

Subject School resource officers

Authors Frazier and others

Analyst Ben Johnson (ben.johnson@house.mn.gov)
Cristina Parra (cristina.parra@house.mn.gov)

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Overview

Minnesota law authorizes the reasonable use of force by peace officers, teachers, school officials, and other people under the circumstances listed in section 609.06, subdivision 1. The law prohibits peace officers from using choke holds unless a situation would justify the use of deadly force. A choke hold includes applying sufficient pressure to a person to make breathing impossible and also includes applying pressure to a person's neck to stop the flow of blood to the brain via the carotid arteries.

In 2023, the legislature amended sections 121A.58 and 121A.582 to say that employees or agents of a school district, including school resource officers, were prohibited from using certain holds, including prone restraints, except when it was necessary to restrain a student to prevent bodily harm or death to the student or another. The statutes did not establish a consequence for using a prohibited hold, but indicated that the conduct could be a crime if it violated a provision of the state's criminal code in chapter 609.

Questions about the interaction between sections 121A.58, 121A.582, and 609.06 were raised. The attorney general issued an opinion that said in part, that the change in law "does not limit the types of reasonable force that may be used by public officers to carry out their lawful duties, as described in Minnesota Statutes section 609.06, subdivision 1(1) [authorizing the use of reasonable force to make a lawful arrest]." Earlier court decisions have found that the term "public officers" includes "peace officers."

This bill removes school resource officers (SROs) from the category of an "agent of the school" and establishes training requirements for SROs, policy requirements for law enforcement agencies, and contract requirements for agreements between schools or districts and law enforcement agencies for providing SROs.

The bill establishes that SROs are not agents of a school for the purposes of section 121A.58 or 121A.582. It removes the requirement that a threat of bodily injury or death be “imminent” before a teacher or principal can use reasonable force on a student to prevent injury or death to the student or another. It requires school boards and charter school boards that choose to have school resource officers to enter into contracts with the SRO’s employer that meet the requirements established in this bill. The bill further amends provisions in the statute authorizing the use of force in certain circumstances to remove teachers from the categories that include parents and guardians and include all teachers and other school officials in the same categories. It defines “school resource officer” and establishes training requirements for SROs. It requires the Board of Peace Officer Standards and Training (POST Board) to adopt learning requirements for SRO training courses and requires the POST Board to consult with certain groups to create a model policy for SROs. It requires law enforcement agencies to adopt a policy that complies with the model policy and provides for licensing sanctions and injunctive relief for failure to comply with the training and policy requirements established in the bill. The bill appropriates money to the Department of Public Safety to hire additional staff and provide the training required by this bill.

Summary

Section	Description
1	Definitions. States that the term “employee or agent of a district” does not include a school resource officer (SRO) in section 121A.58.
2	Prone restraint and certain physical holds not allowed. Removes a clause stating that an employee or agent of a district includes a school resource officer.
3	Reasonable force standard. Removes the word “imminent,” providing that a teacher or school principal may use reasonable force when it is necessary to correct or restrain a student to prevent bodily harm or death to the student or to another. Makes conforming changes related to required reports on the use of force on students.

Section	Description
4	<p>Definition.</p> <p>States that the term “employee or agent of a district” does not include a school resource officer in section 121A.582.</p>
5	<p>School resource officers.</p> <p>Provides that a school board that contracts for a school resource officer must ensure that the contract meets the requirements of section 626.8482 (section 9 of the bill).</p>
6	<p>School resource officers.</p> <p>Provides that a charter school board must comply with section 123B.02, subdivision 25 (section 5 of the bill).</p>
7	<p>When authorized.</p> <p>Amends the statute authorizing the use of force in certain circumstances to remove teachers from the category of individuals including parents, guardians, and lawful custodians. Amends the statute authorizing the use of force in certain circumstances to add teachers, principals, and other agents of a district to the category of individuals that includes other school employees and school bus drivers.</p>
8	<p>Reasonable force.</p> <p>Amends the statute that establishes a defense to certain offenses involving the maltreatment, neglect, or endangerment of a child by removing teachers from the category of individuals including parents, guardians, and lawful custodians and adding school principals, school employees, school bus drivers, and other agents of a district to the category of individuals that includes teachers and other members of the instructional, support, or supervisory staff of a school. Amends the authorization for the use of force to apply in situations where it is necessary to restrain the child or pupil to prevent bodily harm or death to the child, pupil, or another. States that nothing in this section limits other authorizations to use reasonable force in section 609.06 or 121A.582.</p>
9	<p>School resource officers; duties; training; model policy.</p> <p>Subd. 1. Definitions. Defines the terms “school” and “school resource officer” for purposes of this section.</p> <p>Subd. 2. Duties. States that a school resource officer’s duties include seven specified items, including fostering a positive school climate through relationship building and open communication; protecting students, staff, and visitors to the school grounds from criminal activity; serving as a liaison from law enforcement to school officials; providing advice on safety drills; identifying vulnerabilities in school facilities and safety procedures; educating and advising students and staff on law enforcement topics; and enforcing criminal laws. Provides that a school</p>

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may contract with the employer of an SRO for the officer to perform additional duties. States that an SRO must not use force or the authority of the SRO's office to enforce school rules or policies, or participate in the enforcement of discipline for violation of school rules.

Subd. 3. Instruction required. States that, except as otherwise provided in the subdivision, any peace officer assigned to serve as an SRO must complete a training course that meets the requirements of this section prior to assuming the duties of an SRO. Provides that 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 June 1, 2025, must complete the mandated training by June 1, 2027, and may complete a supplemental training course to satisfy the training requirement. Establishes that, in cases where an officer's employer is unable to provide the required training prior to the officer assuming the duties of an SRO, that officer must complete the training within six months of assuming the duties of an SRO. Until the officer completes that training, the officer is not required to perform the duties that include providing advice on safety drills and identifying vulnerabilities in school facilities and safety procedures. The officer must review and comply with any policy on school resource officers adopted by the officer's employer before assuming the duties. Further provides that an officer serving as a substitute SRO for fewer than 60 student contact days within a school year is not obligated to complete training or perform the duties that include providing advice on safety drills and identifying vulnerabilities in school facilities and safety procedures. Requires employers of an SRO to retain a copy of the most recent training certificate issued to the officer for completing the training mandated under this section.

Subd. 4. Training course. Requires the Board of Peace Officer Standards and Training (POST Board) to consult with the Department of Public Safety's School Safety Center to prepare learning objectives for training courses to instruct peace officers serving as SROs. Establishes 13 learning objectives that, at a minimum, an approved course must include. Authorizes the POST Board to approve supplemental training courses for peace officers who completed SRO training before the board established the learning objectives.

Subd. 5. Model policy. Requires the POST Board to consult with 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, Juvenile Officers Association, Solutions Not Suspensions, and the Minnesota Youth Council, and at least one community organization supporting the rights of special education

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students to develop a model school resource officer policy. Establishes seven items that a policy must, at a minimum, cover.

Subd. 6. Policies required. Requires each law enforcement agency with a school resource officer program to adopt and implement policies regarding SROs that are identical or substantially similar to the model policy by December 1, 2025.

Subd. 7. Licensing sanctions; injunctive relief. States that the POST Board may impose licensing sanctions and seek injunctive relief for failure to comply with the requirements of this section.

10 **Department of Public Safety; appropriation.**

Appropriates \$150,000 in fiscal year 2024 and \$490,000 in fiscal year 2025 to the commissioner of public safety to increase staffing in the department's school safety center and perform the duties required by the act. The ongoing funding is \$490,000 each year.



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