

Seclusion Work Group

Where we are now and how we got here

Prior to 2023

- Seclusion only allowed, with certain provisions and restrictions, in an “emergency.”
- Emergency defined by Minn. Stat. 125A.0941:

(b) "Emergency" means a situation where immediate intervention is needed to protect a child or other individual from physical injury. Emergency does not mean circumstances such as: a child who does not respond to a task or request and instead places his or her head on a desk or hides under a desk or table; a child who does not respond to a staff person's request unless failing to respond would result in physical injury to the child or other individual; or an emergency incident has already occurred and no threat of physical injury currently exists.

2023 Session

- Law passed as part of the Education Omnibus Bill banning the use of seclusion “on children from birth through grade 3 by September 1, 2024.”
- Seeberger voted “Yes” on the Education Omnibus Bill without knowing this was in the bill. The issue was never caucused or discussed on the Senate Floor.
- Seeberger would have voted “No” had she been aware of this provision in the Education Omnibus Bill.

2024 Session

- Seeberger contacted stakeholders to discuss the seclusion ban and her concerns with it.
- Seeberger set up tours of schools with seclusion rooms in attempts to illustrate the issue, and to define what seclusion was and was not.
- Many stakeholders did not attend these tours despite being invited.
- Activists opposing seclusion in schools refused to discuss ways to address the needs of students and schools which were unmet by the ban.

2025 Session

- Because activist would not entertain any discussion on how to best meet the needs of all students, Seeberger drafted SF 1830 which eliminates all changes made in 2023 and reinstutes seclusion as it was prior to the 2023 session.

01/23/25

REVISOR

CR/CH

25-02707

as introduced

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

(SENATE AUTHORS: SEEBERGER and Farnsworth)
DATE 02/24/2025 D-PC 486
Introduction and first reading
Referred to Education Policy

OFFICIAL STATUS

S.F. No. 1830

1.1 A bill for an act
 1.2 relating to education policy; allowing for the use of seclusion as a restrictive
 1.3 procedure; amending Minnesota Statutes 2024, section 125A.0942, subdivisions
 1.4 4, 6.
 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
 1.6 Section 1. Minnesota Statutes 2024, section 125A.0942, subdivision 4, is amended to
 1.7 read:
 1.8 Subd. 4. **Prohibitions.** The following actions or procedures are prohibited:
 1.9 (1) engaging in conduct prohibited under section 121A.58;
 1.10 (2) requiring a child to assume and maintain a specified physical position, activity, or
 1.11 posture that induces physical pain;
 1.12 (3) totally or partially restricting a child's senses as punishment;
 1.13 (4) presenting an intense sound, light, or other sensory stimuli using smell, taste,
 1.14 substance, or spray as punishment;
 1.15 (5) denying or restricting a child's access to equipment and devices such as walkers,
 1.16 wheelchairs, hearing aids, and communication boards that facilitate the child's functioning,
 1.17 except when temporarily removing the equipment or device is needed to prevent injury to
 1.18 the child or others or serious damage to the equipment or device, in which case the equipment
 1.19 or device shall be returned to the child as soon as possible;
 1.20 (6) interacting with a child in a manner that constitutes sexual abuse, neglect, or physical
 1.21 abuse under chapter 260E;

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2.1 (7) withholding regularly scheduled meals or water;
 2.2 (8) denying access to bathroom facilities;
 2.3 (9) physical holding that restricts or impairs a child's ability to breathe, restricts or impairs
 2.4 a child's ability to communicate distress, places pressure or weight on a child's head, throat,
 2.5 neck, chest, lungs, sternum, diaphragm, back, or abdomen, or results in straddling a child's
 2.6 torso; and
 2.7 (10) prone restraint; and
 2.8 (11) the use of seclusion on children from birth through grade 3 by September 1, 2024.
 2.9 Sec. 2. Minnesota Statutes 2024, section 125A.0942, subdivision 6, is amended to read:
 2.10 Subd. 6. **Behavior supports; reasonable force.** (a) School districts are encouraged to
 2.11 establish effective schoolwide systems of positive behavior interventions and supports.
 2.12 (b) Nothing in this section or section 125A.0941 precludes the use of reasonable force
 2.13 under sections 121A.582; 609.06, subdivision 1; and 609.379. Any reasonable force used
 2.14 under sections 121A.582; 609.06, subdivision 1; and 609.379 which intends to hold a child
 2.15 immobile or limit a child's movement where body contact is the only source of physical
 2.16 restraint or confines a child alone in a room from which egress is barred shall be reported
 2.17 to the Department of Education as a restrictive procedure, including physical holding or
 2.18 seclusion used by an unauthorized or untrained staff person.
 2.19 (c) By February 1, 2024, the commissioner, in cooperation with stakeholders, must make
 2.20 recommendations to the legislature for urgently ending seclusion in Minnesota schools. The
 2.21 commissioner must consult with interested stakeholders, including parents of students who
 2.22 have been secluded or restrained; advocacy organizations; legal services providers; special
 2.23 education directors; teachers; paraprofessionals; intermediate school districts and cooperative
 2.24 units as defined under section 123A.24, subdivision 2; school boards; day treatment
 2.25 providers; county social services; state human services department staff; mental health
 2.26 professionals; autism experts; and representatives of groups disproportionately affected by
 2.27 restrictive procedures, including People of Color and people with disabilities. The
 2.28 recommendations must include specific dates for ending seclusion by grade or facility. The
 2.29 recommendations must identify existing resources and the new resources necessary for staff
 2.30 capacity; staff training; children's supports; child mental health services; and schoolwide
 2.31 collaborative efforts.

