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

Report to the Legislature

As required by Minnesota Statutes, section 125A.0942

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Legislative Charge

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

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

The 2020-21 Restrictive Procedures Stakeholders' Workgroup (Workgroup) included representation from the following legislatively mandated participants: advocacy organizations, special education directors, teachers, intermediate school districts, school boards, county social services, state human services department staff, mental health professionals, and autism experts. A list of stakeholder organizations that participate in the Workgroup may be found in Appendix A of this report.

Introduction

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

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

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

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

The charge of the Workgroup also intersects with two goals outlined in the Minnesota Olmstead Plan[6] aimed at reducing the number of students receiving special education services who experience an emergency use of restrictive procedures at school and the number of incidents of emergency use of restrictive procedures occurring in schools.[7]

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

This legislative report discusses the Workgroup process and the activities MDE and the Workgroup engaged in to accomplish the state's goal to reduce the use of restrictive procedures and eliminate the use of seclusion, as outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b) and in the statewide plan developed by the Workgroup. This legislative report includes school districts' progress on reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures by

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[2] Minn. Stat. 125A.0942, subd. 3(b) (2016).
[3] "Prone restraint" means placing a child in a face down position. Minn. Stat. 125A.0941(e).
[4] See Minn. Stat. 125A.0942, subd. 4(10). The elimination of prone restraint was a result of building school district capacity supported by a 2015 legislative appropriation totaling $150,000 disbursed from November 2015 through June 30, 2016, to six entities (three intermediate school districts and three independent school districts) to develop work plans to address their specific needs.
[5] "Seclusion" means confining a child alone in a room from which egress is barred. Egress may be barred by an adult locking or closing the door in the room or preventing the child from leaving the room. Removing a child from an activity to a location where the child cannot participate in or observe the activity is not seclusion. Minn. Stat. 125A.0941(g).
[6] An Olmstead Plan is a "public entity's plan for implementing its obligation to provide individuals with disabilities opportunities to live, work, and be served in integrated settings." "Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*," U.S. Department of Justice, Civil Rights Division, June 22, 2011, Question 12, p. 4 ("DOJ Statement"), http://www.ada.gov/olmstead/q&a_olmstead.htm, last visited Dec. 29, 2021. It is named after a United States Supreme Court decision called "Olmstead v. L.C." *Olmstead v. L.C.*, 527 U.S. 581 (1999).
[7] Please see, Putting the Promise of Olmstead into Practice: Minnesota's Olmstead Plan (mn.gov), for the 2021 Minnesota Olmstead Plan Revision (goal 4 and goal 5 pertaining to restrictive procedures in the school setting).

analyzing the quarterly seclusion data and annual summary physical holding data reported to MDE by school districts during the 2020-21 school year.

This legislative report includes the February 2021 Statewide Plan.[8] The February 2021 Statewide Plan is a two-year plan with an update provided during the submission of this legislative report. The February 2021 Statewide Plan is entering its second year and is now referred to as the February 2021 Two-Year Statewide Plan. The February 2021 Two-Year Statewide Plan outlines goals to support the continued submission of this legislative report; the compilation of strategies to recommend to school districts for reducing the use of restrictive procedures, working toward eliminating the use of seclusion, and addressing disproportionalities in the use of restrictive procedures; and the reduction of seclusion by 10 percent, in both the number of students experiencing seclusion and the number of uses of seclusion. The February 2021 Two-Year Statewide Plan continues to specifically outline both MDE's actions and the Workgroup's actions in support of these goals, with an emphasis on addressing disproportionalities, family engagement, and mental health and trauma. A copy of the 2021 Two-Year Statewide Plan may be found in Appendix B of this report.

Analysis

Overview

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

- Data from the 2020-2021 school year shows:
    - A decline in restrictive procedures and the number of students experiencing restrictive procedures.
    - A decline in seclusions and the number of students experiencing seclusions.
    - A decline in physical holds and the number of students experiencing physical holds.
    - Continued disproportionalities in seclusions and physical holdings.
- Readers should use caution interpreting the declining trends noted here. COVID-19-related changes to school environments have certainly affected the use of restricted procedures over the last two school years.
- MDE and the Workgroup continue to identify strategies and resources to assist school districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. MDE recently gathered new information about what districts report is working well and what they would recommend, and this information will be valuable going forward.

[8] The 2019 Statewide Plan was implemented during the year 2020, and there is no gap in statewide plans. However, to avoid further confusion, statewide plans are now named based on the year of submission and will now indicate that they are two years in duration.

Key Data Points

Decline in restrictive procedures and the number of students experiencing restrictive procedures

Overall, the use of restrictive procedures declined during the 2020-21 school year. Because of the global COVID-19 pandemic, throughout the 2020-21 school year, Minnesota public schools used a variety of learning models at different times, switching between learning models based on public health guidelines and local COVID-19 case counts. While some districts in Minnesota operated in distance learning for the majority of the school year, other districts were in-person for most or all of the year, and in many districts, learning models varied between grade levels and individual programs and schools. Because of this variation between and within districts throughout the course of the school year, it is challenging to understand the impact of the COVID-19 pandemic on restrictive procedures use during the 2020-21 school year. Although data from the 2020-21 school year shows a marked decrease in the use of both seclusion and physical holds among Minnesota students with disabilities, caution should be used when comparing 2019-20 and 2020-21 data to similar data from previous years, due to the effect of the COVID-19 pandemic.

For the second year, the data in this report presents as a significant departure from previous years, with a significant decline—48 percent—in the overall use of restrictive procedures during the 2020-21 school year as compared to the previous school year. The number of seclusions decreased by 54 percent, and the number of students experiencing seclusion decreased by 35 percent, during the 2020-21 school year as compared to the previous school year. The number of physical holds decreased by 47 percent, and the number of students experiencing physical holds decreased by 44 percent, during the 2020-21 school year as compared to the previous school year.

The use of restrictive procedures, as outlined in Table 1 (below), has been decreasing since a peak in the 2017-18 school year. Statewide, during the 2020-21 school year, districts reported a total of 8,537 restrictive procedures used, including 6,687 physical holds and 1,850 seclusions.

Table 1. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2014-15 through 2020-21 school years.[9]

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2014-15	15,511	6,547	22,058
2015-16	15,600	6,425	22,025
2016-17	17,120	7,085	24,205
2017-18	18,834	6,164	24,998
2018-19	17,157	5,598	22,755

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

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2019-20*	12,679	3,983	16,662
2020-21*	6,687	1,850	8,537

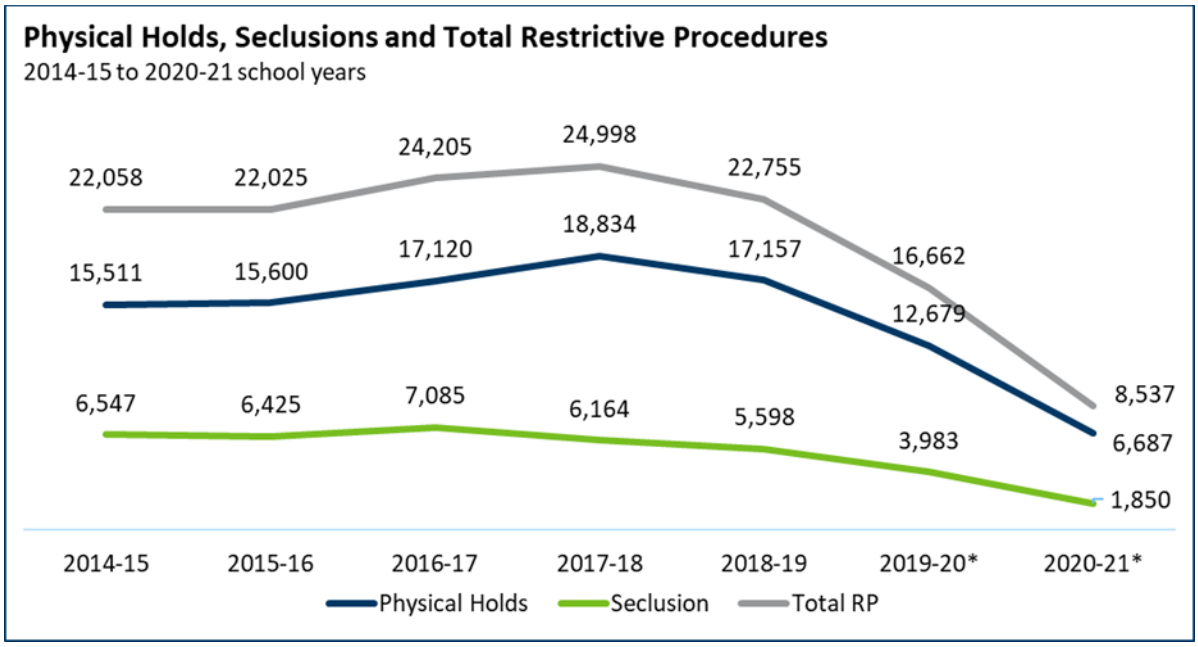
Fewer students experienced restrictive procedures during the 2020-21 school year than in previous years, as shown in Table 2 (below). Districts reported that 1,689 students experienced one or more restrictive procedures during the 2020-21 school year.

Table 2. Annual Number of Students Experiencing Restrictive Procedures, 2016-17 through 2020-21 school years.

Year	Number of Students Experiencing Restrictive Procedures
2016-17	3,476
2017-18	3,546
2018-19	3,603
2019-20*	3,052
2020-21*	1,689

Figure A (below) shows the trend of total restrictive procedures used, as well as physical holds and seclusions, reported by Minnesota districts since the 2014-15 school year. As shown in Figure A, the number of physical holds has continued to decrease since the 2017-18 school year and the number of seclusions has continued to decrease since the 2016-17 school year.

Figure A. Annual Physical Holds, Seclusions, and Total Restrictive Procedures, 2014-15 through 2020-21 school years.



Decline in seclusions and the number of students experiencing seclusions

During the 2020-21 school year, districts reported a total of 1,850 seclusions and 463 students who experienced seclusion, a reduction of 54 percent in seclusions, and a decrease of 35 percent of students experiencing seclusion, from the previous school year. Data regarding the number of students experiencing seclusion is presented below in Table 3 (below).

Table 3. Annual Number of Students Experiencing Seclusion, 2016-17 through 2020-21 school years.

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

Figure B (below) highlights the overall downward trend of seclusion uses since the 2016-17 school year. The green line and data points denote COVID-19-era data.

Figure B. Seclusions by School Year and Quarter, 2016-17 through 2020-21 school years.

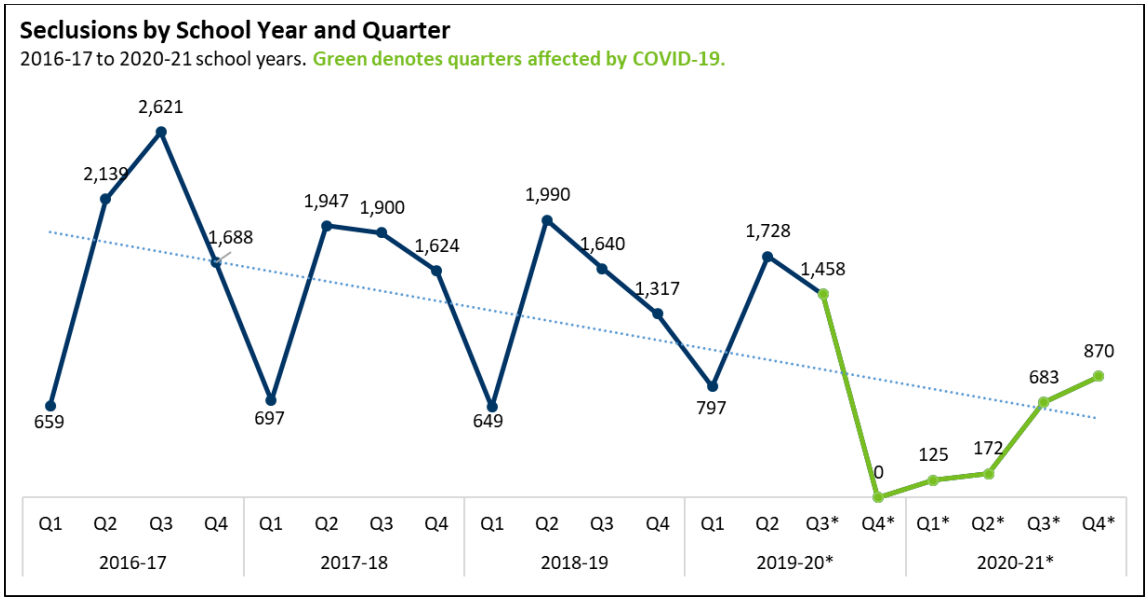
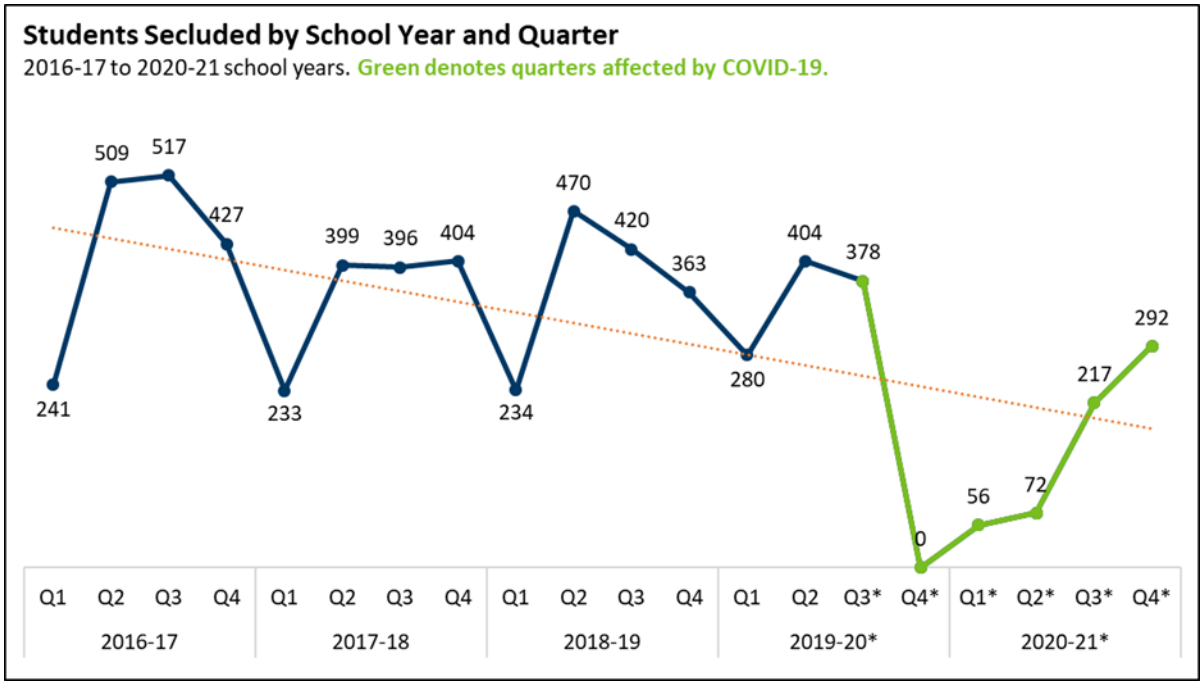


Figure C (below) also highlights an overall downward trend in the number of students secluded since the 2016-17 school year. Similar to the pattern shown in seclusions, this figure illustrates the dramatic decrease in the number of students secluded in quarter four of the 2019-20 school year, and a steady increase during the 2020-21 school year. Given the overall downward trend in the number of students who experienced seclusion, it is possible that a decrease in the number of students experiencing seclusion would have continued to occur during 2019-20 and 2020-21 in the absence of COVID-19, though to a lesser extent.

Figure C. Students Secluded by School Year and Quarter, 2016-17 through 2020-21 school years.



Decline in physical holds and the number of students experiencing physical holds

The number of physical holds declined during the 2020-21 school year, the third year of declining numbers after several years of increases – although also the second year impacted by the COVID-19 pandemic. When comparing the total number of physical holds (6,687) as well as the total number of students with whom physical holding was used (1,576), both numbers decreased substantially from the 2019-20 school year (47 percent and 44 percent, respectively). Table 4 (below) shows the decline in the number of students experiencing physical holds during 2017-18 through 2020-21 school years.

Table 4. Annual Number of Students Experiencing Physical Holds, 2017-18 through 2020-21 school years.

