



507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

I. PURPOSE

The purpose of this policy is to describe limitations on corporal punishment and prone restraint of students. The provisions of this policy reflect statutory requirements.

II. GENERAL STATEMENT OF POLICY

No employee or agent of the school district shall cause corporal punishment or prone restraint be inflicted upon a student except as provided below, to reform unacceptable conduct or as a penalty for unacceptable conduct. As used in this policy, the term "corporal punishment" is defined as conduct involving hitting or spanking a person with or without an object, or unreasonable physical force that causes bodily harm or substantial emotional harm.

III. DEFINITIONS

1. "Corporal punishment" means conduct involving:
 - a. hitting or spanking a person with or without an object; or
 - b. unreasonable physical force that causes bodily harm or substantial emotional harm.
2. "Employee or agent of the district" does not include a school resource officer as defined in Minnesota Statutes, section 626.8482, subdivision 1, paragraph (c).
3. "Prone restraint" means placing a child in a face-down position.

IV. PROHIBITIONS

1. An employee or agent of the 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.

2. An employee or agent of the district shall not use prone restraint.

3. An employee or agent of the 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.

4. Conduct that violates this Article is not a crime under Minnesota Statutes, section 645.241, but may be a crime under Minnesota Statutes, chapter 609 if the conduct violates a provision of Minnesota Statute, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statute, section 121A.582. The use of reasonable force as set forth in Section V does not authorize conduct prohibited pursuant to Minnesota Statutes, section 125A.0942.

V. EXCEPTIONS

1. An ~~teacher or school principal~~ employee or agent of the district may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to self or another. ~~Other school district employees, school bus drivers, or other agents of a school district may use reasonable force when necessary under the circumstances to restrain a student or prevent bodily harm or death to self or another.~~
2. Nothing in Minnesota Statutes, section 609.379 limits any other authorization to use reasonable force including but not limited to authorizations under Minnesota Statutes, section 121A.582, subdivision 1, and section 609.06, subdivision 1.
3. A teacher, school principal, and other school staff may use

reasonable force under the conditions set forth in Policy 506 (Student Discipline).

VI. VIOLATION

Employees who violate the provisions of this policy shall be subject to disciplinary action as appropriate. Any such disciplinary action shall be made pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies. Violation of this policy may also result in civil or criminal liability for the employee.

Legal References:

Minn. Stat. § 123B.25 (Actions Against Districts and Teachers)

Minn. Stat. § 121A.58 (Corporal Punishment)

Minn. Stat. § 121A.582 (Student Discipline; Reasonable Force)

Minn. Stat. § 125A.0941 (Definitions)

Minn. Stat. § 125A.0942 (Standards for Restrictive Procedures)

Minn. Stat. § 609.06 ~~Subd. 1(6)(7)~~ (Authorized Use of Force)

Minn. Stat. § 609.379 (Permitted Actions)

Minn. Stat. § 626.8482 (School Resource Officers; Duties; Training; Model Policy)

Minn. Stat. § 645.241 (Punishment for Prohibited Acts)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)

MSBA/MASA Model Policy 506 (Student Discipline)

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