

Excerpt from the Statement of Need and Reasonableness (SONAR)

Rule by Rule Analysis

This section of the SONAR discusses the proposed rule changes to chapter 6700. Some of the proposed rule changes are necessary and reasonable on their face, thus, the explanation for the change is brief. The more complex proposed rule changes are discussed in further detail to help readers understand the need and reasonableness of the recommended changes.

6700.0100 Definitions

Subpart 2. MN Statute [626.84](#), subdivision 1, paragraph (f) defines the term “law enforcement agency” not “agency.” The term being defined in this subpart was changed to “law enforcement agency” as opposed to “agency” so that it properly reflects the statutory reference.

Subpart 5a. No changes were made.

- A.** The proposed rules will change the preservice education system by sunsetting the current Professional Peace Officer Education (PPOE) program and implementing a new preservice education model on August 1, 2029. This change to item A is needed and reasonable to establish a clear end date for the PPOE program and an effective date for the new program. August 1, 2029, is a reasonable sunset date because it precedes the start of the fall semester and provides certified schools with sufficient time to adjust curricula, admissions practices, and program structures to comply with the board’s new requirements.
- B.** Applying the same sunset date to the certificate option is needed and reasonable to maintain consistency across preservice pathways and to ensure that all new entrants after that date complete the preservice program aligned with the board’s updated standards. The August 1, 2029, date is reasonable for the same reasons described in item A; it aligns with the academic calendar and provides certified schools an appreciable amount of time to implement necessary changes.

Subpart 5b. To differentiate between the current and proposed training programs/standards, the board felt it was needed and reasonable to give the proposed program a different name. The new preservice training program will be referred to as the Peace Officer Preservice Program (POPP). It is needed and reasonable to define the new program in order to help individuals differentiate between the two preservice training programs during the transition period. The new program aims to standardize critical pieces of preservice training. The definition states POPP refers to the learning objectives developed and maintained by the board – this definition is a reasonable because the preservice training program is based on the learning objectives. An individual must complete POPP, or be trained on all of the learning objectives, to qualify to take the licensing examination. An effective date of August 1, 2029, was put in the definition to coincide with the sunset period for PPOE.

Subpart 7. In Minnesota, law enforcement training is bifurcated; it consists of an academic component and a psychomotor skills component. This bifurcation is the result of postsecondary institutions attempting to implement and teach the board’s learning objectives with little to no

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guidance from the board. Until now, the bifurcated training system has never been described in rule. Because the proposed rules represent the bifurcated system currently in place, both components are addressed in this definition. The amended definition makes it clear that “certification” means acknowledgement by the board to teach the academic or skills component (or both) of POPP.

Subpart 8. Subpart 8 was updated to make it clearer to readers what type of agency is being discussed. The change is needed and reasonable to promote clarity and consistency among the definitions.

Subpart 9a. The proposed definition of “conviction” is substantively similar to the current rule but has been amended to make the board’s intent clearer and the language more concise. The wording of the proposed definition is modeled in part on Minnesota Statutes, section [145A.061](#), subdivision 4, which defines “conviction” for criminal background study purposes, but is tailored to the context of professional peace officer licensing. For licensing purposes, the board’s definition appropriately includes expunged offenses, Alford pleas, pleas of no contest, and other forms of adjudication, because “conviction” may be broader in the professional licensing context than in the criminal sentencing context. A more expansive definition is needed and reasonable for peace officers due to the nature of their work, including their authority, access to private data, and frequent contact with vulnerable members of the public. Individuals with criminal sexual misconduct, domestic violence, or other violent criminal convictions should not be eligible for a peace officer license even if adjudication was withheld or stayed, the matter was expunged, or the plea was entered as an Alford plea or plea of no contest, because allowing such individuals to be licensed would undermine public trust, erode relationships with victims, and weaken the profession’s ethical foundation.

Subpart 10. The term “coordinator” is specific to the PPOE program. In the proposed rules, the title of “coordinator” is replaced with “program director.” As a result, it is needed and reasonable to incorporate the program sunset date of August 1, 2029, into the definition.

Subpart 12a. The definition of “felony” was changed to reference the statutory definition which can be found in MN Statute [609.02](#), subdivision 2.

Subpart 15. The definition of “guest lecturer” was updated to make the language clearer and reflect the changes to rule 6700.0300.

Subpart 16. The phrase “a law enforcement” was added to the definition to make it clearer and consistent with the changes made to subpart 2.

Subpart 17. Subpart 17 was updated to reflect the changes made to rule 6700.0300 and to directly reference rule 6700.0900 on continuing education.

Subpart 20. In February of 2020, the United States Department of Education released a memo in which the department stated it holds all accrediting agencies to the same set of standards. This means the United States Department of Education does not differentiate between nationally or regionally accrediting organizations. As a result, the requirement that a postsecondary degree be awarded by a postsecondary institution that is accredited by a member of one of the six regionally accrediting associations was removed. The list of degree examples was also removed because the

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list was unnecessary. The amended rule now states the postsecondary institution must be accredited by a federally recognized accrediting association or recognized as meeting accreditation by the National Association of Credential Evaluation Services. For additional details, please see the justification for the changes made to rule 6700.0501, subpart 5 below.

Subpart 23. Postsecondary certificates are academic in nature, but they are not titles. The changes to this subpart are technical in nature and make the definition accurate.

Subpart 25. The term “classroom” has been removed from the definition and title because it is unnecessary and overly narrow; discrimination can occur in any setting, not only in a classroom. This change is needed and reasonable to ensure that all allegations of discrimination within the board’s jurisdiction are taken seriously by both certified schools and the board, regardless of where the conduct occurs. Broadening the language reflects the board’s position and extends the application of part 6700.0401 to all relevant environments in which board-regulated education, training, or activities take place.

Subpart 30. Due to the bifurcated preservice training system, law enforcement students often attend two schools to complete their preservice training – one school for the academic component and another for the skills component. A definition for “primary certified school” was needed to differentiate between the multiple schools a student may attend to complete their preservice training and to clarify which school is responsible for meeting the requirements described in rule 6700.0300 and 6700.0400.

Subpart 31. Having a primary school suggests there is a secondary school- therefore, a definition for “secondary certified school” was added to further differentiate between the multiple schools a student may attend to complete their preservice training. If a student goes to a secondary school, they do so to complete the psychomotor skills component. Therefore, the “secondary certified school” is defined as the school a student enrolls with to complete the psychomotor skills component if the institution is different than the primary certified school. This definition is needed to clarify which school is responsible for meeting the requirements described in rule 6700.0300 and 6700.0400.

Subpart 32. “Academic component” is a term used in the proposed bifurcated preservice training system to describe categories 1 and 2 of the board’s learning objectives. These categories have historically been treated as the academic portion of peace officer preservice training, and this definition formally adopts that usage. Defining “academic component” in this way is needed and reasonable because it clarifies which school is responsible for meeting the requirements in parts 6700.0300 and 6700.0400, and provides a clear boundary between the academic and skills components of training.

Subpart 33. Psychomotor skills component” is a term used in the proposed bifurcated preservice training system to describe categories 3 and 4 of the board’s learning objectives, which have historically been treated as the skills portion of peace officer preservice training. This definition is needed and reasonable because it formally identifies categories 3 and 4 as the psychomotor skills component and clarifies which school is responsible for meeting the requirements in parts 6700.0300 and 6700.0400, and for providing the skills portion of training distinct from the academic component.

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Subpart 34. The proposed rule changes in rule 6700.0300 creates a Preservice Advisory Committee to assist in the development and upkeep of the learning objectives. Because this group is intended to be a standing committee, the board determined it was needed and reasonable to define the group and their purpose in the definitions section of chapter 6700.

Subpart 35. The term “adjunct instructor” was needed in the definitions section to make the instructor requirements described in rule 6700.0300 more clear. During the rule promulgation process, postsecondary institutions stated there is a shortage of adjunct instructors, especially in skills programs, and that increasing the professional requirements for adjunct instructors would be harmful to their programs. This definition was needed to clearly exempt adjunct instructors from some of the requirements listed in 6700.0300. This is a reasonable addition to help remedy the hardship the proposed rule would have placed on preservice programs across the state. The definition itself is reasonable because adjunct faculty are not considered full time by the institution that employs them. The definition was agreed upon by rulemaking contributors which included postsecondary institution instructors.

Subpart 36. Under the proposed rules, the preservice training program will be managed by a program director or director appointed by a certified school. The term ‘program director’ replaces ‘coordinator,’ which was specific to the prior PPOE program. This change in title is needed and reasonable because the proposed rules establish additional and different requirements for program directors than those that applied to PPOE coordinators, and the rule must distinguish between those two sets of qualifications and duties. The grandfather clause in part 6700.0300 for current PPOE coordinators further underscores the need to clearly differentiate the legacy “coordinator” role associated with PPOE from the new “program director” role associated with POPP.