Year	Number of Students Experiencing Physical Holds
2017-18	3,465
2018-19	3,357
2019-20*	2,828
2020-21*	1,576

Disproportionalities in seclusions and physical holdings

Restrictive procedures data from the last several years has shown a pattern of disproportionalities in the use of restrictive procedures. Typically, students who identify as Black or African American, two or more races, or American Indian or Alaska Native experienced a disproportionate amount of restrictive procedures, with slight variation from year to year. Although disproportionality in the use of seclusion for American Indian or Alaska Native students did not occur during the 2020-21 school year, these students did experience disproportionality in the use of physical holds. Figure D (below) shows the percentage of seclusions experienced by students in each federal race/ethnicity category, as compared to the percentage of students in the total special education population.

Figure D. Seclusions by Race/Ethnicity, as compared to Special Education Enrollment, 2020-21 school year.

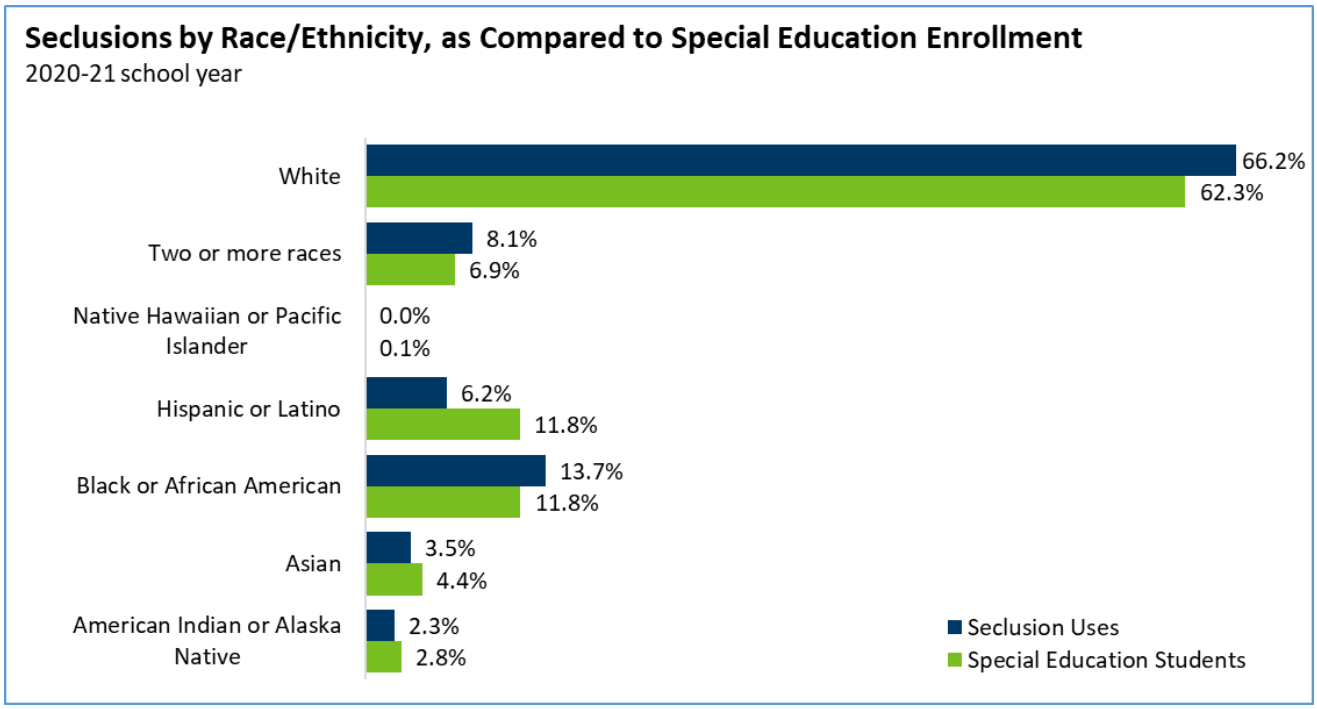
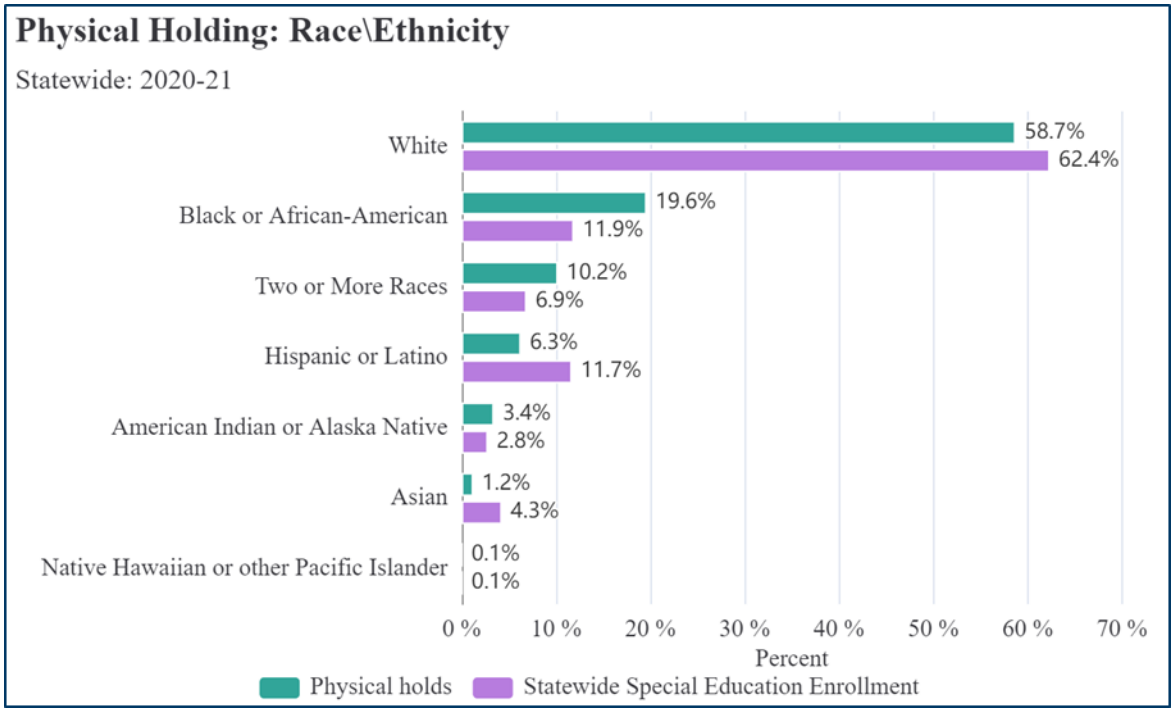


Figure E (below) compares the proportion of students enrolled in special education services with the proportion of students who experienced physical holding during the 2020-21 school year. Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races are all overrepresented in the use of physical holds. Conversely, categories of white, Hispanic or Latino, and Asian students are all underrepresented.

Figure E. Students Physically Held by Race/Ethnicity, as Compared to Special Education Enrollment, 2020-21 school year.



Disproportionality continued to be present during the 2020-21 school year in other areas as well, with little change in the trends from year to year. Restrictive procedures continue to be most prevalent in elementary grades. As in previous years, students who receive services under the Emotional or Behavioral Disorders (EBD) and Autism Spectrum Disorders (ASD) categories were more likely to experience physical holds and seclusions. In addition, students receiving services in federal instruction setting four (Level 4), meaning the students spend at least 50 percent of their school day in a public separate day school facility for students with disabilities, comprise about 3 percent of the special education population but experienced almost 60 percent of seclusions. Finally, even though the special education population is disproportionately male (about 66 percent), these male students experienced a disproportionate amount of seclusions and physical holds (about 88 percent and 85 percent, respectively).

Complete data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2020-21 school year may be found in Appendix C of this report.

Recommended Strategies and Resources

MDE and the Workgroup continue to compile strategies and resources to assist school districts in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. These strategies and resources include the increased use of Positive Behavioral Interventions and Supports (PBIS) and other strategies to address behaviors; the distribution of the Olmstead Local Improvement Grant funding for three districts to reduce the rates of restrictive procedures; and MDE training sessions to enhance school districts' understanding of restrictive procedures laws and strategies to reduce the use of restrictive procedures.

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

Based on information collected by MDE, school districts continue to recommend trauma-informed practices, relationship building, de-escalation training, collaboration and/or team meetings, social emotional learning, restorative practices, and mental health supports to reduce the use of restrictive procedures, work towards eliminating seclusion, and address disproportionalities in the use of restrictive procedures.

A compilation of strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures during the 2020-21 school year may be found in Appendix D of this report.

Workgroup process

MDE continues working with a consultant from Minnesota Management and Budget's Management Analysis and Development to facilitate the Workgroup meetings and to increase stakeholder engagement in recommending to the commissioner specific and measurable implementation and outcome goals for reducing the use of restrictive procedures. After the submission of the February 1, 2021 Legislative Report, the Workgroup met on February 26, June 18, October 29, and December 17, 2021. The Workgroup worked on the action items outlined in the February 2021 Two-Year Statewide Plan to achieve the identified goals. The action items emphasize that recommendations will specifically consider disproportionalities, family engagement, and mental health trauma. Workgroup representatives were consistent with the interested stakeholders outlined in Minnesota Statutes, section 125A.0942, subdivision 3(b). A list of the represented organizations may be found in Appendix A.

Updates to the February 2021 Two-Year Statewide Plan progress and legislative recommendations.

The February 2021 Two-Year Statewide Plan includes three measurable goals along with seven MDE actions to support the goals and three Workgroup actions to support the goals. A copy of the 2021 Two-Year Statewide Plan may be found in Appendix B.

Measurable Goals and Progress

Legislative Report

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

> **Goal 1 update**: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), MDE submits the annual legislative report on school districts' progress in reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. The statewide plan, submitted along with the legislative report, recommends to MDE measurable goals for reducing the use of restrictive procedures and recommends strategies for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures. Components of the statewide plan include: resources, training, technical assistance, mental health services, and collaborative efforts needed to significantly reduce school districts' use of seclusion and how to clarify and improve the law governing school districts' use of restrictive procedures. The February 2021 Two-Year Statewide Plan may be found in Appendix B of this report.

Recommended Strategies and Resources

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

> **Goal 2 update**: The Workgroup engaged in activities to recommend strategies to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities as they related to the presence of police liaison officers/school resource officers (SRO) in school districts, as related to the use of restrictive procedures (Workgroup Action 1); to enhance and support the oversight committees' roles in reducing restrictive procedures and eliminating seclusion (Workgroup Action 2); and, to review strategies provided by schools districts in response to the summary information questions (narrative responses) and federal and MDE resources (Workgroup Action 3). The Workgroup will continue to collect and review strategies to recommend during the second year of the implementation of the 2021 Two-Year Statewide Plan. A compilation of strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures may be found in Appendix D of this report.

Reduce Seclusion

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

> **Goal 3 update**: Under Minnesota Statutes, section 125A.0942, subdivision 3(b), school districts must report data quarterly to MDE by January 15, April 15, July 15, and October 15 about individual students who have been secluded. The quarters are broken down in dates as follows: Quarter 1: July 1 - September 30, 2020; Quarter 2: October 1 – December 31, 2020; Quarter 3: January 1 – March 31, 2021; and Quarter 4: April 1 – June 30, 2021. MDE has individual seclusion data for the past five school years.
>
> Restrictive procedures data from the 2020-21 school year demonstrates a significant decrease in the use of restrictive procedures as compared to previous years, due at least in part to the COVID-19 pandemic. Minnesota school districts reported 1,850 seclusions during the 2020-21 school year, a decrease of 54 percent from the 2019-20 school year. Minnesota school districts also reported that 463 students experienced seclusion, a decrease of 35 percent from the previous school year.

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

Seclusion data regarding the 2018-19 school year was collected prior to the COVID-19 pandemic. Minnesota school districts reported 5,598 seclusions and 860 students experiencing seclusion during the 2018-19 school year. Using pre-pandemic data as a baseline, the data from the 2020-21 school year represents a 66 percent decrease in seclusions and a 46 percent decrease in the number of students experiencing seclusion. However, as school districts continue to be affected by COVID-19 during the 2021-22 school year, it is likely to be some time before conclusions can be drawn about long-term trends in the use of seclusions.

More detailed data on school districts' progress on eliminating seclusion during the 2020-21 school year may be found in Appendix C of this report.

MDE's Actions in Support of the Goals

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

MDE Action 1 update: MDE collected, analyzed and reported school district use of quarterly seclusion data and physical holding summary data, including data on disproportionalities, for the 2020-21 school year. Both seclusion data and physical holding data continue to be substantially effected by COVID-19.

A total of 45 school districts reported using seclusion during the 2020-21 school year, a decrease from 54 districts in 2019-20 and 66 districts in the 2018-19 school year. During the 2020-21 school year, districts reported a total of 1,850 seclusions and 463 students who experienced seclusion, a significant decrease from the previous school year.

Using the new Stepwell MN reporting system, 536 districts reported annual physical holding summary data to MDE, a 100 percent reporting rate. Of those districts, 245 reported the use of at least one physical hold. This is a decrease from previous years, with 279 districts reporting the use of physical holds in 2019-20, 285 districts reporting the use of at least one physical hold in 2018-19, and 302 in 2017-18. Minnesota school districts reported 6,687 total physical holds and 1,576 students experiencing physical holds, a significant decrease from the 2019-20 school year.

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

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

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

Although MDE is in the early phases of its analysis, several themes emerged from the review of district's responses to the question asking what districts have tried to reduce the use of restrictive procedures, including addressing disproportionalities. These themes include staff training focused on de-escalation; providing student supports (such as PBIS, functional behavioral assessments, positive behavioral supports); staff collaboration and/or team meetings; staffing strategically; and other themes relating to COVID-19, mental health, and trauma.

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

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

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

MDE Action 3 update: The Workgroup met quarterly to facilitate the implementation of the February 2021 Two-Year Statewide Plan. Meetings were held February 26, June 18, October 29, and December 17, 2021.

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

MDE Action 4 update: MDE collected, analyzed, and reported school district use of PBIS for the 2020-21 school year. The use of PBIS continued to increase with 57 percent of Minnesota school districts, 40 percent of Minnesota schools, and 44 percent of Minnesota students participating.

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

> **MDE Action 5 update**: MDE collected, analyzed and reported the status of the OLI grants during the 2020-21 school year. The funding for the OLI grants was awarded to three school districts—including one metro, one in Greater Minnesota, and one intermediate school district encompassing at least 1,000 students with individualized education programs—and goals were set to reduce the rates of restrictive procedures. The programs identified for implementation by the school districts include Love and Logic, Life Space Crisis intervention, and Crisis Prevention Institute Peer Coaching. The hexagon tool assisted school districts and schools to systematically evaluate new and existing interventions by needs, fit, capacity, evidence, usability, and supports. The three schools began implementation of selected programs during the 2020-21 school year with both positive results (decreasing the likelihood of severe problem behavior in some students through using the practical functional assessment tool; reporting no uses of restrictive procedures during fourth quarter; and decreasing physical holds, maltreatment reports, and suspensions) and interruptions (not completing interventions and trainings) due to the COVID-19 pandemic.

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

> **MDE Action 6 update**: MDE continues to offer training sessions to school districts and other interested stakeholder groups throughout the state. The restrictive procedures training includes an overview of Minnesota statutes and the legal standards for using restrictive procedures in emergency situations and recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. MDE provided two restrictive procedures trainings during the 2020-21 school year, training nearly 50 individuals throughout the state of Minnesota. MDE also provided three school discipline training sessions to nearly 50 individuals and eight due process training sessions to nearly 200 individuals.

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

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

restrictive procedures and address disproportionalities in the use of restrictive procedures. This non-exhaustive compilation of strategies and resources includes information gathered from both state and federal guidance and reports by school districts through MDE-administered grants,[11] programming,[12] and MDE data collection revisions and is not intended as an endorsement of any specific training program or method.

Workgroup's Actions in Support of the Goals

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

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

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

[12] Minnesota's Positive Behavioral Interventions and Supports (PBIS) is a MDE funded implementation project that provides district and school teams with comprehensive technical assistance (e.g., training, coaching, and evaluation) to build local education agency PBIS capacity with fidelity and which began offering trainings in 2005. For further information, please see Positive Behavioral Interventions and Supports (mn.gov) (last accessed Dec. 29. 2021). In 2015, MDE posted Positive Intervention Strategies Training Modules for statewide use that provide positive strategies for school staff to use with students with disabilities. *See* information in Appendix A of the February 2015 Legislative Report, 2014 Statewide Plan to Reduce the Use of Restrictive Procedures and Eliminate Prone Restraint in Minnesota.

policies, analysis and evaluation strategies and resources, training practices for teachers and staff (special education and general education), self-care approaches, FAQs or other resources, legislative changes, funding needs, and/or areas for additional research.

