by Disability, 2018-19**



### Federal Instructional 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 instructional setting four programs, a disproportionate number of students who are physically held are in setting four, a trend that is consistent with data from the past two school years. As Figure I shows, most physical holds in 2018-19 occurred either with students in federal instruction setting four (31 percent)<sup>20</sup> or students in setting three (29 percent). Since the 2014-15 school year, the proportion of physically held students in setting three has decreased every year, resulting in a total decrease of 5 percentage points over five school years. In contrast, just under 12 percent of students in special education are in federal instruction settings three and four, about 8 and 3 percent respectively. Approximately 32 percent of students who experienced a physical hold were in settings one and two, but comprise approximately 72 percent of all students receiving special education services.

**Figure I. Special Education Enrollment and Students Physically Held by Instructional Setting, 2018-19**



### Student and Staff Injuries

Overall, the number of injuries reported by districts sustained by students and staff that resulted from physical holding uses has increased since the 2012-13 school year. Figure J shows that the number of injuries reported has fluctuated over the last several school years, with an overall trend upward.

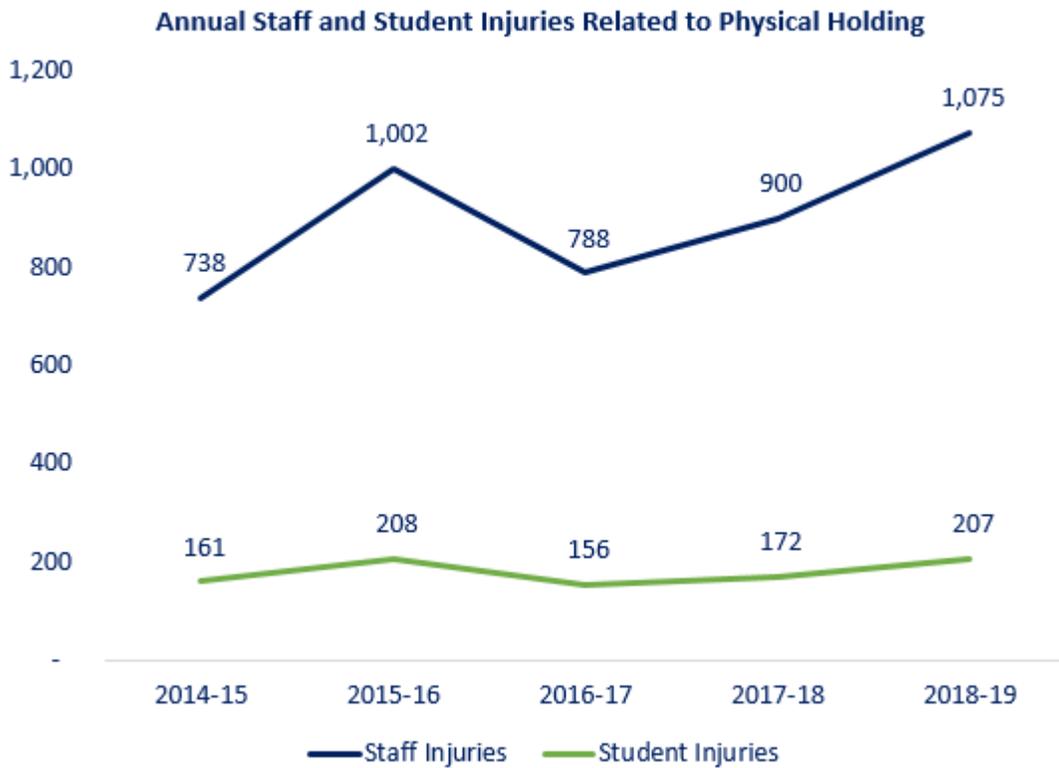
A factor that may confound the number of injuries reported is the subjectivity in defining an injury and whether it resulted from a physical hold use. Given the lack of a consistent definition of an injury, districts locally

---

<sup>20</sup> While the percentage was highest in setting four, the actual number of holds decreased by 1 percent during the 2018-19 school year.

determine a threshold for the level of injury and how close in time it must occur to the physical hold use when deciding whether to include it in their yearly counts.

