



Rules Committee Meeting **Thursday, May 15, 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 (action)
- Approval of the Rules Committee Meeting Minutes from April 16, 2025 (action)
- Review and discussion on proposed changes to 6700.0401 (discussion)
- Review and discussion on proposed changes to 6700.0500 and 6700.0600 (discussion)
- Review and discussion on proposed changes to 6700.0800-obsolete rule (action)
- Draft Final Proposal of 6700.0501 (action)
- Adjournment



Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200, Saint Paul, MN 55104
Main: (651) 643-3060 | www.post.state.mn.us

Rules Committee Meeting Minutes

April 16, 2025

10:00 a.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
Troy Wolbersen

Staff Present:

Alicia Popowski
Erik Misselt
Katie Cederstrom
Shari Mitchell
Schyler Beaty

Call to Order: Chair Terrell called the meeting to order on April 16, 2025 at 10:03 a.m.

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

- **Motion:** Chief Revering made a motion to approve the agenda. Wolbersen seconded the motion. The motion was approved via unanimous voice vote.

Approval of the March 5, 2025 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 March 5, 2025 meeting minutes. Chief Revering seconded the motion. The motion was approved via unanimous voice vote.

Review and discussion on proposed changes to 6700.0601: Ms. Popowski provided a summary of the proposed changes to 6700.0601:

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MINNESOTA RULES

6700.0601

6700.0601 EXAMINATION STANDARDS.

Subpart 1. ~~Grounds for denial~~ **Prohibited Conduct** . Violations of the following standards shall be grounds to deny an applicant to take an examination or to deny or revoke eligibility for a license The following conduct is prohibited and may result in sanctions by the board:

- A. making any false material statement to the board;

B. ~~communicating with any other person in any way during an examination, except with the express permission of the monitor~~ obstructing a board investigation;

C. ~~referring to books or any study material during the examination, except with the express permission of the monitor~~ communication with another person during the examination without express permission from the proctor;

D. ~~obstructing a board investigation~~ using or referring to outside materials during the examination;

E. ~~without board authorization, possessing a copy of any of the board's examinations~~ cheating or attempting to subvert the examination or licensing process;

F. ~~aiding another person to violate items A to E~~ possessing or attempting to possess or manufacture a copy of the board's examination without the board's permission; or

G. ~~failing to meet the minimum selection standards for licensure as a peace officer under part 6700.0700.~~ being banned from testing center locations;

H. aiding another individual in attempting or executing an act of prohibited examination conduct listed in items A through F; or

I. falsely claiming or failing to meet the minimum selection standards for peace officer licensure as described in part 6700.0700 except for subpart 1, items C, J, and K.

Subp. 2. [Repealed, 47 SR 1120]

Subp. 3. [Repealed, 47 SR 1120]

Subp 4. **Sanctions.** In addition to any actions provided in part 6700.1710, a violation of any of the provisions listed in subpart 1 may be grounds for the board to deny or revoke:

A. an individual's application to take one of the licensing examinations; or

B. an individual's license eligibility.

Subp. 5. **Procedures.** Disciplinary proceedings under this part shall be conducted in accordance with MN Statute, section 214.10 subdivisions 11-12.

- **Motion:** Ms. Holtberg made a motion to adopt the recommendations from Mr. Kaisershot. Dr. Gladney seconded the motion.

Review and discussion of proposed changes to "Investigation and Resolution of Misconduct Allegations" (Action):

- 6700.2100
- 6700.2200
- 6700.2300
- 6700.2400
- 6700.2500

The Committee made the following revisions/ edits:

REDACT

~~6700.2100 SCOPE.~~

~~The board recognizes the importance of the need for each agency and appointing authority to have and to use written procedures for the investigation and resolution of allegations of misconduct. The agency and appointing authority have the responsibility to impose the disciplinary sanctions they find appropriate for misconduct that occurs. Nothing in parts 6700.2000 to 6700.2600 shall be interpreted or is intended to authorize the board to approve, deny, or modify in any manner sanctions which may or may not be imposed by the agency or appointing authority.~~

