



## MEMORANDUM

**TO:** Special Education Directors

**FROM:** Carol Thomas, Director, Minnesota Department of Education, Safety, Health, and Nutrition  
Barbara Case, Due Process Supervisor, Minnesota Department of Education, Compliance and Assistance  
Glen Bergstrand, Minnesota State Fire Marshal Supervisor

**SUBJECT:** New Restrictive Procedures Law: Joint Statement from the Minnesota Department of Education and the Minnesota Department of Public Safety

**DATE:** August 24, 2011

Effective August 1, 2011, Minnesota Statutes, section 125A.0942, Subdivision 3(6)(i), mandates that a school using a room for seclusion receive “written notice from local authorities that the room and the locking mechanisms comply with applicable building, fire, and safety codes” before using the room for seclusion. Seclusion is defined as “confining a child alone in a room from which egress is barred.” Minn. Stat. § 125A.0941(f).

Furthermore, Minnesota Statutes, section 125A.0942, Subdivision 3(5)(v), mandates that a room used for seclusion “have doors that open out and are unlocked, locked with keyless locks that have immediate release mechanisms, or locked with locks that have immediate release mechanisms connected with a fire and emergency system.”

The Minnesota Department of Education (MDE), along with the Minnesota Department of Public Safety (DPS), have been fielding questions regarding the implementation of the new statutory provision, Minnesota Statutes, section 125A.0942, Subdivision 3(6)(i), in regards to what constitutes “written notice” of compliance with the statute. In addition, MDE and DPS have received questions about which locking mechanisms are allowed under the new statutory provision, Minnesota Statutes, section 125A.0942, Subdivision 3(5)(v), and which locking mechanisms are required to be connected to the fire safety systems as required by the Minnesota State Fire Code.

DPS inspects public schools once every three years, which includes inspection of rooms used for seclusion. Fire safety inspection reports/orders indicate if there are any fire safety violations with seclusion rooms. If no fire safety violations are indicated, the rooms are in compliance with the Minnesota State Fire Code. School staff have the responsibility to point out which rooms are used for seclusion. A State Fire Marshal fire safety inspection report/order provides effective verification of "written notice from local authorities" for this 3-year time period or until the next complete fire safety inspection. If a seclusion room is altered, or if a new room is added, a new inspection is required prior to use of the room as a room for seclusion.

Special Education Directors

Page Two

August 24, 2011

MDE and DPS agree that any locking mechanism that prevents egress from a room for seclusion must be connected to the fire safety systems as required by the Minnesota State Fire Code, Minnesota Rule 7511.1008, subpart 3. This includes, but is not limited to, all magnetic or other electronic locks used on rooms for seclusion, as well as a constant push button locking arrangement.

For questions specifically pertaining to locking mechanisms, please contact the deputy state fire marshal assigned to inspect your school or Glen Bergstrand, State Fire Marshal Supervisor, at [glen.bergstrand@state.mn.us](mailto:glen.bergstrand@state.mn.us) or 218.721.4447. For other questions pertaining to rooms for seclusion, please contact Sara Winter, Division of Compliance and Assistance, MDE, at [sara.winter@state.mn.us](mailto:sara.winter@state.mn.us) or 651.582.8237.