

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

FILE COPY

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : June 13, 1989

TO : WILLIAM R. CARTER, III, Exec. Dir.
Mn. Bd. of Peace Officer Stds. and Training
333 Sibley St. Suite 495, St. Paul 55101

FROM : JACQUELYN E. ALBRIGHT
Special Assistant Attorney General
515 Transportation Bldg., St. Paul 55155

PHONE : 6-9715

SUBJECT : In the Matter of the Adopted Rule Relating to Peace Officer Education; Licensing; Police Pursuits

The above-referenced rule has been approved as to its legality by the Attorney General on June 12, 1989.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JEA:bbl
Enclosures
cc: William Brown, Chief Judge
Maryanne Hruby

#1603
6/13/89
Jack 164

INSTRUCTIONS CHECKLIST FOR SECRETARY IN RULE REVIEW --
RULES APPROVED BY ATTORNEY GENERAL'S OFFICE

1. Check that attorney has signed and dated 4 copies of rule as adopted. ✓

2. Place documents in order following checklist. ✓

3. Place correspondence and notes at end of file. ✓

4. Take 4 copies of rule as adopted to Donna or anyone at the counter at Secretary of State's office, Room 180 S.O.B. She will stamp copies "filed" and the time and date. She will keep the two copies with the revisor's certification on them. You keep the other two. (Donna leaves at 3:30.) ✓

5. Type approval memo. ~~(RITA 47)~~ (Cass 490) ✓

6. Make 7 copies of memo
   Distribution:
   - Original to ~~SAAG or~~ Agency (whoever sent it to us) ✓
   - Yellow file copy ✓
   - Chrono ✓
   - Linda F. Close ✓
   - Hruby (LCRAR, 55 SOB) ✓
   - ~~Harves~~ Brown (Chief ALJ) ~~SAAG~~ ✓
   - 7th copy to ~~agency~~ contact with rule copy stamped "~~approved~~," comments and any extra documents. (If ~~no~~ agency contact, ~~throw away 7th copy and send other stuff to SAAG~~) ✓

   Mary J Theisen SAAG

7. Put in rule log book the date the rule was approved and the date it was filed with Secretary of State

8. Put date filed with Secretary of State and date rule returned to agency on checklist ✓

9. Put office copy of approved rule on top of documents, then put approval memo, then checklist. Punch holes and bracket in place. Put folder in cabinet. ✓

used old forms

yes

RULE REVIEW CHECKLIST

File No. 1603

Docket No. 25.0009.0141 ?

DATE RECEIVED 5-15-89

ADOPTED W/O HEARING X

REVIEW DATE 5-24-89

EMERGENCY RULE _____

DUE DATE 5-29-89

REVISOR APPROVED _____

APPROVED June 12, 1989 JEA

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 6/13/89 bbl

WITHDRAWN 5/30

RETURNED TO AGENCY 6/13/89 bbl

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
- 9/2/88 Date published in State Register
- _____ Comments

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution
- 2/16/89 Date adopted

✓ Proposed Rule
- yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule
- 126.845(1) Statutory Authority
- yes Small Business Statement
- yes Expenditure of public money statement
- yes Signature

✓ Statement of Need and Reasonableness (if applicable)
- no Small Business Statement
- yes Fees - § 16A.128 - ~~Request~~ approval - from Finance.
- no notice to Sen + House enclosed

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 3/10/89 Date (30)/25 days before adoption
- yes Notice attached
- _____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
- 3/13/89 Date (30)/25 days before adoption

_____ 180-day deadline from:
- n/a Effective date of law requiring rule (14.12) (both rules)
- 4/12/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 4/20/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 5/5/89 Date

✓ Written requests, submissions or comments (2)

✓ Declaration of attorney
- M. Theisen Name of SAAG representing agency

✓ ~~Notice of Submission to Atty. Gen. (if applicable)~~ Memo re Submission to AG.

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically or psychologically participate in all aspects of the clinical skills component shall not be deemed as satisfactorily completing the clinical skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved
by Revisor _____

subpart ~~4~~ 5, item B A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item B A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved
by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved
by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved
by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved
by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. ~~It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs.~~ Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved
by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved
by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 13 1989

Joan Anderson Growe
Secretary of State

9:11 AM

APPROVED AS TO FORM AND LEGALITY

June 12 19 89

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jacqueline G. Wright
SPECIAL ASSISTANT ATTORNEY GENERAL

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



Published every Monday

12 September 1988

Volume 13, Number 11

Pages 555-634

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
11	Monday 29 August	Monday 5 September	Monday 12 September
12	Monday 5 September	Monday 12 September	Monday 19 September
13	Monday 12 September	Monday 19 September	Monday 26 September
14	Monday 19 September	Monday 26 September	Monday 3 October

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Minnesota Documents Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

Dated: 25 August 1988

By Order of the Members of the
Minnesota Agricultural and
Economic Development Board

Dave Mocol, Executive Director,
Minnesota Agricultural and
Economic Development Board

Minnesota State Arts Board

Board Meeting

The next regular meeting of the Minnesota State Arts Board will take place at 2:00 p.m. on Thursday, September 22, 1988 at the Arts Board offices, 432 Summit Avenue in Saint Paul. The public is invited to attend. Open meeting law guidelines will be in effect. Agenda items include the selection of advisory panelists for Arts Board grant programs, including Artist Assistance, Artists in Education, Folk Arts, Operating Support, and Series Presenters.

Minnesota Comprehensive Health Association

Board of Directors Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Board of Directors of the Minnesota Comprehensive Health Association will be held at 9:00 a.m. on Tuesday, September 13, 1988, at the Minnesota Department of Commerce, 500 Metro Square Building, 5th Floor, St. Paul, Minnesota, 55101. For additional information, please call (612) 456-8466.

State Board of Investment

Notice of Meetings of State Board of Investment and the Investment Advisory Council

The State Board of Investment will meet on Monday, September 19, 1988 at 8:30 a.m. in Room 120, State Capitol, Saint Paul, MN. The Investment Advisory Council will meet on Friday, September 16, 1988 at 2:00 p.m. in Conference Room "A", MEA Building, 41 Sherburne Avenue, Saint Paul, MN.

