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Seclusion rooms in Minnesota's public schools: What are they – and how are they governed?

By [Erin Hinrichs](#) | 12/05/2019



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In mid-November, a team of ProPublica Illinois and Chicago Tribune reporters published an [investigative story](#) highlighting abuses of locked seclusion rooms in public schools across the state.

Legally, these spaces are only supposed to be used if a student poses a safety threat to themselves or others. But, according to records obtained from schools with these seclusion rooms, children as young

as 5 were being locked away for punitive reasons.

The story included jarring quotes from students held in seclusion rooms, along with desperate behaviors like wetting their pants and scratching at windows — all recorded by the adults who stood guard on the other side of the door.

The next day, state officials took action. The governor ordered the state education agency to **immediately halt the use of isolated timeouts** in public schools. And he's working with legislators to institute a permanent ban.

These same sorts of seclusion rooms exist in Minnesota schools. As in Illinois, they're most commonly used in school districts designed to serve a higher concentration of students with severe emotional and behavioral disabilities.

Likewise, Minnesota state law stipulates seclusion rooms are only to be used in emergency situations, when a student poses a safety threat to themselves or others. But special-education advocates and lawyers who represent students who've experience seclusion at school say these rooms continue to be used illegally.

When it comes to oversight of seclusion practices in schools, however, Minnesota has a much more diligent track record. Here, the state Department of Education collects detailed reports of each incident on a quarterly basis. Additionally, the agency runs a workgroup charged with working toward the elimination of seclusion practices altogether.

442 registered seclusion rooms

According to the state Department of Education, there are currently 442 registered seclusion rooms in public schools across the state. Of that total number, nearly half are reportedly inactive.

As laid out in state statute, a seclusion room must meet certain criteria: It must be at least 6 feet by 5 feet; be well lit and ventilated; have a window that allows staff to directly observe a child in seclusion; have tamper-proof fixtures; and more.

Numbers in the most recent Restrictive Procedures Legislative Report (found [here](#)) show that during the 2016-17 school year, seclusion was used on students as young as 4 years old. Students ages 6 to 12 experienced the highest use of seclusion.

In total, 70 districts reported 7,085 incidents of seclusion that involved 965 students.

Also, racial disparities exist. Black students represented 23 percent of the total number of students who were secluded — and the total incidents of seclusion — even though they only made up 12 percent of the state's total special-education population.

Records show 44 percent of seclusion incidents lasted five minutes or less. But in 139 reported incidents, students were held in seclusion for over an hour.

State officials say the numbers are improving. Last year, the total count of seclusion incidents went down by about 800 uses. And the numbers for this past school year are still being finalized, but officials expect to see another reduction.

In comparison, 19 states — plus Illinois slated to soon join the list — currently prohibit the use of locked seclusion.

In the past, there's been discussion about banning seclusion practices in Minnesota schools, says Assistant Commissioner Daron Korte. But those on the workgroup decided that “we need to be really intentional about how we go about eliminating the use of seclusion — not to do it too suddenly, so that as an alternative districts aren't just increasing their referrals to law enforcement, or putting kids in home-bound instruction instead, because they don't have the tools they need to protect students and staff.”

A tale of two intermediate districts

In Minnesota, intermediate districts and similarly structured cooperative in Greater Minnesota — those that serve students from member districts with the most severe disabilities, including a large percentage of students with autism and emotional-behavioral disorders — generally rank highest when it comes to seclusion incident counts.

Among these schools, the Northeast Metro 916 Intermediate School District (which serves 14 member districts in the east metro area) led seclusion-room counts during the first quarter of the 2017-18 school year, with a total of 124, compared to a second highest count of 52.

Dan Naidicz, a district assistant superintendent, says seclusion is only used in emergency situations, consistent with state law. And it's reserved as a last-resort option.

Additionally, students are never left in a seclusion room unsupervised. Nor are the rooms ever used as punishment, says Syreeta Wilkins, head of district communications.

That being said, district officials say there are circumstances that warrant the use of placing students who have become a threat to themselves or others in a temporary locked timeout.

The sensory room at Quora High School.

