



Providing nonpartisan legal, research, and fiscal analysis services to the Minnesota Senate

S.F. No. 3534 (1st engrossment) - School Resource Officers

Author: Senator Bonnie S. Westlin

Prepared by: Ann Marie Lewis, Senate Counsel (651/296-5301)
Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: February 22, 2024

Section 1. **Definitions.** Adds a definition of “employee or agent of a district” and excludes a school resource officer (SRO) from the definition.

Effective Date: Makes the section effective immediately.

Section 2. **Prone restraint and certain physical holds not allowed.** Strikes language added in 2023 that included SROs as an agent of a school district as it relates to the use of prone restraint and certain physical holds.

Effective Date: Makes the section effective immediately.

Section 3. **Reasonable force standard.** Strikes “imminent” from the reasonable force standard. Allows reasonable force to be used by a teacher or principal to prevent bodily harm or death to a student. Strikes “imminent” from the district’s reporting requirement related to reasonable use of force.

Effective Date: Makes the section effective immediately.

Section 4. **Definition.** Clarifies that an SRO is not a school employee or agent of a district for the reasonable force statute.

Section 5. **School resource officers.** Requires a school board that contracts for the services of an SRO to ensure the contract meets the requirements established in this legislation.

Effective Date: Makes the section effective immediately.

Section 6. **School resource officers.** Requires a charter school board that contracts for the services of an SRO to ensure the contract meets the requirements established in this legislation, as if it were a school board.

Effective Date: Makes the section effective immediately.

Section 7. **When authorized.** Amends the criminal code to clarify that reasonable force is allowed when used by a teacher, school principal, or other agent of a district to restrain a child or to prevent bodily harm or death.

Effective Date: Makes the section effective immediately.

Section 8. **Reasonable force.** Amends the criminal code to clarify that reasonable force is allowed when used by a teacher, school principal, or other agent of a district to restrain a child or prevent bodily harm or death.

Effective Date: Makes the section effective immediately.

Section 9. **School Resource Offices; Duties; Training; Model Policy.**

Subdivision 1. **Definitions.** Defines “school” to include an elementary, middle, or secondary school. Defines “school resource officer” as a peace officer assigned to work in a school during the regular instructional day as one of the officer’s regular responsibilities through the terms of a contract entered between their employer and the district or charter school.

Subd. 2. **Duties.** (a) Lists an SRO’s contractual duties with a school district or charter school as:

- 1) fostering a positive school climate;
- 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) enforcing criminal laws.

(b) Allows a school district or charter school to contract with an SRO’s employer for the officer to perform additional duties.

(c) Prohibits an SRO from using force or the authority of their office solely to enforce school rules or policies or to participate in enforcement of discipline for school rule violations.

(d) Clarifies that nothing in the subdivision limits other duties or responsibilities imposed on peace officers, limits the expectation that peace officers will exercise professional judgement or discretion when carrying out their duties, or creates a special duty that is different from the duty to protect the public as a whole.

Subd. 3. **Instruction required.** (a) Beginning September 1, 2025, requires a peace officer assigned as an SRO to complete a training course prior to assuming the duties of an SRO.

(b) Allows a peace officer who completed either the School Safety Center standardized Basic School Resource Officer Training or the National School Resource Office Basic School Resource Officer course before September 1, 2025, to complete the mandatory training under paragraph (a) before June 1, 2027.

- (c) Allows the officer to complete the mandatory training within 6 months of assuming the duties of an SRO, if the officer's employer is unable to provide the required training course to the officer prior to assuming the duties of an SRO.
- (d) Allows a substitute SRO who serves as an SRO for fewer than 60 student contact days within a school year to assume those responsibilities without the mandatory training.
- (e) Requires the chief law enforcement officer of the agency that employs an SRO to maintain a copy of the most recent training certificate issued to the officer for completing the mandatory training.

Subd. 4. **Training course.** Requires the Board of Peace Officer Standards and Training (POST), by January 15, 2025, to prepare learning objectives for training courses to instruct peace officers in serving as an SRO. Requires the learning objectives to ensure, at a minimum, that 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 a person experiencing a mental health crisis in a school setting;
- 6) understanding and working with students with disabilities and students receiving special education services;
- 7) juvenile brain development;
- 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.

Subd. 5. **Model policy.** (a) By December 31, 2024, requires the POST Board to convene a group consisting of representatives of 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, the National Association of School Resource Officers, Solutions Not Suspensions, the Minnesota Council on Disability, and the Minnesota Youth Council, and one community organization supporting the rights of students receiving special education services, to develop a model SRO policy.

(b) At a minimum, requires the model policy to cover the following:

- 1) issues to be addressed in an SRO contract, including the attire of an SRO;
- 2) considerations for the proper use of force of school grounds;
- 3) alternative procedures to de-escalate conflicts in schools;
- 4) proper procedures and limitations placed on school districts and charter schools to ensure SROs are being utilized appropriately and not for school discipline 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 completion of the mandatory training must an SRO complete a refresher course.

Subd. 6. **Policies required.** By September 1, 2025, requires a law enforcement agency with an SRO program to develop, adopt, and implement a written policy regarding SROs that is identical or similar to the model policy adopted by the POST Board under subdivision 5.

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

Effective Date: Makes the section effective immediately.

Section 10. **Department of Public Safety; Appropriation.** Appropriates money in fiscal years 2024 and 2025 to the commissioner of public safety to increase staffing in the school safety center and to perform the duties required under this act. Establishes the general fund base appropriation for fiscal years 2026 and 2027.

Effective Date: Makes the section effective immediately.