Board of Peace Officer Standards and Training

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Police Pursuit Procedures and Training Requirements

NOTICE IS HEREBY GIVEN that the Board of Peace Officer Standards and Training is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing Police Pursuit Procedures. The adoption of the rule is authorized by *Laws of Minnesota 1988,* Chapter 712, which requires the agency to adopt rules for procedures and training requirements for police pursuit.

The Board of Peace Officer Standards and Training requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Rebecca Wade, Standards Coordinator, POST Board, 333 Sibley Street, Suite 495, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-2620 and in person at the above address.

All statements of information and opinions shall be accepted until October 15, 1988. Any written material received by the Board of Peace Officer Standards and Training shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 17 August 1988

William R. Carter, III
Executive Director

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of $15,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Department of Administration: Materials Management Division

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

Commodity: Commissary items — rebid
Contact: Cheryl Ackerman 612-296-3776
Bid due date at 2pm: September 15
Agency: MN Veterans Home
Deliver to: Minneapolis and Hastings
Requisition #: Price contract

Commodity: Gas generators
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: September 14
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32200 18616

Commodity: Glaze formulating tables
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: September 20
Agency: Anoka-Ramsey Community College
Deliver to: Coon Rapids
Requisition #: 27152 46564

Commodity: Maintenance on personal computer systems
Contact: Don Olson 612-296-3771
Bid due date at 2pm: September 15
Agency: Department of Public Safety
Deliver to: St. Paul
Requisition #: Price contract

Commodity: Drill rig
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: September 15
Agency: Department of Transportation
Deliver to: St. Paul
Requisition #: 79382 01502

Commodity: Autoclave
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: September 16
Agency: Minneapolis Community College
Deliver to: Minneapolis
Requisition #: 27151 47748

Commodity: Portable photoionization gas chromatograph
Contact: Joe Gibbs 612-296-3750
Bid due date at 2pm: September 16
Agency: Pollution Control Agency
Deliver to: St. Paul
Requisition #: 32200 18617

Commodity: Stripping used aluminum sign blanks
Contact: Jim Johnson 612-296-3779
Bid due date at 2pm: September 16
Agency: Department of Transportation — Shops
Deliver to: Various
Requisition #: Price contract

Commodity: Department of Revenue — relocation
Contact: Pam Anderson 612-296-1053
Bid due date at 2pm: September 20
Agency: Revenue Department
Deliver to: St. Paul
Requisition #: 67130 10047

Commodity: Fiber fuel pellets
Contact: Jim R. Johnson 612-296-3779
Bid due date at 2pm: September 20
Agency: Various
Deliver to: Various
Requisition #: Price contract

Commodity: Meat & meat products
Contact: Joyce Dehn 612-296-2621
Bid due date at 2pm: September 19
Agency: Various
Deliver to: Various
Requisition #: Special Ad

CERTIFICATE OF THE
BOARD OF PEACE OFFICER STANDARDS AND TRAINING

AUTHORIZING RESOLUTION

I, Thomas Brownell, do hereby certify that I am a member and the Vice Chairperson of the Board of Peace Officer Standards and Training, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Peace Officer Standards and Training duly and properly called and held on the 16th day of February, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that William R. Carter, III, the executive director of the Board of Peace Officer Standards and Training, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing Peace Officer Education, Licensing and Police Pursuits to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed by name this 16th day of February, 1989.

Thomas D. Brownell

Thomas G. Brownell. Vice Chair
Minnesota Board of Peace Officer
Standards and Training

Deborah L Montgomery

Attest by one other
Board Member

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically or psychologically participate in all aspects of the clinical skills component shall not be deemed as satisfactorily completing the clinical skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved
by Revisor _____

subpart ~~4~~ 5, item ~~B~~ A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item ~~B~~ A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved
by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved
by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved
by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved
by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

AGENCY: Minnesota Board of Peace Officer Standards and Training

MINNESOTA RULES: Chapter 6700

The attached rules are approved for filing with the Secretary of State

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically or psychologically participate in all aspects of the clinical skills component shall not be deemed as satisfactorily completing the clinical skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved by Revisor _____

subpart ~~4~~ 5, item B A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item B A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved
by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved
by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved
by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved
by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved
by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

Minnesota Board of Peace Officer Standards and Training

Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means ~~an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school~~ a person designated by a certified school to manage on a full-time basis the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be

Approved by Revisor RPK

licensed" means the status of an individual who has passed the ~~academic-and-skills-examinations~~ peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning ~~assigned-to~~ given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning ~~assigned-to~~ given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means ~~any-institution certified-by-the-board-to-offer-academic-instruction,-skills instruction,-or-both.~~ a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

as long as adopted by then OK.

6700.0300 ~~BASIC-COURSE~~ PROFESSIONAL PEACE OFFICER EDUCATION.

Approved by Revisor _____

Subpart 1. **Subject areas ~~and skills instruction~~.** The ~~basic course~~ professional peace officer education must minimally ~~shall~~ include the following subject areas~~:~~.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes, criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid~~; and~~.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area **enumerated** in subpart 1 ~~shall~~ may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements ~~set forth~~ in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 ~~shall preclude~~ precludes any certified school from enacting rules which establish standards of training above the minimum requirements ~~set forth~~ in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the ~~basic course~~ professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of complete participation in ~~all basic course activities~~ the clinical skills component of the professional peace officer education program. Any student unable to physically or psychologically participate in all aspects of the ~~basic course~~ clinical skills component shall not be deemed as satisfactorily completing the ~~basic course~~ clinical skills component.