6700.0300 Professional Peace Officer Preservice Program Education

Following a review of Minnesota’s Professional Peace Officer Education (PPOE) program and a comparison with similar training models in other states, the POST Board determined that the current PPOE system is not operating as efficiently or effectively as intended. This conclusion is supported by several factors. Certified schools are required to integrate the POST Board’s learning objectives into curricula they develop and maintain independently, resulting in significant variation among programs. These inconsistencies in how and when learning objectives are taught create several challenges. Chief among them is the difficulty for the Board, as the regulatory authority, to verify compliance with the learning objectives and other rules outlined in Chapter 6700. A comprehensive review would require auditing every PPOE class at every certified institution to confirm that each objective is addressed—an undertaking beyond the Board’s available time, staff, and resources.

Second, the current PPOE structure makes it difficult for the POST Board to determine how many instructional hours each school devotes to individual learning objectives. This lack of transparency is problematic because, as the regulatory authority, the Board must be able to account for and respond to public inquiries regarding preservice training hours. Even if such data were available, the variation in how schools integrate learning objectives would still result in inconsistent hour allocations across programs. This concern is reinforced by reports from Chief Law Enforcement Officers (CLEOs) statewide, who have noted significant disparities in the training of new recruits. Increasingly, CLEOs report that new hires often lack the fundamental

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knowledge and skills expected of entry-level peace officers, requiring agencies to reteach material that should have been mastered during preservice training. This additional instruction demands time and resources that agencies would otherwise dedicate to matters of public safety and service. 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 provide the very best training. (p. 13)

The remedy IADLEST suggested to resolve this issue was for the board to develop lesson plans that would be the basis of a preservice education program. This would allow the board to set the number of hours required for each learning objective and determine how the learning objectives are taught. In addition to promoting consistency, a uniform program created by the board would better guarantee that preservice training is in line with evidence based best practices.

Lastly, due to the nature of the current bifurcated training structure, the PPOE system does not integrate the board's learning objectives as well as it could or should. Historically, entry level law enforcement training has been conducted with little to no integration – concepts were taught in “silos” and instructors moved forward from one topic to the next without referencing prior learning objectives. More recent research shows that integrated learning is best for the reinforcement and retention of foundational knowledge (Beer-Maxwell et al., 2024). According to Beer-Maxwell et al. (2024), who conducted a randomized control study on integrated law enforcement training principles, “integrating curriculum provides learners with beneficial problem-solving skills, encourages critical thinking, and positively impacts performance on knowledge measurements (p.2).” A standardized training program set by the board will ensure the learning objectives are being integrated throughout the program. In turn, this will help training program participants better retain the information they are taught and alleviate the pressure on law enforcement agencies who find themselves having to re-train new hires.

Based on the findings and conclusions discussed above, the board voted to standardize the psychomotor skills component of preservice training. The proposed changes to rule 6700.0300 reflect this decision. By standardizing skills, the board will be better able to regulate preservice training by ensuring the training is consistent (hours and method) and integrated. There are other program defects that the proposed rule remedies that were identified during the rulemaking process by IADLEST, law enforcement practitioners, preservice instructors, and the general public. These defects will be identified throughout this section. Readers will note that the term Professional Peace Officer Education (PPOE) is replaced in the proposed rules with Peace Officer Preservice Program (POPP). The name change is needed and reasonable to help individuals differentiate between the “old” and “new” training practices set by the board.

Subpart 1. Subpart 1 broadly lists the learning objectives that will be (and currently are) included in the board's preservice program. The 4 listed items are reflective of the broader categories of the learning objectives as opposed to the specific learning objectives themselves. The stricken items are learning objectives included in the broader categories. All of the stricken topics will still be

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covered in the preservice program. Removing the reference in rule to specific, individual learning objectives gives the board greater flexibility to revise the learning objectives based on best practices and industry standards.

- A. The first item listed in the proposed rule is “core competencies.” Core competencies is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but is not limited to, communication, ethical reasoning, critical thinking, problem-solving, decision-making, community service, cultural awareness, professionalism, and teamwork. The learning objective category is listed in rule instead of the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- B. The second item listed in the proposed rule is “foundational knowledge.” Foundation knowledge is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but not limited to, legal studies, human behavior, types of crime, crisis intervention, and intelligence-led policing. The learning objective category is listed in rule instead of the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- C. The third item listed in the proposed rule is performance of “peace officer duties and tasks.” This is one of the broader learning objective categories. This learning category covers a wide range of topics including, but is not limited to, practical law enforcement writing, interviewing, conflict management, legal process, and investigations. The learning objective category is listed in rule instead of the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- D. The fourth item listed in the proposed rule is “tool, techniques, and tactics.” Tools, techniques, and tactics is one of the broader learning objective categories. This learning objective category covers a wide range of topics including, but not limited to, defensive tactics, firearms, use of force, radio use, and emergency vehicle operations. The learning objective category is listed in rule instead of the specific learning objectives to allow the board the flexibility to change the learning objectives as needed.
- E. The text was stricken because it was no longer needed.
- F. The text was stricken because it was no longer needed.
- G. The text was stricken because it was no longer needed.
- H. The text was stricken because it was no longer needed.
- I. The text was stricken because it was no longer needed.

After the items, subpart 1 goes on to state that the board must provide certified schools a reasonable period of time to adopt and implement any changes the board may make to the learning objectives. The term “reasonable period of time” is used to preserve deadline flexibility based on the needs of the schools and the extent/nature of the changes being made to the learning objectives. This paragraph goes on to say that program directors may waive a participant’s participation in

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learning objectives from learning categories 1 and 2 so long as the individual provides proof of equivalent training. This provision was previously in 6700.0300 subpart 2. This provision is important because it allows students who already have a degree to participate in “fast track” licensure programs. Without this provision, fast track programs will no longer be able to exist. Only learning objectives from categories 1 and 2 may be waived under the proposed rules because learning objectives from categories 3 and 4 (psychomotor skills) will be standardized – meaning the learning objectives have to be taught as prescribed by the board. This paragraph concludes by stating the psychomotor skills component will be provided to the schools by the board and explicitly states learning categories 3 and 4 may not be waived. The last two statements standardized the psychomotor skills component and guarantee all students will receive the same baseline psychomotor skills training based on the learning objectives.

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

Subpart 2. Throughout the rulemaking process, law enforcement practitioners, preservice instructors, and members of the public expressed to the board they would like to participate more in the development and review of preservice training. The original text in subpart 2 was stricken and replaced. Subpart 2 discusses the Preservice Advisory Committee (PAC); a standing committee created by the board to provide support and assist in the development of the learning objectives and categories. In this section, the PAC is given the right to consult with outside individuals who have specialized training in the topics covered by the preservice program. This is important for ensuring the learning objectives are up to date and in compliance with evidence best practices. In addition to the scope and purpose of the PAC, this part also addresses how an individual becomes a member. The proposed rule states that members will be appointed by the board and will serve a 4-year term – after which individuals may apply for reappointment. The term limit was necessary to avoid life-long appointments and to ensure new individuals get a chance to apply. It is important and necessary that the board be transparent when making modifications to the training program. The development and use of the PAC is a needed and reasonable way to promote transparency, increase stakeholder involvement, and to ensure the preservice program follows evidence-based practices.

- A. Item A describes the membership of the PAC. PAC members need to have expert knowledge in the topic areas related to the learning objectives and be representative of the board’s stakeholders. Subitems 1-11 list the PAC positions deemed necessary to ensure the group is able to fulfill the duties as prescribed by the board.
 - 1) Subitem 1 states that the PAC must include two POPP directors, at least one of which is from a school offering the psychomotor skills component. It is important to have individuals on the committee who deliver the learning objectives because they have firsthand knowledge of how best to deliver the learning objectives.
 - 2) Subitem 2 states that the PAC must include two police chiefs (or their designee), one from the metro and one from greater MN. It’s important to have both the metro and greater MN police departments represented on the PAC because, due to resources and other factors, law enforcement agencies view the job tasks of

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an entry level peace officer slightly differently. Representation from both large and small departments helps ensure that the perspectives and needs of all law enforcement agencies are appropriately considered.

- 3) Subitem 3 states that the PAC must include two sheriffs (or their designee), one from the metro area and one from greater MN. It's important to have both the metro and greater MN sheriff's offices represented on the PAC because, due to resources and other factors, law enforcement agencies view the job tasks of an entry level peace officer slightly differently. Representation from both large and small sheriff offices helps ensure that the perspectives and needs of all agencies are appropriately considered.
- 4) Subitem 4 states that the PAC must include two peace officers currently designated as a field training officer or a field training officer supervisor, one from the metro area and one from greater MN. Field training officers and supervisors oversee the training of newly hired officers right after they have completed preservice training. These individuals are considered experts on what an entry level peace officer needs to know and are responsible for conducting any remedial training for new hires as needed. It's important to have both the metro and greater MN represented in this way because, due to resources and other factors, law enforcement view the job tasks of an entry level peace officer slightly differently.
- 5) Subitem 5 states that the PAC must include one defensive tactics instructor. Defensive tactics is an important part of law enforcement training – especially during the psychomotor skills component. Having a defensive tactics instructor on the PAC to help advise the board on preservice training learning objectives is needed and reasonable because this is a targeted skill set that not many individuals have.
- 6) Subitem 6 states that the PAC must include one firearms instructor. Firearms is an important part of law enforcement training – especially the psychomotor skills component. It is reasonable and necessary to include these instructors on the PAC because they are specifically trained in this high liability area and generally up to date on current evidence-based best practices in this area of training.
- 7) Subitem 7 states that the PAC must include one emergency vehicle operations instructor. Emergency vehicle operations is an important part of law enforcement training – especially the psychomotor skills component. It is reasonable and necessary to include these instructors on the PAC because they are specifically trained in this high liability area and generally up to date on current evidence-based best practices in this area of training.
- 8) Subitem 8 states that the PAC must include two county attorneys or an assistant county attorney designee, one from the metro area and one from greater MN.