**Figure J. Annual Physical Holding Injuries, 2014-15 through 2018-19**

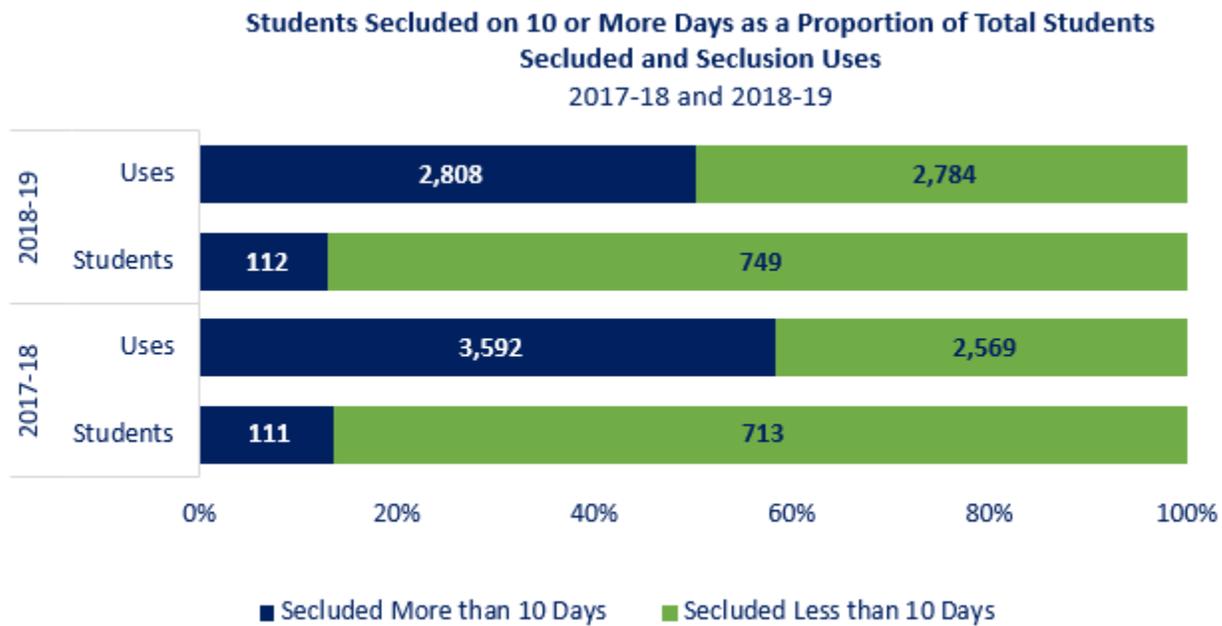


## Seclusion: Student Demographics

### Students Secluded 10 or More Days

During the 2018-19 school year, districts reported that 112 students were secluded for 10 or more school days, or 13 percent of all student secluded during that time, which is steady with the previous year. These 112 students accounted for 2,808 of all reported seclusion uses during the year, or an average of 25 uses per student, as showing in Figure K. This number is down from an average of 35 uses per student in the previous year.

**Figure K. Students Secluded 10 or More Days as a Proportion of Total Students Secluded and Seclusion Uses, 2017-18 and 2018-19**



21

### Age

Table 4 shows an increase in the number of students who were secluded during the 2018-19 school year for students ages 6 to 15, which also corresponds with increased uses in those age groups. However, uses per student declined in all age groups except for those students' ages birth to 5 years old.

<sup>21</sup> Due to an analysis with updated software, the total count of students and uses secluded 10 days or more and total students and uses for the 2017-18 school year in the 2019 Legislative report is revised in the 2020 Legislative report.