Approved by Revisor _____

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in subpart 1, item B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart 1, item B.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the ~~school~~ professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

C. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a

Approved by Revisor _____

coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess ~~an associate degree or greater from an accredited institution of higher learning~~ a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This ~~rule~~ part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. ~~No~~ The board will not consider certification ~~will be issued~~ unless the school ~~files~~ has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. ~~Further, the coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a person of Black, Hispanic, Asian, American Indian, or native Alaskan heritage. Relevant information may include lesson plans and course outlines.~~

Subp. 2. **Provisional certification.** Upon ~~receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an on site evaluation and inspection has been completed.~~ review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an

Approved by Revisor _____

on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the

Approved by Revisor _____

published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

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

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation~~.~~; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements ~~set forth~~ in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

Approved by Revisor _____

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

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

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

6700.0500 ~~ACADEMIC-AND-SKILLS~~ PEACE OFFICER LICENSING ~~EXAMINATIONS~~ EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for ~~academic-and-skills~~ examination.** Students who successfully complete ~~a-school~~ professional peace officer education which meets the minimum requirements ~~set-forth~~ in part 6700.0300, subpart 1, items A and B are eligible to take ~~both~~ the ~~academic-and-skills-examinations~~ peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the ~~required-academic-and-skills~~ peace officer

Approved by Revisor _____

licensing ~~examinations~~ examination, a person is eligible ~~for licensure as a peace officer~~ to be licensed for three years. If the person is not licensed after three years, the person may reinstate ~~his~~ eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of ~~the Council on Postsecondary Accreditation~~ one of the six regional accrediting associations and authorized to award ~~such titles~~ degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by ~~passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice~~ again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part

Approved
by Revisor _____

6700.0600.

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board ~~prior to~~ before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee ~~as set forth in~~ under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board ~~prior to~~ before taking the following licensing examinations:

A. ~~academic~~ peace officer licensing examination, ~~$12.50~~ $40;

B. ~~skills examination, $12.50;~~

~~C.~~ reciprocity examination, ~~$25~~ $40;

~~D.~~ C. peace officer license endorsement examination, $12.50; and

~~E.~~ D. part-time peace officer licensing examination, $12.50~~;~~.

~~F. constable licensing examination, $25.~~

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards ~~prior to~~ before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

Approved by Revisor _____

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1~~, items A to J~~. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, ~~subparts~~ subpart 1 ~~and 2, or subpart 3~~. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards ~~prior to~~ before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this ~~rule~~ part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. ~~Prior to~~ Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days ~~prior to the~~ before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days ~~prior to the~~ before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest.

Approved
by Revisor _____

Nothing contained in this ~~rule~~ part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3~~, items A to I~~.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone

Approved by Revisor _____

who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

doesn't define what action would be taken when which violation occurs — discretionary unless §17 is responsive

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers ~~or constables~~ who complete each course, each peace officer ~~or constable~~ license number, and the number of continuing education hours which are to be credited to each peace officer ~~or constable~~. This form must be submitted no later than ten days after the class is completed.

Approved by Revisor _____

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers ~~or constables~~ who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the ~~commencement~~ beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers ~~and constables~~ who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The

Approved by Revisor _____

procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the ~~academic-and-skills~~ peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer~~;-or~~

~~C.--the-constable-licensing-examination-for-a constable~~.

Subp. 10. and 11. [Unchanged.]

Rules as Proposed (all new material)

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be

Approved by Revisor _____

written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty

Approved by Revisor _____

supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

Approved by Revisor _____

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

AGENCY: Minnesota Board of Peace Officer Standards and Training

MINNESOTA RULES: Chapter 6700

The attached rules are approved for publication
in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically or psychologically participate in all aspects of the clinical skills component shall not be deemed as satisfactorily completing the clinical skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved by Revisor _____

subpart ~~4~~ 5, item ~~B~~ A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item ~~B~~ A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved
by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved
by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved
by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved
by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

AGENCY: Minnesota Board of Peace Officer Standards and Training

MINNESOTA RULES: Chapter 6700

The attached rules are approved for filing with the Secretary of State

Robert P. Kittel
Assistant Deputy Revisor

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

before change - Coordinator did not have to be employed

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically or psychologically participate in all aspects of the clinical skills component shall not be deemed as satisfactorily completing the clinical skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved
by Revisor _____

subpart ~~4~~ 5, item ~~B~~ A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item ~~B~~ A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved
by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved
by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved
by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved
by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved
by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Board of Peace Officer Standards and Training

In the Matter of the Proposed Adoption of the Rule Governing Peace Officer Education, Licensing and Police Pursuits

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Board of Peace Officer Standards and Training intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28.[1] The statutory authority to adopt the rule is Laws of Minnesota, Chapter 712, Minnesota Statutes, section 626.843, subdivision 1, Minnesta Statutes, section 626.845, subdivision 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged.[2] Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.[3]

Any person may take a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing.[4] Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed.[6] If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.[7]

Comments or written requests for a public hearing must be submitted to:[5]

William R. Carter, III
Executive Director
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from William Carter upon request.

You are advised, pursuant to Minn. Stat. 14.115, "Small business consideration in rulemaking," that the proposed rule will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice in Rulemaking," the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submision of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to William Carter.

March 10, 1989
Date

William R. Carter, III

Executive Director
Title

State of Minnesota

STATE REGISTER

Department of Administration—Print Communications Division



Published every week

13 March 1989

Volume 13, Number 37

Pages 2187-2250

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, contract awards, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Printing Schedule and Submission Deadlines

Vol. 13 Issue Number	*Submission deadline for Adopted and Proposed Rules**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
37	Monday 27 February	Monday 6 March	Monday 13 March
38	Monday 6 March	Monday 13 March	Monday 20 March
39	Monday 13 March	Monday 20 March	Monday 27 March
40	Monday 20 March	Monday 27 March	Monday 3 April

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Print Communications Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

9205.0607 LOAN AGREEMENT.

The agency shall disburse loan funds only after a loan agreement containing the terms of this part has been executed by the agency and the recipient of a loan award. A loan agreement must:

A. incorporate by reference the final application submitted to the agency;

B. establish the term of the loan, which is determined by considering the expected life of the equipment funded;

C. establish a schedule for repayment of principal and interest;

D. provide that any costs incurred in the acquisition of equipment over the amount of the loan are the sole responsibility of the loan recipient;

E. provide that the agency will not accept any amendments or supplementary applications requesting that additional loan funds be awarded to the loan recipient;

F. require that the recipient provide periodic reports to the agency on the developmental and operational history of the equipment so that knowledge and experience gained may be made available to others; and

G. provide for procedures to be followed in the event of a default as provided in part 9205.0608 or for failure to make payments of principal and interest.

