

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3642

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DATE
02/15/2024

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Introduction and first reading
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; modifying provisions for prone restraint, certain physical
1.3 holds, and reasonable force standards in schools; amending Minnesota Statutes
1.4 2022, sections 121A.58, as amended; 121A.582, subdivision 1, as amended.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 121A.58, as amended by Laws 2023, chapter
1.7 55, article 2, section 36, is amended to read:

1.8 **121A.58 CORPORAL PUNISHMENT; PRONE RESTRAINT; AND CERTAIN**
1.9 **PHYSICAL HOLDS.**

1.10 Subdivision 1. **Definitions.** (a) For the purpose of this section, "corporal punishment"
1.11 means conduct involving:

- 1.12 (1) hitting or spanking a person with or without an object; or
- 1.13 (2) unreasonable physical force that causes bodily harm or substantial emotional harm.

1.14 (b) For the purpose of this section, "prone restraint" means placing a child in a face-down
1.15 position.

1.16 Subd. 2. **Corporal punishment not allowed.** An employee or agent of a district shall
1.17 not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil
1.18 to reform unacceptable conduct or as a penalty for unacceptable conduct.

1.19 Subd. 2a. **Prone restraint and certain physical holds not allowed.** (a) An employee
1.20 or agent of a district, including a school resource officer, security personnel, or police officer
1.21 contracted with a district, shall not use prone restraint.

2.1 (b) An employee or agent of a district, including ~~a school resource officer~~, security
 2.2 personnel, ~~or police officer contracted with a district~~, shall not inflict any form of physical
 2.3 holding that restricts or impairs a pupil's ability to breathe; restricts or impairs a pupil's
 2.4 ability to communicate distress; places pressure or weight on a pupil's head, throat, neck,
 2.5 chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a pupil's torso.

2.6 (c) An employee or agent of a district does not include a school resource officer or other
 2.7 peace officer contracted with a district.

2.8 Subd. 3. **Violation.** Conduct that violates subdivision 2 is not a crime under section
 2.9 645.241, but may be a crime under chapter 609 if the conduct violates a provision of chapter
 2.10 609. Conduct that violates subdivision 2a is not per se corporal punishment under this statute.
 2.11 Nothing in this section or section 125A.0941 precludes the use of reasonable force under
 2.12 section 121A.582.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.14 Sec. 2. Minnesota Statutes 2022, section 121A.582, subdivision 1, as amended by Laws
 2.15 2023, chapter 55, article 12, section 4, is amended to read:

2.16 Subdivision 1. **Reasonable force standard.** (a) A teacher or school principal, in
 2.17 exercising the person's lawful authority, may use reasonable force when it is necessary under
 2.18 the circumstances to correct or restrain a student to prevent imminent bodily harm or death
 2.19 to the student or to another.

2.20 (b) A school employee, school bus driver, or other agent of a district, in exercising the
 2.21 person's lawful authority, may use reasonable force when it is necessary under the
 2.22 circumstances to restrain a student ~~to~~ or prevent bodily harm or death to the student or to
 2.23 another. For a school resource officer or other peace officer contracted with a district, use
 2.24 of force is governed by section 609.06.

2.25 (c) Paragraphs (a) and (b) do not authorize conduct prohibited under section 125A.0942.

2.26 (d) Districts must report data on their use of any reasonable force used on a student with
 2.27 a disability to correct or restrain the student to prevent imminent bodily harm or death to
 2.28 the student or another that is consistent with the definition of physical holding under section
 2.29 125A.0941, paragraph (c), as outlined in section 125A.0942, subdivision 3, paragraph (b).

2.30 (e) Beginning with the 2024-2025 school year, districts must report annually by July
 2.31 15, in a form and manner determined by the commissioner, data from the prior school year
 2.32 about any reasonable force used on a general education student to correct or restrain the

- 3.1 student to prevent imminent bodily harm or death to the student or another that is consistent
- 3.2 with the definition of physical holding under section 125A.0941, paragraph (c).
- 3.3 **EFFECTIVE DATE.** This section is effective the day following final enactment.