**Table 4. Average Seclusion Length, Seclusion Uses, and Seclusion Days by Age Group, 2017-18 and 2018-19<sup>22</sup>**

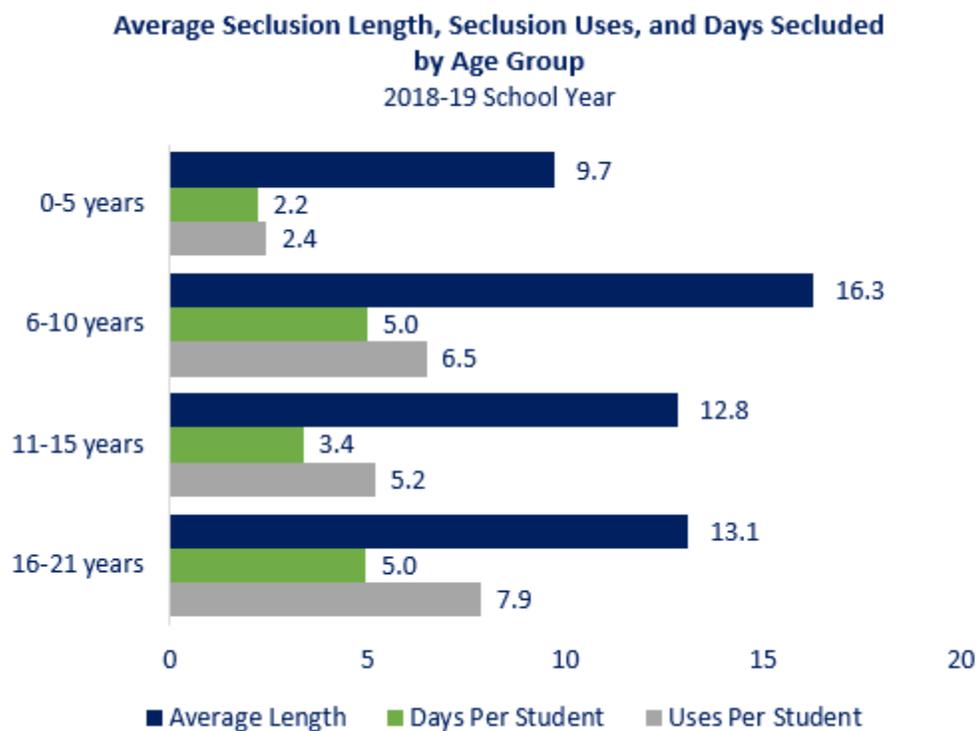
<b>2018-19</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>0-5 years</b>	9	22	2.4	2.2	9.7
<b>6-10 years</b>	544	3,523	6.5	5.0	16.3
<b>11-15 years</b>	310	1,609	5.2	3.4	12.8
<b>16-21 years</b>	55	433	7.9	5.0	13.1

<b>2017-18</b>	<b>Students</b>	<b>Uses</b>	<b>Uses per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>0-5 years</b>	11	25	2.3	1.8	13.6
<b>6-10 years</b>	523	3,652	7.0	4.8	13.3
<b>11-15 years</b>	285	1,963	6.9	4.3	13.3
<b>16-21 years</b>	61	505	8.3	4.7	12.4

---

<sup>22</sup> The student total when adding up age groups differs from the final student total count (861), because the final student total count does not include duplicated students. As students change age, if their age puts them in a new age grouping, Table 5 will include them as a duplicated count.

**Figure L. Seclusion Summary Statistics by Age Group, 2018-19**



*Gender*

The 2018-19 data shows that total students secluded increased for both female and male students from the previous school year, as shown in Table 5. However, total uses related to those students went down 13 percent for males and increased 23 percent for females. Uses per student followed suit, going down and up slightly, respectively. Average length for seclusions went up by approximately 12 percent for both males and females. Males account for 85 percent of all students who were secluded and 87 percent of all seclusion uses during the 2018-19 school year, both a slight decrease from the previous year.

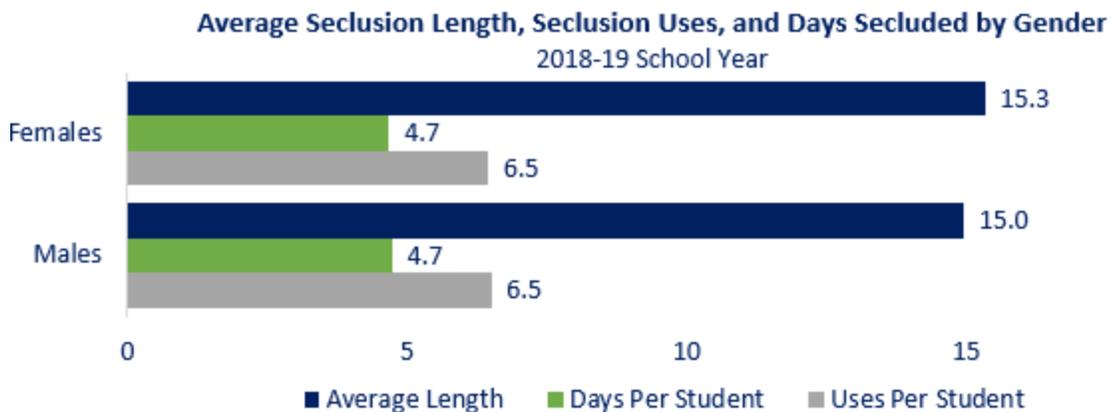
**Table 5. Average Seclusion Length, Seclusion Uses, and Seclusion Days by Gender, 2017-18 and 2018-19<sup>23</sup>**

2018-19	Students	Uses	Uses Per Student	Days Per Student	Average Length
<b>Females</b>	133	858	6.5	4.7	15.3
<b>Males</b>	728	4,734	6.5	4.7	15.0

<sup>23</sup> Due to an analysis with updated software, the total count of uses of seclusion broken out by gender for the 2017-18 school year in the 2019 legislative report is revised in the 2020 legislative report.