9205.0608 AMENDMENTS.

If the used oil processing equipment funded by a loan under this part is not installed or operated in accordance with the terms and conditions of the loan agreement, the agency shall determine the reason the equipment was not installed or operated as required. If the agency finds that the recipient could not install or operate the equipment as required due to forces beyond the control of the recipient but that an amendment to the agreement can be negotiated that will allow the purposes of the loan to be fulfilled, the agency shall amend the loan agreement. If an amendment cannot be negotiated that will allow the purposes of the loan to be fulfilled, the agency shall declare default and require the loan funds to be repaid following the procedures established in the loan agreement.

Minnesota Board of Peace Officer Standards and Training

Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Board of Peace Officer Standards and Training intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes,* sections 14.22 to 14.28. The statutory authority to adopt the rule is Laws of Minnesota, Chapter 712, *Minnesota Statutes,* section 626.843, subdivision 1, *Minnesota Statutes*, section 626.845, subdivsion 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may take a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

William R. Carter, III
Executive Director
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

KEY: **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from William Carter upon request.

You are advised pursuant to *Minnesota Statutes* 14.115, "Small business consideration in rulemaking," that the proposed rule will not have an impact on small business in Minnesota. Also, pursuant to *Minnesota Statutes* 14.11, "Special Notice in Rulemaking," the adoption of these rules willl not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to William Carter.

William R. Carter, III
Executive Director

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means ~~an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school~~ a person designated by a certified school to manage on a full-time basis the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the ~~academic and skills examinations~~ peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning ~~assigned to~~ given it in *Minnesota Statutes,* section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning ~~assigned to~~ given it in *Minnesota Statutes,* section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means ~~any institution certified by the board to offer academic instruction, skills instruction, or both.~~ a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 ~~BASIC COURSE~~ PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas ~~and skills instruction~~.** The ~~basic course~~ professional peace officer education must minimally ~~shall~~ include the following subject areas~~:~~.

A. The academic education component includes instruction in administration of justice, *Minnesota Statutes,* criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid~~; and~~.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area ~~enumerated~~ in subpart 1 ~~shall~~ may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements ~~set forth~~ in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 ~~shall preclude~~ precludes any certified school from enacting rules which establish standards of training above the minimum requirements ~~set forth~~ in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the ~~basic course~~ professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of complete participation in ~~all basic course activities~~ the clinical skills component of the professional peace officer education program. Any student unable to physically or psychologically participate in all aspects of the ~~basic course~~ clinical skills component shall not be deemed as satisfactorily completing the ~~basic course~~ clinical skills component.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in subpart 1, item B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart 1, item B.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the ~~school~~ professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess ~~an associate degree or greater from an accredited institution of higher learning~~ a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This ~~rule~~ part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. ~~No~~ The board will not consider certification ~~will be issued~~ unless the school ~~files~~ has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. ~~Further, the coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a person of Black, Hispanic, Asian, American Indian, or native Alaskan heritage. Relevant information may include lesson plans and course outlines.~~

Subp. 2. **Provisional certification.** Upon ~~receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an on-site evaluation and inspection has been completed.~~ review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

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

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation~~.~~; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements ~~set forth~~ in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations

of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

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

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

6700.0500 ~~ACADEMIC AND SKILLS~~ PEACE OFFICER LICENSING ~~EXAMINATIONS~~ EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for ~~academic and skills~~ examination.** Students who successfully complete ~~a school~~ professional peace officer education which meets the minimum requirements ~~set forth~~ in part 6700.0300, subpart 1, items A and B are eligible to take ~~both~~ the ~~academic and skills examinations~~ peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the ~~required academic and skills~~ peace officer licensing ~~examinations~~ examination, a person is eligible ~~for licensure as a peace officer~~ to be licensed for three years. If the person is not licensed after three years, the person may reinstate ~~his~~ eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of ~~the Council on Postsecondary Accreditation~~ one of the six regional accrediting associations and authorized to award ~~such titles~~ degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by ~~passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice~~ again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part 6700.0600.

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

board ~~prior to~~ before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee ~~as set forth in~~ under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board ~~prior to~~ before taking the following licensing examinations:

A. ~~academic~~ peace officer licensing examination, ~~$12.50~~ $40;

B. ~~skills examination, $12.50;~~

~~C.~~ reciprocity examination, ~~$25~~ $40;

~~D.~~ C. peace officer license endorsement examination, $12.50; and

~~E.~~ D. part-time peace officer licensing examination, $12.50~~;~~.

~~F. constable licensing examination, $25.~~

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards ~~prior to~~ before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1~~, items A to J~~. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, ~~subparts~~ subpart 1 ~~and 2, or subpart 3~~. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards ~~prior to~~ before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this ~~rule~~ part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. ~~Prior to~~ Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days ~~prior to the~~ before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days ~~prior to the~~ before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this ~~rule~~ part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3~~, items A to I~~.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers ~~or constables~~ who complete each course, each peace officer ~~or constable~~ license number, and the number of continuing education hours which are to be credited to each peace officer ~~or constable~~. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:
"Peace officers ~~or constables~~ who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the ~~commencement~~ beginning of each class:
"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers ~~and constables~~ who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the ~~academic and skills~~ peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer~~; or~~

~~C. the constable licensing examination for a constable~~.

Subp. 10. and 11. [Unchanged.]

Rules as Proposed (all new material)

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of *Minnesota Statutes,* section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of *Minnesota Statutes*, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of *Minnesota Statutes,* section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in *Minnesota Statutes,* chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by *Minnesota Statutes,* section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of *Minnesota Statutes,* section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. *Minnesota Rules,* parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing in Minnesota

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes,* sections 240.23 and 240.24 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Donald Price
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Dated: 15 February 1989

Donald Price
Executive Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

Subp. 51. **Race.** "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. to L. [Unchanged.]

M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. ~~No overnight race, regardless of its conditions, may be deemed a stakes race.~~

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All ~~approved~~ simulcast races must be conducted at the licensed racetrack ~~on a racing day assigned to an association~~ and approved by the commission. ~~Racing must be conducted on that racing day as defined by *Minnesota Statutes,* section 240.01, subdivision 10.~~

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to *Minnesota Statutes,* section 240.13, subdivision 5~~, an amount equal to not less than five percent of all money in all pools must be allocated for purses by an association conducting horse racing~~.