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Although MN law does not necessarily change from one county to another, the board has decided it is important to ensure both the metro and greater MN receive representation on the PAC. These members are integral for advising the board on legal changes from the legislature or via case law.

- 9) Subitem 9 states that the PAC must include one victim's rights advocate. The individuals and groups who have a vested interest in peace officer preservice training is not limited to peace officers – advocates and members of public have an interest as well. This position was added to the PAC to ensure the preservice learning objectives are aligned with evidence-based practices related to victim advocacy.
- 10) Subitem 10 states that the PAC must include one mental health professional. The inclusion of a mental health professional reflects the ongoing importance of mental health and crisis intervention in law enforcement. This role helps ensure that preservice learning objectives are aligned with evidence-based practices related to mental health services, de-escalation, and related areas.
- 11) Subitem 11 states that the PAC must include two public members, one from the metro area and one from greater Minnesota. Although people across Minnesota share many of the same concerns, the board determined it is important to ensure that both the metro and greater Minnesota are represented on the PAC. These positions are intentionally broad to allow members of the public or representatives of public organizations to contribute to the development and revision of preservice learning objectives. Including public members on the PAC is a reasonable way to enhance transparency and strengthen public trust in the board's processes.

Subpart 3. Under the new rule, certified schools will be able to seek certification for the academic component, the psychomotor skills component, or both. Certified schools are only required to teach the learning objectives they are certified for. To make the board's intent clearer, a qualifier that states "as applicable to their certification" was added. The text that was stricken in the last sentence was not needed and the amendment makes the rule segment more concise.

Subpart 4. The old text of subpart 4 was stricken because it is no longer needed. Subpart 4 now outlines the compliance reviews that are to be conducted on certified schools to ensure they are compliant with the rules in chapter 6700. This provision is consistent with recommendations made by IADLEST in its audit (see page 12). Under the current PPOE system spot checks are not conducted. The formal visitation or review schools receive occurs during the recertification process, which occurs once every 5 years.

- A. The board is the regulatory agency appointed by the legislature who is responsible for peace officer preservice training. Item A states that schools must adhere to the rules in part 6700.0300 and 6700.0400. A certified school's compliance with those rule parts will be verified during any and all compliance reviews, therefore, it is needed and reasonable to include this provision in rule to ensure certified schools know what is expected of them.

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- B.** Item B states certified schools must cooperate with scheduled and/or random compliance reviews. Both types of reviews are justified because the board is the regulatory agency appointed by the legislature that is responsible for peace officer preservice training. Certified schools are subject to the rules, which have the effect of law, included in parts 6700.0300 and 6700.0400. Compliance reviews are effective tools for ensuring adherence to rules. They are also helpful for determining where a certified school may need additional support to be successful and compliant with the rules.
- C.** Item C states that the board reserves the right to conduct a compliance review at any time. The board has the right to do so because it is the regulatory agency appointed by the legislature to oversee peace officer preservice training. Item C goes on to state that each school will be subject to a compliance review, minimally, once every 2 years. A 2-year cycle was selected because the renewal cycle is every 3 years. This ensures every school will receive a review at least once in between its renewal cycles. This provision is needed and necessary to ensure the board and its staff perform their regulatory duties on a regular basis. Setting a minimum compliance review schedule is also necessary to inform certified schools what the minimum review expectations are.
- D.** Item D informs certified schools what items or materials are subject to inspection by the board during a review. The items listed include the certified school's training materials, facilities, and equipment. These items are all related to rule or the learning objectives; therefore, it is needed and reasonable that the board would inspect them. This provision also states that certified schools must supply any documentation or records their program keeps on participants as permitted by law. This is needed and reasonable to ensure certified schools are complying with the minimum selection standards and psychomotor skills entry requirements described in rule.

Subpart 5. The title of this part was changed to better reflect the information it covers. This section applies to all certified schools, regardless of which component of the program they are certified to deliver.

- A.** There were some grammatical changes made to item A. Text that was no longer necessary as a result of the rule changes was stricken. The last sentence was modified to say that the enrollment standards for the program must disqualify anyone who does not meet the licensure requirements described in 6700.0700, subpart 1, item D. Students attending academic schools would still be able to take courses necessary to earn a degree, but they will not be able to complete or participate in the board program for licensure purposes.
- B.** If a student does not cooperate with a certified school and does not, is unable, or refuses to comply with the provisions listed in item A, the certified school will deny a student entry into the board's program until they come into compliance. This provision is necessary and reasonable to ensure applicants comply with the board's rules and requirements as well as the school's. Although the board acknowledges individuals have a right to education, individuals who do not meet the requirements prescribed in chapter 6700 do not have a right to participate in the board's program for the purposes

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of licensure. The last section of this item states that, if denied entry, certified schools must inform applicants in writing of the basis for the denial. This is to promote transparency and to allow applicants the opportunity to come into compliance if it is possible for them to do so.

(1) The text was stricken because it was no longer needed.

(2) The text was stricken because it was no longer needed.

C. The original text in item C was stricken. The original text from item C that is relevant to the proposed rules was moved to item B. The proposed text in item C is from item D.

D. Item D was stricken and the relevant text was moved to item C.

Subpart 6. The original text of subpart 6 has been moved to subpart 7, and the remaining subparts have been renumbered. Subpart 6 now addresses the enrollment requirements for applicants to participate in the Board's peace officer preservice program, and the title of this section reflects its content. The requirements for entering the psychomotor skills component have been made more stringent to ensure that participants are eligible for licensure at the end of the program. Under the current system, an individual may complete a PPOE program without being eligible for peace officer licensure. The new eligibility requirements ensure that only those who are licensure-eligible may enroll in the psychomotor skills component. As the regulatory agency, the Board has the authority to be more selective regarding who may participate in this component because it is directly tied to licensure, and individuals should enter the skills program only for the purpose of becoming a peace officer. This is a reasonable and necessary measure to ensure that only those eligible for licensure enroll in the psychomotor skills component. This provision will also help prevent students from paying for a training program for a professional occupation for which they are not eligible; in the past, some students have completed and paid for both a degree and a PPOE program only to learn they do not qualify to sit for the licensure examination.

A. In the state of Minnesota, individuals must have a valid driver's license to operate a motor vehicle, and peace officers must therefore hold a valid driver's license to drive a squad car. During the psychomotor skills component, program participants will be required to drive and operate a vehicle as part of emergency vehicle operations training, which necessitates that they possess a valid driver's license. For this reason, it is needed and reasonable to require applicants to possess a valid driver's license prior to entering the psychomotor skills component. To verify the validity and status of an applicant's license, the applicant must provide an official copy of their driving record to the certified program. If the applicant is licensed in another state, the applicant must provide a driving record from that state in addition to a record from Minnesota. Non-Minnesota driver's license holders must supply records from both jurisdictions because Minnesota may revoke or suspend an individual's driving privileges within the state while the individual's out-of-state license remains valid. For example, if a non-Minnesota resident is arrested for driving under the influence of a controlled substance, Minnesota may revoke that individual's privilege to drive in Minnesota, even though

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- the person's license remains valid in the other state. This requirement is needed and reasonable to ensure that applicants and program participants are driving with valid licenses and that their Minnesota driving privileges have not been revoked or suspended.
- B.** Currently, PPOE program applicants are required to complete a physical (medical) evaluation form and return it to the certified school prior to entering the program. This requirement ensures the student is free from any physical condition that would pose a threat to the health or safety of the applicant, other participants, or program instructors. The form also states whether the licensed medical professional believes the applicant is able to perform the duties of a peace officer. 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 schools to provide applicants during the psychomotor skills component enrollment process. This is needed and reasonable to ensure the safety of the applicant, program instructors, program participants, and the public.
- C.** Currently, applicants may not enroll in the PPOE program if they “pose a serious threat to the health or safety of themselves or others” (6700.0300, subpart 5 (B)(1)). This language is problematic because it suggests participants who pose a minimal or marginal threat may enter the program. This is not the intent of the rule. As a result, the original language in 6700.0300, subpart 5, item B, subitem 1 was stricken and replaced with this requirement. Item C requires a psychological screening to be completed before an individual may enroll in the psychomotor skills component to assess their general suitability for law enforcement. Certified schools already do this to satisfy the old rules, so this provision makes the psychological screening rule as opposed to a standard operating procedure. 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 school stating whether the applicant is fit to enter the POPP. This provision states that an individual is “fit” to enter the program if they do not pose a health or safety threat to themselves or others. The evaluation is to be conducted by a licensed psychologist rather than a general mental health professional because it's 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. Lastly, this provision states that evaluations are good for one year and that they may be completed by the primary school and transferred to the secondary school. This gives the certified schools and applicants flexibility as well as direction on how and when to complete the evaluation. This rule is needed and reasonable to ensure the safety of the applicant, program instructors, other program participants, and the public.
- D.** Applicants to the preservice training program are required to supply a criminal history background check obtained from the Bureau of Criminal Apprehension (BCA) to the certified school's director 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

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peace officer under Minnesota Rule 6700.0700. This provision prevents those who are licensure ineligible from entering the psychomotor skills component. A MN BCA criminal history will only detail MN specific offenses. As a result, the last sentence of this section states that if, as an adult, the applicant has been arrested or lived in another state, they need to provide an equivalent report to the program director from that state. This provision is only concerned about adult offenses because juvenile criminal histories cannot be used for licensing purposes according to MN Statute 260B.245. This provision is needed and reasonable to prevent individuals being ineligible for licensure from enrolling in the preservice skills component.

