



Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200, Saint Paul, MN 55104

Main: (651) 643-3060 | www.mn.gov/post/

Rules Committee Meeting February 5, 2025 1:00 p.m.

*This is a hybrid meeting and will be held at the MN POST Board,
1600 University Ave, Ste 200, St. Paul, MN 55104*

- Call to order.
- Approval of agenda.
- Approval of the Rules Committee Meeting Minutes from October 28, 2024.
- 0300
 - Draft of SONAR provided to explain changes.
 - Advisory Committee report to the Board.
- 0400 (if there is time)
 - Draft of SONAR provided to explain changes.
 - Advisory Committee report to the Board.
- Adjournment.



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Rules Committee Meeting Minutes

October 28, 2024

1:00 p.m.

This was a hybrid meeting held at the POST Board office

Members Present:

Chair Justin Terrell
Bobbi Holtberg
Jason Bennett
Stephanie Revering
Tanya Gladney

Staff Present:

Alicia Popowski
Erik Misselt
Robert Skoro
Shari Mitchell

Members Absent:

Troy Wolbersen

Call to Order: Chair Terrell called the meeting to order on October 28, 2024 at 1:04 p.m.

Approval of the Agenda: Chair Terrell asked for a motion to approve the agenda.

- **Motion:** Ms. Holtberg made a motion to approve the agenda. Dr. Gladney seconded the motion. The motion was approved via unanimous voice vote.

Approval of the January 22, 2024 Minutes: Chair Terrell asked if everyone had a chance to review the minutes and asked if there are any edits needed.

- **Motion:** Ms. Holtberg made a motion to approve the January 22, 2024 meeting minutes. Dr. Gladney seconded the motion. The motion was approved via unanimous voice vote.

Review and discussion of Advisory Committee's work on 6700.0501 regarding reciprocity: Ms. Popowski provided a presentation of the following sections that were changed/revised for 6700.0501:

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. **Scope.** For the purposes of this part, the terms defined have the meanings given to them.

Subp. 2. **Basic peace officer police education.** "Basic peace officer ~~police~~ education" means:

A. a basic course recognized by a state council, state commission, state board, or state agency which leads to licensing or basic certification as a law enforcement officer where the appointing authority is located; or

B. a basic course sponsored by the federal government for its law enforcement officers, including but not limited to, the basic Drug Enforcement Administration's agent school, the Federal Bureau of Investigation's basic agent school, or the Federal Law Enforcement Training Centers' Uniformed Police Training Center's uniformed patrol course or Criminal Investigator Training Program basic investigators course.

Subp. 3. **Law enforcement officer.** ~~"Law enforcement officer" means: a person appointed or employed as a peace officer in another state, or a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the office of personnel management, not including any time served in the United States armed services.~~

A. a person appointed or employed as a federal tribal law enforcement officer or a certified or licensed law enforcement officer in another state; or

B. a federal law enforcement employee, who has full powers of arrest, authority to carry a firearm, and is classified in a law enforcement position by the Office of Personnel Management, not including any time served in the United States armed services.

Subp. 4. [Repealed, 30 SR 903]

Subp. 5. **Postsecondary degree.** ~~"Postsecondary degree" means an academic title degree awarded by a postsecondary institution which is accredited by a member of one of the six regional accrediting associations, federally recognized accrediting association or recognized as meeting accreditation by a member of the National Association of Credential Evaluation Services (NACES). The post-secondary institution must be authorized to award degrees, and authorized to award degrees, including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.~~

Subp. 6. ~~**Years of experience.** "Years of experience" means the total number of years the applicant has been employed as a law enforcement officer since completing the basic police education course. **Full-time.** An individual is considered employed full-time as a law enforcement officer if they are working, at a minimum, an average of 35 service hours per week.~~

Subp. 7. ~~**Qualifications.** A person who has completed a postsecondary degree, who has had three years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination; or a person who has five years of employment as a law enforcement officer after completing basic police education, who has served as a law enforcement officer during the past six years, and who has not had a peace officer license, certificate, or the federal equivalent suspended or revoked shall qualify for the reciprocity examination. **Peace officer reciprocity.** An individual qualifies for the reciprocity examination if they:~~

A. have completed a postsecondary degree or a minimum of 60 postsecondary education credits, two years of full-time employment as a law enforcement officer after successfully completing basic peace officer education, worked as a law enforcement officer during the past four years, and has not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended; or

B. are not considered a full-time law enforcement officer but have completed a postsecondary degree or a minimum of 60 postsecondary education credits, worked a minimum of 3,640 hours as a law

enforcement officer after completing basic peace officer education, worked as a law enforcement officer during the past four years, and have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended.

Subp. 8. **Military reciprocity.** Military personnel are eligible to take the reciprocity exam if they meet the requirements in Minnesota Statute 626.8517.

Subp. ~~8~~ **9. Eligibility.** The eligibility for a person to take the reciprocity examination shall be void one year after qualifying for the examination. In order to reestablish eligibility, the person shall comply with subpart 7 and part 6700.0600. Reciprocity applications are valid for one year from the date they are approved by the Board. If the applicant does not take the examination within that year, they must reapply and comply with subparts 7 or 8 and part 6700.0600.

Subp. ~~9~~ **10. License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by again demonstrating qualifications for the examination pursuant to subparts 7 or 8 and must again comply with the provisions of part 6700.0600.

Subp. ~~10~~ **11. Applicability.** This part shall not apply to a person who holds a ~~lapsed~~, revoked, rescinded, or currently or permanently suspended peace officer license or certificate.

- **MOTION:** Dr. Gladney made a motion to submit the 6700.0501 revisions document to the Board for their consideration. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

Adjournment: The meeting adjourned at 2:33 p.m.

- **MOTION:** Dr. Gladney made a motion to adjourn. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

ADVISORY RULES COMMITTEE

REPORT TO THE BOARD

REVISOR NUMBER 4750

MEMBERS

Neil Bauer
Elliot Butay
Gae Davis
James Densley
Tom Draper
Michelle Gross
Rick Hodsdon
Adam Meierding
Pat Nelson
Vince Scheckel
Tracy Stille
Dawanna Witt
(alt. Dan Kurtz)

MEETINGS

February 2, 2024
February 29, 2024
March 6, 2024
March 21, 2024
May 2, 2024
May 23, 2024
June 14, 2024
July 3, 2024
July 12, 2024
October 23, 2024
November 13, 2024
December 4, 2024
December 19, 2024
January 8, 2025
January 29, 2025

BACKGROUND

On January 22, 2024, the Board's subcommittee on rules appointed 12 individuals to serve on the Advisory Rules Committee for the R4750 rulemaking project regarding, among other things, peace officer pre-service training. When the advisory committee completed their work on the relevant rule parts, the suggested revisions were presented to the Rules Committee, and ultimately, the full POST Board for review. The advisory committee reached consensus on all proposed rule parts except for those listed in this report.

The advisory committee understands the Board has the authority to make all final decisions regarding the proposed rules.

RULES OF DISCORD

6700.0300 & 6700.0400

Advisory Rules Committee members lacked consensus on several rule parts within 0300 and 0400. The discord was due to differing opinions over broader themes that repeat throughout the rules. Rather than discussing each individual rule part for which consensus was not reached, this report will present the areas of discord in broader terms. The reader should consider any part of the rule related to these broader concepts as an area in which consensus was not reached by the committee.

Theme 1: Certified organizations must teach the curriculum in the form and method designed by the Board. (6700.0300 subp. 1)

Majority Members: Dwanna Witt (Dan Kurtz), Neil Bauer, Tracy Stille, Adam Meierding, Elliot Butay

The majority members support the proposed rule and believe it will increase the quality of law enforcement training and the number of law

enforcement applicants within the State of Minnesota. Majority members also believe the proposed rule will increase student accessibility to law enforcement training.

Quality of law enforcement education. Currently, the quality of training received by law enforcement hopefuls is dependent upon where they attend PPOE and/or skills. The learning objectives are not being delivered in a consistent manner or method across the schools, therefore, more direction is needed. The lack of consistency, in turn, places an additional burden on law enforcement agencies as they are forced to “re-train” some new hires. Majority members argue a set curriculum will standardize preservice training, which is in the best interest of program participants, agencies, and the public. The majority feels its argument is substantiated by the findings published by IADLEST in its 2020 audit of the POST Board. The audit stated that, “Even with consistent learning objectives, course content can vary greatly, as personally observed by members of the audit team. This means that it is possible (and likely) that peace officers who graduate from different schools have nuanced differences in their training and knowledge” (IADLEST, 2020, p. 13). The majority believes a set curriculum will enhance the quality of training received by program participants as a central entity (the Board) will be responsible for reviewing, editing, and updating content on a regular basis.

