CHAPTER 78--H.F.No. 3489

An act relating to education; providing for public safety; modifying the grounds for the use of reasonable force in schools; defining duties and establishing minimum training requirements for school resource officers; requiring development of a school resource officer model policy; appropriating money; amending Minnesota Statutes 2022, sections 121A.582, by adding a subdivision; 123B.02, by adding a subdivision; 124E.03, by adding a subdivision; 609.06, subdivision 1; 609.379, subdivision 1; Minnesota Statutes 2023 Supplement, sections 121A.58, subdivisions 1, 2a; 121A.582, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Section 1. Minnesota Statutes 2023 Supplement, section 121A.58, subdivision 1, is amended to read:

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

(1) hitting or spanking a person with or without an object; or

(2) unreasonable physical force that causes bodily harm or substantial emotional harm.

(b) For the purpose of this section, "employee or agent of a district" does not include a school resource officer as defined in section 626.8482, subdivision 1, paragraph (c).

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

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

Sec. 2. Minnesota Statutes 2023 Supplement, section 121A.58, subdivision 2a, is amended to read:

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

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

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

Sec. 3. Minnesota Statutes 2023 Supplement, section 121A.582, subdivision 1, is amended to read:

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

(b) A school employee, school bus driver, or other agent of a district, in exercising the person's lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student to prevent bodily harm or death to the student or to another.

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

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

(e) Beginning with the 2024-2025 school year, districts must report annually by July 15, in a form and manner determined by the commissioner, data from the prior school year about any reasonable force used on a general education student to correct or restrain the student to prevent ~~imminent~~ bodily harm or death to the student or another that is consistent with the definition of physical holding under section 125A.0941, paragraph (c).

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

Sec. 4. Minnesota Statutes 2022, section 121A.582, is amended by adding a subdivision to read:

Subd. 5. **Definition.** For the purpose of this section, a school resource officer, as defined in section 626.8482, subdivision 1, paragraph (c), is not a school employee or agent of the district.

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

Sec. 5. Minnesota Statutes 2022, section 123B.02, is amended by adding a subdivision to read:

Subd. 25. **School resource officers.** A board that contracts for the services of a school resource officer must ensure the contract meets the requirements of section 626.8482.

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

Sec. 6. Minnesota Statutes 2022, section 124E.03, is amended by adding a subdivision to read:

Subd. 10. **School resource officers.** A charter school board must comply with section 123B.02, subdivision 25.

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

Sec. 7. Minnesota Statutes 2022, section 609.06, subdivision 1, is amended to read:

Subdivision 1. **When authorized.** Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

(1) when used by a public officer or one assisting a public officer under the public officer's direction:

(i) in effecting a lawful arrest; or

(ii) in the execution of legal process; or

(iii) in enforcing an order of the court; or

(iv) in executing any other duty imposed upon the public officer by law; or

(2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or

(3) when used by any person in resisting or aiding another to resist an offense against the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, ~~teacher,~~ or other lawful custodian of a child ~~or pupil~~, in the exercise of lawful authority, to restrain or correct such child ~~or pupil~~; or

(7) when used by a teacher, school principal, school employee ~~or~~, school bus driver, or other agent of a district in the exercise of lawful authority, to restrain a child or pupil~~, or~~ to prevent bodily harm or death to the child, pupil, or another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or

(9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

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

Sec. 8. Minnesota Statutes 2022, section 609.379, subdivision 1, is amended to read:

Subdivision 1. **Reasonable force.** (a) Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

~~(a)~~ (1) when used by a parent, legal guardian, ~~teacher,~~ or other caretaker of a child ~~or pupil~~, in the exercise of lawful authority, to restrain or correct the child ~~or pupil~~; or

~~(b)~~ (2) when used by a teacher, school principal, school employee, school bus driver, other agent of a district, or other member of the instructional, support, or supervisory staff of a public or nonpublic school upon or toward a child or pupil when necessary to restrain the child ~~from self-injury or injury to any other person or property~~ or pupil to prevent bodily harm or death to the child, pupil, or another.

