

Approved: 7-17-23

507 CORPORAL PUNISHMENT AND PRONE RESTRAINT

[Note: The provisions of this policy substantially reflect statutory requirements.]

I. PURPOSE

The purpose of this policy is to describe limitations on use of corporal punishment and prone restraint upon a student of Crosslake Community School (CCS).

II. GENERAL STATEMENT OF POLICY

No employee or agent of CCS shall inflict corporal punishment or use prone restraint upon a student **except as provided below.**

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. "Prone restraint" means placing a student in a face-down position.

IV. PROHIBITIONS

1. An employee or agent of CCS shall not inflict corporal punishment or cause corporal punishment to be inflicted upon a student to reform unacceptable conduct or as a penalty for unacceptable conduct.
2. An employee shall not use prone **or compressive restraint except that the restrictions on prone and compressive restraints do not apply under the circumstances enumerated in Minnesota Statutes, section 609.06, subdivision 1(1). All peace officers, including those who are school resource officers or otherwise agents of a charter school, may use force as reasonably necessary to carry out official duties, including, but not limited to, making arrests and enforcing orders of the court.**
3. An employee or agent of CCS, including a school resource officer, security personnel, or police officer contracted with CCS, shall not inflict any form of physical holding that restricts or impairs a student's ability to breathe; restricts or impairs a student's ability to communicate distress; places pressure or weight on a student's head, throat, neck, chest, lungs, sternum, diaphragm, back, or abdomen; or results in straddling a student'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 Statutes, chapter 609. Conduct that violates IV.1 above is not per se corporal punishment under the statute. Nothing in this Minnesota Statutes, section 121A.58 or 125A.0941 precludes the use of reasonable force under Minnesota Statutes, section 121A.582.

V. EXCEPTIONS

Teacher(s), Director(s) **and other school staff** may use reasonable force under the conditions set forth in Policy 506 (Student Discipline).

IV. 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 and CCS's policies. Violation of this policy may also result in civil or criminal liability for the employee.

Legal References:

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

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

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

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

Op. Atty. Gen. 169f (August 22, 2023) (School Pupils: Discipline)

Op. Atty. Gen. 169f Supp. (September 20, 2023) (School Pupils: Discipline)

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)

Policy 507 Corporal Punishment and Prone Restraint is also found in the staff handbook.