Student accessibility. The majority believes the proposed rule will increase the number of law enforcement applicants because it creates additional opportunities for agencies to support candidates by providing a paid salary and benefits while an individual attends the program. The proposed rule also allows for individuals to put themselves through the program (self-sponsor) as students do now. This system creates one pathway to law enforcement. Majority members point out that the proposed rule and curriculum would be analogous to running the ICPOET program statewide. The rule also does not preclude the formation of co-ops, or the possibility of the curriculum being run part time by certified organizations so long as it is consistent with the manner and method prescribed by the Board- which is yet to be determined.

Financial obligations. Majority members agree that the proposed rule will have different financial impacts for various schools and law enforcement agencies. However, like any other educational or training

program, the decision to offer the peace officer licensing curriculum is a business decision. For some agencies and schools, it may not be financially practical or responsible to deliver the peace officer licensing curriculum, but that is a result of the market. The POST Board's statutory obligation is to ensure law enforcement students are receiving the proper and necessary training needed to carry out their job-related duties and functions- the board has no obligation to equalize the market.

Academic freedom. Majority members do not believe a set curriculum by the Board infringes upon academic freedom. Law enforcement training is not like a degree program because the legislature granted the POST Board the authority to oversee matters related to law enforcement training. The degree programs would still belong to the schools and the Board would not interfere with those programs. When it comes to union matters, the majority believes those concerns are between faculty and Minn State. It is not lost on the majority that union contracts and hours may need to be modified, but it will be the choice of Minn State and the individual faculty members if they wish to 1) make those adjustments and 2) deliver the Board's curriculum.

Concurring Member: Rick Hodsdon and Michelle Gross

The concurring member agreed with utilizing a set curriculum for preservice training but disagreed with 6700.0300 subpart 1 where it states a certified organization wishing to add to the curriculum must get approval from the board before doing so. The concurring member argued certified organizations should be allowed to enhance the curriculum as they see fit, and that the curriculum should set the minimum standard of training rather than being the standard itself.

Dissenting Members: Vince Scheckel, James Densely, Gae Davis, Pat Nelson, Tom Draper

Dissenting members are against certified organizations teaching a set curriculum in the form and method prescribed by the board. Dissenting members argue that a set curriculum will limit student accessibility, reduce the quality of law enforcement education, generate additional financial obligations, and impact academic freedom. Dissenting members also argue the proposed changes are beyond the scope of the Board's authority as currently set forth by statute and that a set curriculum

diminishes that hard work that went into developing the current learning objectives by PPOE staff and law enforcement.

Student accessibility. Dissenting members are concerned that a set curriculum by the board will lack the flexibility necessary to accommodate the needs of program participants. For example, some individuals are not able to quit their full-time job with benefits to attend school, therefore, those individuals will not be able to accommodate attending a full-time law enforcement training program. This in turn will reduce the number of individuals able to attend law enforcement training. This proposed change may also reduce the number of schools offering PPOE, therefore, there would be fewer geographical locations offering law enforcement training, thereby reducing student accessibility. Dissenting members are also concerned about student financial aid. If a school decides not to assign a credit value to the peace officer licensing curriculum, students will not be able to receive financial aid to put themselves through the program.

Quality of law enforcement education. Dissenting members do not believe the board's curriculum will offer the same quality of education as programs run and created by Minn State based on the Board's learning objectives. Some members of the dissenting group do not believe the board understands what it takes to or how complex the process can be to develop a hardy curriculum. Dissenting members believe that allowing agencies to deliver the peace officer licensing curriculum will reduce the quality of education law enforcement professionals receive. The dissenting members also expressed concerns over agencies manipulating the curriculum to fast-track new hires onto the street.

Financial obligations. Dissenting members expressed concerns over rural agencies covering the operational costs of delivering the peace officer licensing curriculum. Dissenting members are also concerned about the cost schools that do not currently offer skills will have to take on to deliver the new program- which incorporates skills components.

Academic freedom. Dissenting members argue a set curriculum infringes upon their academic freedom and may impact their union contracts.

Theme 2: Law enforcement agencies can become certified organizations to offer the licensing curriculum. (6700.0400 subp. 1 and 6700.0100 TBA).

Majority Members: Dwanna Witt (Dan Kurtz), Michelle Gross, Neil Bauer, Tracy Stille, Adam Meierding, Elliot Butay, Rick Hodsdon

Majority members argue law enforcement agencies should be allowed to offer the preservice training program and curriculum. According to the drafted rule, law enforcement agencies would have to go through the same certification process and conform to the same regulations and rules as schools, which includes adhering to the set curriculum created by the board. Like schools, if a law enforcement organization is unable or unwilling to follow the rules and guidelines that go hand in hand with delivering the preservice training program, the board has the authority to deny an agency's (re)certification application or to revoke the agency's certification after they have been found deficient or in violation of the rules.

Dissenting Members: Vince Scheckel, James Densley, Gae Davis, Pat Nelson, Tom Draper

Dissenting members believe allowing agencies to become certified to deliver the preservice training program is a step backwards in the mission of professionalizing law enforcement. Dissenting members believe preservice training programs should be delivered by schools alone and are concerned agencies will turn preservice training into an extension of field training to get officers on the road faster.

SUMMARY

Advisory Rules Committee members lacked consensus on several proposed rule parts within 0300 and 0400. The discord was a result of differing opinions over broader themes that occur throughout the rules. Specifically, members lacked consensus on the use of a set curriculum developed by the board and law enforcement agencies being eligible for certification to deliver the curriculum. Any rule parts related to these broader themes should be considered a point of contention within the proposed rules.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION LICENSING CURRICULUM.

Subpart 1. **Subject areas.** ~~The professional peace officer education must minimally include instruction in the learning objectives approved by the board and based on the following subject areas: The Peace Officer Licensing Curriculum shall teach learning objectives based on the following categories:~~

- A. ~~core competencies; history and overview of the criminal justice system;~~
- B. ~~foundational knowledge; Minnesota statute law;~~
- C. ~~performance of peace officer duties and tasks; and constitutional law and criminal procedure;~~
- D. ~~tools, techniques, and tactics. juvenile justice system and procedure;~~
- E. ~~patrol procedures;~~
- F. ~~criminal investigation and testifying;~~
- G. ~~human behavior and crisis intervention;~~
- H. ~~defensive tactics and use of force; and~~
- I. ~~cultural awareness and response to crime victims.~~

~~The organization of the curriculum and the location of delivery of curriculum components is the responsibility of the certified school's governing body. Certified organizations must teach the curriculum in the form and method designed by the board. Certified organizations may request permission from the board to add to the curriculum. Curriculum additions must be pre-approved by the board and the certified organization must supply the board with supporting documentation to ensure the addition does not conflict with the set curriculum or any rules or statutes.~~

Subp. 2. **Waiver.** ~~Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.~~
Eligibility. An individual is eligible to participate in the Peace Officer Licensing Curriculum if they:

- A. possess an academic degree awarded by a postsecondary institution accredited by a federally recognized accrediting association, or recognized as meeting accreditation by a member of the National Association of Credential Evaluation Services (NACES), and is authorized to award degrees; or
- B. possess a minimum of a high school diploma or GED and are eligible for enrollment into a certified school's program that has been approved by the Board to integrate the Peace Officer Licensing Curriculum within a two- or four-year academic degree program. Enrollment is subject to the school's admission standards for the degree program as well as entry requirements for the Peace Officer Licensing Curriculum as required in subpart 6. The individual must have a confirmed degree and successfully complete the licensing curriculum to be eligible for consideration for licensure.

Subp. 3. **Minimum requirements for certified organizations.** ~~All certified schools shall~~

~~comply with the minimum requirements in subpart 1 and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1800 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1. A certified organization approved by the board to provide the Peace Officer Licensing Curriculum shall comply with the requirements in subpart 1 and shall furnish the documentation requested by the board to verify that the provisions of subpart 1 are being met.~~

~~Subp. 4. **Learning objectives.** Periodically the board may revise the learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1. These revisions must be incorporated into the professional peace officer education of the certified program.~~
Compliance reviews. The Board must conduct a compliance review of each certified organization offering the Peace Officer Licensing Curriculum, at a minimum, once every three years. Compliance reviews may be conducted more often than once every three years at the board's discretion.