~~6700.2200 DEVELOPMENT OF WRITTEN-PUBLISHED PROCEDURES.~~

~~On or before October 1, 1984, the~~ The board recognizes the need for each agency and appointing authority to have and to use published procedures for the investigation and resolution of allegations of misconduct. The chief law enforcement officer shall establish written published procedures for the investigation and resolution of allegations of misconduct against licensees employed or appointed by the chief's law enforcement agency. These procedures shall minimally specify:

- A. the misconduct which may result in disciplinary action;
- B. the process by which complaints will be investigated;
- C. the sanctions which may be imposed if a complaint is sustained;
- D. the appeal process for the licensee;
- E. the process which will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of the procedures.

The procedures established according to this part must comply with model policies and Minnesota Statute, section 626.845, subdivision 1. Copies of current procedures governing allegations of misconduct shall be published and available to the public on request. Copies of current published procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed by an agency to licensees who are employed or appointed by the agency.

REDACT

~~6700.2300 AFFIRMATION OF COMPLIANCE.~~

~~The chief law enforcement officer shall affirm to the board compliance with part 6700.2200 no later than October 15, 1984. If an agency begins operation after October 1, 1984, the chief law enforcement officer shall affirm to the board compliance with part 6700.2200 no later than 15 days after the agency begins operation.~~

REDACT

~~6700.2400 COPIES OF PROCEDURES.~~

~~Copies of current written procedures governing allegations of misconduct shall be available to the public on request. Copies of written procedures governing allegations of misconduct and any subsequent modifications of the procedures shall be distributed by an agency to licensees who are employed or appointed by the agency.~~

6700.2500 DOCUMENTATION OF COMPLAINTS.

The chief law enforcement officer ~~or designee or designees~~ shall maintain data concerning alleged misconduct by licensees employed or appointed by the agency according to the provisions of Minnesota Statutes, sections 15.17 and ~~15.171~~. The board may request copies of this data. The chief law enforcement officer shall supply the data ~~in and an affidavit of compliance with part 6700.2200, item B~~ to the board within five days of the request, or by the date specified in the Board's request, of the request, whichever is longer, excluding Saturdays, Sundays, and legal holidays. If compliance is not possible within that time, the chief law enforcement officer shall inform the board and shall have an additional five days to comply with the request, excluding Saturdays, Sundays, and legal holidays.

- **Motion:** Ms. Holtberg made a motion to accept the oral amendments. Chief Revering seconded the motion. Motion passed via unanimous voice vote.
- **Motion:** Chief Revering made a motion to adopt the Rule Changes of 6700.2100, 6700.2200, 6700.2300, 6700.2400 and 6700. 2500. Ms. Holtberg seconded the motion. Motion passed via unanimous voice vote.

Staff Report on Preservice LE Focus Groups Ms. Popowski spoke about the focus groups staff held that were focused on pre-service. The 1st focus group had 17 in attendance and the 2nd focus group had 10 in attendance.

Notes from the focus groups:

- Standardization is needed – integrated vs. silo training.
- Deficiencies were reported by both groups.
- 0300 subp 6 – Financial barriers for students (roll up into tuition costs)
- More hands-on training.
- Separate the academy from the degree program.

Adjournment: Chair Terrell asked for a motion to adjourn at 11:29 a.m.

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

6700.0401 ~~CLASSROOM PROGRAM~~ DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified organization delivering the peace officer licensing curriculum program ~~certified school~~ must establish written published procedures for the investigation and resolution of allegations of ~~classroom~~ discrimination within the program. These procedures must minimally specify:

- A. the person to whom the formal complaint must be made;
- B. the process by which complaints will be investigated;
- C. the sanctions that may be imposed if a complaint is sustained;
- D. the appeal process ~~for the offending party~~;
- E. the process that will be used to notify the complainant of the investigation and disposition; and
- F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The ~~coordinator~~ program director must provide all ~~new students participants enrolled in the~~ who are in courses taught as a part of the professional peace officer education program ~~peace officer licensing curriculum program~~ a summary of the ~~written published~~ procedures required under subpart 1. The ~~coordinator~~ program director must provide all ~~faculty instructors~~ and staff members ~~who participate in courses as a part of the professional peace officer education program~~ a copy of the ~~written published~~ procedures required under subpart 1. Also, the ~~coordinator~~ program director must make the procedures required under subpart 1 available to anyone else upon request.