- E.** There are some provisions 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. By signing the form, the applicant will attest they meet the minimum selection standards prescribed in rule. According to item E, if an applicant is found not to meet the minimum selection standards or the applicant violates the standards while enrolled in psychomotor skills, the applicant or participant may be denied entry into or dismissed from the psychomotor skills component. This item states that applicants do not need to meet the requirements in rule 6700.0700 subpart 1, items C, J, or K. This is because those items are specific to pre-employment, thus they are not applicable to preservice training. This provision is needed to ensure applicants are personally responsible for disclosing any background information that may make them ineligible for a peace officer license. This provision is reasonable because individuals are not eligible for licensure if they do not meet the minimum selection standards.
- F.** Item F makes it explicitly clear to applicants and program directors that if an applicant does not comply with items A-E, they will be denied entry into the psychomotor skills component. The denial will last until the applicant meets the requirements. If an applicant is denied entry into the psychomotor skills program, this provision states that the applicant must be notified in writing of the basis for the denial. This is an important transparency piece that ensures applicants are explicitly notified of the basis for the denial. This provision is needed and reasonable to keep all parties informed during the application/denial process.

The last paragraph of this part states that applicants must complete the necessary paperwork to allow certified schools to communicate and share data with each other if the applicant is completing the psychomotor skills component at a secondary school. This is needed and reasonable for ensuring all the rules of this chapter are being adhered to and that the schools are communicating with each other freely and effectively.

Subpart 7. Subpart 7 covers the responsibilities of the certified schools. This subpart was subpart 6 before it was re-numbered.

- A.** Item A is similar to what was stricken. Item A states that certified schools must implement a record retention schedule and keep any data/materials that show their compliance with the POPP requirements. Records must be retained according to applicable data practices laws or, minimally, for seven years. This provision is more

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- specific than the last, which is needed and reasonable to give certified schools additional guidance on what data they should be keeping and for how long. The IADLEST audit suggested data should be kept the length of a law enforcement officers' career— which could be 35 or more years depending on the person. The record retention period suggested by IADLEST was determined by the board to be too long. Such a long retention period may have resulted in certified schools incurring additional costs to keep enrollment and program data for that long. Seven years was selected as the retention period because it is a number commonly used for record retention purposes.
- B.** Item B is similar to what was stricken, but this provision focuses on records that show a participant completed the POPP. This provision states that certified schools must implement a records retention schedule to document an individual completed POPP and that those records must be retained according to applicable data practices laws, or, minimally, for seven years. A term of seven years was selected to keep the data retention period the same as item A. This provision is needed and reasonable to ensure data on a student's completion of the POPP is available for several years after they complete the program. It is needed and reasonable for the board to require certified schools to keep records for a certain period of time. This period of time covers the time frame allotted for a participant to take the examination after completing POPP.
- C.** The stricken text of item C was moved to item E. Item C states that the certified school's director is responsible for ensuring applicants of the psychomotor skills component meet all of the requirements in subpart 6. There have been documented incidents of students making it through the skills program and then applying for the licensure examination despite the fact that they do not qualify for licensure under rule 6700.0700. In these cases, the board has been unable to act because the rules do not state who is ultimately responsible for ensuring students satisfy all the rule requirements. This provision is needed and reasonable to ensure the rules are followed and to make someone or some entity directly responsible if a rule is violated. Knowing who is directly responsible for a rule violation also helps the board determine who may need additional guidance or education on the rules.
- D.** The original text of item D was stricken as it is no longer needed in this section. Item D states that primary schools must complete an acknowledgement of training form and provide it the secondary school prior to an applicant enrolling in the psychomotor skills component. Currently, skills schools take academic schools at their word that an applicant has received all of the learning objective required in learning categories 1 and 2. This item formalizes the process and requires the primary schools to officially attest that an applicant has received and completed the learning objectives the primary school was responsible for covering. Secondary schools are then responsible for ensuring they receive this form from the primary school before they allow a student to officially enroll. This is a needed and reasonable way of holding each school accountable for the learning objectives for which they are certified.
- E.** Item E is an edited version of what was item C. Item E directs certified schools to complete an affirmative action plan report by June 1 of each year for the previous year.

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This is required by 1997 MN Law Chapter 239, article 1, section 9. Putting this obscure statutory requirement in rule is needed and reasonable to ensure the requirement is not missed by any school or the POST Board.

Subpart 8. Subpart 8 discusses instructor requirements. The proposed rule is more detailed and explicit than the previous rule regarding instructor requirements. The board's goal is to continue to professionalize law enforcement training. In order to do so, there need to be rules in place that set the minimum requirements for program instructors. By setting minimum instructor requirements, the board will better be able to ensure that the individual's teaching POPP learning objectives are qualified and adequately trained.

- A. Item A lists the requirements for instructors teaching categories 1 and 2 in subitems 1 through 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. Instructors should not have to have the same level of a degree as program directors because they are not in charge of the whole program. This requirement is supported by the current practices certified schools have regarding the minimum education level instructors are required to have. The purpose of the rule is to set the minimum requirement, not the maximum.
 - 2) Subitem 2 requires instructors to have at least three years of professional experience in law enforcement or a criminal justice related field, or have recognized professional training or education in the category or subject matter that they are teaching. Some instructors are career researchers or have held a similar position. Said individuals may not have the traditional "work" experience needed to teach in the program. This item was broadened to professional training or education to allow subject matter experts to teach in the program who do not have "work" experience.
 - 3) Instructors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspended should not be teaching future law enforcement professionals. This provision is needed and reasonable to make sure instructors are licensees in good standing with whichever licensing board they are under the jurisdiction of.
 - 4) Individuals teaching the board's learning objectives 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 program materials related to their field of expertise. This provision is needed and reasonable to ensure program instructors have the training and experience necessary to train future law enforcement professionals.

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- B.** Item B lists the requirements for instructors teaching learning categories 3 and 4 in subitems 1 through 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. Instructors should not have to have as high of a degree as program directors because they are not in charge of the whole program. This requirement is supported by the current practices certified schools have regarding the minimum education level instructors are required to have. The purpose of the rule is to set the minimum requirement, not the maximum.
 - 2) Subitem 2 requires instructors to have at least three years of full-time professional 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 individuals enough time to experience a multitude of calls or scenarios while on the job – enhancing their ability to teach and speak to those situations. The provision of “or criminal justice related field” was added to allow attorneys and other subject matter experts to become instructors with a certified school for the psychomotor skills component. Rulemaking contributors recognize that subject matter experts, like attorneys, may be better suited to teach certain elements of the learning objective, like statutes.
 - 3) Instructors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspended should not be teaching future law enforcement professionals. This provision is needed and reasonable to make sure instructors are licensees in good standing with whichever licensing board they are under the jurisdiction of.
 - 4) Individuals teaching the board’s learning objectives should have relevant training and experience that makes them subject matter experts. This requirement allows 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 train future law enforcement professionals.
- C.** Adults learn differently than children do, therefore, it is important instructors be able to recognize those differences and utilize education tactics that have been deemed effective in adult learning environments. Item C requires instructors to complete 16-hours of training in adult learning, instructor development, or curriculum development prior to or within the first two years of being employed as an instructor. The board believes this requirement supports MN’s mission of professionalizing law enforcement

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as it requires program instructors to train on how to be an effective instructor. The minimum 16-hour requirement was selected after researching training courses that are currently available online. Existing courses on this topic range from 5 to 50 hours. The board did not want this requirement to be overly burdensome, so they selected 16-hours. The board drafted the rule so that workshops and in-service training offered to staff by the certified school will satisfy the requirement. This makes the rule flexible and allows instructors to meet the requirement in a variety of ways. The rule also provides monetary flexibility as it does not require individuals to receive an official certificate in adult learning, which can be costly. This is a needed and reasonable requirement to ensure instructors are well trained.

- D. Instructors will be employed or hired by the certified school to deliver the POPP. Certified schools are responsible for ensuring their instructors meet the requirements in rule and maintain the necessary documentation to demonstrate their compliance with chapter 6700. Item D explicitly states that certified schools must maintain documentation on each instructor who teaches any portion of the program. This documentation is to include the instructor's resume and relevant qualifications. This provision is needed and reasonable because it articulates what the board will require during a compliance review to ensure all of the rules are being followed.
- E. Item E states that subpart 8 does not apply to guest lecturers. Guest lecturers are not full-time or adjunct staff; therefore, it would be unreasonable to require guest lecturers to meet the requirements of this part before providing instruction to program participants.