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

Statement of Need and Reasonableness Regarding Proposed Permanent Rules relating to peace officer education, licensing and police pursuits of the Minnesota board of Peace Officer Standards and Training:

6700.0100 -- Definitions

Subpart 5a. Professional peace officer education.

This definition is necessary because the previous use of the term "basic course" no longer adequately explains the education needed to prepare to take the peace officer licensing examination. It is reasonable that the present definition refers to professional peace officer education as a post-secondary degree or certificate from a certified school (offering either the academic or clinical skills component as outlined in 6700.0300) since the preparation to become a peace officer requires substantial education and training that can only be done through a two- or four-year educational program.

Subpart 7. Certification.

It is necessary to outline, through this rule, that certification refers to schools that offer either, or both, the academic or clinical skills components of the professional peace officer education. It is reasonable that the board certify any schools that are preparing students in part, or all, of the requirements needed to take the professional peace officer licensing examination.

Subpart 10. Coordinator.

The changes in this definition are necessary to ensure that a person designated by a certified school to be a coordinator must now work there full-time instead of part-time, and that a coordinator can be someone in charge of all components of a professional peace officer education, or someone in charge of either the academic or clinical skills component of peace officer education. It is reasonable to require that coordinators of either or both components of a program be able to work full-time at that occupation because the work required of coordinators is important and time-consuming. Coordinators need to be available full-time to teach, counsel students, and to meet with other faculty, staff and POST board staff when needed.

Subpart 11. Eligible to be licensed.

This rule change is necessary to indicate that there are no longer two separate licensing exams, academic and skills, but only, the Peace Officer Licensing Examination. It is reasonable to offer one examination after

credits for the POST board. The term constable is no longer part of this rule since constables are no longer peace officers.

Subpart 12. A. -- F.

This rule is necessary to outline to continuing education sponsors the minimum procedures that they must follow to investigate and resolve allegations of misconduct concerning behavior in a continuing education class. The procedures outlined are reasonable since they simply give anyone who feels they have experienced or witnessed classroom discrimination a full and fair investigation process concerning their grievance. It is necessary and reasonable to require that procedures be in writing so that everyone affected can have complete information concerning the procedures.

Subpart 13.

This rule is necessary to make certain that all continuing education coordinators make their written policies available to faculty and staff and anyone else interested in seeing it. It is reasonable to ensure that faculty and staff are aware of the specifications of the policy, since it applies to their behavior and the behavior of their students in a continuing education classroom setting.

Subpart 14.

This rule is necessary to ensure that continuing education sponsors know that they must use the written procedures outlined in Subpart 12 if an allegation of classroom discrimination occurs. It is reasonable that the procedures used in an allegation situation of this kind be the procedures outlined by the sponsor for their continuing education classes.

6700.1000 License renewal.

Subpart 9. A.

The peace officer licensing examination will no longer be given in two parts, academic and skills, but will instead be given at the end of both components of peace officer education, academic and clinical skills. This is reasonable and necessary because it emphasizes the importance of integrating both components of the peace officer education requirements, and it follows more closely the mode of other professions that require their members to be licensed by giving them one licensing examination.

B.

This rule is nearly identical to the previous 6700.1000 Subpart 9. B. rule. It is necessary and reasonable for this change to eliminate the constable licensing examination since the board no longer licenses constables.

Subpart 14.

This rule is reasonable in that it asks the continuing education coordinator to make their classroom discrimination policy available to their students, faculty and staff. It is necessary for all these individuals to know what the policy is so that they can use these procedures if the need arises.

Subpart 15. This rule outlines when the POST board can take disciplinary action against a continuing education course sponsor. It is necessary and reasonable to give sponsors clear information about what the POST board considers to be the responsibilities of the sponsor position.

Subpart 16.

This rule is necessary and reasonable to outline what disciplinary action could result if a sponsor violates anything in Subpart 15.

Subpart 17.

This rule is necessary and reasonable to inform sponsors of the chapters of the statutes and administrative rules that govern disciplinary procedures by the POST board.

6700.0902 Accreditation.

Subpart 6. Rosters.

This rule outlines how continuing education coordinators need to submit the names of peace officers who complete a course so that they can receive continuing education credit. It is necessary and reasonable to leave off the term "constable" in this rule, since the term constable has been abolished.

Subpart 7. Course notices.

This rule is necessary to ensure that all written notices about a continuing education sponsor's course must state the number of hours of credit that peace officers will receive for successful completion of the course, so that the officer can have a reasonable expectation about the credit they will receive from the course before they sign up for it. The term constable is no longer included in this rule since the term constable has been abolished.

Subpart 8.

The addition of a comma in this part was reasonable and necessary to ensure grammatical clarity. This is also an editorial change by the revisor.

Subpart 9. Course statements.

It is reasonable and necessary that a statement must be read at the beginning of any continuing education course providing peace officers with the necessary information about how the course fulfills continuing education

6700.0700, Subpart 1, and 6700.050, Subpart 1. This is also an editorial change made by the revisor.

Subpart 3.

The minor terminology change in this rule from "prior to" to "before" is necessary and reasonable to ensure that a clear understanding of when a peace officer needs to meet selection standards is communicated.

6700.0900 Continuing education.

Subpart 3.

It is necessary and reasonable to change the term "this rule" to "this part" to clearly indicate that only part of a rule is being referred to. This is also an editorial change made by the revisor.

A. and C.

It is necessary and reasonable to change the term "prior to" to "before" to ensure clear understanding by the course sponsor of when they need to make application for course approval. This is also an editorial change made by the revisor.

Subpart 4.

It is necessary and reasonable to change the term "this rule" to "this part" to clearly indicate that only a part of a rule is being referred to. This is also an editorial change made by the revisor.

Subpart 12.

It is necessary and reasonable to state that approval of license endorsement courses shall be handled in accordance to "Subpart 3" instead of "Subpart 3, Items A to I," since items A to I are all the items in Subpart 3. To indicate those items separately is redundant. This is also an editorial change made by the revisor.

Subpart 13. Items A. -- F.

In the past, there was no rule requiring continuing education course sponsors to have policies regarding classroom discrimination. Therefore, if someone witnessed or experienced discrimination in a classroom setting, they had no way to file a complaint or officially change the situation. This rule is necessary to make sure that continuing education course sponsors are required to have policies regarding classroom discrimination. This rule outlines what procedures they must follow. It is reasonable to require course sponsors to have these policies, to ensure that if discrimination takes place in a classroom setting, those witnessing or experiencing the discrimination can make a complaint and the discrimination can be stopped.