2017-18	Students	Uses	Uses Per Student	Days Per Student	Average Length
Females	118	696	5.9	4.3	13.6
Males	706	5,465	7.7	5.1	13.4

Figure M. Seclusion Summary Statistics by Gender, 2018-19



### Disability

Table 6 lists all of the disability types and summary statistics for which districts reported at least 10 students who were secluded during the 2017-18 and 2018-19 school years. These measures were not calculated for disability types with fewer than 10 students who were secluded, which include the following: DHH, TBI, SLI, and No Disability.

Consistent with the previous school year, as well as physical holding usage patterns, the highest number of seclusion uses and students secluded were those with EBD or ASD. Students with these disabilities accounted for 78 percent of all students secluded and 78 percent of all seclusion uses in 2018-19. However, the total number of seclusions uses declined overall in the 2018-19 school year, with the greatest reduction for DD. The number of seclusions used on DD students decreased by 62 percent.

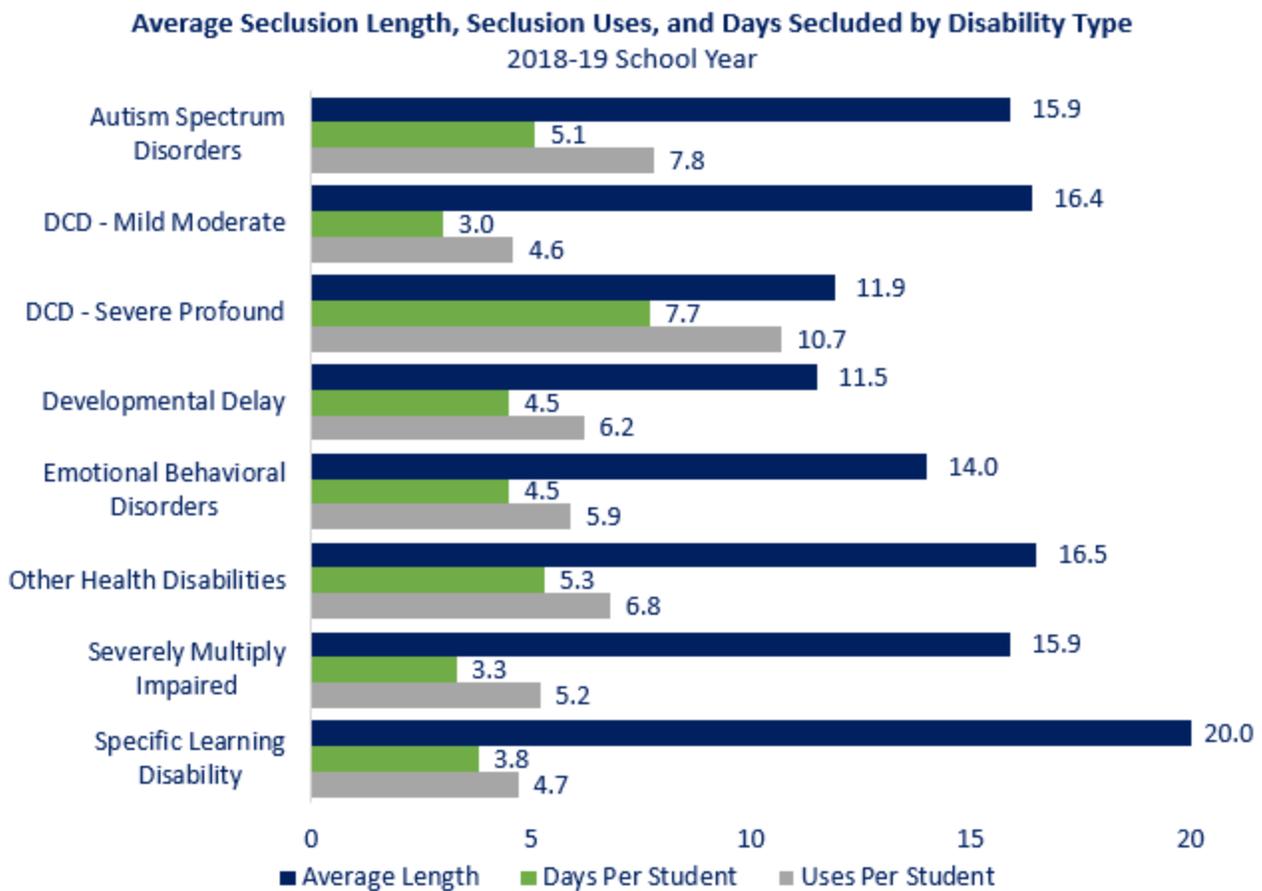
**Table 6. Average Seclusion Length, Seclusion Uses, and Seclusion Days by Disability Type, 2017-18 and 2018-19<sup>24</sup>**