Subp. 5. **Licensing curriculum.** The board shall provide the curriculum to certified organizations.

- A. The board shall provide the curriculum in consultation with the Peace Officer Licensing Curriculum Advisory Committee.
- B. The board, through the Training Committee, shall ensure that the curriculum is thoroughly reviewed, minimally, once every three years. The board may review or revise the curriculum more than once every three years as needed to incorporate changes in law or best practices.
- C. The board must provide certified organizations offering the Peace Officer Licensing Curriculum a reasonable period of time to incorporate any revisions made to the curriculum.

Subp. ~~5~~ **6. Participation requirements Peace officer licensing curriculum enrollment requirements.** Individuals wishing to enroll in a certified organization's Peace Officer Licensing Curriculum must complete the board's application and satisfy the requirements in this subpart to be eligible. Applicants are responsible for any costs associated with the listed requirements. Certified organizations are responsible for ensuring individuals meet the requirements described in this subpart.

~~A. All certified schools shall develop standards for admission to the professional peace officer education courses. These standards must measure the student's likelihood of successful completion of the program.~~

- ~~B. No student may be admitted to the professional peace officer program who:~~
- ~~(1) poses a serious threat to the health or safety of themselves or others; or~~
 - ~~(2) has been convicted of any crime listed as a disqualification from appointment to the position of peace officer under part 6700.0700, subpart 1, item D.~~

~~C. If a student is denied admission or participation in the professional peace officer education program because of any of the requirements in item A or B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the program because of any of the requirements in item A or B.~~

~~D. Prior to admission to the professional peace officer education program, all students must be advised in writing of the minimum selection standards under part 6700.0700, using an advisory form developed by the board. In addition, students shall be advised in writing of the credit transfer agreements which the certified program has established with upper division institutions in Minnesota.~~

A. Applicants must possess a valid Minnesota driver's license or a valid license from another state. The applicant must acquire an official copy of their driving record from the Minnesota Department of Public Safety, Division of Driver and Vehicle Services, and its equivalent from another state if licensed elsewhere. The records must be provided to the certified organization's director for review.

B. Applicants must submit the board's physical assessment form, completed and signed by a licensed medical professional, to the certified organization's director stating the applicant is free from any physical condition that would adversely affect the applicant's ability to perform the duties of a peace officer.

C. Applicants must submit to a psychological screening to assess their general suitability for law enforcement and meet the statutory requirements. A psychologist licensed in Minnesota or the state in which the psychologist practices must review the results of the screening and submit a written opinion to the certified organization stating whether the applicant is fit to enter the Peace Officer Licensing Curriculum.

D. Applicants must pass a criminal history background check completed by the Bureau of Criminal Apprehension. Applicants must comply with applicable Minnesota Statutes and provide the required documents, fees, and other necessary items to the Bureau of Criminal Apprehension so the background check may be completed and shared with the POST Board and certified organizations.

E. Applicants must sign the Board's advisory form and attest they meet the minimum selection standards as described in part 6700.0700. If applicants are found not to meet the minimum selection standards, or violate the standards while enrolled in the curriculum, applicants or participants may be denied entry into the Peace Officer Licensing Curriculum or be dismissed from a certified organization's program. The exception to this standard would be part 6700.0700 subpart 1, items C, J and K. Certified organization directors shall use applicant criminal history information and psychological screening results as described in item C of this subpart to verify applicants meet the minimum selection standards to the best of the director's ability.

If an applicant is denied entry into the licensing curriculum, the certified organization shall inform the applicant of the basis for the denial in writing.

Subp. 6 ~~7~~. **Certified school's organization responsibilities.** The certified school's organization's responsibilities include the following:

~~A. The certified school shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. The certified organization must cooperate fully with scheduled or random inspections of licensing curriculum training materials, facilities, and equipment. Additionally, the certified organization must supply any documents or records kept on licensing curriculum participants, as permitted by law, when requested by the Board to ensure the certified organization's compliance with this part and rule 6700.0400.~~

~~B. The certified school shall implement a records retention schedule requiring that curriculum materials used in the delivery of professional peace officer education be retained for five years. The materials must include course outlines, bibliographies, and other materials which would document the contents of the certified school's curriculum. This document applies to courses offered both on the certified school's campus and at any contracted extended sites. The certified organization shall implement a records retention schedule requiring the materials used to deliver the Peace Officer Licensing Curriculum be retained in compliance with applicable data practices law, or minimally, for seven years. The materials must include any documentation that would establish compliance with the board's established curriculum, regardless of the location of the training.~~

~~C. The chief executive officer of the certified school shall, by October 1 of each year, file with the board an affirmative action plan and such other relevant information as the board may require. The affirmative action plan must include specific goals and objectives which describe measurable statements of performance for the recruitment and retention of minority students and women in the certified school's professional peace officer education program. By September 1 of each year, the chief executive officer of the certified school shall submit a written report to the board evaluating the effectiveness of the special goals and objectives included in the affirmative action plan from the previous year. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.~~

~~D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.~~

Subp. 8. Director Requirements.

A. An individual appointed as a certified organization's director shall:

- 1) possess a bachelor's degree or advanced degree in law enforcement, criminal justice, education, social or behavioral science, or a related field;
- 2) have at least four years of experience as a full-time licensed or certified peace officer;

- 3) have at least two years of experience instructing or teaching; and
 - 4) complete an adult learning, instructor development, or curriculum development course prior to or within the first two years of being employed as a director with a certified organization.
- B. Coordinators of Professional Peace Officer Education programs who were appointed coordinator prior to (DATE) may take on the role of director without meeting the new requirements of item A so long as they are appointed director with the same organization and their appointment is continuous. If a coordinator's appointment is terminated or the individual seeks appointment with a different certified organization, they must comply with the requirement listed in item A.
- C. Certified organizations must submit a director appointment form to the board for review and receive the board's approval before an appointee may take on the official capacity of director. The director appointment application will be vetted by the Board's Training Committee before being sent to the full Board for final approval.
- D. When a certified organization's director is no longer assigned to that position, the chief executive officer, chief law enforcement officer (CLEO), or designee of the certified organization must notify the board as soon as the director's last day of assignment is known. Similarly, certified organizations must notify the Board when a new director has been chosen as is described in item C.

Subp. 7.9. **Instructor requirements.** ~~All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.~~

- A. All instructors who teach the Peace Officer Licensing Curriculum shall:
- 1) possess a postsecondary degree;
 - 2) have experience that equates to, at a minimum, three years of full-time work experience in a law enforcement or criminal justice related field;
 - 3) have recognized training and experience to teach the curriculum subject matter; and
 - 4) complete an adult learning, instructor development, or curriculum development course prior to or within the first two years of being employed as an instructor with a certified organization.
- B. Certified organizations must maintain documentation on each instructor who teaches any portion of the curriculum. The documentation must include the instructor's resume and relevant qualifications. This section does not apply to guest lecturers.

Subp. 8.10. **Safety policies required.** Each certified school organization shall implement a formal written safety policy which incorporates specific rules, procedures, and protocols to ensure the safety of participants and staff ~~student and faculty safety~~ as well as provide a safe, humane, and educationally sound learning environment. These policies must contain, at a minimum, the following at least:

- A. a process for ~~students~~ participants to identify any preexisting injuries or medical restrictions which may affect their ability to safely participate in ~~the~~ training;

B. a prohibition against unduly harsh training activities, or training activities which are designed to humiliate or inappropriately accentuate ~~student~~ participant shortcomings;

C. the options available to support the mental health and overall well-being of program participants and instructors;

~~C.~~ D. a process for written documentation of details associated with any ~~student~~ participant injury which occurs during any training course. Specific injury trends and any particularly high risk training practices or techniques shall be evaluated, amended, or eliminated if safe environments cannot be ensured;

~~D.~~ E. guidelines ~~to directing~~ instructing instructors to reduce instructional pace and intensity during heat waves, cold waves, or other adverse climatic or environmental conditions; and

~~E.~~ F. a prohibition against depriving ~~students~~ participants of necessary food, water, or protective equipment when engaged in physical or psychomotor skills training.