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

> **Workgroup Action 1-3 update:** The Workgroup formed three subgroups to identify, synthesize, and share information to help the Workgroup develop recommendations. These subgroups were: (1) Research Review, focusing on reviewing and synthesizing reference research pertaining to police presence in schools and the efficacy of oversight committees shared by Workgroup members; (2) Oversight Committee Practitioners, focusing on reviewing questions developed by the Workgroup and developing responses and resources; and (3) Family and Student Perspectives, focusing on reviewing existing information and resources to identify and highlight family and student perspectives that will be relevant to recommendations. Each subgroup shared their process and work to further develop recommendations and generate ideas for Workgroup activities for 2022. Further, given the narrative responses submitted to MDE for the 2020-21 school year, the Workgroup will begin the process of reviewing and compiling the information for review and recommendation.

The Workgroup has not yet discussed potential amendments to Minnesota Statutes, sections 125A.0941 or 125A.0942.

Conclusion

MDE respectfully submits this report consistent with Minnesota Statutes, section 125A.0942, subdivision 3(b). The report details school districts' progress on reducing the use of restrictive procedures and eliminating seclusion along with recommended strategies for reducing the use of restrictive procedures, eliminating seclusion, and addressing disproportionalities in the use of restrictive procedures. During the 2020-21 school year, the data reported by school districts was a significant downward departure from previous years, due in part to the global COVID-19 pandemic and distance learning, with a 48 percent decrease in the overall use of restrictive procedures from the previous school year. Programs and interventions such as training on the legal standards relating to the emergency use of restrictive procedures, PBIS, trauma-informed training and practices, restorative practices, social emotional learning, and extended grant opportunities continue to be recommended to assist school districts in reducing the use of restrictive procedures.

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

Appendix A - List of Restrictive Procedures Workgroup Participants

Stakeholder Organizations that Participate in the Workgroup
Anoka-Hennepin School District 011
AspireMN
Autism Society of Minnesota
Grand Rapids School District 318
Intermediate School District 287
Intermediate School District 917
Minnesota Association of County Social Service Administrators – Hennepin County
Minnesota Association of County Social Service Administrators – Meeker County
Mahtomedi School District 832
Minnesota Administrators for Special Education
Minnesota Department of Human Services
Minnesota Disability Law Center
Minnesota School Board Association
National Alliance on Mental Illness Minnesota
Northeast Metro Intermediate School District 916
Olmsted County Child & Family Services
PACER Center, Inc.
Rosemount-Apple Valley-Eagan School District 196
Shakopee School District 720
Southwest Metro Intermediate School District 288
Southwest Service Cooperative
St. Paul Public School District 625
The Arc Minnesota
Waconia School District 110
Wayzata School District 284

MDE Participants
Assistant Commissioner
Division of Assistance and Compliance
Division of Special Education

Appendix B – February 2021 Two-Year Statewide Plan

Statutory Context

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

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

Measurable Goals

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

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

Goal 3: Through the combined efforts of all those involved in this work, there will be at least a 10 percent reduction in seclusion from July 1, 2019 to June 30, 2022,[13] and annually thereafter. Specifically, there will be at least a 10 percent reduction in the number of students experiencing seclusion and at least a 10 percent reduction in the number of uses of seclusion as reported to MDE by Minnesota school districts.

Scope of the February 2021 Statewide Plan

The February 2021 Statewide Plan outlines actions that MDE and the Workgroup, with the facilitation and support from MDE, will take to reduce the use of restrictive procedures and eliminate seclusion.

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

Timeline

The February 2021 Statewide Plan will be implemented starting February 1, 2021. Updates to the February 2021 Statewide Plan, including progress and revisions as needed, will be provided in the annual Legislative Report submitted by MDE.

MDE's Actions in Support of the Goals

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

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

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

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

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

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

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

Workgroup's Actions in Support of the Goals

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

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

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

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

Workgroup Process

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

Potential Legislative Changes

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

Appendix C - Data on school districts' progress on reducing the use of restrictive procedures and eliminating seclusion during the 2020-21 school year

Background on Data Collection

Beginning in the 2011-12 school year, public school districts began submitting annual summary data to MDE on the use of restrictive procedures. After legislative changes in 2016, districts were also required, on a quarterly basis, to submit detailed data regarding individual seclusion uses to MDE through a secure website. Starting in April 2019, MDE clarified that all districts were required to complete quarterly seclusion reporting, either through completing the previously mentioned form or emailing to confirm zero seclusion uses. In June 2020, MDE released a new data collection tool, Stepwell MN, to collect restrictive procedures data.

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

Collection Methods and Limitations

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

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

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

Changing data collection methods presented significant challenges this year. Although the Stepwell MN system is expected to streamline data collection and analysis, developing and testing the Stepwell MN system required extensive staff resources and time. In addition, as historical data was moved onto the Stepwell MN system, additional errors were identified and corrected. As a result, some of the data contained in this report has been updated since it was reported in previous legislative reports. Although the data presented in this report may still contain minor errors, MDE staff continue to correct errors in current and historical data as staffing and time permits.

Although the new Stepwell MN data collection system was designed to minimize the limitations inherent to MDE's previous data collection system, some limitations persist. Most notable is the challenge of moving between systems and reconciling new data collection processes with historic data collected using previous processes. Significantly, physical holding for the 2020-21 school year was collected via Stepwell MN, but seclusion data for the same time period was collected via the former system, which has led to some temporary challenges. Further, although MDE now has several school years of both physical holding and seclusion data, variations between how this data was collected, analyzed and reported over time suggests that care should be taken when examining longitudinal data.

In addition, MDE has begun collecting information from districts about what has worked in their district to reduce the use of restrictive procedures. These questions were developed in consultation with the Workgroup, and districts were asked to provide narrative responses to these qualitative questions for the first time in July 2021. Districts will be asked to provide updated information annually as part of their July 15 annual physical holding reporting. Please see Appendix E for more information about narrative responses.

Effect of COVID-19

2019-20 school year

Due to the global COVID-19 pandemic, Minnesota public schools were closed March 18 through 27, 2020, to prepare for distance learning, then buildings were closed for typical in-person instruction March 30, 2020, through the end of the 2019-20 school year. During summer 2020, districts offered summer programs and extended school year services through either a distance learning model or a hybrid model that employed both distance learning and in-person learning.[14]

The impact of school closures due to COVID-19 can be observed in the restrictive procedures data from the 2019-20 school year. In the 2019-20 school year, quarter three contained approximately 10 fewer school days than in previous years. As no public school districts or charter schools provided in-person learning during the remainder of the 2019-20 school year, no seclusions or physical holds occurred during this time period. Accordingly, there were zero reported seclusions for the fourth quarter of the 2019-20 school year. These changes affected annual summary numbers for both physical holding and seclusion, with the effect that

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

the 2019-20 data demonstrated a significant reduction in the use of seclusions, physical holds, and total restrictive procedures as compared to previous years.

2020-21 school year

In summer 2020, Minnesota schools were directed to prepare to develop plans for three learning models at the start of the 2020-21 school year, specifically, an in-person model, distance learning model, and a hybrid model.[15] MDE and the Minnesota Department of Health developed the Safe Learning Plan guidance document[16] explaining how to determine the appropriate instructional model in each district across the state. Further, Minnesota schools were tasked with providing an equitable distance learning option for all families, regardless of the instructional model the district was using.

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

Districts did report learning model data to MDE throughout the 2020-21 school year, and a high-level overview of some of that information is reported below in Table 1. This table provides the percentage of school districts that reported adopting some sort of hybrid or distance learning model at some point during the time period. It is important to note, however, the following caveats: First, a district counts as using a distance or hybrid model during a quarter if it reported doing so for at least one grade during the time period, and second, this does not reflect learning model data for individual schools which may have used a different model than the one adopted by the district. Third, the district counts as using a distance or hybrid model during a quarter regardless of the total amount of time during that quarter for which the model was in effect, meaning that districts that were in distance learning for two weeks of the quarter are reported the same as districts that operated in a distance learning model for the full quarter. Lastly, the unit of analysis is the district, with no weight given to the number of students enrolled in the district.

Thus, Table 1 (below) documents that 78.3 percent of Minnesota districts reported using a distance or hybrid model for at least some of their students, for at least a portion of the time between July 1 and September 30, 2020. This percentage increased during quarter two and three, such that 95% of districts reported using a distance or hybrid model for at least some of their students for some portion of the time frame between October 1 to December 31, 2020 and January 1 through March 31, 2021. By quarter four, more

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[15] Minn. Exec. Order No. 20-82 (July 30, 2020).
[16] Minnesota's Safe Learning Plan for the 2020-21 School Year (July 30, 2020).

districts were operating fully in person - only 46 percent of districts used a hybrid or distance learning model during this time period. However, because all districts were required to provide an equitable distance learning option for all families, some families elected to have their students remain in distance learning for the full 2020-21 school year.

Table 1. Percent of Minnesota Districts Using a Distance or Hybrid Learning Model, 2020-21 school year.

Quarter	Percent of Minnesota Districts Using a Distance or Hybrid Learning Model
Quarter 1 (July 1- September 30, 2020)	78.3%
Quarter 2 (October 1 – December 31, 2020)	95.0%
Quarter 3 (January 1 – March 31, 2021)	95.7%
Quarter 4 (April 1 –June 30, 2021)	46.4%

Because of the variation described above, it is challenging to understand the impact of COVID-19 on restrictive procedures use during the 2020-21 school year. Data from 2020-21 shows a marked decrease in the use of both seclusion and physical holds among Minnesota students with disabilities. This can be attributed, in part, to the fact that many districts had fewer in-person learning days during the 2020-21 school year than in previous years. Some districts reported that social distancing requirements and smaller class sizes reduced the likelihood of physical altercations within their buildings, which in turn led to a decrease in the use of restrictive procedures. However, anecdotal information from some districts indicate that the frequent movement between learning models was disruptive to students and may have contributed to increased use of restrictive procedures. It is likely that, beyond learning models, a complex set of factors affected restrictive procedures use during the 2020-21 school year, including the specific COVID-19-related mitigation factors in place in each building, the particular families that chose to keep their students in distance learning, the mental health and trauma-related needs of students and staff, the ability of districts to maintain training and coaching for staff during the pandemic, and other factors.

Data from the last several years has demonstrated a downward trend in the use of restrictive procedures, indicating that Minnesota school districts have been making progress in reducing the use of physical holding and seclusion over the past few years. Even though these rates were already trending downwards prior to the COVID-19 pandemic, school closures during the spring of the 2019-20 school year contributed to the decrease in rates. Although the effect of the use of hybrid and distance learning models during the 2020-21 school year is harder to interpret, it is clear that this data remains affected by COVID-19. In general, caution should be used

when comparing 2019-20 and 2020-21 data to similar data from previous years, due to the effect of COVID-19.[17] It may be one or more additional school years until the effect of COVID-19 on this data is fully understandable.

Total Restrictive Procedures Use

The use of restrictive procedures, as outlined below in Table 2 (below), has been decreasing since a peak in the 2017-18 school year. Statewide, during the 2020-21 school year, districts reported a total of 8,537 restrictive procedures used, including 6,687 physical holds and 1,850 seclusion uses. Total restrictive procedure use decreased from the 2019-20 school year by 48 percent, as described in Table 3 (below).

Table 2. Annual Physical Holds, Seclusion, and Total Restrictive Procedures, 2014-15 through 2020-21 school years.[18]

Year	Physical Holds	Seclusion	Total Restrictive Procedures
2014-15	15,511	6,547	22,058
2015-16	15,600	6,425	22,025
2016-17	17,120	7,085	24,205
2017-18	18,834	6,164	24,998
2018-19	17,157	5,598	22,755
2019-20*	12,679	3,983	16,662
2020-21*	6,687	1,850	8,537

Table 3. Percentage Change in the Use of Restrictive Procedures, 2019-20 to 2020-21 school years.

Year	Physical Holds	Percent Change	Seclusion	Percent Change	Total Restrictive Procedures	Percent Change
2019-20*	12,679		3,983		16,662	
2020-21*	6,687	-47%	1,850	-54%	8,537	-48%

Fewer students experienced restrictive procedures during the 2020-21 school year than in previous years, as shown in Table 4 (below). Districts reported that 1,689 students experienced one or more uses of restrictive procedures during the 2020-21 school year, a 45 percent decrease from the 3,052 students that experienced restrictive procedures in 2019-20.

[17] In tables and figures in this report, an asterisk is used to indicate data that was affected by Covid-19-related school closures during the 2019-20 and 2020-21 school years, as a reminder that caution should be used when making a comparison to previous years.

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

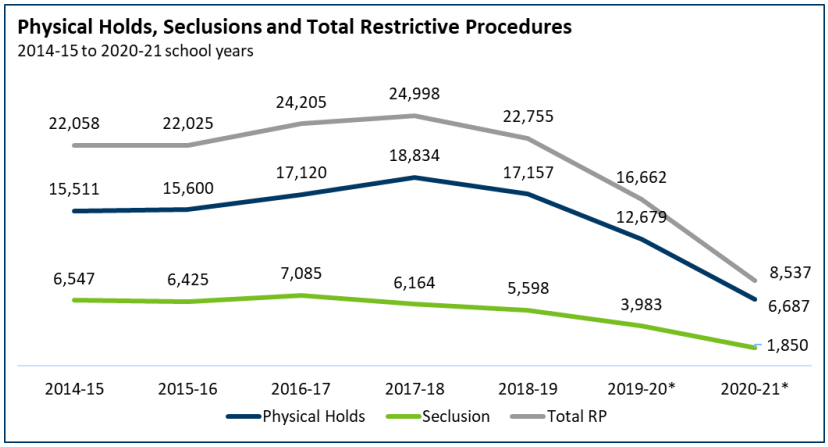
Table 4. Annual Number of Students Experiencing Restrictive Procedures, 2016-17 through 2020-21 school years.

Year	Number of Students Experiencing Restrictive Procedures
2016-17	3,476
2017-18	3,546
2018-19	3,603
2019-20*	3,052
2020-21*	1,689

Figure A (below) shows the trend of total restrictive procedures used, as well as physical holds and seclusions, reported by Minnesota districts since the 2014-15 school year. As shown in Figure A, the number of physical holds has continued to decrease since the 2017-18 school year. Districts reported 6,687 physical holds during the 2020-21 school year, a decrease of 47 percent from the 2019-20 school year. Districts reported using physical holds with 1,576 students during the 2020-21 school year, which is a decrease of 44 percent from the previous year. The percentage of special education students experiencing physical holds decreased to 1.1 percent, as compared to 1.9 percent during the 2019-20 school year. Although the lower numbers of physical holds during the 2019-20 and 2020-21 school years is certainly due, at least in part, to COVID-19, these numbers support a conclusion that a continued decrease in the use of physical holding would likely have been observed even in the absence of the global pandemic.

Additionally, as shown below in Figure A, seclusion use has continued to decline since the 2016-17 school year. Districts reported 1,850 uses of seclusion during the 2020-21 school year, a decrease of 54 percent from the 2019-20 school year. Districts reported using seclusion with 463 students during the 2020-21 school year, a decrease of 35 percent from the previous school year. The percentage of special education students experiencing seclusion decreased slightly to 0.3 percent (as compared to 0.5 percent during the 2020-21 school year). As with physical holds, although the decrease in the use of seclusion is certainly due, at least in part, to COVID-19-related school closures, a decrease in the use of seclusion in the 2019-20 and 2020-21 school years likely would have occurred in the absence of COVID-19.

Figure A. Annual Physical Holds, Seclusions, and Total Restrictive Procedures Uses, 2014-15 through 2020-21 school years.



Seclusion

MDE now has detailed data of individual seclusion uses for five school years: 2016-17, 2017-18, 2018-19, 2019-20, and 2020-21. 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 2020-21 school year, as well as a comparison of each reporting quarter across school years.

As discussed above, school closures due to the COVID-19 pandemic affected quarter three and four of the 2019-20 school year, as well as summary data for the 2019-20 school year. Due to a significantly reduced number of school days as compared to typical school years, comparison of 2019-20 seclusion numbers to previous school years should be reviewed with caution. Likewise, the 2020-21 school year was characterized by frequently shifting learning models, as each district used public health guidelines and local data to determine its response to COVID-19. Because of the variation in learning models used in each district, it is challenging to understand the impact of COVID-19 on restrictive procedures use during the 2020-21 school year. Accordingly, comparison of 2020-21 restrictive procedures data should be interpreted with caution, particularly with regard to making comparisons against pre-COVID-19 data. It is likely to be one or more additional school years until further conclusions can be drawn about long-term trends regarding restrictive procedures use in Minnesota.