<b>2018-19</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>Autism Spectrum Disorders</b>	203	1,586	7.8	5.1	15.9
<b>DCD - Mild Moderate</b>	30	138	4.6	3.0	16.4
<b>DCD - Severe Profound</b>	13	139	10.7	7.7	11.9
<b>Developmental Delay</b>	27	168	6.2	4.5	11.5
<b>Emotional Behavioral Disorders</b>	471	2,778	5.9	4.5	14.0
<b>Other Health Disabilities</b>	70	475	6.8	5.3	16.5
<b>Severely Multiply Impaired</b>	18	94	5.2	3.3	15.9
<b>Specific Learning Disability</b>	23	109	4.7	3.8	20.0

<b>2017-18</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>Autism Spectrum Disorders</b>	170	1,501	8.8	5.5	13.4
<b>DCD - Mild Moderate</b>	39	250	6.4	4.4	11.2
<b>DCD - Severe Profound</b>	22	181	8.2	4.9	6.7
<b>Developmental Delay</b>	50	447	8.9	5.5	12.1
<b>Emotional Behavioral Disorders</b>	432	2,965	6.9	4.8	13.8
<b>Other Health Disabilities</b>	57	378	6.6	4.5	17.0
<b>Severely Multiply Impaired</b>	14	188	13.4	7.1	13.3
<b>Specific Learning Disability</b>	24	129	5.4	3.7	13.9

<sup>24</sup> Due to an analysis with updated software, the total count of students experiencing seclusion and total uses of seclusion broken out by disability category for the 2017-18 school year in the 2019 legislative report is revised in the 2020 legislative report.

**Figure N. Annual Seclusion Summary Statistics by Disability Type, 2018-19**



*Race/Ethnicity*

Since the 2016-17 school year, students identified as Black/African American and Two or More Races have been overrepresented in the total number of students secluded, and American Indian/Alaska Native can be added to this list as overrepresented for seclusion uses, a pattern that is consistent with physical holding. In the 2018-19 school year, students of Two or More Races account for 11 percent of all students secluded and 9 percent of all seclusion uses, even though they comprised approximately 6 percent of the state’s total special education population. Black/African American students represented 19 percent of all students who were secluded and 22 percent of all seclusions uses, though they comprised just under 12 percent of the state’s total special education population. American Indian/Alaska Native students represented a 68 percent increase in uses from the 2017-18 school year to the 2018-19 school year. The other increase in uses year over year was 5 percent within the Asian population, while all other populations dropped in seclusion uses. Figure O shows that the proportion of total seclusion uses for both American Indian/Alaska Native and white students have recent upward trends, while Asian has a downward trend and Black/African American seems to be leveling off.

Table 7 shows that seclusion use varies between race and ethnicity groups in other ways as well. On average, Asian students who experience seclusion in 2018-19 were secluded the most number of days during the school year but for the shortest length of time, though not overrepresented in total students or total seclusion use. American Indian/Alaska Native students had the longest average seclusion time, 19 minutes per seclusion use, but the fewest uses per student (4.8), making it less likely that any one student is skewing the results, though certainly possible, given the small overall sample size in that demographic.