Subpart 9. Subpart 9 is a new segment that describes the minimum requirements to be appointed as a certified school's program director. The section on safety policies was moved to subpart 10. A subpart on program director requirements is needed to set the minimum qualifications certified schools must ensure an applicant has in order to become a program director. This is a reasonable method of ensuring program directors have the knowledge and experience necessary to oversee peace officer preservice training.

- A. Item A states an individual appointed as a certified school's program director must meet the requirements listed in subitems 1-4. Subitem 1 requires program directors to be employed full-time by the certified school for which they are appointed to the position of director. Running the board's program is labor intensive and the program director has many duties assigned to them in rule. Therefore, it is needed and reasonable to expect the certified school staff member overseeing the program to be employed full-time.
 - 1) Subitem 1 states the program director must be employed full time by the certified school. The POPP program and its learning objectives are complex; therefore, it is needed and reasonable to require the program director to be employed full-time. This will also better ensure any issues within the program are addressed in a timely manner.

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- 2) Subitem 2 states program directors must 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, minimally, a 4-year degree in a field related to law enforcement or education. This requirement ensures the program director understands policing and/or education.
- 3) Subitem 3 states the program director must not have had a professional certificate or license revoked, rescinded, or currently or permanently suspended. Program directors who have had a professional license or certificate revoked, rescinded, or currently or permanently suspended should not be teaching future law enforcement professionals. This provision is needed and reasonable to make sure instructors are licensees in good standing with whichever licensing board they are under the jurisdiction of.
- 4) Subitem 4 requires directors 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 the director will be overseeing learning objectives, training materials, and training scenarios directly related to law enforcement. The preservice training and the POPP program are directly tied to licensure and the duties of a peace officer. Therefore, it is reasonable to expect the director of a "peace officer preservice program" to have law enforcement experience. The program director is nonsynonymous with a department chair or head at a college or university. This provision is needed and reasonable to ensure the director of the program has the experience and expertise necessary to guide participants and other instructors in the delivery of the learning objectives.
- 5) Subitem 5 requires the program director to have either worked 2 years as an instructor or to have completed, minimally, 32-hours of training. The training must be in instructional supervision or evaluation and be completed prior to or within the first two years of being employed as a director of a certified school. The board believes this supports MN's mission of professionalizing law enforcement because it requires program directors to have previous teaching experience or to be trained in instructional supervision/evaluation. It is reasonable to expect program directors to have prior experience or complete training on how to supervise instructors because they are responsible for them and POPP as a whole. A minimum of 32 hours was selected because it equates to four 8-hour days of training (twice that of what instructors are required to complete). This provision is needed to set the minimum number of training hours required. The board drafted the rule so that workshops and in-service training offered to staff by the certified school will satisfy the requirement. This makes the rule flexible and allows instructors to meet the requirement in a

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variety of ways. The rule also provides monetary flexibility as it does not require individuals to receive an official certificate in instructional supervision or evaluation, which can be costly. This is a needed and reasonable requirement to ensure directors are well trained.

- 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 to the same certified school for which they served as the PPOE coordinator and the appointment must be continuous. Rulemaking contributors did not want to disqualify PPOE coordinators, who are already doing the work of a program director, from being appointed to the position of director simply because they do not meet the new requirements. Rulemaking contributors did not want to negatively or adversely impact the employment of current PPOE coordinators. Therefore, this grandfather clause is needed and reasonable to help mitigate any employment hardships this rule would have otherwise caused. The date mentioned in this rule part coincides with the sunset period on the PPOE program.
- C.** Item C states certified schools 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 current practice. This provision puts the application and approval process into rule. This provision is needed and reasonable to ensure directors and certified schools are satisfying rule requirements. This segment is also needed to avoid unpromulgated rulemaking.
- D.** Item D describes what a certified school's responsibilities are when an individual is no longer appointed as director. In item D, the certified school 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 to appoint a replacement. This segment states that the board's subcommittee on training may appoint a temporary program director until a permanent director can be found. This provision is needed and reasonable as it allows the board to be well informed as to who is responsible for each preservice program. Item D promotes accountability and transparency between the board and certified schools.

Subpart 10. Subpart 10, which was formerly subpart 8, discusses the safety policies certified schools must publish to deliver the POPP. Law enforcement training can be physical and it requires trainees to work with a variety of tools and equipment that can be dangerous if not used properly. This subpart is needed and reasonable to ensure certified schools 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.

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- 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 of 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 schools 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 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 the reference to what is now subpart 10.

Subpart 12. The board wanted to ensure program participants who were enrolled in a PPOE prior to the sunset date were allowed the opportunity to finish the program and take the examination. It would be unreasonable and unfair of the board to expect program participants to start their training over after the new rules are implemented. This provision states that program participants enrolled in PPOE prior to August 1, 2029, will have until August 1, 2033, to complete the PPOE program. This time period is reasonable because both a 4-year degree and skills can be completed during this time frame.

6700.0400 Certification of Schools

Subpart 1. The stricken text of subpart 1 listed certification application requirements for schools in paragraph format. The application requirements were taken out of the paragraph and listed as items. Subpart 1 now states that schools seeking certification must apply with the board and supply the listed subitems. This is a needed and reasonable structural change to make the requirements more discernable.

- A. Schools are required to provide proof of accreditation to ensure the organization meets the board’s definition of a “school.”

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- B.** A signed acknowledgement by the school’s president or designee is needed to ensure school administrators are aware of the program’s rules and requirements. The board was given statutory authority over peace officer education and training by the legislature; therefore, school administrators who may be not knowledgeable about peace officer education and training need to be made explicitly aware of the board’s authority.
- C.** The board is ultimately responsible for the education and training of peace officers. Therefore, it is reasonable to require schools to provide the board with a list of who is teaching the preservice training program materials. For the board to fulfill its role as the regulatory agency responsible for preservice training, the board will have to review information on program directors and instructors to ensure they meet the minimum qualifications described in rule.
- D.** For the board, it is not enough for a certified school to agree to teach the board’s learning objectives or program. The board believes it is necessary for schools seeking certification to describe how they will teach the board’s learning objectives and meet the program requirements. This includes describing what facilities and equipment the school will use to teach the learning objectives. This is a needed and reasonable request that ensures the schools seeking certification have the proper facilities and tools to deliver the board’s learning objectives.

Subpart 2. The language regarding provisional certification was stricken from subpart 2. As the board and rulemaking contributors see it, a school either completed the certification process and received certification, or it has not. As a regulatory authority, it is reasonable for the board to require schools to meet all the certification requirements before becoming certified. This process eliminates grey areas and makes the process cleaner for the board, board staff, and the schools seeking certification. The subpart was renamed to reflect this change and it goes on to describe the minimum requirements an organization must meet to receive certification. The requirements are listed in items A and B.

- A.** Item A states schools are required to deliver the board approved learning objectives in the manner prescribed by the board. This provision supports the requirements described in 6700.0300, subpart 1.
- B.** Item B lists the facilities and equipment schools seeking certification must have to deliver the board’s learning objectives and program. 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 learning objectives into rule to ensure preservice trainees receive the proper training essential for an entry level peace officer position. The facilities and equipment needed by each schools will depend on their certification. For instance, academic component schools will not need an emergency vehicle operations track because learning objective categories 1 and 2 do not require it.

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Subpart 3. The board's responsibilities regarding certification were moved to subpart 4, thus, the text in subpart 3 was stricken and replaced with information regarding secondary training facilities. The board understands that schools may need to use secondary training locations to deliver the board's learning objectives. Most commonly, secondary locations are used for firearms and emergency vehicle operations training. As a result, the board felt it was necessary and reasonable to describe the use of secondary training facilities. This rule part states that secondary training facilities may be used by a certified school for firearms and emergency vehicle operations training if the conditions in items A and B are met.

- A.** Item A states that the use of a secondary training facility must be disclosed to and approved by the board during the school's initial certification application or re-certification process. Because the board is responsible for the preservice education of peace officers, it is necessary and reasonable that the board be informed as to where the training is taking place if not at the certified school itself.
- B.** As part of its regulatory authority, the board conducts compliance reviews on certified schools and law enforcement agencies. If a certified school is using or requesting to use a secondary training facility to deliver the board's curriculum, the facility will be subject to inspection by the board. Item B states that the board and its staff must have access to the secondary training facility to conduct reviews and inspections as described in Minnesota Rules 6700.0300, subpart 4 and 6700.0400, subpart 4. This is a necessary and reasonable requirement for a regulatory agency to have to ensure certified schools are following the provisions in rule.

Subpart 4. Subpart 4 discusses the board's responsibilities in the certification process. The original items listed in this part (A-C) were removed because they are no longer needed. The items are not needed because 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 regulatory agency, it is the board's responsibility to review school certification applications and all supporting documents to ensure the school has provided proof of compliance with the requirements in rule. It is necessary to put this responsibility in writing so that readers know what the board is responsible for. Subitems 1 and 2 are more specific as to what the board is looking for when reviewing a school's application.
 - 1)** Subitem 1 states the board will review application documents to ensure the school has provided proof of compliance with 6700.0300, subpart 1.
 - 2)** Subitem 2 states the board will review application documents to ensure the school has the necessary equipment and facilities to offer the learning objective categories the school intends to deliver.
- B.** Item B states the board must complete an inspection of the school's amenities to ensure it can deliver the learning objectives in the manner prescribed by the board. Due to the fact that the provisional certification section was removed, certification will not be

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granted until a full inspection has been completed. This is needed and reasonable to ensure the schools are ready to deliver the board's program.

