

Updated Guidance on the Prohibition on Prone Restraints and Certain Physical Holds, Exceptions.

State law was amended during the 2023 Legislative Session to limit prone restraints or other types of physical holds that impede a student's ability to breathe or communicate distress. Prone restraints or other types of physical holds may be used when that use constitutes reasonable force, as defined in state law.

2023 Legislative Changes.

In the 2023 legislative session the Minnesota Legislature amended Minnesota's corporal punishment statute as follows:

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

Subdivision 1. **Definition 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, "prone restraint" means placing a child in a face-down position.

Subd. 2. **Corporal punishment not allowed.**

An employee or agent of a district shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a pupil to reform unacceptable conduct or as a penalty for unacceptable conduct.

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.

Subd. 3. Violation.

Conduct that violates subdivision 2 is not a crime under section [645.241](#), but may be a crime under chapter 609 if the conduct violates a provision of chapter 609. Conduct that violates subdivision 2a is not per se corporal punishment under this statute. Nothing in this section or section 125A.0941 precludes the use of reasonable force under section 121A.582.

The creation of Subdivision 2a has the practical effect of banning the use of prone restraints or other types of physical holds that impede a student's ability to breathe or communicate distress. The legislature placed a single limitation on this prohibition in Subdivision 3, allowing that prone restraints or other types of physical holds may be used when that use constitutes reasonable force, as defined in Minnesota Statutes Chapter 121A.582.

Minnesota Statutes Chapter 121A.582 was likewise amended in the 2023 session:

Minnesota Statutes 2022, 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 or 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 or 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).

Under this new definition of reasonable force, reasonable force occurs when an action is taken to prevent imminent bodily harm or death to the student or another person. The combined effect of these two updates to the statute is that a teacher, administrator, employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, may not engage a student in prone restraints or the types of physical holds defined in 121A.58, subdivision 2a, unless, doing so will prevent imminent bodily harm or death to the student or another.

The remainder of 121A.582 remains the same, which means that when a teacher, administrator, employee or agent of a district, including a school resource officer, security personnel, or police officer contracted with a district, uses reasonable force they have a legislatively named defense to both criminal and civil liability:

Subd. 2. Civil liability. (a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a civil action for damages under section 123B.25.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a civil action for damages under section 123B.25.

Subd. 3. Criminal prosecution. (a) A teacher or school principal who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (a), has a defense against a criminal prosecution under section 609.06, subdivision 1.

(b) A school employee, bus driver, or other agent of a district who, in the exercise of the person's lawful authority, uses reasonable force under the standard in subdivision 1, paragraph (b), has a defense against a criminal prosecution under section 609.06, subdivision 1.

Minnesota schools are places where every student should feel safe and supported, which may include collaboration and a working relationship with their local law enforcement agency. The legislative changes made to these statutes may well require some rethinking of how SROs and other officers who are agents of a school district intervene in situations involving students. Using force in non-dangerous circumstances that do not present a threat of death or bodily harm is no longer an option for all students, just as it has not been an option with students receiving special education services since 2015.

Finally, MDE agrees with the assessment the League of Minnesota Cities Insurance Trust provided in its special update that:

Agencies and officers may wish to consult with other professionals, such as special education and mental health personnel, who are trained in nonforceful intervention. Officers may also wish to consult with school staff on how they will work together to manage disruptive but nondangerous behaviors without force.