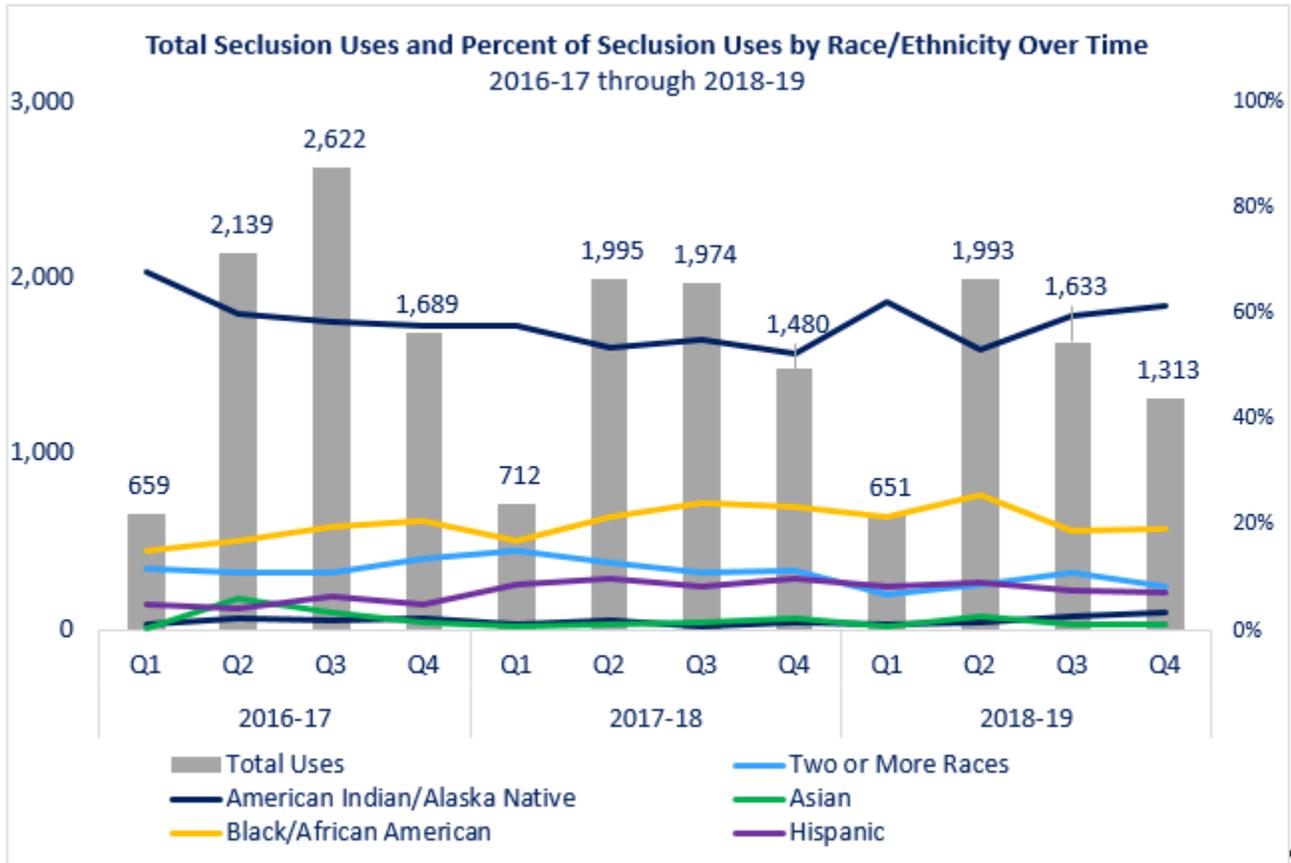
**Table 7. Average Seclusion Length, Seclusion Uses, and Seclusion Days by Race/Ethnicity, 2017-18 and 2018-19<sup>25</sup>**

<b>2018-19</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>Two or More Races</b>	93	492	5.3	4.3	16.9
<b>American Indian/Alaska Native</b>	25	119	4.8	3.8	19.0
<b>Asian</b>	10	88	8.8	5.3	6.3
<b>Black/African American</b>	165	1,205	7.3	5.1	10.7
<b>Hispanic</b>	66	452	6.8	4.9	15.6
<b>White</b>	502	3,234	6.4	4.7	16.0

<b>2017-18</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>Two or More Races</b>	92	746	8.1	5.3	14.6
<b>American Indian/Alaska Native</b>	22	71	3.2	2.5	23.2
<b>Asian</b>	11	84	7.6	3.7	11.1
<b>Black/African American</b>	167	1,359	8.1	5.3	11.7
<b>Hispanic</b>	62	564	9.1	5.8	12.8
<b>White</b>	472	3,337	7.1	4.8	13.6

<sup>25</sup> Due to an analysis with updated software, the total count of students experiencing seclusion and total uses of seclusion broken out by race/ethnicity for the 2017-18 school year in the 2019 legislative report is revised in the 2020 legislative report.