Subp. 3. **Complaints.** Complaints which allege ~~classroom~~ discrimination within the program ~~at a certified school~~ must be processed according to the ~~written published~~ procedures adopted ~~by the certified school~~ required in subpart 1.

Statutory Authority: *MS s 626.843; 626.845*

History: *14 SR 12*

Published Electronically: *July 9, 2008*

6700.0401 ~~CLASSROOM~~ PROGRAM DISCRIMINATION; PROCEDURES

Subpart 1. The text of subpart 1 was updated to reflect the new language presented in 6700.0300. Specifically, the terms “certified organization” and “peace officer licensing curriculum” replaced language that was specific to PPOE.

D. The respondent is not the only individual who can or should be able to appeal a decision made by a certified organization regarding a claim of discrimination within a licensing program. The language specifically referring to an “offending party” was therefore removed.

Subpart 2. Text within subpart 2 was changed to reflect the changes made in 6700.0300. Specifically, key words specific to the PPOE system were replaced with the new key words used within the context of the licensing curriculum.

Subpart 3. Text within subpart 3 was also changed to reflect the changes made in 6700.0300. Specifically, key words specific to the PPOE system were replaced with the new key words used within the context of the licensing curriculum. Additionally, the word “written” was stricken as procedures are now commonly posed online or transmitted electronically.

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. [Repealed, 14 SR 12]

REPEAL

Subp. 2. [Repealed, 14 SR 12]

~~Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, are eligible to take the peace officer licensing examination. An application must include an official certified transcript showing the completion of a postsecondary degree and the coordinator's signature attesting to the student's successful completion of professional peace officer education.~~

Subp. 4. [Repealed, 11 SR 2337]

~~Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the peace officer licensing examination again. Upon successful completion of the examination the person is eligible to be licensed for three years.~~

Statutory Authority: *MS s 214.10; 214.12; 626.843; 626.845*

History: *11 SR 2337; 14 SR 12; 18 SR 1961*

Published Electronically: *July 9, 2008*

6700.0500 PEACE OFFICER LICENSING EXAMINATION

Part 6700.0500 has had several subparts repealed through previous rulemaking projects. The only subparts that remain are 3 and 5. The information contained in subparts 3 and 5 can be easily integrated with part 6700.0600 on licensing examinations- which is what the proposed rules does. It is unnecessary to have two rule parts that discuss “peace officer licensing examinations” or “licensing examinations” when the relevant information can be covered in one rule part. It is reasonable to delete subparts 3 and 5 within 6700.0500 so that the whole rule part may be repealed, and the rules consolidated. Consolidation contributes to the clarity and specificity of the rules overall, which is needed to insure readers have a clear understanding of the text.

DRAFT

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Examination eligibility and Application.** ~~An applicant for any of the licensing examinations shall submit an application and documentation as required by the board. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2. Applications are valid for one year from the date they are approved by the board. Examination applicants are eligible to take the examination if they:~~

- ~~A. Possess a postsecondary degree awarded by a postsecondary institution which is 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 have successfully completed the peace officer licensing curriculum as described in part 6700.0300; or~~
- ~~B. meet the reciprocity requirements described in part 6700.0501 or Minnesota Statute 626.8517.~~

~~Applications must include a transcript showing the completion of a postsecondary degree and documentation that the applicant successfully completed the peace officer licensing curriculum. Applicants must also pay the nonrefundable fee under subpart 2.~~

Subp. 2. **Nonrefundable fee Examination Fees.** A nonrefundable fee determined by the Board shall be paid to the board before taking a licensing examination. ~~the following licensing examinations:-~~

