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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3402

02/14/2022 Authored by Edelson, Richardson, Her and Wolgamott
The bill was read for the first time and referred to the Committee on Education Policy
03/23/2022 Adoption of Report: Re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; prohibiting exclusion from recess as student discipline;
1.3 amending Minnesota Statutes 2020, section 120B.026; proposing coding for new
1.4 law in Minnesota Statutes, chapter 121A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 120B.026, is amended to read:

1.7 120B.026 PHYSICAL EDUCATION; EXCLUSION EXCUSAL FROM CLASS;
1.8 RECESS.

1.9 A student may be excused from a physical education class if the student submits written
1.10 information signed by a physician stating that physical activity will jeopardize the student's
1.11 health. A student may be excused from a physical education class if being excused meets
1.12 the child's unique and individualized needs according to the child's individualized education
1.13 program, federal 504 plan, or individualized health plan. A student may be excused if a
1.14 parent or guardian requests an exemption on religious grounds. A student with a disability
1.15 must be provided with modifications or adaptations that allow physical education class to
1.16 meet their needs. Schools are strongly encouraged not to exclude students in kindergarten
1.17 through grade 5 from recess due to punishment or disciplinary action.

1.18 EFFECTIVE DATE. This section is effective July 1, 2022.

1.19 Sec. 2. [121A.611] RECESS.

1.20 A teacher, school employee, or other agent of a district or charter school must not exclude
1.21 a student in elementary school from participation in recess to punish or otherwise discipline
1.22 the student.

2.1 **EFFECTIVE DATE.** This section is effective July 1, 2022.