Reporting Districts

A total of 45 districts reported seclusion use during the 2020-21 school year, a decrease from 54 districts in 2019-20 and 66 districts in the 2018-19 school year.

Overall Seclusions

Annual statistics indicate an overall decrease in seclusion use during the 2020-21 school year from the previous school year. During the 2020-21 school year, districts reported a total of 1,850 seclusions and 463 students who experienced seclusion, a reduction of 54 percent in seclusions and a decrease of 35 percent of students experiencing seclusion from the previous school year. Data regarding the change in the number of students experiencing seclusion is presented below in Table 5.

Table 5. Annual Number of Students Experiencing Seclusion, 2016-17 through 2020-21 school years.

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

Figure B (below) highlights the overall downward trend of seclusion uses since the 2016-17 school year. In typical years, variation is seen from quarter-to-quarter, as each quarter contains a different number of school days. Fewer seclusions are generally seen in quarter one each year, as this time period (July 1 through September 30) typically includes fewer school days, and higher rates of seclusion in quarters two, three and four (typically with a peak in quarter two).

The green line and data points denote COVID-19-era data, which shows a different trend than in previous years. This figure demonstrates the slight decrease in seclusion uses in quarter three of the 2019-20 school year, which may have been due to both a general downward trend in the use of seclusion as well as COVID-19 school closures. Due to statewide school closures during the spring of the 2019-20 school year, there were no seclusions reported during quarter four of the 2019-20 school year.

The 2020-21 school year shows a slow increase in the use of seclusions across each quarter, although seclusion uses continued to be significantly below pre-COVID-19-era rates. Again, given the overall downward trend of seclusion uses over the past several years, it is likely that a decrease in uses during 2019-20 and 2020-21 would have occurred in the absence of COVID-19, though to a lesser extent. In the 2020-21 school year, the highest number of seclusions occurred in the fourth quarter. Note that, while quarter three and quarter four totals (683 and 870, respectively) seem to be approaching pre-COVID-19 rates, these totals are more closely matched to the quarter one lows of previous years, rather than the higher totals that are typically reported in later quarters.

Figure B. Seclusions by School Year and Quarter, 2016-17 through 2020-21 school years.

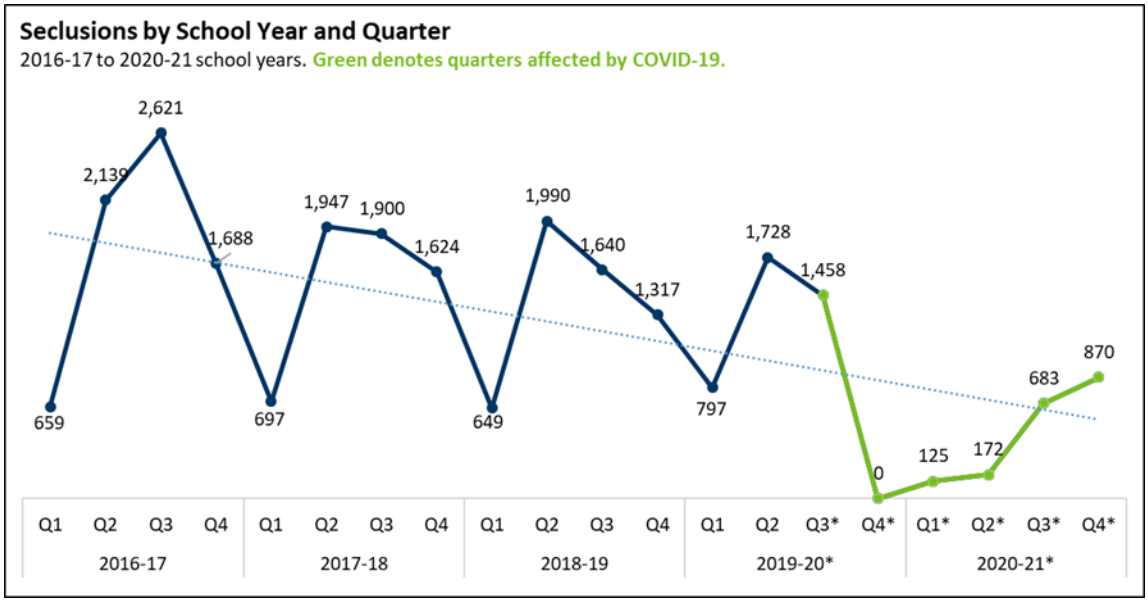
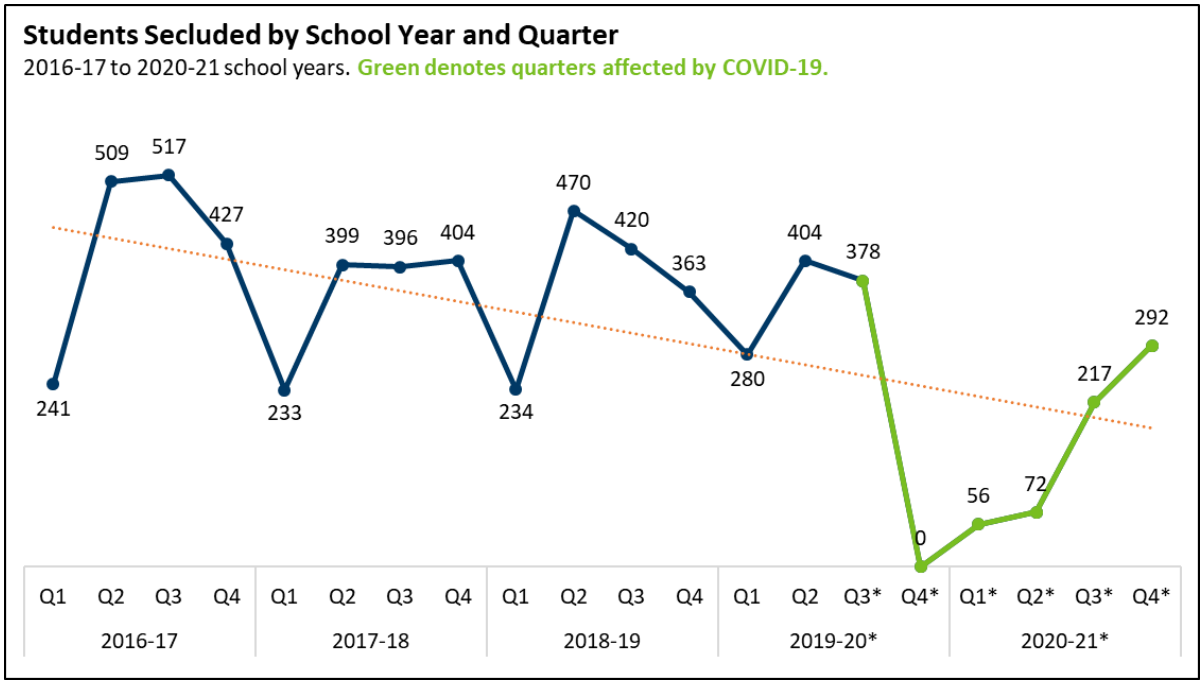


Figure C (below) also highlights an overall downward trend in the number of students secluded since the 2016-17 school year. Similar to the pattern shown in seclusion uses, this figure illustrates the dramatic decrease in the number of students secluded in quarter four of the 2019-20 school year, and a steady increase during the 2020-21 school year. Likewise, although the number of students secluded in quarter three and four of the 2020-21 school year seem to be approaching pre-COVID-19 rates, these totals are more closely matched to the quarter one lows of previous years, rather than the higher totals that are typically reported in later quarters. Given the overall downward trend in the number of students who experienced seclusion, it is possible that a decrease in the number of students experiencing seclusion would have continued to occur during 2019-20 and 2020-21 in the absence of COVID-19, though to a lesser extent.

Figure C. Students Secluded by School Year and Quarter, 2016-17 through 2020-21 school years.



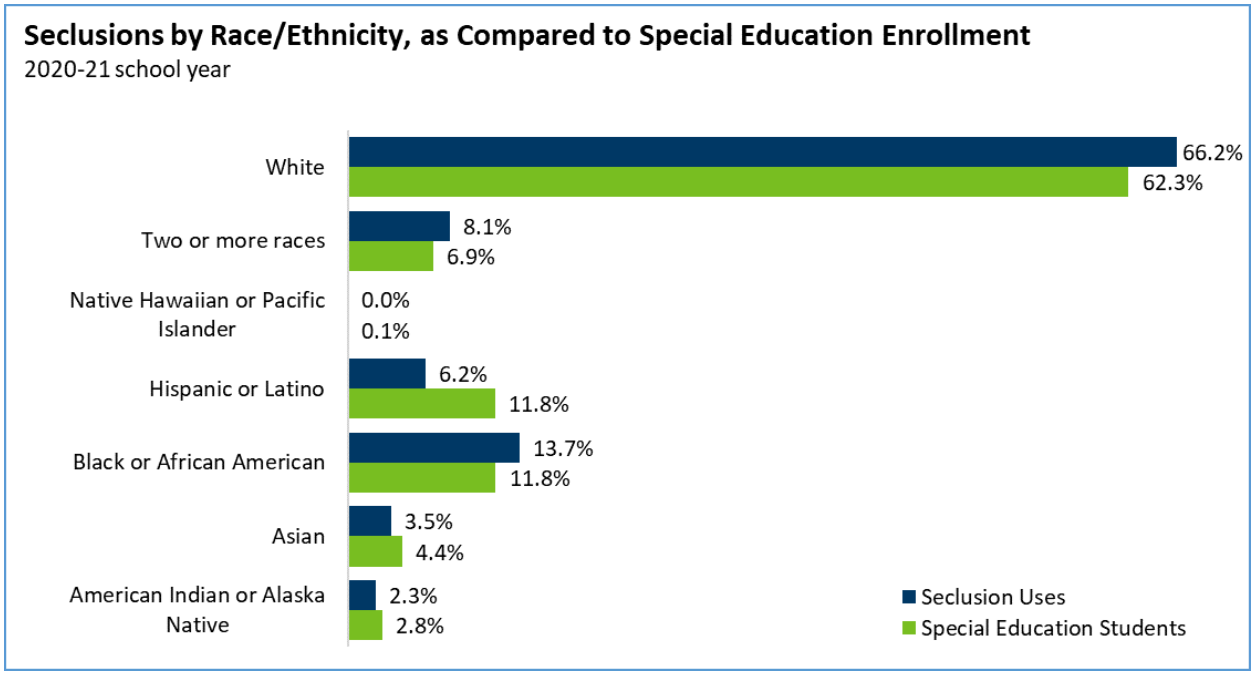
Student Demographics

Race/Ethnicity

Since the 2016-17 school year, students identified as Black or African American or two or more races, as well as American Indian or Alaska Native students, have been overrepresented in the total number of students secluded, a pattern that is also consistent with students experiencing physical holding. In the 2020-21 school year, Black or African American Students experienced 13.7 percent of all seclusions, although they are 11.8 percent of the special education population. Students identified as two or more races accounted for 8.1 percent of all seclusion uses, although they comprised just 6.9 percent of the special education population. American Indian or Alaska Native Students, at 2.8 percent of the special education population, experienced 2.3 percent of the seclusion uses. Students identified as Hispanic or Latino and Asian students are underrepresented with regard to seclusion uses. White students experience seclusion at a generally proportional rate in most years. In

the 2020-21 school year, white students experienced 66.2 percent of seclusions, and comprised 62.3 percent of the special education population in the 2020-21 school year. Figure D (below) shows the percentage of seclusion uses experienced by students in each federal race/ethnicity category, as compared to the percentage of students in the total special education population.

Figure D. Seclusions by Race/Ethnicity, as compared to Special Education Enrollment, 2020-21 school year.



Grade

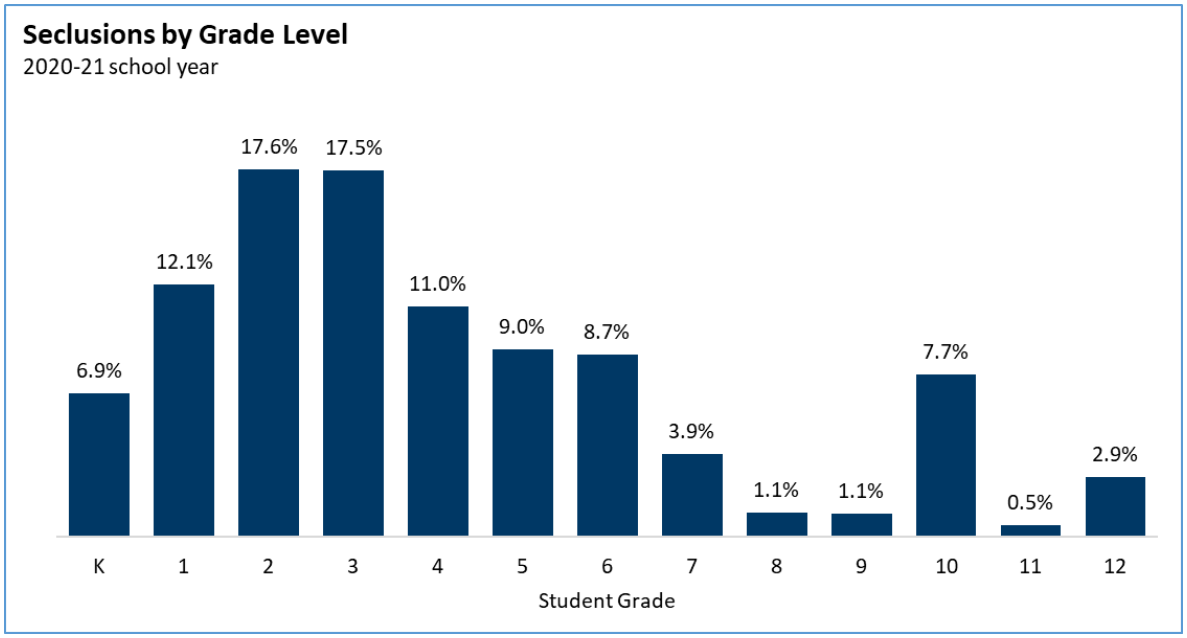
During the 2020-21 school year, the majority of students experiencing seclusion were elementary students, especially those in first through fourth grade. Figure E below shows the grade level of students who experienced seclusion, with second-grade students comprising 17.6 percent of students experiencing seclusion, and third-grade students comprising 17.5 percent. Relatively few of the students experiencing seclusion were high school students. Students in grades 9-12 (and post high-school transition programs, which are included in grade 12) experienced just over 12 percent of all seclusion uses during the 2019-20 school year.

Although previous legislative reports reported the age of students who were secluded, rather than grade level, the data continues to show similar trends with regard to both age and grade.[19] During the 2020-21 school year, the majority of students experiencing seclusion were in the 6-10 year age range, with the second highest group in the 11-15 year age range. This pattern is consistent with the grade level data shared above, as well as age and

[19] Due to the shift to Stepwell MN and challenges related to obtaining accurate grade data, seclusion data reported in the next legislative report will include age data but not grade data.

grade data from previous years. As in previous years, a relatively small number of students over the age of 16 experienced seclusion.

Figure E. Seclusions by Grade Level, 2020-21 school year.