- ~~A. peace officer licensing examination, \$105; and~~
- ~~B. reciprocity examination, \$105.~~

Subp. 3. **Retaking examinations.** An applicant who fails an examination will be allowed to retake that examination two times. ~~upon furnishing to~~ For each retake of the examination, an applicant must submit to the board a renewed written application and appropriate fee. The third examination application will require the applicant to successfully complete remedial training as described in subpart 4. Documentation of completion of remedial training must be supplied to the Board for review before applying to take the examination a third time. No individual will be allowed to take the examination more the three times unless they re-enroll in and complete the peace officer licensing curriculum.

Subp. 4. **Remedial examination procedures.** A third ~~or subsequent retake of the examination application~~ will require the applicant, in collaboration with Board staff, to submit and complete a remedial training plan prior to taking the examination. The applicant must provide proof that the objectives listed in the plan were completed. to the executive director for board approval. This plan must be directed at deficiencies indicated in previous examinations and must include, at a minimum, the following: Supporting documents must be submitted to the Executive Director for approval.

- ~~A. training activities to be completed;~~ A remedial training plan completed by an applicant must be directed at the deficiencies indicated in the applicant's previous examination and may include the following documentation:

- 1) the training activities and/or courses completed; and

- 2) a certificate of completion from the instructor or organization delivering the training activity or course, including documentation of the date the training activity or course was completed.

~~B. evaluation process to be used in verifying satisfactory completion of the listed activities;~~
and

~~C. date of completion of all activities.~~

~~An additional written application and appropriate fee will be required for each administration of the examination.~~

Subp. 5. **Reciprocity examinations.** Reciprocity applicants will not be allowed to take the examination more than three times. The third examination application will require the applicant to submit a remedial training plan as described in subpart 4.

~~Subp. 5.6. **Reinstate eligibility Application expiration.** The eligibility for a person to take the an examination in subpart 2 shall be void one year after the application to take the examination was received by the board. The fee and any supporting documents are invalid at the same time the application becomes invalid. In order to reinstate eligibility reapply for an examination, the person shall comply with subparts 1 and 2.~~

Subp. 7. **License eligibility.** Upon successful completion of one of the peace officer licensing examinations listed in subpart 2, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing one of the peace officer licensing examinations. Upon successful completion of one of the examinations, a person will be eligible to be licensed for another three years.

- A. If the individual is not licensed during the second eligibility period, they must again complete the peace officer licensing curriculum before taking the examination to reinstate their eligibility.
- B. Regardless of when the initial examination is taken, an applicant has six years to become licensed after completing the peace officer licensing curriculum.

Items A and B do not apply to reciprocity examination applicants.

Statutory Authority: *MS s 14.06; 214.06; 214.12; 626.843; 626.845; 626.863*

History: *14 SR 12; 18 SR 1961; 22 SR 1449; 40 SR 568; 44 SR 353*

Published Electronically: *September 11, 2019*

6700.0600 LICENSING EXAMINATIONS

Subpart 1. The title of subpart 1 was amended to better reflect the information it covers. Previously, an individual's eligibility to take the examination was covered in part 6700.0500. Per the proposed rules, part 6700.0500 is redacted and relevant content from that part was moved here. Subpart 1 states applicants are eligible to take a licensing examination if they meet the requirements described in item A or B. The last paragraph of subpart 1 describes what documentation is to be included with an individual's application to take the examination. This documentation includes a transcript showing the completion of a postsecondary degree and documentation that the applicant successfully completed a MN preservice licensing program. This is a necessary and reasonable requirement/request to ensure examination applicants are meeting the requirements of licensure prior to taking the examination. Lastly, subpart 1 states a nonrefundable fee must be paid prior to taking the examination. The examination fee is described in subpart 2.