**Figure O. Total Seclusion Uses and Percentage of Seclusion Uses by Race, 2016-17 through 2018-19**



*Instructional Setting*

Districts reported using seclusion most often for students receiving services in federal instructional setting four. This setting includes federal instructional level four programs operated by independent school districts, intermediate school districts and special education cooperatives. During the 2018-19 school year, 452 students in setting four were secluded 3,402 times, representing 52 percent of all students who were secluded and 61 percent of all seclusion uses reported. Shown in Table 8, these students also had the highest average rate of seclusions uses per secluded student (7.5), and tied with students with no IEP/Individualized Family Service Plan (IFSP)/Individual Interagency Intervention Plan (IIIP) for the highest average of seclusion days per secluded students (5.1). On average, students in setting four were secluded 13 minutes per seclusion use, students in setting one were secluded for the longest amount of time per seclusion use (20 minutes), and students in early childhood were secluded for the shortest amount of time per seclusion use (11.9 minutes).

While the overall number of seclusions went down for the 2018-19 school year and the number of students experiencing seclusion overall went up, when reviewing settings, there was not a consistent trend. In Table 8, we see the number of students experiencing seclusions went up in both settings three and four. However, uses

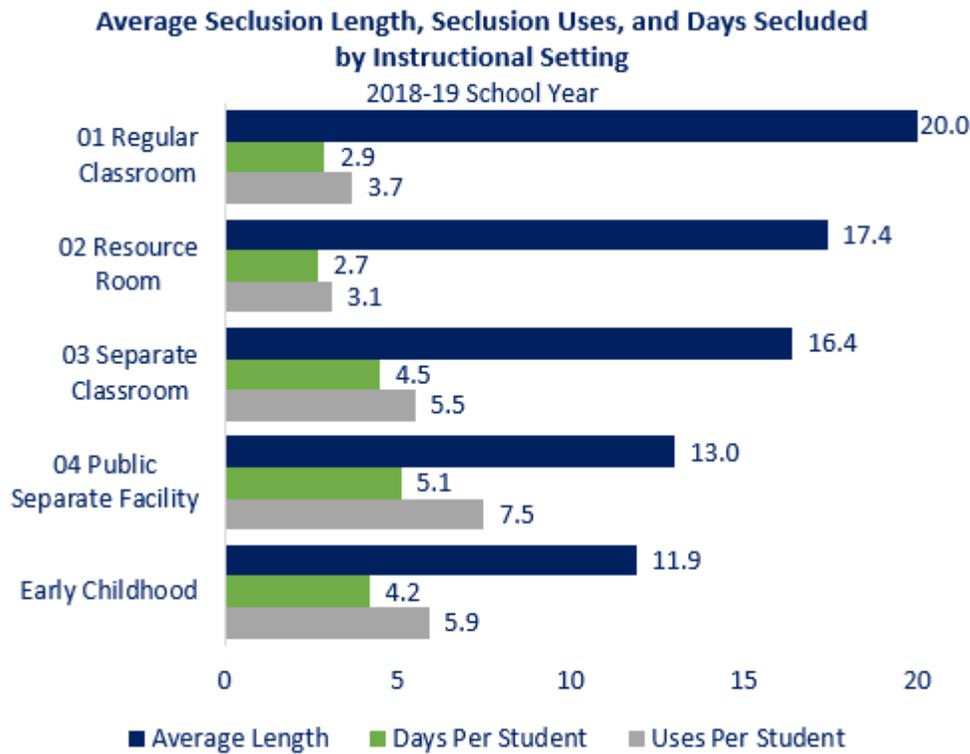
went down in setting four and up in setting three. There was also a significant drop in uses in setting two. The only data point that was consistent across all settings is the increase in average length per seclusion.