Subp. ~~9~~ 11. **Policies provided.** ~~Students~~ Participants and ~~faculty~~ instructors shall be provided with a copy of the written safety policy required in subpart ~~8~~ 10. Instructors shall review this policy in the form of a safety briefing prior to any psychomotor skills training.

Subp. ~~10~~ 12. **Documentation of completion.** ~~The registrar's office of each certified school shall retain documentation on an official school transcript which indicates the manner in which the student completed the professional peace officer education courses.~~ The certified organization's director shall retain records to document each participant's completion of the Peace Officer Licensing Curriculum. These records shall be retained in compliance with applicable record retention requirements, or minimally, for seven years.

6700.0300 ~~PROFESSIONAL PEACE OFFICER EDUCATION LICENSING~~ CURRICULUM

The title of this subpart was changed to reflect the new name and academy style structure of the peace officer preservice training program. According to the proposed rules, peace officer preservice education will no longer be completed through the Professional Peace Officer Education (PPOE) system. Instead, the board will be integrating learning objectives from PPOE and psychomotor techniques into one comprehensive training program that will be delivered by Board certified organizations. Every state in the Union runs some variation of a training academy like the one proposed in these rules except for Minnesota. As such, this rule change will re-align Minnesota's law enforcement training with other states. Unlike many other states, Minnesota will still require program participants to have, minimally, a two-year degree before participating in the Board's preservice training program. Therefore, the educational standard for Minnesota's peace officers will not be changed by the proposed rule.

When it was initially developed, PPOE was believed to be an efficient and effective training system for entry level peace officers. Developers believed in the PPOE system so much they thought other states would follow suit and adopt the PPOE model. More than 30 years later, Minnesota is still the only state that delivers peace officer preservice education through the PPOE system. After reviewing Minnesota's training program (PPOE) and comparing it to the training programs used in other states, the Board has determined the PPOE system is not working as efficiently or effectively as it maybe once had. This finding is evidenced by several factors. For instance, the PPOE system was designed for traditional students attending school exclusively to become a peace officer within MN. Non-traditional students and second career individuals were seemingly not given much, if any, consideration when the PPOE model was created. As a result, several "work around" solutions have been created over the years to minimize the additional education, training, and cost non-traditional and second career individuals must take on to meet the peace officer licensing examination requirements. The "work around" solutions that have been created are certificate programs, pathways programs, and more recently, the Intensive Comprehensive Peace Officer Education Training Program (ICPOET). This, coupled with the fact that not all PPOE schools offer the psychomotor skills component required to take the licensing examination, results in a disjointed system in which a clear path to licensure does not always exist. This problem then contributes to the peace officer shortage MN is experiencing as non-traditional and second career individuals are leaving the state in search of a less complex and more cost-effective method of receiving certification/licensure. In addition to lacking efficiency, the PPOE system is lacking consistency.

Currently, certified schools incorporate the Board's learning objectives into a curriculum that is developed and maintained by the school. As a result, no two schools incorporate the learning objectives into their PPOE programs the same. This fact presents several issues. First, it makes it difficult for the Board, as the regulatory agency, to determine if a certified school is compliant with the learning objectives and other applicable rules within chapter 6700. In order to do a comprehensive review of a certified school, the Board would have to audit every PPOE class at every school to ensure every learning objective is being taught- this is not possible as the Board does not have the time or resources to complete such a review. Additionally, in the current system, it is hard to determine how many hours each school spends on specific learning

objectives such as handcuffing or traffic law. This in makes it hard for the Board, as the regulatory agency, to answer questions from the public regarding law enforcement training and accountability as the answers are dependent upon where the officer went to school and completed skills training. Chief Law Enforcement Officers (CLEOs) have also noticed a lack of consistency in training among new recruits freshly out of school/training. More and more, CLEOs are reporting having to “start from square one” with new hires because they did not leave the PPOE system with the basic knowledge and skills necessary for an entry level peace officer position. In these cases, agencies are spending time re-teaching new hires basic police knowledge and skills when that time should be reserved for field training. The difference in training that is being provided in various PPOE schools is further evidenced by the 2020 audit conducted by IADLEST. In its report, IADLEST (2020) stated:

Even with consistent learning objectives, course content can vary greatly, as personally observed by members of the audit team. This means that it is possible (and likely) that peace officers who graduate from different schools have nuanced differences in their training and knowledge. This can be exacerbated when those officers work in the same department. Moreover, if content varies from school to school, this means that no two schools are providing the very best training. (p. 13)

The remedy suggested by IADLEST to resolve this issue was for the Board to develop lesson plans, or curriculum, that would be the basis of preservice education and training. Certified organizations could then layer and build upon the curriculum mandated by the Board. In addition to promoting consistency, a set curriculum by the Board would better ensure preservice training is in line with best practices nationwide.

The curriculum set by the Board would be drafted by subject matter experts and implement best practices in adult learning and police training. This would mean moving away from block training and focusing on adult learning principles that rely on progressive skill building, phased assessments, and target outcomes. The curriculum would allow the Board to set the minimum hours of training required for certain topic areas such as traffic law, search and seizure, and use of force to name a few. The structure of the curriculum would also phase in new topic areas while carrying through prior concepts and principle to ensures consistency and training retention. The proposed rule is needed to rectify the deficiencies in the PPOE system discussed herein and the proposed changes are a reasonable method of doing so. The reasonableness of the proposed rule is accentuated by the fact that an academy style preservice training system is in place in every other state.

Subpart 1. Subpart 1 lists the broad learning objectives that will be included in the Board’s preservice training curriculum. This subpart previously listed the learning objectives covered in the PPOE program. The objectives were reduced from 9 items to 4. The objectives listed in the proposed rule were taken directly from the Board’s current learning objective categories and are more general that what was previous written. The broad learning objective categories will allow the Board the flexibility to adapt and change the curriculum discussed in the proposed rule as best practices change without triggering a rule change. The previous learning objectives are subcategories of the more general learning objectives listed in items A-D- thus the objectives listed in the previous rule will still be covered, they are just not explicitly mentioned in rule.

A. The first learning objective listed in the proposed rule is core competencies. Core competencies is one of the learning categories listed in the learning objectives utilized in PPOE that will be incorporated into the Board's curriculum. This learning objective includes, but is not limited to, topics regarding communication, ethical reasoning, critical thinking, problem-solving, decision-making, community service, cultural awareness, professionalism, and teamwork. The objective is listed in rule generally to allow for additions and revisions to the curriculum as needed.

B. The second learning objective listed in the proposed rule is foundational knowledge. This objective is listed in the learning objectives utilized in PPOE and will be incorporated into the Board's curriculum. This learning objective includes, but is not limited to, topics regarding legal studies, human behavior, types of crime, crisis intervention, intelligence led policing, and much more.

C. The third learning objective listed in the proposed rule is performance of peace officer duties and tasks. This objective is listed in the learning objectives utilized in PPOE and will be incorporated into the Board's curriculum. This learning objective includes, but is not limited to, topics covering practical law enforcement writing, interviewing, conflict management, legal process, and investigations.

D. The fourth learning objective listed in the proposed rule is tool, techniques, and tactics. This objective is listed in the learning objectives utilized in PPOE and will be incorporated into the Board's curriculum. This learning objective includes, but is not limited to, topics covering defensive tactics, firearms, use of force, radio use, and emergency vehicle operations.

A copy of the current learning objectives can be found on the POST Board's website at <https://mn.gov/post/applicants/ppoeprogram/>.

After the subitems, subpart 1 goes on to state that certified organizations must deliver the Board's curriculum in the form and method designed by the Board. This is a necessary and reasonable provision to ensure certified organizations are consistent in what and how future peace officers are being trained. Subpart 1 does allow for certified organizations to add to the curriculum, but additions must be pre-approved by the Board before being incorporated. This provision allows the Board the opportunity to vet curriculum additions and verify that the added material does not contradict any rule, statute, or case law. This provision will also help the Board prevent law enforcement agencies from supplementing curriculum material with information that should be reserved for department specific academies or field training. Since the Board is ultimately responsible for the training and education of peace officers, this provision is needed to support the Board's regulatory authority and is a reasonable method of ensuring officers are being properly trained.