A. Item A states an individual qualifies to take the licensing examination if they possess a postsecondary degree awarded by a postsecondary institution which is accredited by a federally recognized accrediting association or recognized as meeting accreditation by a member of the Nation Association of Credential Evaluation Services (NACES) and have successfully completed the peace officer preservice training as described in part 6700.0300. The reason for using this language is the same as described in part 6700.0501 subpart 5.

B. Item B states an individual is eligible to take the licensing examination if they meet the reciprocity requirements described in part 6700.0501 or Minnesota Statute 626.8517 (military reciprocity).

Subpart 2. The title of subpart 2 was changed from "Nonrefundable fee" to "Examination Fees." The new title is more appropriate as it is clearer to readers which nonrefundable fee is being discussed. The examination fees are determined by the board, so that language was added. This change is needed and reasonable to ensure readers understand and know who sets the examination fees. The language specific to individual examinations and their individual fees (also contained in item A and B) was removed. There are more examinations offered by the board than the two listed in rule. For example, the board offers the general licensing examination for those who complete their degree and preservice training, but then the board also offers restoration, reinstatement, and reciprocity examinations depending on the circumstances of the applicant. Each of the examinations listed here are \$105, therefore, it is unnecessary to list each examination and their fees within rule. Information regarding each type of examination is covered on the board's website.

A. Item A is redacted/omitted as it becomes obsolete after the revisions made to subpart 2.

B. Item B is redacted/omitted as it becomes obsolete after the revisions made to subpart 2.

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Subpart 3. Currently, there is no limit on the number of times an individual may retake the peace officer licensing examination. The first two sentences of the proposed rule were modified to make the language and examination requirements clearer (i.e. that each retake of the examination requires a new application and examination payment). The proposed rule adds a limit on the number of times an individual is allowed to take the examination before they are required to re-enroll in and complete preservice training. Specifically, the proposed rule states that a third examination application (or a second retake) will require the applicant to provide documentation showing they have successfully completed a remedial training plan developed with board staff as described in subpart 4. The proposed rule goes on to state that no individual will be allowed to take the examination more than three times (two retakes) unless they re-enroll in and complete the peace officer licensing curriculum. These changes/additions to the proposed rule reflect with what the majority of other states are doing regarding peace officer licensing examinations.

In 2024, IADLEST compiled data on officer standards, training, certification, and licensing from POST boards across the nation. IADLEST then published the data in a booklet called “The Sourcebook.” Section 2 of the sourcebook covers selection standards data. In this section, 49 POST boards answered questions regarding licensure examinations. Of the 49 states that responded, 32 (65%) stated their state has a licensure/certification/competency examination requirement after an individual completes entry-level police training (Q58). Of the states that do have a licensure/certification/competency examination requirement, 94% reported they allow individuals who fail the examination to retake. Most of those states, 81% to be exact, do not allow more than 2 examination retakes (or 3 attempts overall). Minnesota and Texas are the only states that allow individuals to retake the examination more than three times. This makes MN a licensing examination practices outlier- suggesting it may be needed and reasonable for the POST Board to limit the number of examination attempts an individual is allowed before having to re-complete preservice training. The public and other law enforcement practitioners need and deserve to have well trained officers entering the force. The competency examination is one way of ensuring individuals are properly trained before being hired by an agency. Allowing an individual to take the examination an indefinite amount of time before requiring remedial training is unreasonable, thus making an examination limit a reasonable rule.

The need and reasonableness of implementing an examination re-take limit is affirmed by the passing rates observed per examination retake over the past five years. The passing rate for the examination, overall declines with each examination attempt. Below is the breakdown of the passing rates per examination attempt from 2020 through 2024:

- 83.9% pass the examination on the **first** attempt
- 53.09% pass the examination on the **second** attempt
- 39.3% pass the examination on the **third** attempt
- 37.03% pass the examination on the **fourth** attempt (one remedial plan completed)
- 34.62% pass the examination on the **fifth** attempt (two remedial plans completed)
- 50% pass the examination on the **sixth** attempt (three remedial plans completed)
- 16.67% pass the examination on the **seventh** attempt (four remedial plans completed)
- 0% pass the examination on the **eighth** attempt (five remedial plans completed)
- 0% pass the examination on the **ninth** attempt (six remedial plans completed)

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Because the passing rate declines with each examination attempt, the board determined an unlimited number of examination attempts was unreasonable and unnecessary.