Subpart 2.A

This change is necessary because peace officers will now be given only one examination that will cover the material that was previously tested separately in the academic and skills examinations. The examination fee increase is reasonable because it brings the cost of the professional peace officer examination closer to the actual costs of developing and administering these tests.

B.

This change is necessary and reasonable because the reciprocity examination is a test to determine if the examinee can become a peace officer in the state of Minnesota, and it should have the same fee as the peace officer licensing examination.

C

This rule is identical to the previous rule, 6700.0600, Subpart 2.D.

D.

This rule is identical to the previous rule 6700.0600, Subpart 2E. The previous rule, 6700.0600, Subpart 2.F. is no longer needed since the board no longer licenses constables.

Subpart 5.

This rule is necessary to require that a person who has been certified to take an examination, and has sent in their application fee, but does not take the examination within a year after these requirements are met, re-establish their eligibility by beginning the application process over again. This rule is reasonable because it requires students to return to their law enforcement coordinator to verify that their knowledge of the peace officer learning objectives is current.

6700.0700 Minimum selection standards.

Subpart 1.

The change in this section is a minor terminology change, pointing out that certain selection standards need to be met "before" a peace officer is appointed instead of "prior to" appointment, the term previously used. This minor change is necessary and reasonable to ensure that a clear understanding of when appointment will be made is communicated by this rule. This is also an editorial change made by the revisor.

Subpart 2.

The minor changes in this rule are necessary and reasonable because they make this rule subpart consistent with changes previously outlined in

through this rule that both the academic and clinical skills components of the professional peace officer education must be completed before a person is eligible to take the licensing examination.

Subpart 5. Re-instatement of eligibility.

This rule is necessary to provide information to people who have successfully become eligible to be licensed, but have not been licensed after three years. It is reasonable to require these people to reinstate their eligibility by taking an appropriate licensing examination, as outlined in the rules.

It is also reasonable to require people who have not been licensed after a second three years to have a coordinator determine whether or not they need to take additional course work before they can take the licensing examination to reinstate their eligibility again.

6700.0501 Reciprocity licensing examination.

Subpart 5. Postsecondary degree.

Individuals applying for a reciprocity examination would not have completed a professional peace officer education through a POST certified institution. It is also reasonable to require people who have not been licensed after a second three years to have a coordinator review each individuals need for additional course work. It is necessary to have coordinators make suggestions to individuals about such course work to ensure that individuals have current information conveying the boards law enforcement learning objectives before they take the licensing examination. This requirement is consistent to the postsecondary degree requirement in rule 6700.0100, subpart 22.

Subpart 9. License eligibility.

This rule is necessary to make it clear to applicants that they are eligible to be licensed upon successful completion of the reciprocity examination. It is reasonable to state through the rule that individuals must reinstate their eligibility by retaking a qualifying licensing examination if they are not a licensed peace officer within three years after they have become eligible to be licensed. This is consistent with the requirement for those who have completed a POST-certified program to become peace officers.

6700.0600. Licensing examinations.

Subpart 1.

It is necessary and reasonable to change the terms "prior to" and "as set forth in" to "before" and "under" respectively, to simplify and update the language.

Subpart 4. A. -- D.

The addition of the term "certified" throughout these rules is reasonable and necessary to make it clear that only certified schools are subject to the requirements and disciplinary sanctions outlined.

E.

This addition is necessary and reasonable to give certified schools a summary of all the rules they must comply with to avoid disciplinary sanctions.

Subpart 5.

The addition of the word certified is necessary and reasonable to indicate that sanctions only apply to certified schools.

Subpart 6.

It is necessary and reasonable to change the term rule to part, since this section is a Subpart of the rule 6700.0400. This is also an editorial change by the revisor.

6700.0401 Classroom discrimination -- procedures.

Subpart 1. A. -- F.

These procedures are necessary to establish steps that can be taken by anyone who has experienced or witnessed classroom discrimination in a POST certified law enforcement program. These procedures are reasonable because they follow legal due process procedures for complaints and/or grievances, and they highlight the importance of having multi-ethnic, multi-cultural, gender-fair law enforcement programs in schools certified by the board.

Subpart 2.

This rule is necessary and reasonable to ensure that all students, faculty and staff under a coordinator's supervision are aware of the classroom discrimination policy at their institution.

Subpart 3.

This rule is necessary and reasonable to ensure that coordinators realize that classroom discrimination policies must be processed according to the procedures outlined in Subpart 1.

6700.0500 Peace officer licensing examination.

Subpart 3. Eligibility.

This rule outlines who is eligible to take the professional peace officer licensing examination. It is necessary and reasonable to make it clear

Subpart 7.

The change in this part, from requiring an "associate degree or greater" for an instructor, to requiring a "postsecondary degree" is necessary and reasonable because it simplifies the wording of the requirement, but does not place a minimum qualification on the type of postsecondary degree required of instructors. This allows institutions to choose the most qualified instructors, regardless of the type of postsecondary degree they have.

6700.0400 Certification of schools.

Subpart 1.

This part is necessary and reasonable to emphasize that part of the criteria for giving a school certification is a documented need by the school to have a law enforcement program. It is also reasonable to require that a certified school have a library available to its students. The information about filing semi-annual affirmative action plans has been moved to section 6700.0300, Subpart 6.A., since it is more reasonable to include it under the coordinator's responsibilities sections.

Subpart 2.

This change is necessary and reasonable to ensure that the changes made in Subpart 1 are included in the requirements for provisional certification.

Subpart 3.A.

This addition is necessary and reasonable to refer to the change made in Subpart 3.C.

B.

This addition is necessary and reasonable to indicate to certified schools that they will need to seek board approval to offer courses that were not included in their original application for certification. This will apply retroactively so that schools already offering courses on their own or other campuses must seek board approval for those courses. It is important for the board to have accurate information on the law enforcement courses being taught at the schools it has certified.

C.