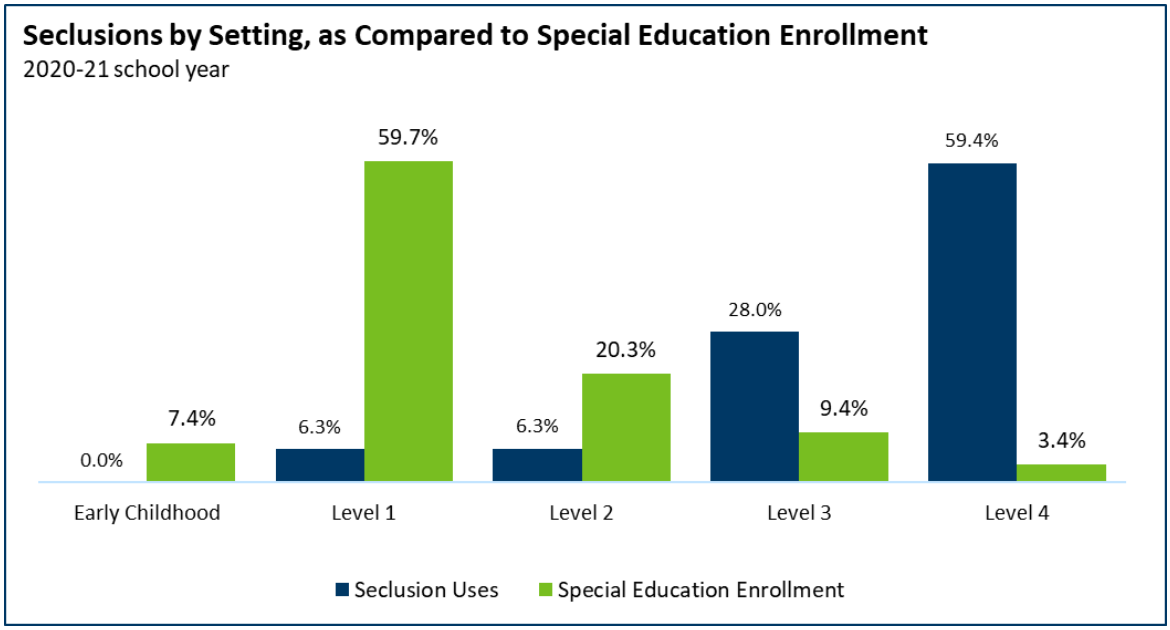


Setting

Districts reported using seclusion most often for students receiving services in federal instructional setting four (Level 4), meaning the student spends at least 50 percent of their school day in a public separate day school facility for students with disabilities. This setting includes Level 4 programs operated by independent school districts, intermediate school districts, and special education cooperatives. During the 2020-21 school year, 3.4 percent of the special education population received services in Level 4 programs. However, these students experienced 59.4 percent of the seclusion uses, as shown below in Figure F. This has not changed notably from the 2019-20 school year, when students in Level 4 programs experienced 60 percent of all seclusion uses.

On the other end of the spectrum, the majority of special education students spend less than 20 percent of their time in special education settings and are considered Level 1 students. Level 1 students make up 59.7 percent of the special education population and are much less likely to experience seclusion. During the 2020-21 school year, students receiving services in Level 1 settings experienced 6.3 percent of the seclusion uses.

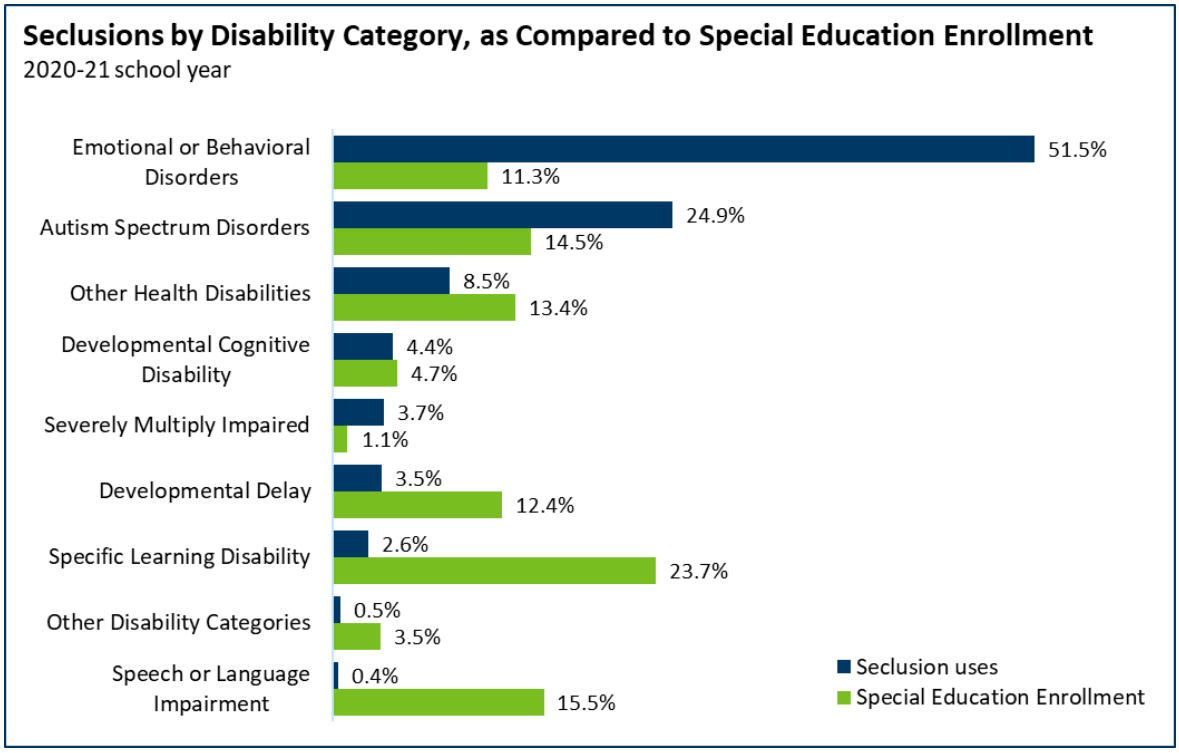
Figure F. Seclusions by Setting, as Compared to Special Education Enrollment, 2020-21 school year.



Disability Category

Figure G (below) provides information regarding the disability category of students who experienced seclusion during the 2020-21 school year. Consistent with the previous school year, as well as physical holding data, the highest number of seclusion uses were experienced by students who receive services under the Emotional or Behavioral Disorders (EBD) and Autism Spectrum Disorders (ASD) categories. Although EBD students make up 11.3 percent of the special education population, these students experienced 51.5 percent of the seclusion uses during the 2020-21 school year. ASD students, who comprise 14.5 percent of the special education population, experienced almost 25 percent of the seclusion uses.

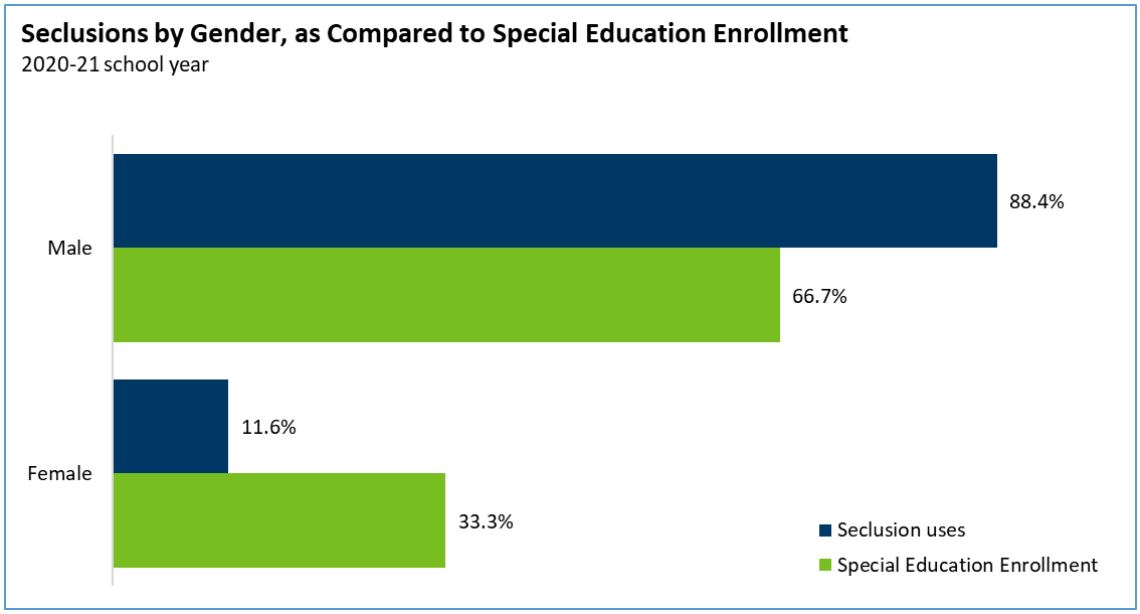
Figure G. Seclusions by Disability Category, as Compared to Special Education Enrollment, 2020-21 school year.



Gender

Male students have comprised a greater proportion of students receiving special education services, and a greater proportion of students experiencing seclusion, since at least the 2011-12 school year. As in previous years, male students continue to be overrepresented in the special education population, with female students comprising just 33.3 percent of the total special education population. Even considering this overrepresentation in the special education population, male students experience a disproportionate amount of seclusion uses. Male students, who comprise 66.7 percent of the special education population, experienced 88.4 percent of the seclusion uses, as shown below in Figure H. This is similar to the percentages reported in previous years: the students experiencing seclusion uses in 2020-21 were 90 percent male and 86 percent male in 2018-19.

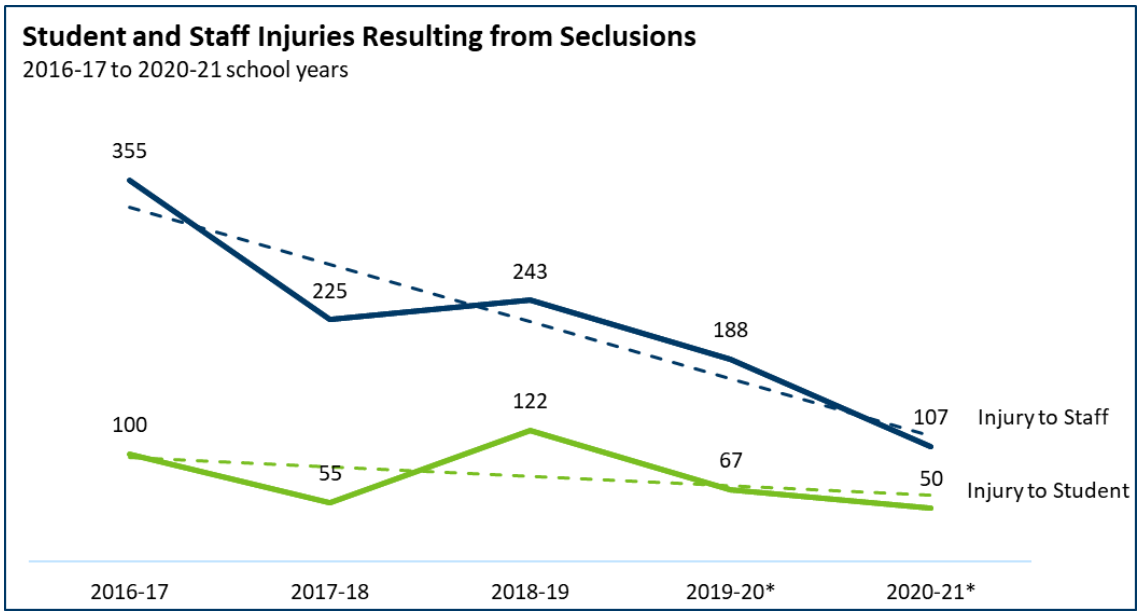
Figure H. Seclusions by Gender, as Compared to Special Education Population, 2020-21 school year.



Staff and Student Injuries Resulting from Seclusions

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

Figure I. Student and Staff Injuries Resulting from Seclusions, 2016-17 through 2020-21 school years.



Physical Holding

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

Reporting Districts

For the 2020-21 school year, 536 districts reported annual physical holding summary data to MDE, a 100 percent reporting rate. Of those districts, 245 reported the use of at least one physical hold. This is a decrease from previous years, with 279 districts reporting the use of physical holds in 2019-20, 285 districts reporting the use of at least one physical hold in 2018-19, and 302 in 2017-18.

Overall Physical Holding Use

The number of physical holds declined during the 2020-21 school year, the third year of declining numbers after several years of increases – although also the second year impacted by COVID-19. When comparing the total number of physical holds (6,687) as well as the total number of students with whom physical holding was used (1,576), both numbers decreased substantially from the 2019-20 school year (47 percent and 44 percent, respectively). In addition, the average number of physical holds per physically held student was 4.2, a continued decrease from 4.5 in 2019-20, 5.1 in 2018-19 and 5.4 in 2017-18. Although this data is significantly impacted by COVID-19, it is likely that a decrease in the use of physical holding would have been observed in the absence of the global pandemic.

Table 6. Annual Number of Students Experiencing Physical Holds, 2017-18 through 2020-21 school years.

Year	Number of Students Experiencing Physical Holds
2017-18	**3,465**
2018-19	**3,357**
2019-20*	**2,828**
2020-21*	**1,576**

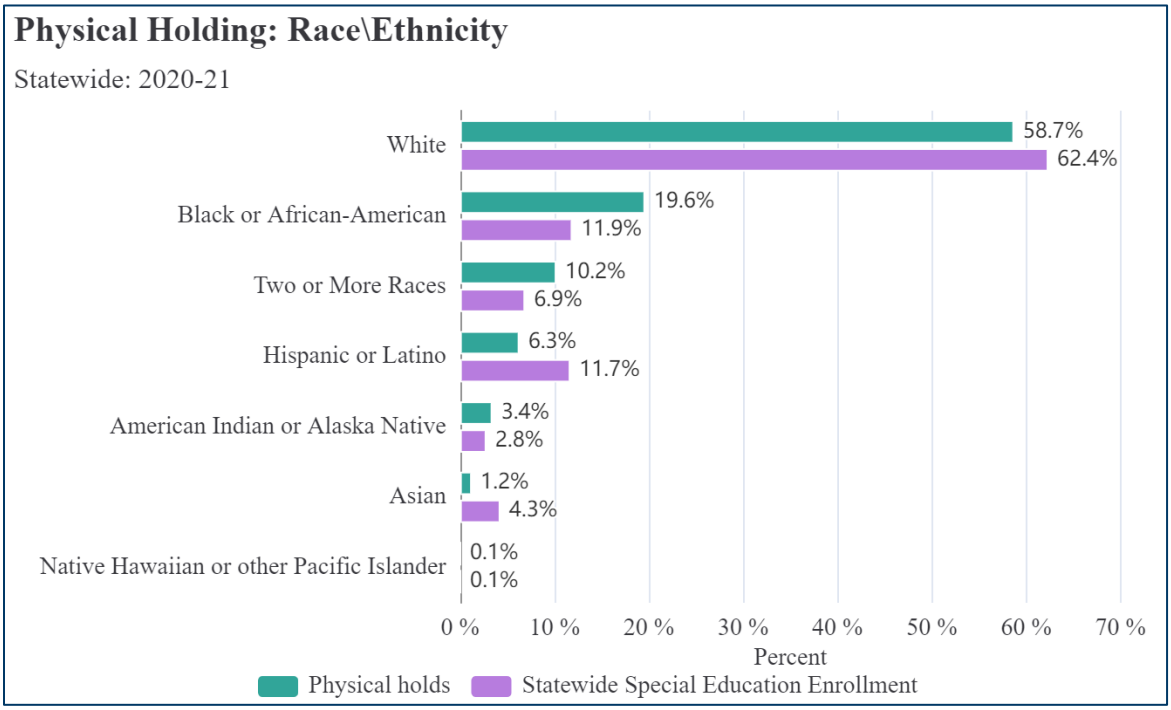
Student Demographics

Race/Ethnicity

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

Figure J (below) compares the proportion of students enrolled in special education services with the proportion of students who experienced physical holding during the 2020-21 school year. Black or African American students, American Indian or Alaska Native students, and students reported under the category of two or more races are all overrepresented in the use of physical holds. Black or African American students were 19.6 percent of the students physically held during the 2020-21 school year, although they comprised just 11.9 percent of the special education population. Students reported as two or more races, who are 6.9 percent of the special education population, represent 10.2 percent of physically held students. American Indian or Alaska Native students are 2.8 percent of the population and 3.4 percent of physically held students. Conversely, categories of White, Hispanic or Latino, and Asian students are all considerably underrepresented.

Figure J. Students Physically Held by Race/Ethnicity, as Compared to Special Education Enrollment, 2020-21 school year.