Subpart 4. Remedial plans are currently required for a third examination attempt and are developed, in collaboration with board staff, to target areas of the exam in which the applicant was deficient. The language of subpart 4 was updated to better reflect the board's current standard operating procedures regarding remedial plans. Specifically, the proposed language states that the remedial plan must be developed and completed prior to taking the examination a third time and that proof of completion of the plan must be submitted to the Executive Director for approval. The stricken language stating that the remedial plan must cover examination deficiencies was moved to item A.

A. The previous language of item A, which began listing what types of supporting documentation may be submitted to show a remedial plan was completed, was deleted because the language changes in subpart 4 no longer requires item A to be part of a list. Item A now states that a remedial training plan completed by an applicant must be directed at the deficiencies indicated in the applicant's previous examination. Item A then ends by stating documentation of the completion of the remedial plan may include the items listed in subitems 1 and 2.

1) Subitem 1 is new and includes language that was deleted from item A. Subitem 1 states remedial plan documentation may include the training activities and or courses completed.

2) Subitem 2 is new and states that remedial plan documentation may include a certificate of completion from the instructor or organization delivering the training activity or course, including documentation of the date the training or activity course was completed.

B. The new language included in subpart 4 makes it explicit that board staff will be a part of the remedial plan process. Therefore, the information in item B will already be known to staff. A certificate of completion also nullifies the need for this requirement as the board does not have an interest in scrutinizing instructors or organizations for how they evaluate the completion of their training programs/courses. For the purposes of the remedial plan, the program, course, or training activity was either completed, or it wasn't. Therefore, item B is not needed.

C. Remedial plan activities will be completed after the plan is created, but before the third examination attempt. Certificates of completion will include the date of completion on them; therefore, item C is not needed.

The provision regarding additional fees for each administration of the examination was deleted as this information is covered in subpart 3.

Overall, the proposed changes in subpart 4 are needed to clarify the remedial plan process and to put standard operating procedures related to the remedial plan process into rule. The board

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wants examination applicants to be successful and pass the examination, and the remedial plan allows board staff to become an active participant in that process- ensuring the applicant is getting help and additional training in examination topics in which they are deficient. This makes the remedial plan process, on its face, a reasonable method of helping examination applicants. The listed documentation that may be submitted to the Executive Director via staff is also reasonable as the list is board, but not so broad that staff cannot ensure the remedial plan objectives were met.

Subpart 5. Subpart 5 is new and addresses how many times a reciprocity seeker may take the reciprocity examination. Currently, there is not a limit on the number of times a reciprocity seeker may take the exam. Subpart 5 is in alignment with subpart 3, for the same reasons, and states no individual will be allowed to take the reciprocity examination more than 3 times. Subpart 5 also states that a third reciprocity examination attempt will require the applicant to partake in the remedial training plan process outlined in subpart 4 prior to taking the examination. This provision is needed and reasonable for the same reasons outlined in subpart 3. Additionally, it would be unreasonable to allow reciprocity seekers, who have law enforcement experience, more examination attempts than those who have recently completed peace officer preservice training in MN.

Readers may notice there is no mechanism for reciprocity seekers who fail the reciprocity examination a third time to become a peace officer in the state of MN through the reciprocity process. This was a deliberate and intentional decision on the part of rulemaking contributors. If an individual, who has law enforcement experience, cannot pass the reciprocity examination after 3 attempts and a remedial plan, rulemaking contributors felt those applicants should then pursue a career in law enforcement in Minnesota the traditional way- which, per the proposed rules, would require a degree and the completion of the peace officer preservice training program before taking the general licensing examination according to subpart 3.