Subpart 2. Per the proposed rule, peace officer preservice training will be provided using the Board's set curriculum. This means participants will not be able to have portions of the

curriculum waived or substituted for training received elsewhere. As a result, the old text in subpart 2 was deleted and replaced with program eligibility requirements. This subpart describes under what circumstances an individual may apply with a certified organization to enroll in the Board's preservice training program. This section is needed and reasonable to ensure preservice applicants are meeting the minimum 2-year degree requirement prior to applying for the licensing examination.

A. Item A states that an individual is eligible to participate in the Peace Officer Licensing Curriculum if they possess an academic degree awarded by a postsecondary institution accredited by a federally recognized accrediting association or recognized as meeting accreditation by a member of the National Association of Credential Evaluation Services (NACES), and is authorized to award degrees. This means that an individual must have, minimally, a two-year degree from a regionally, nationally, or programmatically accredited institution before applying to enroll in preservice training. This language is consistent with the definition of "post-secondary degree" in 6700.0501, subpart 5. It is necessary to define what is meant by a postsecondary degree to ensure applicants have the desired education level required for licensure. It is reasonable to define postsecondary degree in this manner for the reasons explained 6700.0501, subpart 5.

B. Item B states that an individual is eligible to participate in the Peace Officer licensing Curriculum if they possess a minimum of a high school diploma or GED and are eligible for enrollment into a certified school's program that has been approved by the Board to integrate the Peace Officer Licensing Curriculum within a two- or four-year academic degree program. This provision allows for two things. First, certified organizations that are a school are allowed to assign the Board's curriculum college credit and incorporate it into a 2- or 4-year degree program. Second, this provision allows students fresh out of high school to enroll in a college degree program and leave the degree program with their peace officer preservice training completed. Participants who qualify for preservice training under item B would include traditional law enforcement students who know that they want to become peace officers when applying to or attending college for the first time. Item B also states that enrollment into an incorporated degree and preservice program is subject to the school's admission standards for the degree program as well as entry requirements for the Peace Officer Licensing Curriculum, which are described in subpart 6. This makes it clear what the expectation is for those wishing to enroll a degree program with the Board's curriculum incorporated. Item B closes by stating both the degree and licensing curriculum must be awarded/completed before a participant would be considered for licensure by the Board.

Subpart 3. The title of subpart three was amended to make it clear that the text discusses the minimum requirements for certified organizations, not participants. The text of subpart 3 was updated to reflect language changes made within rule 6700.0300. For instance, the rule now discusses the requirements for certified organizations (new text) instead of certified schools (old text). Certified organization, as in the old text, are required to comply with subpart 1 and furnish

documentation requested by the Board to verify that the provisions of subpart 1 are being met. This is needed and reasonable to expect as the Board is the regulatory agency who oversees peace officer preservice training and the organizations who deliver it. Since the curriculum is to be delivered in the manner and method described by the Board, the previous text regarding certified schools enacting rules which establish standards of training above the minimum set by the Board was redacted. Per subpart 1, certified organizations may add to the curriculum, but only after the content is approved by the Board. This change is needed and reasonable to ensure certified organizations are consistent in the delivery of preservice training.

Subpart 4. The previous text of subpart 4 was stricken as the learning objectives will no longer exist once the Board's curriculum is developed. Subpart 4 now discusses the compliance reviews that will be conducted on certified organizations to ensure schools and LEAs are compliant with the rules in chapter 6700. Per the proposed rule, compliance reviews will be conducted by the Board, minimally, once every 3 years. This provision is consistent with recommendations made by IADLEST after their audit (see page 12). Under the PPOE system, compliance reviews were done every 5 years.

Subpart 5. The new subpart 5 describes the Board's responsibilities regarding the development and review of the peace officer preservice training curriculum. This segment is needed to outline the Board's duties and responsibilities related to curriculum development.

A. Item A states the Board will provide curriculum in consultation with a group referred to as the Peace Officer Licensing Curriculum Advisory Committee. This means the Board will seek out advise from police training and subject matter experts when developing the curriculum. This requirement is needed and reasonable to promote transparency, increase stakeholder involvement, and to ensure the curriculum is rooted in best practices.

B. Item B states that the Board will review the curriculum, through the training subcommittee, minimally, once every three years to ensure the curriculum is up to date on best practices and current law. This is needed and reasonable to set and then maintain a formal review process of the curriculum.

C. The Board recognizes that future changes to the preservice curriculum may take some time for certified organization to implement depending on the nature and extent of the change. As a result, item C states that the Board will provide certified organizations a reasonable period of time to incorporate any revisions made to the curriculum. A "reasonable period of time" is not specifically defined as the reasonableness of the time allotted to implement a specific change will vary depending on the type of changes being made to the curriculum. This provision is needed to ensure certified organizations are given the time necessary to meet the Board's training standards.

Subpart 6. Subpart 6, which was previously subpart 5, discusses the enrollment requirements for applicants wishing to participate in the Board's peace officer preservice training

program. The previous text, which discussed entry requirements for PPOE, was removed and replaced with requirements that are more stringent. The title of the subpart was also updated to reflect the subpart's content more clearly. The requirements to enter the preservice training program were made more stringent to ensure participants are eligible for licensure as the end of the program. Currently, an individual can enter a PPOE program and complete it without being eligible for peace officer licensure. As the regulatory agency, the Board has the authority to be more selective in who qualifies to participate in preservice training than certified schools under the PPOE system. The new eligibility requirements ensure that only those eligible for licensure may enter peace officer training programs. This is a needed and reasonable method of ensuring only those who are eligible for licensure are entering training. It is also a needed and reasonable method of ensuring training funds are not being spent on individuals who do not and never will qualify for peace officer licensure.

A. In the State of Minnesota, you must have a valid driver's license to drive a vehicle. As such, peace officers must have a valid driver's license to drive a squad car. During preservice training, program participants will have to drive and operate a vehicle during their emergency vehicle operations course- meaning they will need to have a valid driver's license. For these reasons, it is needed and reasonable to require applicants to possess a valid driver's license prior to entering the Board's preservice training program. To verify an applicant has a valid driver's license, an applicant will have to provide an official copy of their driving record to the certified organization they are applying to. If the applicant is licensed in a different state, that applicant will have to provide a driving record for their home state as well as MN. This is because the MN has the power to revoke an individual's driving privileges within the state while that individual continues to be valid in their home state. For example, when a non-Minnesota resident is arrested for driving intoxicated or under the influence of a controlled substance, the state routinely revokes that individual's driving privileges- meaning that person can no longer legally drive in MN. In these circumstances, the arrestee may still have a valid driver's license in their home state. The only way to know if an out of state resident has had their driving privileges revoked in MN is to run their information through the Department of Public Safety, Division of Driver and Vehicle Services. This is why individuals not licensed in MN must provide both reports. This is needed and reasonable to ensure applicants and program participants are driving on a valid license and have not had their driving privileges in MN revoked.

B. Currently, applicants for the PPOE program must complete a physical (medical) evaluation form and return it to the certified school to enter the program. This ensures the student is free from any conditions that may bar them from performing basic police functions and duties. Currently, each certified school uses their own form, and no two forms are the same. Item B aims to standardize this process. Under item B, the Board will create a standard physical evaluation form for certified organizations to provide to applicants during the program application process. The applicant will then have to have a licensed medical professional sign the form attesting that the applicant is free from any physical condition that would adversely affect the applicant's ability to perform the duties

of a peace officer. The job of a police officer can often be very physical, therefore, it is important to insure program participants are healthy and physically capable of keeping up with training and work demands. This is needed and reasonable to promote the safety of the applicant, program instructors, other program participants, and the public.

C. Currently, applicants cannot enter the PPOE program if they “pose a serious threat to the health or safety of themselves or others” [6700.0300, subp. 5 (B)(1)]. This language was problematic because it suggests students who pose a minimal or marginal threat may still enter the PPOE program. As such, that language was stricken from the proposed rule and repolled. To ensure students do not pose a serious risk, certified schools required PPOE applicants to submit to a psychological screening. The new rule puts the psychological screening process in rule and makes it a requirement. Item C requires applicants to submit to a psychological screening to assess their general suitability for law enforcement. The evaluation must be conducted by a psychologist licensed in Minnesota or the state in which the psychologist practices. The psychologist must then provide a written opinion to the certified organization stating whether the applicant is fit to enter the peace officer preservice training. The evaluation is to be conducted by a licensed psychologist rather than a general mental health professional because that is what is required to be hired by an agency after training (6700.0675, item A). Licensed psychologists are also more likely to have experience with evaluating peace officers/future peace officers as they are the ones conducting pre-employment psychological screenings. This rule is needed and reasonable to promote the safety of the applicant, program instructors, other program participants, and the public. It is also reasonable to put this process in rule as it is already being done by certified schools to meet the old rule requirements. This is a practice that should be kept in the new preservice training system, and it should be described in rule to promote compliance and uniformity.