**Table 8. Average Seclusion Length, Seclusion Uses, and Seclusion Days by Instructional Setting, 2017-18 and 2018-19**

<b>2018-19</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>00 No IEP, nondisabled</b>	7	48	6.9	5.1	19
<b>01 Regular Classroom</b>	78	287	3.7	2.9	20
<b>02 Resource Room</b>	80	249	3.1	2.7	17.4
<b>03 Separate Classroom</b>	263	1,448	5.5	4.5	16.4
<b>04 Public Separate Facility</b>	452	3,402	7.5	5.1	13
<b>Early Childhood</b>	26	154	5.9	4.2	11.9

<b>2017-18</b>	<b>Students</b>	<b>Uses</b>	<b>Uses Per Student</b>	<b>Days Per Student</b>	<b>Average Length</b>
<b>00 No IEP, nondisabled</b>	8	13	1.6	1.6	16.2
<b>01 Regular Classroom</b>	84	279	3.3	2.6	15.7
<b>02 Resource Room</b>	104	427	4.1	3.1	16.4
<b>03 Separate Classroom</b>	222	1,212	5.5	4.3	15.3
<b>04 Public Separate Facility</b>	394	4,079	10.4	6.2	11.2
<b>Early Childhood</b>	38	131	3.4	2.6	11.6

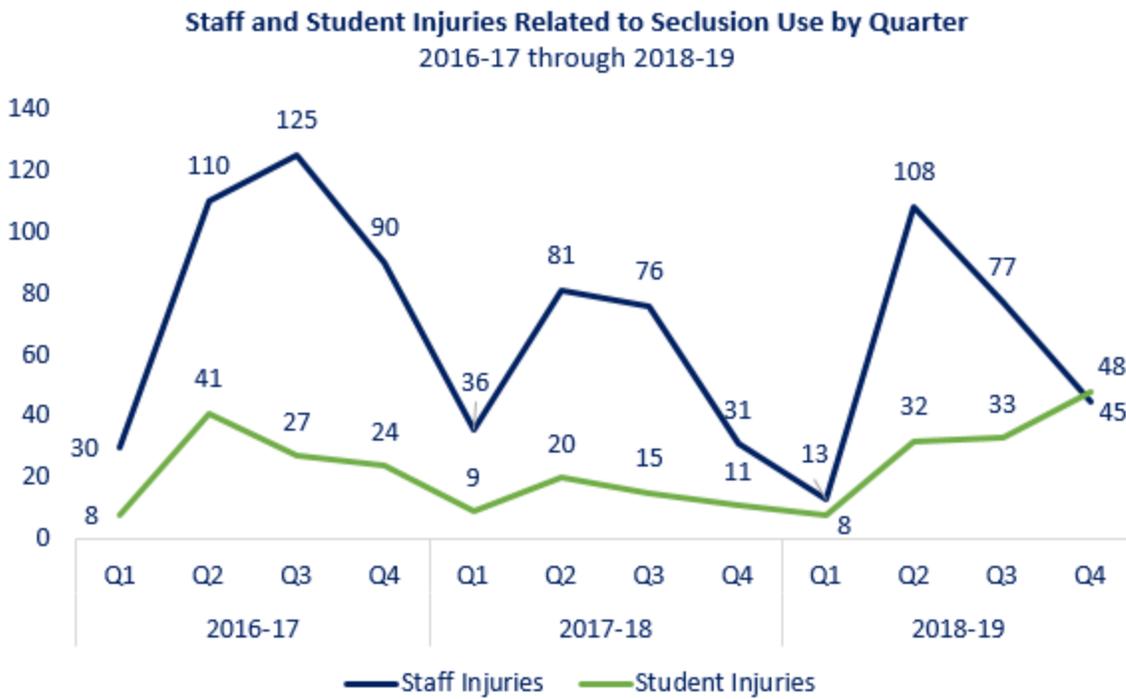
**Figure P. Seclusion Summary Statistics by Instructional Setting, 2018-19**



*Student and Staff Injuries Resulting from Seclusion Use*

Both student and staff injuries resulting from seclusion use had been declining from the 2016-17 through the 2017-18 school years. However, in the 2018-19 school year, there was an upward trend in student injuries resulting from seclusion use. During the 2018-19 school year, 2 percent of all seclusion uses resulted in a student injury and 4 percent resulted in an injury to staff.

Figure Q. Staff and Student Injuries Related to Seclusion, 2016-17 through 2018-19<sup>26</sup>



<sup>26</sup> Due to an analysis with updated software, the total count of injuries for staff and students related to seclusion for the 2017-18 school year in the 2019 legislative report is revised in the 2020 legislative report.