Subpart 6. Subpart 6, which was previously subpart 5 titled “Reinstate eligibility”, was renamed “Application expiration” to better reflect its content. This paragraph applies to all the board’s examinations, therefore, the language was updated and made broader, making its applicability clearer. The language in the last sentence of this part was also modified to make the language clearer.

Subpart 7. Subpart 7 is a new segment that discusses how long an individual is eligible for licensure after taking the examination. Specifically, the new text of the rule states that a person is eligible to be licensed for 3 years after successfully completing a peace officer licensing examination- this includes the reciprocity examination. If a person is not licensed within those three years, they may again reinstate eligibility for another 3 years by re-taking and passing the examination. This information itself is not new to rule. However, current rule does not have a limit on the number of times an individual may re-instate their eligibility, nor does it state how long one’s preservice training is good for. As a result, an individual could be “license eligible” indefinitely. This is incredibly problematic, especially when one considers how quickly statutes and best practices/strategies can change. Because of this, rulemaking contributors determined it was reasonable and necessary to limit the length of time for which an individual may be eligible to take the exam and for which they may be license eligible. The eligibility limits

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are addressed in items A and B as they do not apply to reciprocity examination applicants- as stated in the last line of this part.

- A.** If an individual does not become licensed during their second eligibility period, item A states that individual must again complete preservice training before taking the examination to reinstate their eligibility. This would then allow the individual to have two more eligibility periods as described in subpart 7. This is a needed and reasonable provision to ensure licensees are being hired with the most recent training in law and police practices/procedures.
- B.** Current rule does not have a deadline on when an individual must take the examination after completing their preservice education. Under current rule, an individual could have completed their preservice training/education 20 years ago and still qualify to take the examination to become license eligible. As previously stated, this is incredibly problematic as statute, rule, best practices, and learning objectives change, sometime rapidly, over time. It is in the best interest of the public and other law enforcement professionals to limit the period for which an individual may qualify to take the examination after completing preservice education/training to ensure they are properly trained. Item B states that an individual must become licensed within 6 years of completing their preservice education. If the individual does not become licensed within that time frame, they must again re-enroll in and complete preservice training.

Items A and B do not apply to reciprocity applicants because they have different examination/eligibility requirements. Those requirements are covered in part 6700.0501.

6700.0800 LICENSING OF PEACE OFFICERS.

Subpart 1. **Board appointees; notification.** The chief law enforcement officer shall notify the board of the appointment of any person to the position of peace officer before the first day of the appointee's employment. Notification shall be made on a form provided by the board, and it shall include the appointee's full name, sex, date of birth, the effective date of the appointment, and an affirmation that the appointee has met all selection standards as prescribed in part 6700.0700. The appointee may not exercise peace officer powers until the notification form is received and approved by the board.

Subp. 2. **Application procedures.** If the appointee is not already a licensed peace officer, but is eligible to be licensed, the appointee shall apply to be licensed at the time of appointment. Application shall be made on a form provided by the board, and both the applicant and the chief law enforcement officer shall affirm that the applicant is eligible to be licensed. The applicant shall also submit the licensing fee as prescribed in subpart 4.

Subp. 3. **License certificate.** The executive director shall issue a license certificate to an applicant who has complied with the requirements in subpart 2 and part 6700.0700, subpart 1, and whose affirmations are consistent with the board's records. The period of initial licensure is determined by the original date the license was issued. The license shall be due for renewal on June 30 of the third calendar year after the year the license was issued, regardless of the month and day of initial licensure.

Subp. 4. **Licensing fee.** The licensing fee is \$90. The license will be valid through June 30 of the third year following receipt.

~~Subp. 5. **Surrender of license certificate.** Licenses shall remain the property of the board. The license certificate and any renewal certificates shall be surrendered to the board if suspended or revoked.~~

6700.0800 LICENSING OF PEACE OFFICERS

Subpart 5. Subpart 5 is removed from rule as the provision is obsolete. The board does not issue paper licenses or certificates to licensees as license data is maintained electronically. Therefore, an officer's license does not need to be surrendered or returned to the board during suspension or after revocation.

DRAFT

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.