This addition is necessary to outline the procedures that certified schools need to follow every five years to renew their certification. This requirement is reasonable because most other programs in higher education that require certification or accreditation are reviewed every three or five years by the accreditation board to ensure that their programs are continuing to offer quality education that meets the learning objective goals of that discipline.

replaced with the less outdated term "precludes." These last two terms are also editorial changes made by the revisor.

Subpart 4.

This change from "basic course" to "professional peace officer education" is necessary and reasonable in order that this Subpart be consistent with the terms used in Subparts 1-3.

Subparts 5. A. and B.

These changes concerning the admission requirements to the clinical skills component of the peace officer education are necessary to indicate that they apply only to the clinical skills programs and not to the academic programs. They are reasonable because they outline the appeal process that clinical skills schools must make available to students who have been denied admission into their program. The appeal process is necessary and reasonable to give students full and fair opportunity to meet admission requirements.

Subpart 6. A.

These changes are necessary and reasonable to indicate that the coordinator's duties outlined are for POST certified schools that offer professional peace officer education.

B.

This information is necessary to outline the POST board's requirement that coordinators file semi-annual affirmative action plans. It is reasonable to describe what must be included in these plans. It is also reasonable to include this information under coordinator's responsibilities instead of under the school certification section, and so transfer of these responsibilities from 6700.0400, subpart 1 to this section 6700.0300, subpart 6 has been made.

C.

This rule is reasonable and necessary to provide information to certified schools about how to manage a smooth transition of coordinators when a change must occur, and how to provide the board with information about new coordinators so that accurate records can be maintained. This rule also requires that any person appointed as a coordinator after January 1, 1990 have a bachelor's degree and at least three years experience with a criminal justice agency. This requirement is reasonable and necessary to ensure that individuals appointed as coordinators have sufficient education and experience related to law enforcement to be able to councel students, teach classes and advise other faculty about the requirements and responsibilities of a career in law enforcement.

without needing to meet all the requirements that another postsecondary degree would require.

Subpart 24. Certified school.

It is reasonable to define a certified school as one that has been given certification, as defined in 6700.0100, Subp. 7.

Subpart 25. Classroom discrimination.

This definition is necessary so that it is clear to certified schools and course sponsors what this term means when they are designing their classroom discrimination policies. The definition is reasonable because it ties into other anti-discrimination legislation already in existence.

6700.0300 Professional peace officer education.

It is necessary and reasonable to change the title of this rule from "basic course" to "professional peace officer education" to reflect the highly respected profession that law enforcement has become.

Subpart 1.

It is necessary and reasonable that the words "and skills instruction" and "basic course" were dropped from this subject area Subpart to emphasize that skills instruction is now viewed as an integral part of the peace officer education and not as a separate educational experience.

A. and B.

It is necessary and reasonable that the subject areas "academic" and "skills" were changed to "academic component" and "clinical skills component" to reflect the POST Board's view that both components of the professional peace officer education are equally important and that a complete peace officer education cannot take place if one or the other component is missing.

Subpart 2.

It is necessary and reasonable to change "shall" to "may" to provide more accurate information about the coordinator's responsibilities. When "shall" is used with the second or third person singular, the directive "will" is implied. The present change to "may" leaves the decision more clearly with the coordinator. This allows the coordinator to require that students take additional training in areas that they are deficient in.

Subpart 3.

The addition of the term "certified" is necessary and reasonable to make it clear that this rule applies only to POST certified schools. The term "set forth" is deleted because it is unnecessary and the term "shall preclude" is

students have completed both components of their training, so that students have an opportunity to integrate what they have learned in an academic setting with clinical skills in law enforcement before they are tested.

Subpart 18. Part-time peace officer.

This rule points out that the part-time peace officer definition is specified in Minnesota Statutes section 626.84, subdivision 1, clause (f). The only change here is that the word "given" is used instead of "assigned", which was used previously. This change is reasonable and necessary because the term "assigned" has a denotative meaning that implies "to bestow arbitrarily" whereas the term "given" more aptly means "legally specified." Additionally, this is an editorial change by the revisor.

Subpart 19. Peace officer.

This rule points out that the peace officer definition is specified in Minnesota Statutes, section 626.84, subdivision 1, clause (c). The only change here is that the word "given" is used instead of "assigned", which was used previously. This change is reasonable and necessary because the term "assigned" has a denotative meaning that implies "to bestow arbitrarily" whereas the term "given" more aptly means "legally specified." Additionally, this is an editorial change by the revisor.

Subpart 20. School.

This definition of school is necessary to indicate that in order for a school to be certified by the POST Board, it must be accredited by one of six regional accrediting associations. The definition also gives examples of degrees that it would be reasonable to expect a certified school to offer. It is reasonable to require a school to be accredited by a regional association in order to be certified by the board, since these associations help to ensure that students are receiving a quality education in all aspects of their academic program, including their law enforcement courses.

Subpart 22. Postsecondary degree.

This definition is necessary because it indicates that any degree given by a school, as defined in Subp. 20, is considered to be a postsecondary degree. This is a reasonable definition, since the board only certifies schools that offer postsecondary degrees.

Subpart 23. Postsecondary certificate.

This definition refers to the title awarded to students who already have a postsecondary degree in a non-law enforcement area, and who have then completed a course of study that prepares them for the professional peace officer licensing examination. The existence of this certificate is necessary and reasonable so that people who already have a postsecondary degree can have the opportunity to qualify for the peace officer licensing examination

6700.2704. Affirmation of compliance.

This rule is necessary and reasonable to specify to agencies the date by which they must affirm their compliance form with the board, and to specify to new law enforcement agencies when they must affirm their policies to the board.

DEPARTMENT OF PUBLIC SAFETY
Office of Fiscal & Administrative Services
Room 210

STATE OF MINNESOTA

OFFICE MEMORANDUM

RECEIVED
MAR 3 1989
POST

DATE: March 24, 1989

TO: Dwight Pederson,
Executive Budget Officer
Department of Finance

FROM: Frank A. Ahrens
Director
Office of Fiscal & Admin. Services

PHONE: 296-6994

SUBJECT: Request For Approval of Fee Increases For Peace Officers Standard and Training Board (POST)

We are requesting the approval, pursuant to Minn. Stat. 16A.128, of the proposed changes in some of the fees assessed by the Peace Officers Standard and Training Board (POST). The POST Board is recommending that the Reciprocity Exams and the Skills & Academic Exams be increased. The Skills and Academic Exams will be combined into one exam. At the present time, both exams are $12.50 each. The assessment will be $40.00 for the combined exam. They are estimating that 425 applicants will take the exam each year.