(b) Nothing in this section limits any other authorization to use reasonable force including but not limited to authorizations under sections 121A.582, subdivision 1, and 609.06, subdivision 1.

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

Sec. 9. **[626.8482] SCHOOL RESOURCE OFFICERS; DUTIES; TRAINING; MODEL POLICY.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "School" means an elementary school, middle school, or secondary school, as defined in section 120A.05, subdivisions 9, 11, and 13.

(c) "School resource officer" means a peace officer who is assigned to work in an elementary school, middle school, or secondary school during the regular instructional school day as one of the officer's regular responsibilities through the terms of a contract entered between the peace officer's employer and the designated school district or charter school.

Subd. 2. **Duties.** (a) A school resource officer's contractual duties with a school district or charter school shall include:

(1) fostering a positive school climate through relationship building and open communication;

(2) protecting students, staff, and visitors to the school grounds from criminal activity;

(3) serving as a liaison from law enforcement to school officials;

(4) providing advice on safety drills;

(5) identifying vulnerabilities in school facilities and safety protocols;

(6) educating and advising students and staff on law enforcement topics; and

(7) enforcement of criminal laws.

(b) A school district or charter school may contract with a school resource officer's employer for the officer to perform additional duties to those described in paragraph (a).

(c) A school resource officer must not use force or the authority of their office solely to enforce school rules or policies or participate in the enforcement of discipline for violations of school rules.

(d) Nothing in this subdivision limits any other duty or responsibility imposed on peace officers; limits the expectation that peace officers will exercise professional judgment and discretion to protect the health, safety, and general welfare of the public when carrying out their duties; or creates a duty for school resource officers to protect students, staff, or others on school grounds that is different from the duty to protect the public as a whole.

Subd. 3. **Instruction required.** (a) Except as provided for in paragraphs (b) to (d), beginning September 1, 2025, a peace officer assigned to serve as a school resource officer must complete a training course that provides instruction on the learning objectives identified in subdivision 4 prior to assuming the duties of a school resource officer.

(b) A peace officer who has completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Officer Basic School Resource Officer course prior to September 1, 2025, must complete the training mandated under paragraph (a) before June 1, 2027. A peace officer covered under this paragraph may complete a supplemental training course approved by the board pursuant to subdivision 4, paragraph (b), to satisfy the training requirement.

(c) If an officer's employer is unable to provide the required training course to the officer prior to the officer assuming the duties of a school resource officer, the officer must complete the required training within six months of assuming the duties of a school resource officer. The officer is not required to perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), until the officer has completed the required training course. The officer must review any policy adopted by the officer's employer pursuant to subdivision 6 before assuming the other duties of a school resource officer and must comply with that policy.

(d) An officer who is serving as a substitute school resource officer for fewer than 60 student contact days within a school year is not obligated to complete the required training or perform the duties described in subdivision 2, paragraph (a), clause (4) or (5), but must review and comply with any policy adopted pursuant to subdivision 6 by the law enforcement agency that employs the substitute school resource officer.

(e) For each school resource officer employed by an agency, the chief law enforcement officer must maintain a copy of the most recent training certificate issued to the officer for completion of the training mandated under this section.

Subd. 4. **Training course.** (a) By January 15, 2025, the Board of Peace Officer Standards and Training, in consultation with the Department of Public Safety's School Safety Center, shall prepare learning objectives for training courses to instruct peace officers in serving as a school resource officer. At a minimum, the learning objectives must ensure officers receive training on:

(1) the juvenile justice system;

(2) legal standards for peace officers to use force to detain or arrest students in schools;

(3) legal standards for school employees and contractors to use force to detain, discipline, and arrest students in school;

(4) de-escalation techniques and using the least restrictive physical intervention strategies for handling conflicts in schools;

(5) responding to persons experiencing a mental health crisis in a school setting, with an emphasis placed on juveniles;

(6) understanding and working with students with disabilities and students receiving special education services;

(7) juvenile brain development, including limitations on impulse control;

(8) the impact of childhood trauma on juvenile behavior;

(9) responding to threats of violence against students and schools;

(10) detecting juvenile exploitation;

(11) investigating crimes committed in schools, including student and parental rights;

(12) identifying vulnerabilities in school facilities and safety protocols;

(13) mandated safety drills and best practices in conducting safety drills; and

(14) the topics identified in section 626.8469, subdivision 1, as they pertain to juveniles or students.