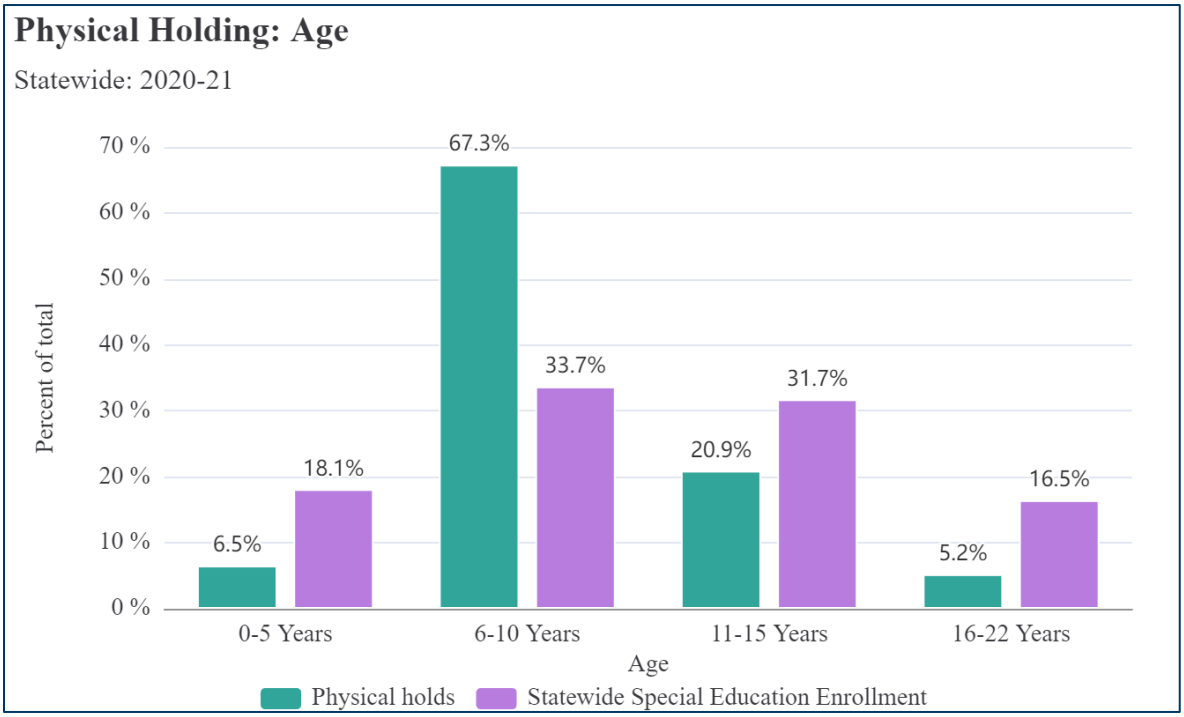
Age

Over time, the use of physical holds among students in different age groups has been relatively consistent, with the majority of students experiencing physical holds falling between 6 and 15 years old. In the 2020-21 school year, 88.2 percent of the students who experienced physical holds were in this age range, compared to 87.6 percent in the 2019-20 school year and 88 percent in the 2018-19 school year.

Figure K (below) shows that students age 6-10 continue to experience a disproportionate number of physical holds. During the 2020-21 school year, 67.3 percent of the physically held students were in this age range, although students in this age range comprised just 33.7 percent of the special education population. In

comparison, only a small percentage of physical holds were used on students who were younger than five or older than 16, just 6.5 percent and 5.2 percent, respectively.

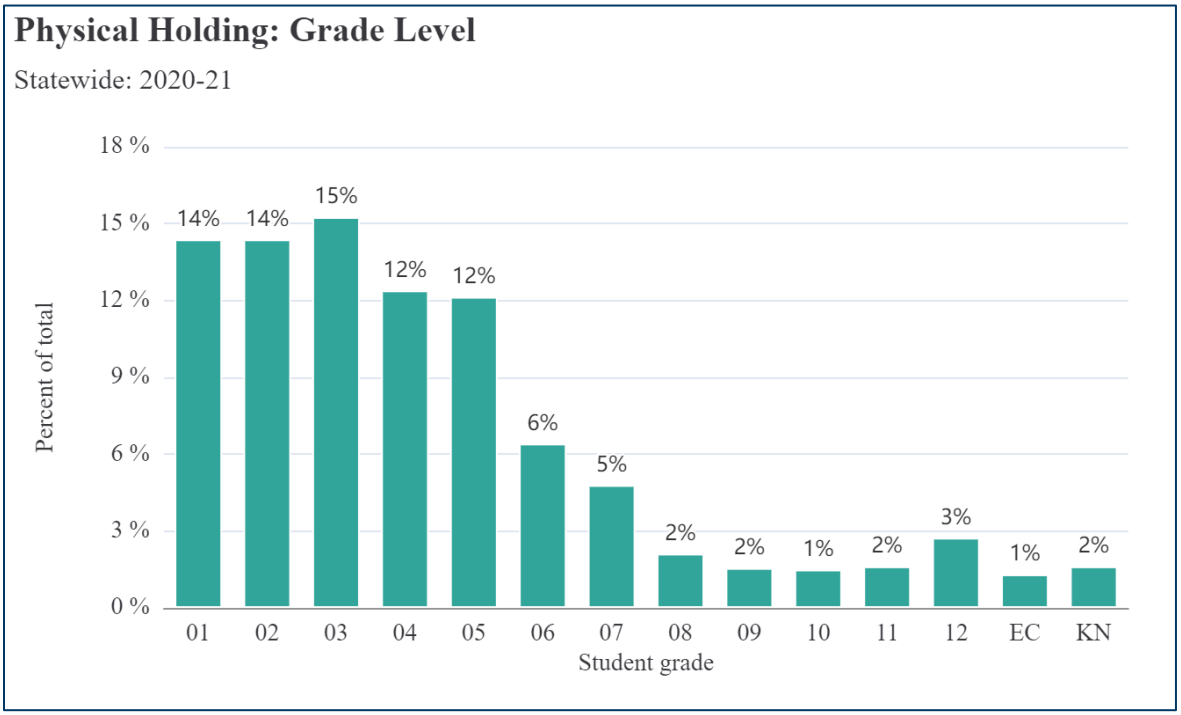
Figure K. Students Physically Held by Age, as Compared to Special Education Enrollment, 2020-21 school year.



Grade Level

Although MDE has not previously collected the grade level of students experiencing physical holds, this data is now available through Stepwell MN. Figure L (below) shows that, consistent with age data, the use of physical holding continues to be most prevalent in elementary grades, with 67 percent physically held students enrolled in first through fifth grade during the 2020-21 school year, and a relatively small percentage at the high school level (8 percent). This is also consistent with age and grade data regarding seclusion uses over the past several years.

Figure L. Students Physically Held by Grade Level, 2020-21 school year.

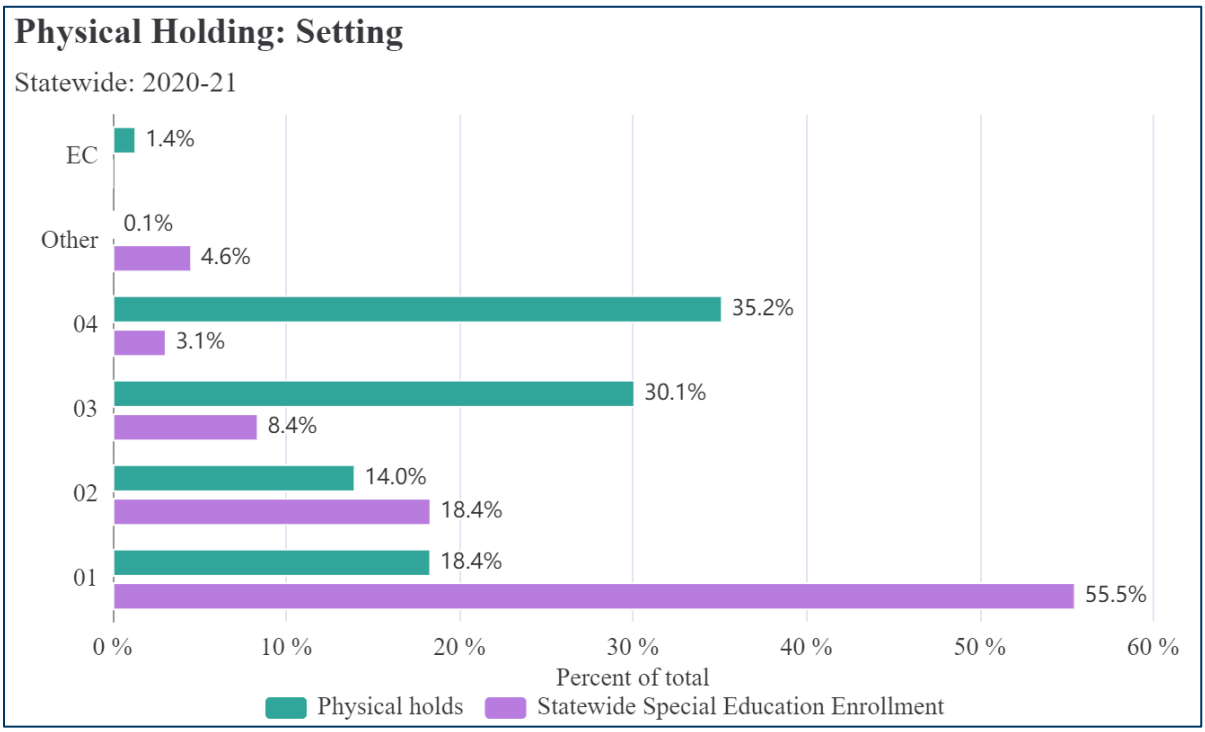


Setting

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

As Figure M shows below, most physical holds in 2020-21 were used with students in level 4 programs (35.2 percent) or level 3 programs (30.1 percent), although these students comprise a relatively small percentage of the total special education population (3.1 percent and 8.4 percent, respectively). In contrast, only 32.4 percent of students who were physically held received services in federal levels 1 or 2, although these students comprised over 70 percent of special education students in the 2019-20 school year.

Figure M. Students Physically Held by Setting, as Compared to Special Education Enrollment, 2020-21 school year.

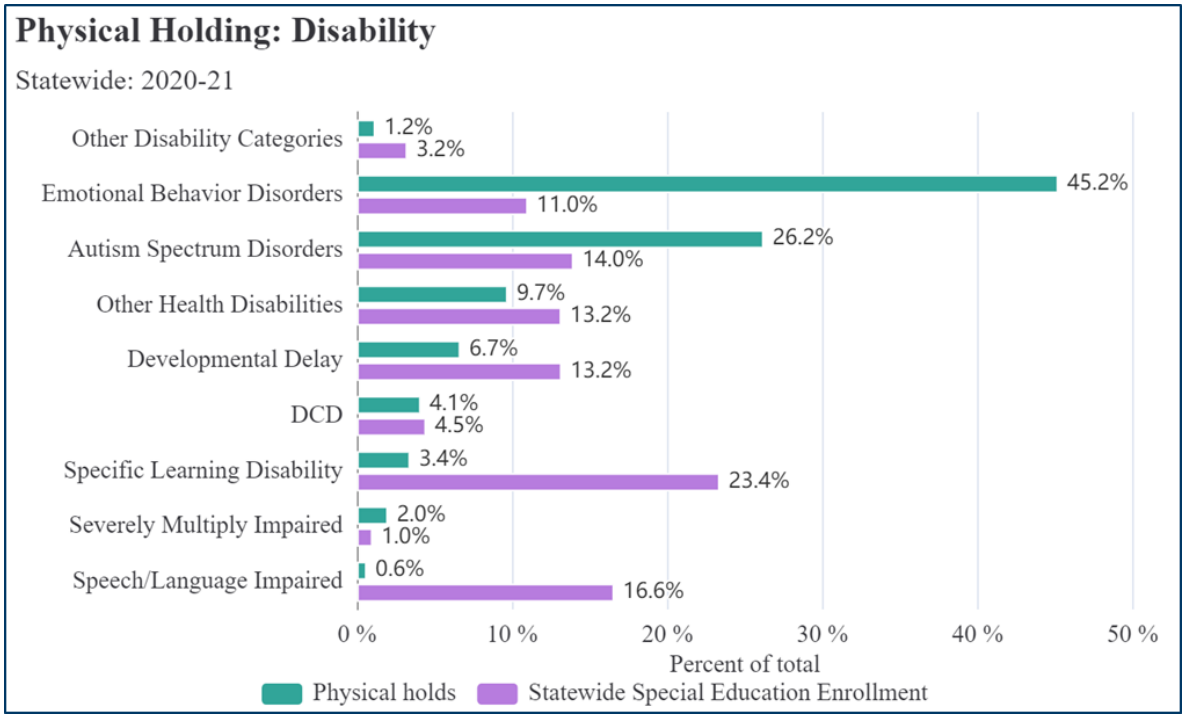


Disability Category

As in previous years, students who received services under the disability category of EBD or ASD experienced the majority of physical holds during the 2020-21 school year. Together, students from those two categories comprised 68.7 percent of the students who experienced physical holds. Students in both categories experienced physical holds at a rate disproportionate to their representation in the special education population. EBD students, who were 45.2 percent of physically held students, comprised just 11 percent of the special education population. The percentage of physically held students who receive services under the disability category of EBD has remained relatively consistent since the 2016-17 school year, between 45 and 50 percent.

Figure N (below) provides information regarding the disability of categories of students who experienced physical holding during the 2020-21 school year.

Figure N. Students Physically held by Disability Category, as Compared to Special Education Enrollment, 2020-21 school year.

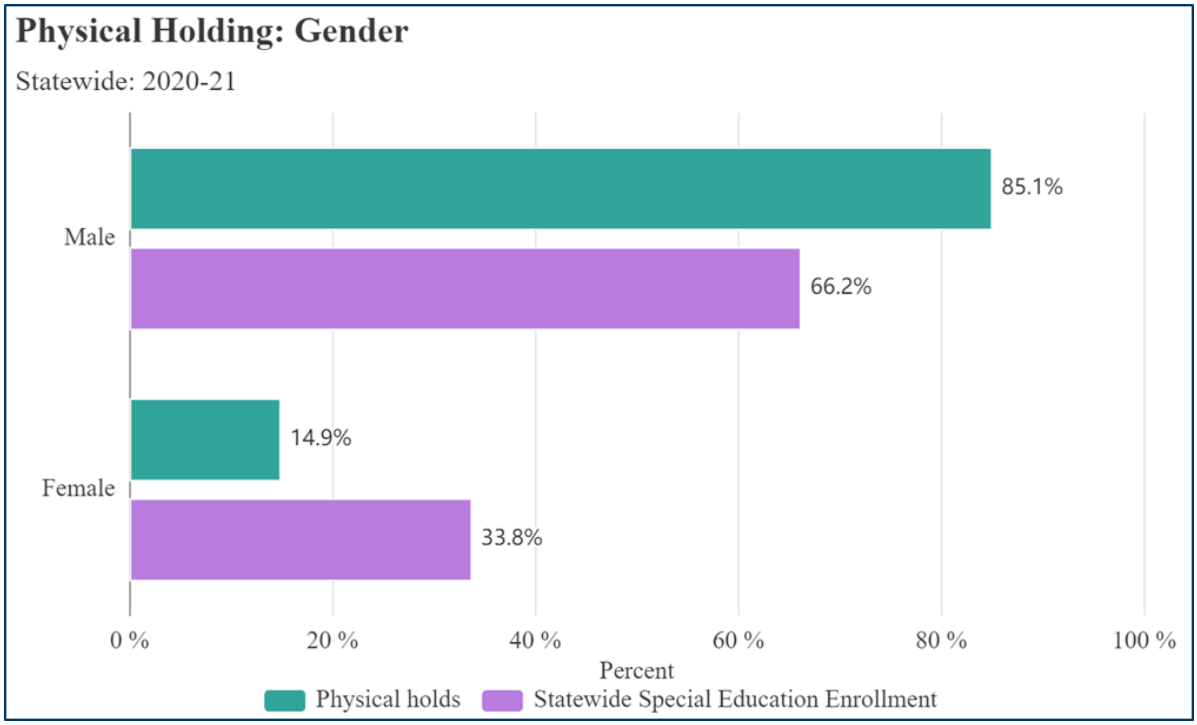


Gender

Consistent with previous years, male students comprised a greater proportion of students receiving special education services as well as a greater proportion of students experiencing physical holding. This pattern is also consistent with seclusion data. During the 2020-21 school year, 66.2 percent of students receiving special education services were male and 33.8 percent of students were female, a ratio of approximately two male students to each female student. During the same time period, 85.1 percent of the students experiencing

physical holds were male, and 14.9 percent were female, as shown below in Figure O. This is a ratio of 5.7 male students to each female student, meaning male students with disabilities are more than five times more likely to experience a physical hold.

Figure O. Students Physically Held by Gender, as Compared to Special Education Enrollment, 2020-21 school year.