D. Applicants of the preservice training program are required to supply a criminal history obtained from the Bureau of Criminal Apprehension to the certified organization for review. This is to ensure the applicant does not have any convictions on their record that would prohibit or disqualify them from becoming a peace officer under Minnesota Rule 6700.0700. This provision prevents those who are ineligible for licensure from entering the peace officer preservice training program in the first place. Currently, if an individual really wanted to, they could have a disqualifier in their criminal record, but still enter a PPOE program if the certified school allowed them to. This provision is needed and reasonable for keeping ineligible individuals out of preservice training programs.

E. There are some provisions/requirements within Minnesota Rule 6700.0700 that cannot be verified through a criminal history background check as required in item D. As a result, item E requires preservice program applicants to sign a standardized advisory form created by the Board attesting they meet the minimum selection standards in rule. If an applicant was found not to meet the minimum selection standards or violate the

standards while enrolled in preservice training, the applicant or participant may be denied entry into or dismissed from preservice training. This item states that applicants/participants do not need to meet the requirements in part 6700.0700 subpart 1, items C, J, or K. This is because those items are specific to pre-employment and are thus not applicable at the training stage. This provision is needed and a reasonable method of keeping ineligible individuals out of preservice training programs on the front end as opposed to keeping them from gaining licensure on the back end of the licensure process.

This subpart closes out by stating certified organizations must notify applicants in writing if they are denied entry into the program. The notification must also include an explanation or basis for the denial. This provision increases transparency between the applicant, certified organization, and the Board. Now that the Board is setting stringent entry requirements for peace officer preservice training, appeal processes will have to go through the Board either in the form of a variance or as a contested case hearing pursuant to the Administrative Procedures Act. As a result, the language regarding appeal processes with certified schools was removed from rule.

Subpart 7. Subpart 7 covers the responsibilities of the certified organizations- the title was changes to reflect this.

A. The new text in item A is like the redacted text, but it has been updated to better reflect the other changes made within this part. Item A requires certified organizations to cooperate fully with scheduled or random inspections of licensing curriculum training materials, facilities, and equipment. Certified organizations are also responsible for supplying any documents or records kept on preservice training participants, as permitted by law, when required by the Board to ensure the certified organization is compliant with Rule 6700.0400. It is within the Board's authority under Minnesota Statutes, section 626.843, subdivision 3(2) to conduct visits and inspect certified organizations offering preservice training. It is needed and reasonable to state this in rule so that certified organizations are aware of their responsibilities and the Board's expectations of them.

B. The new text in item B is like the previous text, but it was updated to reflect the other changes made in this part. Instead of 5 years, certified organizations will have to retain preservice training records according to the applicable data practices law, or minimally, for seven years. Rulemaking contributors believe 5 years not a high enough minimum for record retention. The rule as proposed also mirror the record retention language in subpart 12.

C. Item C was struck from the rule as there are other affirmative action rules and regulations in place when it comes to student admissions and hiring.

D. Item D was struck from rule because its content will not be applicable to the new preservice education system. Relevant information regarding the director of a certified organizations preservice training program is covered in subpart 8.

Subpart 8. Subpart 8 is a new segment that describes the requirements an individual must meet to be named a certified organization's director. This subpart is needed to set the minimum requirements and qualifications certified organizations must follow when appointing a director. This is a reasonable method of ensuring the program director has the knowledge and experience necessary to oversee peace officer preservice training.

A. Item A states an individual appointed as a certified organization's director shall meet the requirements listed in subitems 1-4.

1) The proposed rule states program directors shall possess a bachelor's degree or an advanced degree in law enforcement, criminal justice, education, social or behavior science, or a related field. Rulemaking contributors believed it was needed and reasonable to require the individual overseeing a police training program to have at a minimum, a 4-year degree in a field related to law enforcement or education. This requirement works to ensure the program director understands policing and or education. This in turn works to ensure the director is providing quality and accurate police training.

2) Subitem 2 of the proposed rule requires the director of the preservice training program to have, minimally, four years of experience as a full-time licensed or certified peace officer. Rulemaking contributors felt it was important to require the director to have law enforcement experience because they will be overseeing police training.

3) Because preservice training is an educational program, subitem 3 requires the director have at least two years of experience instructing or teaching. Rulemaking contributors did not want to narrow the pool of possible director applicants too far, so 2 years was determined to be a reasonable requirement to ensure the director, who will be overseeing other instructors, has some experience providing instruction themselves.

4) Subitem 4 requires the director to complete an adult learning, instructor development, or curriculum development course prior to or within the first two years of being employed as a director with a certified organization. As the director, rulemaking contributors believed individual managing other instructors should have specific training related to teaching to hold the position. Some of these programs cost money, so the 2 year requirement was added to allow an individual to be appointed and then have the certified organization assist with the cost of the training- if they organization chooses to that is.

B. Item B is a grandfather clause that allows current PPOE coordinators to become the director of a preservice training program so long as they are appointed with the same organization for which they served as a PPOE coordinator, and their appointment is continuous. Rulemaking contributors did not want to disqualify PPOE coordinators, who are already doing the work of a program director, from being appointed as the certified organization's director simply because they do not meet the new requirements.

Rulemaking contributors also did not want to negatively or adversely impact the employment of current PPOE coordinators more than the proposed rule already may by not allowing them to be grandfathered in.

C. Item C states certified organizations must submit a director appointment form to the Board for review to receive the Board's approval before an appointee may take on the official capacity of director. This is a practice currently for PPOE coordinator, this provision simply puts the application and approval process in rule. This provision is needed and reasonable to ensure directors and certified organizations are meeting the requirements described in rule.

D. Item D describes what a certified organization's responsibilities are when an individual is no longer appointed as a director. The certified organization is required to notify the Board as soon as the director's last day of assignment is known and then follow the provisions of this subpart when appointing a replacement. This provision is needed and reasonable as it allows the Board to be well informed as to who is running and responsible for each preservice program. It promotes accountability and transparency between the Board and certified organizations.

Subpart 9. Subpart 9, previously subpart 7, discusses instructor requirements. The proposed rule is more detailed and explicit on what requirements shall be met by instructors delivering the Board's curriculum. As a result, the old text was removed.

A. Item A states instructors with certified organization's teaching peace officer preservice training shall meet the minimum requirements listed in subitems 1-4.

1) Subitem 1 requires instructors to have a postsecondary degree. In MN, peace officers are required to have, minimally, a 2-year degree. Rulemaking contributors felt it was needed and reasonable to have the same requirement for instructors, but that they should not have to have as high of a degree as program directors. This requirement is in line with MinnState and their requirements for instructors in the PPOE system as well as what was previously required under the old rule.

2) Subitem 2 requires instructors to have at least three years of full-time work experience in law enforcement or a criminal justice related field. Rulemaking contributors felt it was fair to require fewer years of experience for an instructor than the director. Three years also gives an individual enough time to experience a multitude of calls and scenarios while on the job to give them the experience required to teach. The provision of "or criminal justice related field" was added to allow room for attorneys and other subject matter experts to become instructors with a certified organization. This is because rulemaking contributors recognize that subject matter experts, such as an attorney, may be better suited to teach certain elements of the curriculum, like statutes.

3) Individuals teaching the Board's curriculum should have relevant training and experience that makes them subject matter experts. This requirement allows for attorneys, mental health professionals, law enforcement personnel, and other relevant subject matter experts to teach curriculum materials related to their field of expertise. This provision is needed and reasonable to ensure program instructors have the training and experience necessary to training future law enforcement professionals.

4) Adults learn differently than children do and it is important instructors be able to recognize those differences and utilize education tactics that have been deemed effective in adult learning environments. Subitem 4 requires instructors to complete an adult learning, instructor development, or curriculum development course prior to or within the first two years of being employed as an instructor within a certified organization. Rulemaking contributors believed this requirement was in line with MN's mission of professionalizing the field of law enforcement as it requires program instructors to take courses on how to, essentially, be an effective instructor in an adult learning environment. Many of these courses are not free, thus, rulemaking contributors added the two-year deadline so that instructors may have the chance to work out financial logistics with their certified organization and have the time to complete the course.