Subpart 5. Subpart 5 discusses re-certification. Previously, subpart 3 stated certified schools were required to recertify with the board every 5 years. In its audit, IADLEST recommended a 3-year renewal cycle because it will allow the board to better address any issues with certified schools in a timely manner. In this part, the board adopted the recommendation made by IADLEST and schools are required to recertify every three years. This subpart goes on to state that a school's certification will be renewed if it meets the requirements described in rule 6700.0300 and 6700.0400. This part ends by stating the board may require a school to renew its certification more than once every three years. This provision gives the board a course of action in the event a school is determined to be non-compliant with the rules. Rather than going immediately to a certification revocation, the board could require a school to re-certify, prompting a comprehensive review of the school's program. This provision allows the board an opportunity to partner with schools to help them be successful rather than revoking certification or implementing other punitive measures. This provision is necessary to give the board flexibility in how it brings a school into compliance with the rules.

Subpart 6. Previously subpart 4, the title of subpart 6 was changed to better represent the contents within it. Subpart 6 describes the duties and responsibilities of a certified school and its staff after receiving certification. It is necessary to detail what the board expects from schools after becoming certified to deliver the board's learning objectives to ensure schools comply with the rules and deliver the curriculum in the manner prescribed. The requirements are listed in items A-F.

- A. Item A was updated to reflect the changes made to Minnesota Rule 6700.0300. Schools achieving certification to deliver the board's learning objectives must do so after receiving certification. Putting this requirement in rule is needed and reasonable to hold certified schools accountable if they fail to deliver the learning objectives in the manner prescribed.
- B. The old text was stricken and replaced. The new text states certified schools are required to provide the board with any necessary documentation or information that shows the certified school is compliant with rule 6700.0300 and 6700.0400. Documentation is necessary to show that a certified school is compliant with the rules.
- C. The content of item C is the same, the phrase was changed to a sentence structure.
- D. The content of item D is substantially the same – the structure was altered. The paragraph now ends in a period to fit the subpart structure.
- E. The content of item E is substantially the same – the phrase was changed to a sentence structure.
- F. Item F states that certified organizations and their staff must comply with orders issued by the board. This language is used by other regulatory boards to ensure those subject

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to their authority follow official orders. The language is needed and reasonable to ensure certified schools and their staff obey and adhere to official board orders.

Subpart 7. Subpart 7 discusses the disciplinary actions and sanctions that may be taken if a certified school 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. 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.

6700.0401 ~~Classroom~~ Program Discrimination; Procedures

The previous title suggested discrimination needed to occur in the classroom for action to be taken. This is not the case. The title was changed to make it clear that any act of discrimination reported by a program participant may be investigated, whether it's in the classroom or elsewhere by another participant or instructor.

Subpart 1. The text of subpart 1 was updated to reflect the changes made to rule 6700.0300. In the digital age, procedures are kept in an electronic format, so the word “written” was stricken and replaced with a reference to “published procedures.”

D. The “offending party” 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 the program. Therefore, the language specifically referring to an “offending party” was removed.

F. The phrase “of procedures” was stricken because it is unnecessary.

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

Subpart 3. Text within subpart 3 was changed to reflect the changes made to rule 6700.0300. Specifically, key words specific to the PPOE system were replaced with key words used within the context of POPP. The word “written” was stricken as procedures are now commonly posted online or kept in an electronic format.

6700.0500 Peace Officer Licensing Examination

Rule 6700.0500 has had some of its subparts repealed through previous rulemaking projects. In the proposed rule, subparts 3 and 5 are stricken and the relevant information has been integrated with part 6700.0600 on licensing examinations. It is unnecessary to have two separate rule parts that discuss “peace officer licensing examinations” or “licensing examinations” when the relevant information can be covered in one section. It is reasonable to repeal this rule part because doing so will help individuals find the information regarding the peace officer licensing examinations in one location.

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6700.0501 Reciprocity Licensing Examination

Subpart 2. The term “basic police education” was changed to “basic peace officer education” to make the term more consistent with the language used in other Minnesota Statutes and Rules. When referring to law enforcement personnel, Minnesota Statutes and Rules commonly use the term “peace officer” to encompass the public service duties and responsibilities of law enforcement in addition to those related to law enforcement. The change is needed and reasonable to make the language consistent with other statutes and rule segments.

- B.** The text in item B was updated to reflect the current names of the basic peace officer education programs offered by the Federal Law Enforcement Training Center (FLETC). The basic peace officer education programs are listed by name because only two out of the three basic programs offered by FLETC fulfill the basic peace officer education requirement. The third program, Land Management Police Training, is specific to protecting natural resources and public lands and does not cover the basic duties, responsibilities, and tasks entry level officers should understand and be able to perform.

Subpart 3. Originally, subpart 3 contained two definitions for law enforcement officer in a single paragraph. The term “law enforcement officer” was not changed to “peace officer” as the latter is specific to Minnesota. Those seeking reciprocity from other states and federal agencies will be more familiar with and hold the title of law enforcement officer. The terms “peace officer” and “law enforcement officer” are combined in subpart 7 which describes the requirements for reciprocity. For this subpart, the two “law enforcement officer” definitions were broken up into items A and B to make it easier for readers to differentiate between the two definitions. These changes will make the definition easier to read and the language more broadly applicable to reciprocity seekers.

- A.** Item A is the general definition of law enforcement officer which encompasses officers working in other states. This definition was expanded to include individuals appointed or employed as a federal tribal law enforcement officer. Federal tribal law enforcement officers were added to the definition because it was not the intent of the rule to exclude those with such work experience from qualifying for reciprocity – which the previous rule did. The addition of tribal law enforcement officers to this definition will reduce the number of variance requests processed by the board on this definition. Variance requests on this matter were treated as mandatory by the Board because the application of the rule, as applied to the circumstances of petitioners with federal tribal law enforcement experience, did not serve the intended purpose of the rule. By making this change, the purpose of the rule is achieved, and the quantity of variance requests heard by the Board will be reduced.
- B.** The federal law enforcement officer definition portion is unchanged. The text moved to item B for organizational purposes.

Subpart 5. The word “title” was stricken and replaced with the word “degree” as schools award degrees to students, not titles. In February of 2020, the United States Department of Education released a memo in which the department stated it holds all accrediting agencies to the same set of

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standards. This means the United States Department of Education does not differentiate between national or regional accreditation. As a result, the regional accreditation requirement for postsecondary institutions was removed. The amended rule now states the postsecondary institutions must be accredited by a federally recognized accrediting agency. This new language is inclusive of institutions that have national, regional, or programmatic accreditation and is consistent with the position held by the United States Department of Education.

Postsecondary institutions outside of the United States are not accredited by federally recognized accrediting agencies, therefore, by rule, the degrees awarded by those institutions are not valid even though the degree may be equivalent to one awarded in the United States. As a result, a provision was added to the definition of “postsecondary degree” that allows foreign degrees to be recognized by the POST Board so long as the degree is audited by a member of the National Association of Credential Evaluation Services (NACES). The audit must state the degree is the equivalent of a degree issued in the United States by an accredited institution to meet the requirements in rule. This provision will reduce the number of variance requests heard by the board on the definition of “school” and streamline the process for foreign degree holders. The list of possible degrees that may be awarded to a student was removed from the definition because the list was not exhaustive or exclusionary; therefore, it was not necessary to include the list in the definition.

These changes are needed and reasonable to 1) align the “postsecondary degree” definition with the position held by the United States Department of Education, 2) streamline the process for foreign degree holders, and 3) reduce the number of variance requests received by the board.

Subpart 6. The term “years of experience” was never used in part 6700.0501. Instead, the term “years of employment” was used when discussing the reciprocity requirements outlined in subpart 7. To help subpart 7 serve its intended purpose, rulemaking contributors replaced the term “years of experience” with the term “full-time.” The term “full-time” is defined as a minimum of 35 hours per week, which is consistent with the definition used by the Bureau of Labor Statistics (BLS). Throughout the State of Minnesota, various law enforcement agencies recognize 40 hours a week, or 2,080 hours a year, as full-time. However, within the State of Minnesota and across the globe, there are many companies and organizations transitioning out of the 40-hour work week for health and wellness reasons. Although Minnesota law enforcement representatives do not foresee Minnesota agencies stepping away from the 40-hour work week, the POST Board did not want to unnecessarily limit or restrict full-time peace officers from other states from qualifying for reciprocity because of a difference of opinion in what it means to be employed full-time. As a result, the POST Board chose to adopt the definition of full-time described by the BLS. The BLS definition was chosen over other “full-time” definitions because rulemaking contributors felt it provided the most flexibility while maintaining the necessary experience level desired from reciprocity seekers. For this reason, the definition is reasonable. The “full-time” definition is needed for subpart 7 to serve its intended purpose.

