



01/28/2026

Seclusion Working Group

Legislative Coordinating Commission

658 Cedar St., Saint Paul, MN 55155

Dear Members of the Seclusion Working Group,

Thank you for the opportunity to provide written testimony regarding the Working Group's draft recommendations. MDE first received the legislative charge in 2013 to work with school districts to end the use of restrictive procedures. In 2016, that charge expanded to include eliminating the use of seclusion. Additional amendments in 2023 further strengthened these requirements. For more than a decade, MDE has worked to reduce the use of restrictive procedures and physical holds, including seclusion, in Minnesota schools. Based on years of research and collaboration, MDE continues to recommend prohibiting the use of seclusion for all students.

The comments below highlight several areas that MDE would like to flag about the feasibility, equity, and unintended consequences of some of the working group proposals under consideration.

- **Identifying Parents of Students Subject to Seclusion**

The recommendation to notify "parents or guardians of students subject to seclusion" presents practical challenges. MDE does not receive family contact information in restrictive procedures reports; only names and demographic data are provided, often months after the incident. Any outreach would still require the state going through local education agencies (LEAs) to obtain this information, and past attempts to obtain contact information from districts have been inconsistent. Without a clear purpose or mechanism, this requirement may not be feasible or effective.

- **Student-Level Data Reporting**

Any requirement for MDE to collect student-level data would necessitate new reporting obligations for districts, likely embedded within the Individualized Education Program (IEP) process. This would add substantial administrative burden without clear evidence that it would improve student outcomes. Such reporting would only be necessary if informed-consent-based IEP requirements were enacted, compounding the concerns described below.

- **District-Level Reporting and Data Privacy**

Requiring district-level reporting of seclusion-related information raises significant data privacy concerns. Restrictive procedures reports are highly contextual and often cannot be interpreted without additional information. Disaggregating them to the district level increases the risk of identifying individual students, particularly in smaller districts or low-incidence categories. The statewide annual Restrictive Procedures Report already reflects the maximum detail that can be shared without compromising student privacy.

- **Informed Consent and Parent Understanding**

Several recommendations rely on “informed consent” within the IEP process. In practice, many parents do not fully understand the contents of an IEP or the implications of agreeing to LEAs proposals for their student’s IEP. Families frequently describe feeling pressured to consent, particularly when surrounded by multiple district staff. Without addressing this underlying power imbalance, additional consent requirements risk reinforcing inequities rather than improving transparency.

- **Expansion of the IEP Team and Power Dynamics**

The proposal to add more district-level personnel to IEP meetings raises concerns. Increasing the number of individuals who do not work directly with the student does not guarantee stronger student advocacy. Instead, it may intensify the existing imbalance of power between families and districts and increase pressure on teachers. Adding more voices aligned with the district may complicate the process without improving outcomes for students.

- **MDE Technical Assistance and Administrative Burden**

The proposed MDE technical assistance amendment is aligned with prior recommendations made in the Restrictive Procedures Reports over the years, and would likely increase paperwork, notices, and training requirements for both LEAs and SEAs. If the goal is to improve practice, it may be more immediately effective to focus on providing meaningful information about de-escalation and evidence-based behavioral supports rather than creating additional procedural steps.

- **Fiscal Impact on MDE and LEAs**

Many of the proposed recommendations would significantly expand responsibilities for both MDE and LEAs. Increased reporting, additional team members, new notification requirements, and expanded procedural safeguards all carry substantial financial implications. Any recommendation that increases obligations must be accompanied by a fiscal note of the associated costs.

MDE respectfully asks the Working Group to consider these concerns as it finalizes its recommendations.

Sincerely,



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Daron Korte, J.D., Assistant Commissioner