B. Instructors will be employed or hired by the organization certified by the Board to teach the peace officer preservice education program. Certified organizations are also responsible for ensuring their instructors meet the requirements in rule and maintain the necessary documentation to demonstrate their compliance with the rules within chapter 6700. As a result, item B explicitly states that certified organization must maintain documentation on each instructor who teaches any portion of the curriculum. This documentation is to include the instructor's resume and relevant qualifications. This provision is needed and reasonable as it clearly articulates what the Board will require during an audit or application process to ensure certified organizations are complying with POST Board rules.

Subpart 10. Subpart 10, which was formally subpart 8, discusses the safety policies certified organizations must have to deliver the preservice training program. Law enforcement training can be physical and requires trainees to work with a variety of tools and equipment that can be dangerous is not used properly. This subpart is needed and reasonable for ensuring certified organizations are providing a safe and educationally sound learning environment for program participants. The policies required under this provision are outlined in items A-F. All the items included in this subpart were part of the original rule except item C.

A. Item A was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word "student" was replaced with "participant" and the word "the" was deleted as it is not grammatically necessary.

B. Item B was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”

C. It is becoming increasingly popular for schools, treatment facilities, and employers to utilize what is referred to as “trauma informed practices” when working with students, patients, and staff. As a result, item C was added to the proposed rule to ensure certified organizations notify program participants of the options available to support the mental health and overall well-being of program participants and instructors. This provision is needed to ensure students and staff are informed about the resources available to them in the event they need assistance. Many schools and employers already do this or something similar, so it is reasonable to request certified organizations to put what options are available in writing and supply that document to program participants and staff.

D. Item D, which was previously item C, was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”

E. In item E, which was previously item D, the word “to” was removed and “direct” was changed to “directing.”

F. Item F, which was previously item E, was updated so that it is consistent with the language used throughout the proposed rules. Specifically, the word “student” was replaced with “participant.”

Subpart 11. The section on “policies provided” was previously subpart 9. This section was renumbered so that it is consistent with the rest of the rule. The language in this paragraph was also updated to reflect the changes made earlier in this part. For instance, the word “students” was replaced with “participants” and the reference to subpart 8 was updated to reflect text’s reference to what is now subpart 10.

Subpart 12. Subpart 12, which was once subpart 10, still discusses records retention for those who completed preservice training through a certified organization. The subpart language was changed to reflect the changes made throughout this part. Many organizations and entities have their own records retention schedules described by law. As such, this subpart states that certified organizations must retain documentation on those who have completed the preservice training program according to their applicable retention requirements. If the certified organization is not subject to any applicable retention schedules, the subpart requires the certified organization retain documents on the participants completion of preservice training for, minimally, 7 years. The new preservice structure will be pass/fail, so participants either complete the program or they do not. Those who complete the program must be licensed within 6 years (see part 6700.0600 included below) otherwise they must go through preservice training again. For this reason, a minimal retention of 7 years seemed reasonable.

6700.0400 CERTIFICATION OF SCHOOLS AND LAW ENFORCEMENT AGENCIES.

Subpart 1. **Application.** ~~Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. All applications for certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education. An organization seeking certification from the Board to deliver the Peace Officer Licensing Curriculum must submit an application to the executive director. The application must include the supporting documentation listed in this part to demonstrate compliance with subpart 2:~~

- A. statement of purpose and need;
- B. if the organization is a school, proof of accreditation;
- C. a signed acknowledgement of acceptance of the program by the school's president or the agency's Chief Law Enforcement Officer;
- D. a signed acknowledgment stating the school or agency will adhere to the curriculum;
- E. a director appointee and list of instructors including certifications and resumes; and
- F. a strategic plan and a detailed list of the facilities, equipment, and locations the agency or school plans to use in delivering the peace officer licensing curriculum.

Subp. 2. **Minimum standards for certification.** ~~To become certified to deliver the Peace Officer Licensing curriculum, the school or law enforcement agency must: **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.~~

- A. deliver the board approved curriculum in the form and method prescribed by the board as stated in 6700.0300 subpart 1; and
- B. possess or have access to the appropriate physical facilities and necessary equipment for training, including but not limited to, classrooms, a firearms range, space suitable and safe for defensive tactics training, and an emergency vehicle

operations track.

Subp. 3. Secondary training facilities. Certified organizations may use secondary training locations or facilities for firearms and emergency vehicle operations training if:

- A. the use of a secondary training location was disclosed to the board and approved during the initial application and/or re-application processes, and
- B. board staff have access to the secondary training facility or facilities to conduct compliance reviews and inspections as described in subpart 4 and 6700.0300 subpart 4.

~~Subp. 3 4. Application Review.~~ The board shall: ~~Certification.~~ The board's duties with respect to certification include the following:

~~A. Not later than one year from the granting of provisional certification, the board shall grant or deny certification. Certification shall remain contingent upon periodic review by the board or by the executive director in addition to the requirements for a renewal application every five years as provided by item C.~~

~~B. Before a certified school offers any course from the professional peace officer education program at another site not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved.~~

~~C. By May 1, 1990, and every five years after that, the board must send a renewal application form to all certified schools. This application form must request information regarding the criteria contained in subpart 1. The coordinator must file the completed application with the board by November 1 of the year the application form was received. All applications for renewal of certification must be accompanied by evidence that the higher education system office governing the applicant school has approved the application of the school and, if required, that the application has been approved by the Minnesota Office of Higher Education. Upon review of the properly filed application form, the board shall renew the school's certification for another five years, if the board finds that the requirements of subpart 1 have been met. If a certified school does not comply with the requirements of this subpart, the school's certification will be deemed to have expired and the school will be required to reapply for certification under the procedures in subparts 1 and 2.~~

- A. review organization applications and supporting documents to ensure the organization has provided satisfactory proof of compliance with the licensing curriculum and has the appropriate tools and facilities to offer the curriculum; and
- B. conduct a full inspection of the applicant's amenities, including but not limited to, the organization's training facilities, and equipment. The board will not

approve any application for certification without a full inspection being satisfactorily completed.

Subp. 5. **Re-certification.** Every certified organization is required to re-certify with the board to deliver the Peace Officer Licensing Curriculum once every three years. Re-certification shall be granted by the board if the organization is compliant with the provisions described in subparts 2, 3, and 4. At their discretion, the board may require an organization delivering the Peace Officer Licensing Curriculum to re-certify more than once every three years.

Subp. 4- 6. **Certified school disciplinary action Organization requirements post certification.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school: Certified organizations must comply with requirements listed in this subpart. An organization's failure to comply with the requirements listed in items A-F may result in disciplinary action by the board against the certified organization, up to and including, the revocation of the organization's certification.

A. ~~provision of Provide instruction consistent with according to the published learning objectives in the subject areas peace officer licensing curriculum~~ for which the school organization was certified pursuant to rule 6700.0300, subpart 1;

B. Provide the board any necessary documentation or information that shows the certified organization is compliant with this part and rule 6700.0300. ~~filing with the board all information which the board requires;~~

C. Staff and faculty members of certified organizations must cooperate with any board investigation relative to its certification status. ~~cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;~~

D. ~~cooperation of the staff and faculty of a certified school~~ Staff and faculty members of certified organizations must cooperate with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or other investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes, but is not limited to, cheating on any licensing examination or tests required by the rules of the board or helping another to cheat; filing a false report with the board or the certified organization; or obstructing a board investigation; ~~and~~

E. ~~Certified organizations and their staff must failure to~~ Comply with rules 6700.0300 to 6700.0500.

F. Certified organizations and their staff must comply with orders issued by the board.

Subp. ~~5~~ **7. Disciplinary action and sanctions Sanctions.** ~~Sanctions for failure to comply with the requirements in subpart 4 shall~~ Sanctions that may be imposed upon a certified organization by the board include be one or more of the following: a letter of censure to the ~~coordinator~~ certified organization's director ~~of the certified school~~; formal or informal probation for the certified organization ~~school~~; or suspension, revocation, or nonrenewal of the organization's certification ~~of the certified school~~.

Subp. ~~6~~ **8. Disciplinary proceedings.** Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8400.

6700.0400 CERTIFICATION OF SCHOOLS AND LAW ENFORCEMENT AGENCIES

Per the proposed rule changes in part 6700.0300, law enforcement agencies are eligible to become certified organizations to teach the Board's peace officer pre-service training program. Law enforcement agencies will be held to the same certification standards as schools, therefore, "law enforcement agencies" was added to the title of this rule part.