Subpart 7. The title of subpart 7 was changed to “peace officer reciprocity” as the previous title was not a good representation of the subpart’s content. As for the content itself, the rulemaking contributors determined the wording in subpart 7 was not serving the rule’s intended purpose, which was to allow qualified and experienced officers to seek reciprocity. Therefore, the previous text was amended to eliminate the defects produced by the previous text.

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The previous text of subpart 7 allowed part-time peace officers who, for example, may have only worked 8 hours a month for the past 3 or 5 years, depending on their education level, to apply for and take the reciprocity examination. As previously stated, rulemaking contributors felt this was a defect in the rule and not the intended purpose of reciprocity. As a result, the term “full-time” was used when describing the years of experience needed to qualify for the reciprocity examination. Previously, subpart 7 was one paragraph. The paragraph was broken into items A and B to make this part easier to read and understand.

- A.** Item A requires a peace officer seeking reciprocity to meet the following conditions: have completed a postsecondary degree, have completed two years of full-time employment as a peace officer after successfully completing basic peace officer education, worked as a law enforcement officer within the past four years, and have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended. This requirement previously stated three years of law enforcement experience was needed for an individual to qualify to take the reciprocity examination. The service benchmark was lowered to two years to mirror the requirements for military service members under Minnesota Statute 626.8517. Rulemaking contributors determined it would be unreasonable to require more years of service from a full-time peace officer than a military service member. Rulemaking contributors also thought lowering the service benchmark from three to two years would widen the pool of potential applicants, which is a needed and reasonable change to attract more applicants to fill vacant peace officer positions within the state.
- B.** Item B requires a peace officer seeking reciprocity without a postsecondary degree to meet the following conditions: have completed four years of full-time employment as a peace officer after successfully completing basic peace officer education, worked as a law enforcement officer within the past four years, and have not had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended. This requirement previously stated five years of law enforcement experience was needed for an individual to qualify to take the reciprocity examination. The service benchmark was lowered to four years to mirror the requirements for military service members under Minnesota Statute 626.8517. Rulemaking contributors determined it would be unreasonable to require more years of service from a full-time peace officer than a military service member. Rulemaking contributors also thought lowering the service benchmark from five to four years would widen the pool of potential applicants, which is a needed and reasonable change to attract more applicants to fill vacant peace officer positions within the state.

Items A and B require reciprocity seekers to have worked in law enforcement within the past four years. The previous requirement was six years. Rulemaking contributors determined six years was too long as the field of policing is rapidly evolving, and best practices are continuously being updated. As a result, the requirement was lowered to ensure reciprocity applicants are up to date on policing methods and tactics. The change is needed and reasonable to ensure reciprocity applicants are bringing current policing practices to Minnesota.

Lastly, items A and B state reciprocity applicants must not have had a peace officer license, certificate, or the federal equivalent revoked, rescinded, or currently or permanently suspended to

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qualify for the examination. Similar language was used in subpart 7 previously, but it was expanded to make the requirement consistent with Minnesota Rule 6700.0700 subpart 1 (E). This change is needed and reasonable because it promotes consistency across chapter 6700 and ensures individuals who have been subject to disciplinary action or revocation in another jurisdiction are precluded from obtaining licensure through reciprocity.

Subpart 8. The old subpart 8 was moved to subpart 9 and the subsequent subparts renumbered to allow for this addition. The new subpart 8 directs readers to Minnesota Statute 626.8517 to see the criteria for military reciprocity. This addition is needed and reasonable to make it easier for military service members seeking reciprocity to find the information they need to determine their eligibility.

Subpart 9. The language in subpart 9 was reorganized to make the intent clearer. A reference to subpart 8 was added as a way of being eligible to take the reciprocity examination.

Subpart 10. Reference to the new subpart 8 regarding military reciprocity was added. The phrase “must again comply with the provision of” was deleted because the phrase was unnecessary.

Subpart 11. The language used in subpart 11 was updated to reflect the language used in 6700.0700 subpart 1 (E) regarding the minimum selection standards for peace officers which were updated in 2023 under R4641. The language makes it clear that an individual may not apply for reciprocity if they have a revoked, rescinded, or currently or permanently suspended peace officer license or certificate. The word “certificate” was added because not all states license their peace officers- some a certification process.

6700.0600 Licensing Examinations

Subpart 1. The title of subpart 1 was amended to better reflect its contents. Previously, an individual’s eligibility to take the examination was covered in part 6700.0500. Subpart 1 states applicants are eligible to take a licensing examination if they meet the requirements described in items A or B.

- A. Item A states individuals qualify to take the licensing examination if they have completed a post-secondary degree and all components of the Peace Officer Preservice Program as described in part 6700.0300.
- 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).

The last paragraph of subpart 1 describes the documentation applicants need to include, as applicable, with their examination application to show they meet the requirements herein. This documentation may include a transcript showing the completion of a postsecondary degree and proof that the applicant successfully completed a preservice program. This provision is necessary and reasonable to ensure examination applicants meet all the examination requirements. Lastly, subpart 1 states a nonrefundable fee must be paid prior to taking the examination. The examination fee is described in subpart 2.

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Subpart 2. The title of subpart 2 was changed from “Nonrefundable fee” to “Examination Fees.” The new title is more appropriate because it makes it 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 know who determines the examination fees. The language specific to the individual examinations and the associated fees (contained in items A and B) was removed. There are more examinations offered by the board than the two listed in items A and B. For example, the board offers the general licensing examination for those who complete their degree and preservice training, but the board also offers restoration, reinstatement, and reciprocity examinations. The fee for all the examinations is \$105; therefore, it is unnecessary to list each examination and its fee within the rules. More detailed information regarding the licensing examinations and their applicable fees can be found on the board’s website.

A. Item A was stricken because it was unnecessary.

B. Item B was stricken because it was unnecessary.

Subpart 3. Currently, there is not a limit on the number of times an individual may take the peace officer licensing examination. The first two sentences of the proposed rule were modified to make the language and examination requirements clearer to the reader (i.e. that each retake of the examination requires a new application and fee payment). The proposed rule states that a third or fourth examination attempt will require the applicant to develop and complete a remedial training plan as described in subpart 4. The remedial training plan is important because it helps applicants identify the areas where they are deficient and complete remedial training to improve their proficiency. Finally, the proposed rule states that no individual will be allowed more than four attempts to pass the peace officer licensing examination.

In 2024, IADLEST compiled data from POST boards across the nation on law enforcement standards, training, certification, and licensing. IADLEST then published the data in a comprehensive publication called “The Sourcebook.” Section 2 of the sourcebook covers selection standards data. In this section, 49 POST Boards answered questions regarding licensing examinations. Of the 49 states that responded, 32 (65%) indicated their state has a licensure/certification examination requirement (Q58). Of the states that indicated they have a licensure/certification examination requirement, 94% reported they allow individuals who fail the examination to retake. Most of those states, 81% to be exact, stated they 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 an outlier when it comes to practices regarding licensing examination retakes. It is the board’s position that these statistics demonstrate the need and reasonableness for limiting the number of examination attempts an individual is allowed after completing preservice training.

The need and reasonableness of implementing an examination attempt 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. Here is a breakdown of the pass rate per examination attempt from 2020 through 2024:

- 83.9% passed the examination on the first attempt,

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

As can be observed, the passing rate declines with each examination attempt (with the exception of the sixth attempt, which the board considers an outlier to the general downward trend). This is another justification for implementing an examination attempt limit.

- A. Item A allows individuals who have submitted a fifth or subsequent examination application and fee to still take the examination. Item A also states that if the applicant does not pass the examination, they will not be allowed another retake. It is needed and reasonable to allow individuals to take the examination if the fee has already been paid. It is also needed and reasonable to have an official deadline in rule for licensing examination applications that surpass the 4-examination limit.

Subpart 4. Remedial plans are currently required for a third examination attempt and are developed, in collaboration with board staff, to target the areas of the examination 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 or fourth time and that proof of completion 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 the types of supporting documentation that may be submitted to show a remedial plan was completed, was stricken. The language was stricken due to the language changes in subpart 4 – item A no longer needs to be a list of items. In the proposed rule, item A 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 ends by stating documentation showing the completion of the remedial plan which may include the items listed in subitems 1 and 2.
- 1) Subitem 1 is new and includes language that was stricken 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.

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B. Item B was stricken because it is no longer needed.

C. Item C was stricken because it is no longer needed.

The provision regarding additional fees for each administration of the examination was stricken 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 into rule. The board 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 as applicable. This makes the remedial plan process, on its face, a reasonable method of helping examination applicants. These are needed and reasonable measures to help applicants be successful on the examination as well as avoiding additional cost in time and fees.

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 examination. 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 4 times. Subpart 5 also states that a third and fourth 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. It would be unreasonable to allow reciprocity seekers, who have law enforcement experience, more examination attempts than those who have recently completed preservice training. The limit on examination attempts does not apply to military reciprocity seekers as their requirements are dictated by statute.

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 broadened, making its applicability clearer. The language in the last sentence of this part was modified to make the text simpler.

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 as it was taken from the stricken text of 6700.0500, subpart 5.