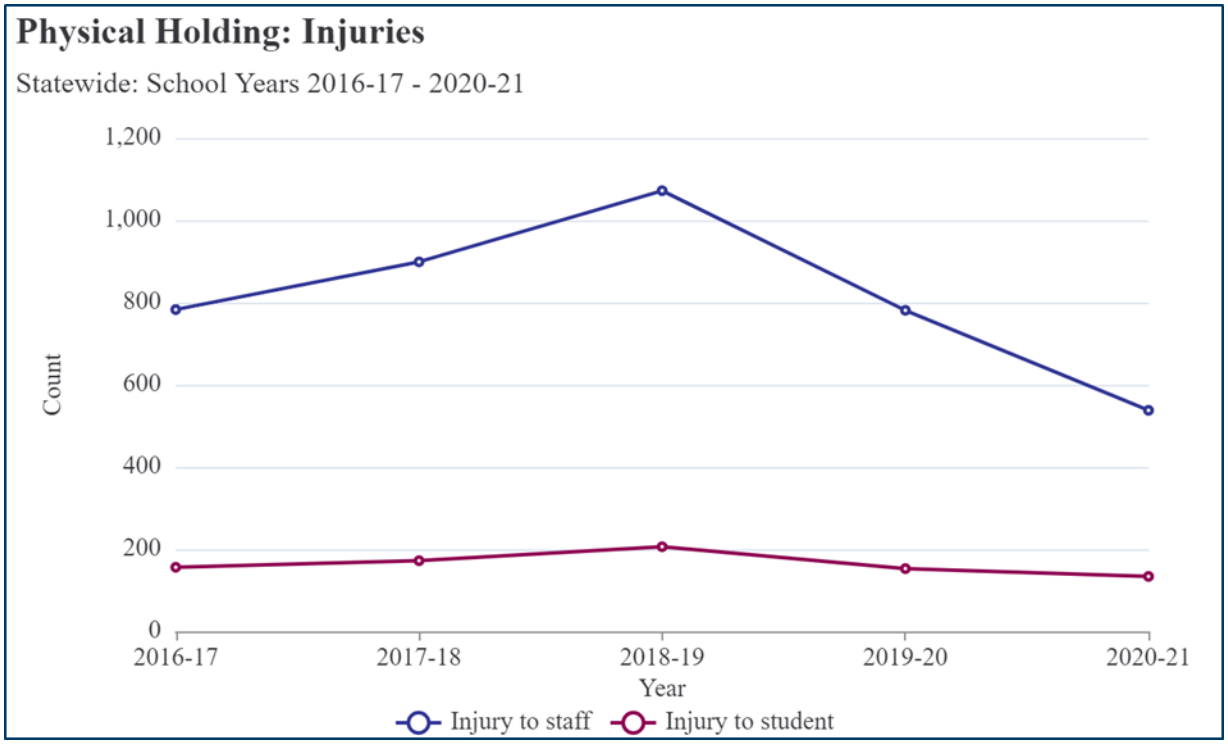


Staff and Student Injuries Directly Related to Physical Holds

During the 2020-21 school year, districts reported 538 staff injuries directly related to a physical holding use, a decrease of about 31 percent since the 2019-20 school year and an approximate rate of one staff injury for every 12 physical holds. During the same time period, districts reported 134 student injuries directly related to a physical holding use, a decrease of 12 percent since the 2019-20 school year, and a rate of one student injury for every 50 physical holds. Figure P (below) shows a decrease in injuries during the 2019-20 and 2020-21 school years, with very little change in the number of student injuries since the 2014-15 school year.

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

Figure P. Staff and Student Injuries Directly Related to a Physical Hold, 2016-17 through 2020-21 school years.



Appendix D - Strategies and resources for school districts to reduce the use of restrictive procedures, eliminate seclusion, and address disproportionalities in the use of restrictive procedures (2020-21 school year)

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

Federal resources on civil rights law and disproportionality in the use of restraint and seclusion

In 2012, the U.S. Department of Education issued the *Restraint and Seclusion: Resource Document* outlining 15 principles to consider when examining the use of restraint and seclusion in schools, with an emphasis on preventing the need for restraint and seclusion, using only behavioral interventions that are consistent with a child's rights to be treated with dignity and free from abuse, and ensuring that all schools are safe for all children and adults.[20]

In 2016, the U.S. Department of Education, Office for Civil Rights (OCR), issued guidance warning school districts that the use of restraint and seclusion may result in discrimination against students with disabilities and reiterating that there is no evidence that using restraint or seclusion is effective in reducing problem behaviors, noting that instead, research supports a positive approach that incorporates positive behavioral interventions, evidence-based positive classroom strategies, and trauma-informed care.[21]

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

[20] U.S. Department of Education, *Restraint and Seclusion: Resource Document* (May 12, 2012) (last accessed Dec. 29, 2020).
[21] OCR, *Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities* (Dec. 28, 2016) (last accessed Dec. 29, 2020).

development and implementation of policies regarding restraint and seclusion.[22] As part of this initiative, the Department released a webinar to explain how federal laws apply to the use of restraint and seclusion.[23]

In July 2019, the U.S. Commission on Civil Rights issued *Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities*, a report focusing on exclusionary discipline policies and addressing nationwide data showing the disproportionate use of restraint and seclusion on students with disabilities, which may have an unlawful discriminatory effect on students of color with disabilities.[24]

In April 2020, the U.S. Government Accountability Office (GAO) released a report finding that the U.S. Department of Education's quality control processes for data it collects on incidents of restraint and seclusion are "largely ineffective" and recommending several changes to better detect problematic data in the Civil Rights Data Collection (CRDC), including that the Department expand its CRDC business rules to cover all school districts, identify and address factors underlying misreporting, and refine and clarify its definitions of restraint and seclusion.[25]

In July 2020, the Children's Equity Project and the Bipartisan Policy Center issued a policy agenda titled *Start with Equity: From the Early Years to the Early Grades* that included data and research on "harsh discipline," including seclusion and inappropriately-used restraint, and its disproportionate effect on Black children and children with disabilities.[26] The agenda recommended policy changes for all levels—congress, federal agencies, states, and school districts—including recommending that districts ban harsh discipline, ensure that young children never have negative interactions with school resource officers, and invest in systems supporting positive discipline and anti-bias approaches.

In October 2020, the U.S. Department of Education released its most recent CRDC data on restraint and seclusion,[27] which continued to show that students with disabilities were disproportionately subjected to

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[22] *See* U.S. Department of Education Press Release: U.S. Department of Education Announces Initiative to Address the Inappropriate Use of Restraint and Seclusion to Protect Children with Disabilities, Ensure Compliance with Federal Laws (Jan. 17, 2019) (last accessed Dec. 29, 2020).
[23] *See* U.S. Department of Education Press Release: Education Department Releases Webinar on Use of Restraint and Seclusion (Jan. 9, 2020) (last accessed Dec. 29, 2020).
[24] U.S. Commission on Civil Rights, Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities (July 23, 2019) (last accessed Dec. 29, 2020).
[25] U.S. Government Accountability Office, Report to Congressional Committees: Education Needs to Address Significant Quality Issues with its Restraint and Seclusion Data (April 21, 2020) (last accessed Dec. 29, 2020).
[26] Children's Equity Project and Bipartisan Policy Center, Start with Equity: From the Early Years to the Early Grades (July 13, 2020) (last accessed Dec. 9, 2021).
[27] *See* OCR, Civil Rights Data Collection (CRDC) for the 2017-18 School Year (October 15, 2020) (last accessed Dec. 29, 2020).

physical restraint and seclusion in the school setting,[28] and that this disproportionality was compounded when analyzed by race, especially for Black students with disabilities.[29]

In October 2021, the U.S. Department of Education released a supplement to its ED COVID-19 Handbook on Strategies for Safely Reopening Elementary and Secondary Schools[30] entitled *Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs*.[31] The guidance emphasized that individualized education programs (IEPs) should "support children and students in each area of unique need—including educational, social, emotional, behavioral, and related areas—with high-quality and evidenced-based support" and "employ functional behavioral assessment to develop individualized behavioral intervention plans for students whose behaviors interfere with their ability to access and benefit from the education program" instead of relying on "inappropriate disciplinary practices, such as corporal punishment, seclusion, and restraint that disproportionately impact children of color and children with disabilities" and programs with "little or no research to support their effectiveness."

During 2021, the U.S. Department of Education's Office of Civil Rights, and the U.S. Department of Justice's Office of Civil Rights, also continued investigating school districts' use of restraint and seclusion, reaching settlement agreements with school districts in Maine[32] and Maryland.[33] The U.S. Department of Education indicated that its investigation into a Maine school district was "part of a series of 24 compliance reviews initiated nationwide related to restraint and seclusion, begun in January 2019."[34]

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

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

[30] U.S. Department of Education, ED COVID-19 HANDBOOK Strategies for Safely Reopening Elementary and Secondary Schools (Vol. 1) (Updated Aug. 2021) (last accessed Dec. 9, 2021).

[31] U.S. Department of Education, Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs (Oct. 19, 2021) (last accessed Dec. 9, 2021).

[32] U.S. Department of Education Press Release: U.S. Department of Education's Office for Civil Rights Reaches Agreement to Resolve Restraint and Seclusion Compliance Review of Saco, Maine, Public Schools (Nov. 5, 2021) (last accessed Dec. 9, 2021).

[33] U.S. Department of Justice Press Release: United States Reaches Settlement with Frederick County Public School District to Protect Students with Disabilities" (Dec. 1, 2021) (last accessed Dec. 9, 2021).

[34] U.S. Department of Education Press Release: "U.S. Department of Education's Office for Civil Rights Reaches Agreement to Resolve Restraint and Seclusion Compliance Review of Saco, Maine, Public Schools" (Nov. 5, 2021) (last accessed Dec. 9, 2021).

Potential legislation impacting the use of restraint and seclusion in schools

In May 2021, the *Keeping All Students Safe Act*[35] was introduced into the US Congress once again. According to a fact sheet released by the House Committee on Education and Labor,[36] the bill would:

Establish minimum safety standards in schools by:

- Prohibiting seclusion, mechanical restraints, chemical restraints, physical restraint that restricts breathing or is life threatening, and any form of aversive behavioral intervention;
- Requiring certification of staff conducting physical restraint that meets the minimum standards;
- Prohibiting physical restraint as a planned intervention; and
- Requiring parental notification and follow-up meetings if a physical restraint occurs.

Support states by providing better training to ensure student and staff safety and establishing monitoring and enforcement systems by:

- Requiring each state to have its own policies, procedures, monitoring, and enforcement systems in place to meet the minimum standards within two years of the law's enactment;
- Providing grant funding for states to establish, implement, and enforce the policies and procedures required by the law; and
- Improving state and local capacity to analyze the data and improving school climate and culture.

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

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

Governor Walz, in the 2022 policy bill, proposes statutory revisions expanding standards for the use of restrictive procedures that would:

- Add additional responsibilities to the oversight committee involving:
    - Review of disproportionality and racial disparities in the use of restrictive procedures;
    - Review of the use of SROs in handling behaviors;
    - Review of student documentation to determine if IEP team has followed the standards for

[35] Keeping All Students Safe Act, S.1858, 117th Congress (2021-22) (last accessed Jan. 6, 2022).
[36] Committee on Education and Labor, Fact Sheet on the Keeping All Students Safe Act (last accessed Jan. 6, 2022).

using restrictive procedures; and

    - Review to determine if the IEP has updated information about whether the restrictive procedures are contraindicated.

- Add a brief description of the post-use debriefing process to the list of information that a staff person has to document following the use of a restrictive procedure;
- Make the restrictive procedures provisions applicable to both children with and without disabilities; and
- Prohibit the use of restrictive procedures in school based prekindergarten settings.

State resources on restrictive procedures legal standards

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

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

Strategies and resources to reduce the use of restrictive procedures

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

as education partners continue to work together to ensure the safety of students and staff while reducing the use of restrictive procedures in Minnesota schools.

Utilize trauma-informed practices.

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

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

Offer consistent, widespread training and support from onsite staff.

In narrative responses collected by MDE, school districts frequently mentioned staff training as a strategy they used to reduce the use of restrictive procedures during the 2020-21 school year. About three-quarters of districts mentioned training staff, many of whom specifically mentioned Crisis Prevention Institute (CPI) and/or other trainings that focused on de-escalation.

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

Emphasize social emotional learning for students.

Social emotional learning (SEL) is "the process through which young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make

responsible and caring decisions."[37] According to the Collaborative for Academic, Social, and Emotional Learning (CASEL), "SEL advances educational equity and excellence through authentic school-family-community partnerships to establish learning environments and experiences that feature trusting and collaborative relationships, rigorous and meaningful curriculum and instruction, and ongoing evaluation" and "can help address various forms of inequity and empoweryoung people and adults to co-create thriving schools and contribute to safe, healthy, and just communities." Developing such competencies in students fosters positive social skills, reduces conduct problems, diminishes emotional stress and improves academic performance.[38]

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

- Connecting Social and Emotional Learning (SEL) to Professional Growth
  Developed in partnership with the Midwest Comprehensive Center at American Institutes for Research (AIR), this webinar reviews social and emotional learning (SEL), why it is important and practices that promote SEL. During the webinar, Nicholas Yoder, researcher and technical assistance consultant at AIR, describes the important connection between SEL and school climate, and helps the audience develop an understanding of the coordinated school climate and SEL effort to implement in schools and districts.

- Social and Emotional Learning Implementation Guidance is meant to help schools integrate social emotional learning (SEL) into schoolwide teaching and learning practices, so that students will learn, practice and model essential personal life skills that contribute to academic, vocational, and personal success. Integrating SEL into school helps students learn to: be caring and civil; make healthy decisions; problem-solve effectively; value excellence; be respectful and responsible; be good citizens; and be empathic and ethical individuals.

- Integrating Social Emotional Learning into Academics
  This webinar focuses on integrating social and emotional learning (SEL) into academic content. SEL is an evidence based school climate improvement practice. During this webinar school staff, superintendents and district and school leaders will receive information on how they can best lead and support integration of SEL into the school day.

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[37] CASEL. Fundamentals of SEL - CASEL (Dec. 2021).

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

Evaluate the use of School Resource Officers in schools.

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

- **Law Enforcement in Minnesota Schools: A Statewide Survey of School Resource Officers** - In 2014 the Minnesota Department of Public Safety Office of Justice Programs conducted a study with the goal of gathering information on the use of School Resource Officers are used Minnesota schools. This study utilized a statewide survey of law enforcement agencies followed by a comprehensive survey of individual SROs to collect information on the prevalence and characteristics of Minnesota SROs, including, the number, location, and demographic characteristics of the officers, the types of schools in which SROs serve, the qualifications necessary to be selected for SRO positions, prior law enforcement experience and specific SRO training, and the typical duties performed by SROs.

- The presence of law enforcement in schools has been controversial. Proponents assert that School Resource Officers (SROs) keep students and educators safe, which in turn creates an environment conducive to learning. Those opposed to law enforcement presence in schools contend there is little evidence to demonstrate that SRO programs reduce illegal or disruptive behavior.

- Anecdotal evidence from some schools that have shifted away from school resource officers suggest that doing so can contribute to a decrease in arrests and citations of students and other incidents involving police. For example, one district reports that rather than using SROs, it has moved towards the use of district employees with specialized training in school building safety, preventative security practices, verbal de-escalation techniques, non-violent crisisresponse, mental health disorders, and restorative justice practices.

Improve referral processes, debriefing meetings, and individualized data reviews.

In narrative responses collected during the summer of 2021, about a third of districts explicitly mentioned time for staff collaboration and/or team meetings as an effective tool to reduce the use of restrictive procedures. Many districts reported the importance of regular team meetings, to allow for collaboration and/or troubleshooting a particular student's needs, as well as developing a consistent process for staff to debrief together following behavioral incidents.

- Districts report that the development and implementation of new procedures to address student behaviors, including procedures for office referrals and more formal debriefing meetings following incidents, have contributed to a reduction in the use of restrictive procedures. Some districts implemented a more formal process to refer a student to a behavior interventionist or other specialist, while other districts successfully implemented a team meeting process to address individual student behavior and allow opportunities for staff to process their emotions concerning a recent behavior event. Further, districts report that better data collection tools and processes have increased their ability to support students and have reduced their use of restrictive procedures.

- Minnesota Multi-tiered System of Supports Framework
  A description of the essential systemic components of MnMTSS and how these interact including universal screening, data-based decision-making, evidence-based, tiered instruction and interventions, progress monitoring, leadership behaviors, beliefs and dispositions of educators and staff, community involvement and culture/climate context.