(b) The Board of Peace Officer Standards and Training may also approve supplemental training courses that are offered by providers who have trained school resource officers in the state prior to development of

the learning objectives required under paragraph (a). At a minimum, an approved supplemental course must provide instruction on each of the board's learning objectives that were not covered in the provider's existing school resource officer course curriculum.

Subd. 5. **Model Policy.** (a) By December 31, 2024, the Board of Peace Officer Standards and Training shall develop a model school resource officer policy. In developing the policy, the board must convene a group consisting of representatives from the Department of Public Safety's School Safety Center, the Minnesota School Boards Association, the Minnesota Association of Secondary School Principals, Education Minnesota, the Minnesota Sheriffs' Association, the Minnesota Chiefs of Police Association, the Minnesota Police and Peace Officers Association, the Minnesota Juvenile Officers Association, the National Association of School Resource Officers, Solutions Not Suspensions, the Minnesota Youth Council, the Minnesota Council on Disability, and one community organization supporting the rights of students receiving special education services. The group must meet at least three times to discuss the topics identified in paragraph (b), address any related issues, and provide advice and direction regarding development of the model policy.

(b) The model policy must cover, at a minimum, the following:

(1) issues to be addressed in a school resource officer contract, including but not limited to the use of plain clothes, modified uniforms, and other changes to school resource officer attire in order to foster a positive school climate, facilitate the establishment of positive relationships with students, and promote open communication;

(2) considerations for the proper use of force on school grounds, including:

(i) the prohibitions on choke holds and other restraints established in section 609.06, subdivision 3;

(ii) the prohibition on using force or the authority of the peace officer's office solely to enforce school rules or policies or participating in the enforcement of discipline for violations of school rules;

(iii) the use of de-escalation techniques and other alternatives to higher levels of force that are appropriate with juveniles and students in a school setting;

(iv) response tactics and strategies that minimize the use and duration of prone restraint, as defined in section 121A.58, and other physical holds of students; and

(v) the duty to render reasonably prompt care, consistent with the officer's training, to a person who an officer physically holds or restrains;

(3) alternative procedures that can be used to de-escalate conflicts in schools and students and others in crisis;

(4) proper procedures and limitations placed on school districts and charter schools to ensure school resource officers are being utilized appropriately and not for school disciplinary purposes;

(5) considerations to build constructive police relationships with students, administrators, and educational staff;

(6) proper procedures for protecting student data; and

(7) how soon after completing the training required under subdivision 3 that a school resource officer must complete a refresher course that covers the learning objectives established in subdivision 4.

Subd. 6. **Policies required.** By September 1, 2025, each law enforcement agency with a school resource officer program shall develop, adopt, and implement a written policy regarding school resource officers that is identical or, at a minimum, substantially similar to the model policy adopted by the board under subdivision 5.

Subd. 7. **Licensing sanctions; injunctive relief.** The board may impose licensing sanctions and seek injunctive relief under section 214.11 for failure to comply with the requirements of this section.

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

Sec. 10. **DEPARTMENT OF PUBLIC SAFETY; APPROPRIATION.**

$150,000 in fiscal year 2024 and $490,000 in fiscal year 2025 are appropriated from the general fund to the commissioner of public safety to increase staffing in the department's school safety center and perform the duties required by this act. The general fund base for this appropriation is $490,000 in fiscal year 2026 and fiscal year 2027.

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

Presented to the governor March 14, 2024