A. Current rule does not state how long an individual has after completing preservice training to become licensed. Therefore, an individual who completed their preservice training 20 years ago is eligible to take the examination and apply with a law enforcement agency without having to complete any additional training. The board and its stakeholders find this problematic. The board and rulemaking contributors felt it was important to limit the number of years an individual is eligible to take the examination or become licensed as a peace officer after completing preservice training – the board does not want individuals to

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remain “license eligible” indefinitely. 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 training to ensure the individuals are properly trained and have received the most up to date training possible. Item A states that an individual must become licensed within 5 years of completing their preservice education. If the individual does not become licensed within that time frame, they must re-enroll in and complete the POPP. The 5-year limit was selected because the board felt it allowed individuals the flexibility to accommodate life events while balancing the need of the public and other officers. The 5-year limit provision in item A was written so that it supersedes the license eligibility described in subpart 7. If an individual has 2 years of license eligibility left based on when they last took the examination, but the 5-year period post preservice training has elapsed, that individual will no longer be eligible for licensure.

- B.** Item A is a new rule that implements a licensing requirement that did not previously exist. Therefore, it is necessary to give individuals who completed PPOE but are not licensed the opportunity to gain employment as a licensed peace officer in Minnesota before disqualifying them. This provision states that individuals who completed PPOE 5 or more years ago as of January 1, 2027, have 1 year (until January 1, 2028) to be hired. The board believes 1 year is a reasonable period of time for individuals who completed the PPOE program 5 or more years ago to gain employment as a licensed peace officer. This provision provides individuals with a degree of flexibility while preserving the purpose of item A.

6700.0601 Prohibited Examination Conduct and Sanctions Standards

Part 6700.0601 discusses the conduct that is explicitly prohibited when taking the peace officer licensing examination or any other examination offered by the board (i.e. reciprocity and reinstatement examinations). The title of this part was amended to better reflect what the rule addresses. Specifically, this part addresses prohibited examination conduct and the sanctions that may be imposed as a result of participating in said conduct.

Subpart 1. The previous text of subpart 1 was stricken and replaced with language that accurately describes what the subpart addresses. Specifically, the title of subpart 1 was changed to “prohibited conduct” from “grounds for denial.” The new text of subpart 1, not unlike the previous text, goes on to state that the conduct described within this part is prohibited and may result in sanctions by the board. The language within subpart 1 that discusses the specific sanctions or consequences for participating in prohibited conduct was removed. The section detailing the sanctions that may be implemented after participating in prohibited conduct was moved to subpart 4. The change is needed and reasonable to improve the organizational structure.

- B.** The text of item B was stricken and replaced with what was item D (“obstructing a board investigation”). The text from item D was moved to item B because it more closely relates to the prohibited conduct described in item A. This change is intuitive because it’s reasonable and common to organize lists by grouping like items together.
- C.** Item C was replaced with what was previously item B. The phrase “in any way” that was originally in item B was removed to make it more concise.

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- D.** The text of item D, which was moved to item B, was replaced. Item C was modified and moved to item D. This item prohibits the use of outside study materials during the examination.
- E.** The original text in item E was moved to item F and replaced. Item E prohibits individuals from cheating or attempting to subvert the examination or licensing process. This provision is listed in part 6700.1600 as a standards of conduct violation. Pulling in this provision from the standards of conduct section promotes consistency among the rule parts within chapter 6700.
- F.** Item F was replaced with a modified version of the original text from item E. In addition to possessing a copy of the board’s examination without the board’s permission, attempting to manufacture of copy of the board’s examination was added as prohibited conduct. This addition is needed and reasonable because possession is only possible after an individual has manufactured a copy of the exam. Hence, manufacturing a copy of the board’s exam should be included as prohibited conduct.
- G.** The original text of item G was moved to item I and replaced with “being banned from testing center locations.” The board uses Talogy, a talent management company, to administer the licensing examination to applicants. If a student is unable to enter or access a testing center location because they previously violated Talogy’s testing center rules, that individual will not be able to take the examination. To be banned or trespassed from a testing center, the applicant would have had to demonstrate or participate in deplorable behavior that violates the Talogy’s rules or policies. This provision is needed and reasonable to ensure peace officer examination applicants are conducting themselves in a respectable and professional manner when taking or attempting to take any licensing examination.
- H.** Item H is new and prohibits individuals from assisting another with violating the provisions within 6700.0601. If an individual is assisting another person to commit an act of prohibited conduct, they are liable and responsible for the conduct as well. This provision allows the board to hold individuals accountable for their role in assisting another to violate the board’s rules regarding examination conduct.
- I.** Per the proposed rule changes in 6700.0300, Peace Officer Preservice Program participants will have to sign a statement in which they attest they meet the minimum selection standards for peace officer licensure as described in part 6700.0700, except for subpart 1, items C, J and K. Item I prohibits individuals from falsely claiming to meet the minimum selection standards and allows the board to act if an individual falsely claims to meet those standards. Reciprocity and reinstatement applicants are also subject to the standards set forth in 6700.0700. This section is needed and reasonable to ensure individuals are not taking the examination if they do not meet the standards prescribe in part 6700.0700. It is a misuse of time and funds to allow individuals to take the peace officer licensing examination if they do not qualify for a licensure.

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Subpart 4. Subpart 4, titled “Sanctions,” discusses the actions the board may take against an examination applicant for participating in prohibited examination conduct. Specifically, this subpart states that a violation of any of the provisions listed in subpart 1 may be grounds for the board to deny or revoke an individual’s examination application or an individual’s license eligibility. The disciplinary process would follow the guidelines described in the Administrative Procedures Act (APA). This section is needed and reasonable because it informs examination applicants of the consequences for participating in prohibited examination conduct.

Subpart 5. The new subpart 5, titled “Procedures,” states that disciplinary proceedings under this part will be conducted pursuant to MN Statute, section 214.10 subdivision 11-12. This section is needed and reasonable because it tells readers which administrative process the board will follow if disciplinary proceedings are initiated. The APA allows individuals to challenge the board’s decisions via a contested case hearing with the Court of Administrative Hearings (CAH).

6700.0800 Licensing of Peace Officers

Subpart 5. Subpart 5 was 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. Because of the electronic filing system, an officer’s license does not need to be surrendered or returned to the board after a suspension or revocation. This subpart was identified as an obsolete rule by the Board in its obsolete rules report to the legislature on October 10, 2025.

6700.2100 Scope

This part was redacted because it was unnecessary, especially as a stand-alone section. The content of this section was moved to 6700.2200.

6700.2200 Development of Written Published Procedures

The title of 6700.2200 was amended to “published procedures” as opposed to “written procedures” because of advancements in technology. Today, procedures are commonly posted on the internet, in a shared drive, or in another digital location/format rather than being written or displayed somewhere.

The phrase “On or before October 1, 1984” was removed from the rule because it is no longer necessary. Instead, this part begins with a purpose statement that was taken from part 6700.2100. The purpose statement tells readers that the board recognizes the need for each agency and the appointing authority to have and use published procedures for the investigation and resolution of allegations of misconduct. This section states all law enforcement agencies should have established procedures for the investigation and resolution of alleged misconduct. The word “written” was stricken and replaced with “published” as policies are commonly published online or in an electronic format- making written paper copies obsolete. The word “chief’s” was replaced with “law enforcement” to make the rule’s intent clearer.

In an effort to consolidate this portion of chapter 6700, the last paragraph of this part includes information that was originally from 6700.2300 and 6700.2400. This paragraph states “The procedures established according to this part must comply with model policies and Minnesota

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Statute, section 626.0845, subdivision 1.” This sentence was added to provide CLEOs with directions as to where they may find additional information on how to develop the required written procedures. This sentence also makes it clear to CLEOs that there are other rules and statutes that their procedures must follow. The last two sentences of this paragraph state that current copies of the procedures must be published and available to the public upon request and furnished to all licensees employed by the agency.

6700.2300 Affirmation of Compliance

This part was redacted because it was not necessary. This rule was necessary when it was originally written to help agencies transition into compliance. All agencies are now compliant and are required to maintain compliance. A law enforcement agency’s compliance with part 6700.2100-2500 is monitored by the POST Board through compliance reviews.

6700.2400 Copies of Procedures

This rule part was redacted in order to consolidate the information contained the rule parts regarding the investigation and resolution of misconduct allegations. The relevant information was moved to 6700.2200.

6700.2500 Documentation of Complaints

The word “alleged” was added in front of the term “misconduct” to make it uniform with other rule parts. CLEOs must retain records on sustained and alleged reports of misconduct per MN Statute, section 626.8457. The reference to Minnesota Statute section 15.171 was removed as that statute was repealed and no longer exists. The phrase “an affidavit of compliance with part 6700.2200, item B” was removed as this is not a standard practice or operating procedure utilized by POST staff. The CLEO does not have to provide an affidavit stating they will comply with the rule because law enforcement agencies are required to be compliant with this rule part. An agency’s compliance with the rules is monitored via compliance reviews. Lastly, it is common for the POST Board to give CLEOs longer than 5 days to submit misconduct data after a formal request has been made. Language was added to state that misconduct data needs to be supplied by the date specified in the formal request, which will not be fewer than five days. This provision allows CLEOs for a reasonable period to comply with a misconduct data request from the board.