Courtesy of Northeast Metro 916 Intermediate School District

For example, they have classrooms staffed with licensed therapists who are helping students work through past traumas in an educational setting. When less invasive interventions fail to help an emotionally deregulated student stay safe, a staff member may take a student to a seclusion room.

When things escalate to this point, parents are immediately notified, says Val Rae Boe, the district's director of special education. And staff participate in a debriefing afterward, to review what happened and to plan for how a similar situation might be avoided in the future.

Over the years, district administrators and staff have invested a lot in improving preventive measures, like relationship building with students and creating more sensory outlets for students so they have more resources to self-regulate.

By one measure of progress, the district's new high school building that opened in the fall of 2018 only has one seclusion room — down from seven included in the old building.

"We all have the same goal, which is to reduce the use of seclusion — and to someday hopefully eliminate the use of seclusion," Naidicz said. "That will take some time. To just eliminate it in a matter of a few months ... I think there would be some unintended consequences."

Located on the opposite side of the cities, administrators in Intermediate District 287 have taken a hardline approach: no seclusion rooms. It's something the district did away with roughly 15 years ago, says Superintendent Sandy Lewandowski.

In lieu of seclusion rooms, staff use a variety of sensory rooms and tools to help work through an emotional outburst. And, ideally, students are encouraged to take a break to focus on regulating themselves before things elevate to a crisis.

It's incredibly challenging work, says Lewandowski. But she says the story out of Illinois underscores her rationale for not using seclusion rooms. "I think what happens in public schools is illustrated in this story — things that are not at all appropriate or safe, or even moral in some cases, to be using with kids who have so many vulnerabilities, whether it's trauma, mental illness, or a combination," she said.

A piece of the on-the-ground experience that often gets overlooked, however, is that schools have become "responsible for kids with the very highest mental health needs, significant behavioral disorders, untreated by our medical community," she adds.

That's why, every year, she advocates for the same resources requested by administrators who do use seclusion rooms: more funding for staff training and more funding for mental health wrap-around services inside schools.

Focusing on preventive strategies

After reading the news reports that prompted a ban on seclusion practices in Illinois, Sue Abderholden, executive director of the National Alliance on Mental Illness (NAMI) in Minnesota, says Minnesota officials have already learned from past mistakes.

"The stories I read about in Illinois is what caused NAMI to develop a bill and push it through all those years ago, because we did have kids languishing in broom closets, and where it was being used for punishment," she said.

A longstanding member of the workgroup tasked with eliminating seclusions, she cautions against banning seclusion rooms, at this point in time — a time when schools are saying the "number one issue they're facing is children's mental health," coupled with a lack of mental health professionals in schools.

"You can't just ban them and not have anything taking their place," she said, adding that stripping this option away from schools could result in more home-bound instruction for students, something she

doesn't want to see happen to families.

Dan Stewart, a supervising attorney for the Minnesota Disability Law Center, a part of Mid-MN Legal Aid, has long been representing clients who have experienced seclusion in schools. He, too, has participated in the workgroup charged with eliminating the use of seclusion and agrees that the best path forward is one that entails building out preventive strategies and resources in schools.

The indoor playground at Karner Blue Education Center.

Courtesy of Northeast Metro 916 Intermediate School District

“We have created a system where restraint and seclusion are accepted and very commonly used interventions. But it seems, to me, we've missed many opportunities before that to avoid those uses,” he said.

That being said, research indicates that placing kids in seclusion can increase the likelihood of self-harm, and induce trauma or trigger past trauma, he adds.

Based on the stories he's heard from parents, efforts to regulate seclusion rooms in the interim are not entirely effective. He's reviewed records showing students have spent more time in seclusion than in a classroom during a week. He's also heard stories of the lock button on a seclusion room door being held down by a piece of tape, instead of an adult. And he's heard heartbreaking stories of kids who come home crying because they don't understand why they were put in seclusion.

There's also reason to be skeptical of claims that all seclusion room incidents in Minnesota can be traced back to an emergency situation. He's reviewed cases where a child was taken to a seclusion room for arguing, or because staff have "speculated that an emergency is going to happen," he says.

"If one of the intermediate school districts can figure out how to maintain a positive educational environment for everyone, without the use of seclusion, why is seclusion necessary?"

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