Subpart 1. This subpart originally listed certification application requirements for schools in a paragraph format. The new subpart lists the application requirements for both schools and law enforcement agencies in items A through F. The format change allows readers to easily identify what the requirements are to become certified by the Board.

A. Organizations seeking certification must supply a statement of purpose and need to the Board as this forces the organization to think critically about why they want to offer the Board's curriculum, whether it's necessary for the organization to offer the curriculum, and if the organization can realistically meet the Board's curriculum requirements. This requirement is needed and a reasonable way to ensure applicants have seriously considered the responsibilities and expectations that go hand in hand with offering the Board's preservice training program.

B. Schools are required to provide proof of accreditation to ensure the organization meets the Board's definition of "school." Schools are allowed to incorporate the Board's curriculum into their degree programs; therefore, the schools need to show proof that the education they provide is evaluated and held to a certain standard. This ensures students who go through a school for either their degree, preservice training, or both will meet the requirements to take the licensing examination.

C. A signed acknowledgement of acceptance of the program by the school's president or the agency's Chief Law Enforcement Officer is needed to ensure the organization head is aware of the program requirements.

D. The acknowledgement is a reasonable way to hold organization leaders accountable for delivering the preservice training curriculum in the manner prescribed by the Board.

E. Because the Board is ultimately responsible for the education and training of peace officers, it is reasonable to require organizations to keep the Board apprised of who is teaching the preservice training program materials. For the Board to fulfill its role as a regulatory responsible for preservice training, the Board will have to collect information on program directors and instructors and make sure their qualifications meet the minimums described in rule.

F. For the Board, it is not enough for a certified organization to agree to teach the Board's curriculum. The Board believes it is necessary for organizations seeking certification to describe how they will teach the Board's curriculum and meet the

program requirements. This includes describing what facilities and equipment the certified organization will use to teach the curriculum's learning objectives and material. This is a reasonable request that ensures the organization seeking certification has the proper facilities and tools to offer preservice training.

Subpart 2. Provisional certification by the Board will no longer exist. An organization has either completed the certification process and received certification, or it has not. As a regulatory authority, it is reasonable for the Board to require organizations to meet all the certification requirements before being certified. This process eliminates any certification grey areas and makes the process clearer for the Board, Board staff, and organizations seeking certification. The subpart was renamed to reflect this change and describes the minimum standards an organization must meet to receive certification. The requirements are listed in items A and B.

A. Organizations are required to deliver the Board approved curriculum in the form and method prescribed by the Board as stated in 6700.0300 subpart 1. The Board has the statutory authority to manage peace officer preservice training, therefore, it is reasonable to expect and require organization to teach the curriculum as directed by the Board to receive and maintain certification.

B. Item B lists the facilities and equipment organizations seeking certification must have possession of or access to teach the Board's curriculum. The facilities added to this rule are classrooms, a firearms range, space suitable for defensive tactics, and an emergency vehicle operations track. It is necessary and reasonable to put the facilities required to teach the Board's curriculum into rule to ensure preservice trainees receive proper training that is essential for carry out their responsibilities as peace officers.

Subpart 3. The Board is aware that it is common for schools and law enforcement agencies alike to utilize secondary training locations when providing peace officer training. Most commonly, secondary locations are utilized for firearms and emergency vehicle operations training. Therefore, the Board believes it was necessary and reasonable to describe the use of secondary training facilities in rule. This rule part states that secondary training locations may be utilized by certified organizations for firearms and emergency vehicle operations training and if the conditions in items A and B are met.

A. The use of a secondary training location must be disclosed to and approved by the Board during an organization's initial application and/or re-application process. Because the Board is responsible for the preservice education of peace officers, it is reasonable and essential that the Board be informed as to where the training is being done.

B. As part of their regulatory authority, the Board regularly conducts compliance reviews on schools and law enforcement agencies. If a certified organization is using or requesting to use a secondary training facility to deliver the Board's curriculum, that

facility will also be subject to the Board's inspection. Therefore, the Board and its staff must have access to the secondary training facility to conduct reviews and inspections as described in Minnesota Rules 6700.0400 subpart 4 and 6700.0300 subpart 4. It is necessary and reasonable to put this requirement in rule to ensure the rules within chapter 6700 are being adhered to.

Subpart 4. Subpart 4 discusses the Board's responsibilities in the organization certification process. The name of this renumbered subpart was changed to better reflect its content. The original items listed in this part (A-C) were removed because there are no longer needed; provisional certification no longer exists, the use of secondary training facilities is covered in subpart 3, and subpart 5 discusses recertification. The Board's process is now outlined in items A-B.

A. As the regulating body, it is reasonable the Board would review an organizations application and supporting documents to ensure the organization has provided satisfactory proof of compliance with the licensing curriculum and any other certification requirements. It is necessary to put this responsibility in writing so that public is aware of what the certification application approval or denial process entails and what the Board's responsibilities surrounding certification are.

B. The Board must direct its staff to complete an inspection of the organizations amenities to ensure it can deliver the curriculum in the manner and method described by the board. Additionally, if an organization seeking certification must submit to an inspection, the Board must execute that inspection so that the organization can pass that requirement.

Subpart 5. In the old subpart 3, certified schools were required to recertify with the Board every 5 years. In 2020, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) conducted an audit of the Minnesota POST Board and its rules. In their audit, IADLEST recommended a 3-year renewal cycle as it would allow the Board to better address any potential issues in a timely manner. The Board adopts the IADLEST recommendation in this subpart because it is needed and reasonable to hold certified organizations accountable and to a higher standard. This subpart states an organizations certification will be renewed if they meet the provisions described in subparts 2, 3, and 4 which describe the requirements to receive certification. The text also states the Board may require a certified organization to renew their certification more than once every three years. This provision is included to make it clear the Board has the authority to require a certified organization to renew their rectification more often than once every three years. The provision also allows the Board a course of action in the event an organization were to be found out of compliance with the rules- that course of action being the Board can require the certified organization to renew their certification more often to ensure their compliance.

Subpart 6. Previously subpart 4, the title of subpart 6 was changed to better represent the content and material within it. Subpart 6 describes the duties and responsibilities of a certified organization and its staff after receiving certification. It is necessary to detail what the Board

expects from an organization after becoming certified to deliver the Board's curriculum to ensure organizations comply with the rules and deliver the curriculum in the manner and method described by the Board. The requirements are listed in items A-F.

A. Item A was updated to reflect the changes made to Minnesota Rule 6700.0300. In this item, certified organizations are instructed to provide instruction according to the peace officer licensing curriculum created by the Board. If certified organizations are becoming certified to deliver the Board's curriculum, the Board expects the certified organization to do so after receiving certification. Putting this requirement in rule is needed to hold certified organizations accountable if they fail to deliver the curriculum in the manner and method described by the Board.

B. Previously, item B was very vague and required certified schools to file with the Board all information which it requires. The new text states certified organizations are required to provide the Board any necessary documentation or information that shows the certified organization is compliance with Minnesota Rule 6700.0300 and 6700.0400. This reduces the vagueness of the rule by stating what is required and why, without being too specific and restrictive. Documentation is necessary to show that a certified organization is compliant with the rules.

C. The content of item C remains unchanged. The sentence structure was changed to fit the subpart structure.

D. The content of item D remains unchanged. The paragraph now ends in a period to fit the subpart structure and language was updated to "certified organizations" as opposed to "certified schools."

E. The content of item E remains unchanged. The sentence was revised to fit the subpart structure.

F. Item F states that certified organizations and their staff must comply with order issued by the Board. This language is used by other regulatory Board's to ensure those subject to their authority follow official order granted by the agency. The language is needed and reasonable to ensure certified organizations and their staff obey and adhere to official board orders.

Subpart 7. Subpart 7 discusses the disciplinary actions and sanctions that may be taken when a certified organization does not comply with the requirements described in Minnesota Rule 6700.0400. The title of this subpart was updated to better reflect the contents of the paragraph and the paragraph itself was updated to reflect other rule changes- specifically the term "certified organizations" being used as opposed to "certified school" and "organization director" instead of "coordinator." These changes are needed and reasonable to make this part consistent with other rule changes.

Subpart 8. The subpart was renumbered, no text was changed.