  - MnMTSS Overview Part I (PPT)
    This webinar slide deck will provide an overview of the Minnesota Multi-Tiered System of Support (MnMTSS) as a systemic foundation for addressing inequity and improving outcomes for all students in Minnesota and for reaching the COMPASS goal of accelerating student learning by meeting academic, social-emotional, and school climate needs. Content will include the Minnesota context for development of this framework, the rationale for implementing MnMTSS, and some of the typical implementation challenges.

  - MnMTSS Overview Part II (PPT)
    This session will introduce the subcomponents of the MnMTSS framework that serve as the essential foundations necessary for implementing the COMPASS academic, social-emotional and school climate work. Participants will also be provided with Level I of the District and School Self-Assessment tools that will be used to measure current level of district or school implementation in the essential foundations. District teams will have facilitated support to complete this in an upcoming session and the resulting data will be used to inform action planning in cycles for the remainder of this year, and summer/fall 2022.

Focus on relationship building.

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

- Restorative practices are drawn from the traditions of Indigenous people and communities of color around the world. They are grounded in a belief that people are profoundly relational, interconnected and inherently good. Restorative practices include ways of creating community that honor the importance of relationships amongst all members in the community, as well as practices to repair relationships when harm has been caused. Restorative practices address the needs of all people impacted by the harm. By using restorative practices in the school, people get to know one another and build relationships with each other, which is key element to learning, bullying prevention, and creating a positive school climate for students and adults. Key principles guide the practices.

- The BARR (Building Assets, Reducing Risks) Center Model
  In this webinar, presenters discuss Building Assets, Reducing Risks (BARR). BARR is a strengths-based model that provides schools with a comprehensive approach to meeting the academic, social, and emotional needs of all students. BARR uses eight interlocking strategies that facilitate real, meaningful relationships between adults and students. The BARR model allows teachers to focus on building relationships with students to access their strengths and areas for growth.

Implement positive behavioral interventions and supports.

Positive behavioral intervention and supports are interventions and strategies to improve the school environment and teach children the skills to behave appropriately.[39] The State of Minnesota has had a longstanding policy encouraging the use of positive approaches to behavioral interventions. Specifically, Minnesota Rule 3525.0850 provides: "The objective of any behavioral intervention must be that pupils acquire appropriate behaviors and skills. It is critical that behavioral intervention programs focus on skills acquisition rather than merely behavior reduction or elimination. Behavioral intervention policies, programs, or procedures must be designed to enable a pupil to benefit from an appropriate, individualized educational program as well as develop skills to enable them to function as independently as possible in their communities."

In narrative responses collected during the summer of 2021, about half of the districts reported using strategic supports during the 2020-21 school year to meet student needs and reduce the use of restrictive procedures. Many referenced supports that are required by state and federal special education law, like functional behavioral assessments (FBAs), positive behavior support plans (PBSPs), behavior intervention plans (BIPs), or similar proactive, positive behavioral supports for students. Other student supports that districts reported included planning for sensory needs, and developing relationships with staff.

- **Online training from MDE** includes three online training modules for statewide use that provide positive strategies for school district staff to use with students with disabilities, including students with Autism Spectrum Disorder, complex emotional or behavioral disorders, and complex learning needs. These stand-alone modules and supplementary documents are designed for school districts to use in independent staff training.

- **PBIS implementation** is a state-initiated project that provides districts and individual schools throughout Minnesota with the necessary training, coaching, technical support and evaluation to promote improvement in student behavior across the entire school, especially for students with challenging social behaviors. PBIS school teams establish clearly defined outcomes that relate to students' academic and social behavior, systems that support staff efforts, practices that support student success and data to guide decision-making. https://education.mn.gov/MDE/dse/sped/pbis/index.htm Information is also available about the federal implementation of PBIS.

    - Restraint and Seclusion (R/S) Alternatives in All States and Territories: A Review of Legislation and Policies, August 2021.

    - Systematic Literature Review of Tier 1 PBIS Implementation in Alternative Education Setting.

    - Center on PBIS "5-Point Intervention Approach for Enhancing Equity in School Discipline"

    - Additional materials on the topic of PBIS and equity.

    - "Establishing Preliminary Evidence for Culturally Responsive PBIS: The Personal Matrix Activity"

[39] Minn. Stat. § 125A.0941(d) (2021).

recording.

  - Additional information about PBIS and aligned initiatives recording.
  - Additional information on PBIS to support students with disabilities.

- **Behavioral intervention plans (BIPs)** are typically developed following a functional behavioral assessment (FBA). An FBA can identify the combination of antecedents (factors that immediately precede behavior) and consequences (factors that immediately follow behavior) that are associated with the occurrence of inappropriate behavior. Information collected through direct observations, interviews, and record reviews help to identify the function of the problem behavior and guide the development of a BIP. A complete BIP should describe strategies for: 1) addressing the characteristics of the setting and events; 2) removing antecedents that trigger the problem behavior; 3) adding antecedents that maintain appropriate behavior; 4) removing consequences that maintain or escalate the problem behavior; 5) adding consequences that maintain appropriate behavior; and 6) teaching alternative appropriate behaviors, including self-regulation techniques, to replace the problem behaviors.
  - **Behavior Specific Praise: Implementing, Coaching, and Measuring the Impact of this Simple yet Specific Strategy**: Dr. Benjamin Riden, Ph.D., BCBA-D, James Madison University, and Dr. Andy Markelz, Ph.D., Ball State University; implementing and measuring behavior specific praise for specificity, contingency, and variety.

Support mental health.

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

- **Mental Health Education in Schools**
  From the National Alliance on Mental Illness (NAMI), includes age-appropriate model learning activities; best practices in mental health education; and resources for planning and implementing of age appropriate mental health curriculum and instruction (per Minn. Stat. § 120b.21).

- **Responding to Tragedy and Trauma** is a Minnesota Department of Education webpage that identifies

many resources to help educators respond to racism, violence and trauma in ways that support students.

Other Resources:

- **COMPASS** (Collaborative Minnesota Partnerships to Advance Student Success) is a statewide education system created through a collaboration between the Minnesota Department of Education (MDE), Minnesota Service Cooperatives and Regional Centers for Excellence. COMPASS Pathways are now available for six topics. COMPASS Pathways offer a variety of resources, evidence-based practices and facilitated guidance in formats that work best for schools. Types of pathways will vary by the topic, but may include on-demand learning, cohort learning groups or a hybrid of on-demand resources and cohort learning groups. Learn more about the topics below:
    - COMPASS Pathways: MnMTSS
    - COMPASS Pathways: Data and Assessment Literacy
    - COMPASS Pathways: School Climate
    - COMPASS Pathways: Restorative Practices
    - COMPASS Pathways: Social-Emotional Learning
    - COMPASS Pathways: Mental Health
- **Student Maltreatment Program at MDE** assesses and investigates reports of alleged physical abuse, neglect, or sexual abuse of students that occurs in Minnesota public schools and charter schools.[16] This includes allegations of maltreatment involving students 18-21 years of age, including students receiving special education services, up to and until graduation and the issuance of a secondary diploma.
- **Minnesota Ombudsman for Mental Health and Developmental Disabilities** (OMHDD) promotes the highest attainable standards of treatment, competence, and efficiency, and justice for persons receiving services for mental illness, developmental disabilities, chemical dependency, or emotional disturbance. The OMHDD is an independent governmental official who receives complaints against government (and government regulated) agencies and/or its officials, who investigates, and if the complaints are justified, takes action to remedy the complaints. Visit its website for more information, or to file a complaint by contacting your regional ombudsman.
- **The Hexagon Tool** can be used by communities and organizations to better understand how a new or existing program or practice fits into an implementing site's existing work and context.

Appendix E - Narrative Responses (2020-21 school year)

MDE has begun collecting narrative information from districts about the practices, strategies and initiatives each district is using to reduce the use of restrictive procedures within their programs. This information was gathered as part of the physical holding reporting that was completed by districts during summer 2021 via Stepwell MN.

Background on Narrative Responses

During the 2019-20 and 2020-21 school years, MDE consulted with the Workgroup to develop qualitative narrative response questions to gather information about what each district is doing to reduce the number of restrictive procedures in the district, and which strategies they would recommend to other districts. The following questions were asked as part of 2020-21 physical holding reporting:

1. The State of Minnesota has a goal to reduce the use of restrictive procedures in our schools. What did your district try this year to reduce the number of restrictive procedures in your district, including addressing disproportionalities? (If your district did not use restrictive procedures, what have you done to prevent the use of restrictive procedures?) For example, staff training, revised schedules, staffing changes, changes in the use of police liaison officers/school resource officers, increased positive supports, etc. Please be as specific and detailed as possible.

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

During physical holding reporting, most districts provided meaningful answers to these questions, although the responses varied greatly with respect to the amount and specificity of information provided. MDE has been working to analyze the narrative responses data using qualitative data analysis software, and will continue to review and interpret this data in consultation with the Workgroup.

Although MDE is in the early phases of its analysis, several themes have emerged from the review of district responses to question one ("What have you tried?"). The themes are summarized below, and a sample of responses relating to each theme is provided. Preliminary review of the responses to question two ("What do you recommend?") suggests significant overlap between the information districts provided in question one and question two. MDE hypothesizes that this may either indicate that districts recommend most strategies they have tried or indicate that districts need additional time to observe and measure the effect of each strategy. Because districts will be asked to provide updated information each year as part of their July 15 annual physical holding reporting, increasingly meaningful information about recommended strategies will likely be obtained over time.

Emerging Themes

A summary of each emerging theme is provided below, along with a sample of responses that contain information relevant to each theme. Because many districts are employing multiple strategies simultaneously, most responses contain information that pertains to more than one theme. Rather than providing excerpts, the full question one response is provided for context.[40]

Theme One: Staff training is a primary strategy for many districts.

Staff training was the most common strategy identified, with about three-quarters of districts mentioning training staff as one of the things they did this year to reduce the number of restrictive procedures in their district. Many of these districts specifically mentioned Crisis Prevention Institute (CPI) and/or other trainings that focused on de-escalation. Many districts also provided additional information, including whether they have on-site trainers, and who received training, including general education staff, special education teachers, and/or paraprofessionals.

"Our cooperative has increased the number of trainings provided to districts throughout the year as well as targeted our CPI training to be provided at a building level. This has allowed us to target questions and situations specific to that district/building."

"Staff working with students who required more than four restrictive procedures were provided with additional training to analyze when, where and why restrictive procedures were necessary in an effort to decrease the need. In addition, the learning environment was analyzed and modified as necessary to meet students' needs."

Theme Two: For many districts, providing student supports is an important strategy to reduce the use of restrictive procedures.

About half of the districts reported using strategic supports to meet student needs and reduce the use of restrictive procedures. Many referenced supports that are required by state and federal special education law, like functional behavioral assessments (FBAs), positive behavior support plans (PBSPs), behavioral intervention plans (BIPs), or similar proactive, positive behavioral supports for students. Other student supports that are included in this category included planning for sensory needs, providing additional special education services, adjusting the student's schedule or programming, developing relationships with staff, and social-emotional learning for students.

"Our district worked with a behavior interventionist to design a classroom environment that was welcoming and conducive to positive behaviors. They developed point systems that rewarded positive behavior and created signs displaying the desired behavior. In addition to working with the behavior interventionist we changed staffing,

[40] Excerpts have been edited as needed to avoid identifying districts to maintain staff and student privacy and to correct typographical errors.

created a response team, revised schedules, created a sensory path and conducted additional CPI training based primarily on de-escalation and calming techniques."

"A Behavior Specialist and Behavior Interventionists are used to assist classroom teachers in creating and implementing PBSPs designed to assist students in the classroom environment."

"This year the district used advisory groups, behavior awards, and made efficient use of the life skills counselor, school social worker, and mental health services through its cooperative."

Theme Three: Staff collaboration and/or team meetings are another common strategy.

About a third of districts explicitly mentioned time for staff collaboration and/or team meetings as an effective tool to reduce the use of restrictive procedures. Many districts reported the importance of regular team meetings, to allow for collaboration and/or troubleshooting a particular student's needs, as well as developing a consistent process for staff to debrief together following behavioral incidents. Some districts also mentioned the importance of oversight committees, IEP team meetings, and other opportunities to collaborate with parents.

"Our special education team met weekly to discuss student needs, behavior plans, and to review the use of restrictive procedures if they have occurred. The team would identify patterns among students in relation to disproportionalities, patterns in times of day, and patterns in schedules. If patterns were identified, the special education team and general education teachers would meet to brainstorm ideas and changes that could take place with schedules, routines, and behavior plans. Such things that were changed were: visual schedules, allowing more sensory breaks, identifying break spaces in the general education classroom, and positive reinforcement."

"When a student has need for more than one restrictive procedure, the Behavior Intervention Oversight Committee (BIOC) in conjunction with the case manager look at triggers and antecedent behaviors, to determine if there are changes that need to be made to the student's PBSP. This is discussed during debriefing meetings and quarterly BIOC meetings or individual team meetings."

Theme Four: Many districts use staffing strategically as a way to reduce or minimize the use of restrictive procedures.

Another theme was the importance of staff in reducing the use of restrictive procedures, with about a third of districts reporting that they created specific positions to address behaviors or maintained particular expertise on their staff. For example, some of these schools mentioned having or contracting with a board certified behavior analysist (BCBA) to help address student behavior, and others indicated that a social worker or school counselor was significant in reducing the use of restrictive procedures. Some of these districts also mentioned behavior teams or crisis teams or other groups of staff that have been established and trained to respond to student behaviors.

"We continued to have two Board Certified Behavior Analysts. These experts provide staff support and expertise to address student behavior. We seek to find the reason behind the behavior and teach replacement skills. Our training consists of pro-active teacher behavior."

"We have a full time Behavioral Teacher Specialist who works with students and teachers who have significant behavioral difficulties. Any time a student's behavior is escalating or a restrictive procedure has to be used, our Behavior Specialist works with the team to develop an individual plan for that student in an effort to reduce behaviors and restrictive procedures. This specialist works to train paraprofessionals, teachers and students."

"The district used staff training on de-escalation with an increase in positive supports across all grade levels and revised schedules to accommodate behavior/emotional needs. We also employ a full-time social worker that assists in intervention with students and support to case managers."

Other Themes: COVID-19, mental health, and trauma were frequently mentioned by districts.

The information provided by districts included other topics and themes not included above. Among the other topics that were raised by districts, COVID-19, mental health, and trauma were frequently mentioned. Several districts indicated that their use of restrictive procedures was affected by COVID-19 and COVID-19 mitigation strategies – mostly by reducing the number of in-person school days for students, and therefore reducing the prospect of restrictive procedures. However, other districts reported that social distancing and smaller class sizes also reduced physical altercations between students, resulting in fewer restrictive procedures. Several districts further indicated that students and staff were experiencing mental health needs and indicated that they were providing extra resources and training in the area of mental health and trauma.

"COVID-19 practices had a positive impact on the use of restrictive procedures for the district. The required use of social distancing within the school setting and the parental choice of distance learning and periodic times of hybrid learning reduced the close contact and the number of students within spaces. This rippled over to fewer physical altercations. The district also emphasized more intentional mental health strategies and stress relieving strategies for students and staff."

"The district employs a mental health professional to support restrictive procedures-related needs. Their special education teachers instruct in social skills. The district contracts for Behavior Analyst time to help support/train staff in planning for students with more intensive behaviors. District staff are trained in CPI to help staff learn de-escalation techniques."

"The district utilizes trauma Informed training, mindfulness, breath work, emphasis on staff taking care of and regulating themselves, so they can co-regulate the students in front of them. We provide multiple opportunities for movement, music, rhythm, and community building, so all students have a sense of their worth and belonging."

"We are increasing our training and guidance to staff regarding trauma and the effects of holds on students with trauma."

Limitations and Next Steps

There are some limitations to this data. The most significant is likely the impact of COVID-19 and shifting learning models on districts' use of restrictive procedures, as discussed above. Given the profound impact of COVID-19 on schools, and the drop in the use of restrictive procedures, it is likely very difficult for districts to

understand how effective any individual strategy may have been at reducing the use of restrictive procedures. As COVID-19 has caused significant disruption to normal school operations, contributed to increasing mental health needs, and interrupted students' educational programs, it may be some time before districts can draw conclusions about the effectiveness of any particular strategy.

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

It is likely that it will take some time to identify patterns in this data, given the novelty of the narrative information and the continued effect of COVID-19 on the use of restrictive procedures, as described above. Districts will be asked to provide updated information each year as part of their July 15 annual physical holding reporting. MDE does expect that the information collected through the narrative response questions will continue to improve in quality and detail, resulting in the Workgroup's ability to share increasingly meaningful information that can be used to reduce the use of restrictive procedures in Minnesota districts.