Amendment 007-7

- Only after SF 1830 was dropped did activists come to the table to discuss the issue.
- After weeks of negotiation, an amendment to SF 1830 was agreed up, Amendment 007-7.
- Amendment 007-7 passed the Senate Floor with the approval of Senator Mann, who originally offered the amendment in 2023 banning seclusion up through grade 3.

Amendment 007-7

- Amendment 007-7 contained many provisions which were good and which IMPROVED the operation of Minnesota's seclusion statute, and IMPROVED things for families of students.
- Amendment 007-7 also allowed seclusion to be used in grades 1-3 (not kindergarten or younger) with additional safeguards and parameters.
- Amendment 007-7 also extended these safeguards and parameters up through grade 6 (where seclusion is currently allowed WITHOUT these additional safeguards and parameters).

2025 Session

- The House refused to hear or consider SF 1830 or Amendment 007-7.
- The only thing that could be agreed upon between the Senate and the House during Conference Committee was submitting the issue of seclusion to a Working Group.
- It is a well known tactic to shunt unpopular topics to a Working Group in hopes the issue will fade away.

Seclusion Working Group

- The Seclusion Working Group met from August 15, 2025 through January 28, 2026.
- Per the legislation establishing the Working Group, the Working Group expires on January 31, 2026 – 3 days after the final meeting.
- Per the legislation establishing the Working Group, the Working Group must report its findings and recommendations regarding the use of seclusion to the chairs and ranking minority members of the legislative committees with jurisdiction over kindergarten through grade 12 education no later than January 30, 2026.

Seclusion Working Group

- At its penultimate scheduled meeting on January 14, 2026, the Working Group was able to vote on recommendations that were arrived at by consensus.
- At that meeting, areas of disagreement were identified which included:
 - A timeline for elimination of seclusion; and
 - Whether and to what extent seclusion should be allowed in grades 1-3
- Chair Seeberger then scheduled an additional meeting to discuss the areas where there was no agreement.

Seclusion Working Group

- An additional, previously unscheduled, meeting was held on September 21, 2026 to discuss the areas where there was no consensus.
- That meeting was held via Zoom to accommodate the needs of the members given its late scheduling.
- No proposed recommendations were received from any Working Group member as to the areas subject to discussion on September 21, 2026.
- Therefore, Chair Seeberger drafted Chair's Recommendations which were circulated to the members.

Seclusion Working Group

- On September 21, 2026 members discussed the Chair's Recommendations which focused on a timeline for the elimination of seclusion, and the permitted use of seclusion in grades 1-3.
- Of the five Recommendations submitted by the Chair, only one was reserved for discussion at the last meeting on January 28, 2026.
- Three Recommendations were defeated by a tie vote (6-6), and one Recommendation passed by a vote of 7-5. However, after the vote closed, a member stated they had voted the wrong way. The Chair commiserated since that happened to her in 2023 and was why we now had this working group. The vote was not re-opened.

Seclusion Working Group

- Recommendations that did not pass included:
 - That the Department of Education develop and maintain an oral translation of the notice for procedural safeguards provided to the parents of a child with disabilities;
 - That the Commissioner of Education provide outreach and education to parents/guardians of children subject to seclusion as a restrictive procedure to help ensure understanding of the procedure;
 - That any use of seclusion up through grade 6 only be allowed if parents/guardians EXPLICITLY consent to its use, and the provision of additional supports to parents/guardians to ensure any such consent was fully informed and understood.

Seclusion Working Group

- It is expected that the draft report will not be approved by the Seclusion Working Group given the passage of one of the Chair's Recommendations.
- The situation therefore reverts to the status quo with a ban on seclusion in grades 1-3, and SF 1830 being the bill in play.
- In failing to modify provisions for the use of seclusion in grades 1-3, the activists throw out the good and helpful provisions of Amendment 007-7, and the useful work done over the past 5 months by the Working Group.
- Activists also disregard the data which shows that, in the absence of seclusion, physical holds have increased dramatically, as have injuries to staff and students.