The Reciprocity Exams will increase from the current rate of $25.00 to the proposed rate of $40.00 per exam. At the present time, exam retakes are $5.00 for each part of the exam. Under the proposed rule changes, those applicants that fail a portion of the exam must retake the entire exam at a cost of $40.00. They are estimating that 35 applicants will take the Reciprocity Exams each year.

Please note the attached Fee Review. You will note that the increase in fees will generate approximately $4,300.00 in additional revenues.

Your consideration of our request is appreciated.

cc: William Carter
Daniel Boytim

FEE REVIEW March 23, 1989

Department: Board of Peace Officer Standa... Training | Budget Activity: Peace ...ers Board

Fee Name: Peace Officer Licensing

Legal Citation:
1988 MINN STAT 214.06

| Fee Set By:
___ Law X Agency

Purpose of Fee:
To recover the administrative costs of testing and licensing peace officers, part time peace officers and constables.

___ Dedicated | X Non-Dedicated | Revenue Code: 300-310

APID:
21509:03-10

| Accumulated Difference Thru
1986 18

| Dollars in Thousands (137,522=138)

Fiscal Year	Actual F.Y.87	Actual F.Y.88	Actual F.Y.89	Estimated F.Y.90	Estimated F.Y.91
Actual/Anticipated Receipts	62	68	62	66	66
Less Actual/ Anticipated Costs	58	56	66	66	66
Current Difference	4	12	(4)	0	0
Accumulated Difference	4	15	12	12	12
Number Paying Fee		1,878	2,000	2,090	2,180
Present Fee	see below				
Date Fee Last Changed	July 1985				
Reconciliation of Costs:					
Attorney General	7	2	2	2	2
Salary Increases	XXXXXXXXX	XXXXXXXXX	XXXXXXXXX		
Other Direct	48	50	59	59	59
Statewide Indirect	1	1	1	1	1
Agency Indirect	3	3	4	4	4
Totals	58	56	66	66	66

Remarks:

FINANCE DEPARTMENT RECOMMENDATION:

DEPARTMENT AUTHORIZED SIGNATURE: 3/24/89 | AGENCY CONTROLLER SIGNITURE:

The Agency is requesting approval of the proposed fee increases:

Reciprocity Exams	old rate	new rate
1st time exam	$25	$40
retake of exam	$5	$40

Skills & Academic Exams	old rate	new rate
skills exam	$12.50	$0.00
academic exam	$12.50	$0.00
combined skill/acad. exam	$0.00	$40.00

The proposed fee increases are to be effective December 1, 1989.

STATE OF MINNESOTA

COUNTY OF RAMSEY

AFFIDAVIT OF MAILING THE NOTICE OF INTENT

TO ADOPT A RULE WITHOUT A PUBLIC HEARING

In the Matter of the Proposed Adoption
of Rules of the Board of Peace Officer
Standards and Training Governing Peace
Officer Education, Licensing, and
Police Pursuits.

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 14.14, Subd. 1, that their names be placed on file with and for the purpose of receiving notice of the proposed adoption by this agency is accurate and complete as of 10:00 AM this 10th day of March, 1989.

William R. Carter, III

Bemidji State University
Criminal Justice Studies
14th & Birchmont Drive
Bemidji, MN 56601

Inver Hills Community College
Criminal Justice Program
8445 College Trail
Inver Grove Heights, MN 55075

Lakewood Community College
Law Enforcement Program
3401 Century Avenue
White Bear Lake, MN 55110

Mankato State University
Law Enforcement Program
P. O. Box 7
Mankato, MN 56001

Mesabi Community College
Criminal Justice Program
905 West Chestnut
Virginia, MN 55792

Metro. State University
Law Enf. Certificate Program
121 Metro Square Bldg.
St. Paul, MN 55101

Mpls. Community College
Law Enforcement Program
1501 Hennepin Avenue
Minneapolis, MN 55403

Moorhead State University
Criminal Justice Studies
1104 7th Avenue South
Moorhead, MN 56560

Normandale Comm. College
Criminal Justice Program
9700 France Ave. South
Bloomington, MN 55431

North Hennepin Comm. College
Law Enforcwement Program
7411 85th Avenue North
Brooklyn Park, MN 55445

Northland Community College
Law Enforcement Program
Highway 1 East
Thief River Falls, MN 56701

Rochester Community College
Criminal Justice Program
Highway 14 East
Rochester, MN 55901

St. Cloud State University
Criminal Justice Studies
1st Ave. South & 7th Street
St. Cloud, MN 56301

St. Mary's College
Law Enforcement Program
Winona, MN 55987

College of St. Thomas
Law Enforcement Studies
P. O. Box 4116
St. Paul, MN 55105

~~Univ. of MN - Duluth~~
~~Criminology Program~~
~~Duluth, MN 55812~~

Willmar Community College
Criminal Justice Studies
2021 - 15th Avenue NW
Willmar, MN 56201

Winona State University
Law Enforcement Program
Department of Sociology
Winona, MN 55987

Alexandria Tech. Institute
Law Enforcement Program
1601 Jefferson Street
Alexandria, MN 56308

Hibbing Technical Institute
Law Enforcement Program
2900 East Beltline
Hibbing, MN 55746

Law Enf. Training Center
8900 Portland Ave. South
Bloomington, MN 55420

Criminal Justice Educ.'s Assn.
c/o Stephen Enockson
Willmar Community College
Willmar, MN 56201

MN State Sheriff's Assn.
P.O. Box 623
So. St. Paul, MN 55075

Dannie Solie, Chief
Warroad Police Department
City Hall
Warroad, MN 56763

MN Chiefs of Police Assn.
Daryl Plath, Sec.
107 W. 5th St.
Hastings, MN 55033

Mr. Herb Anderson
St. Louis Co. Courthouse
Virginia, MN 55792

Phillip L. Davis, Dir.
Law Enforcement Training Ctr.
8900 Portland Ave. So.
Bloomington, MN 55420

Jean Dawson, Editor
The MN Government Report
B-12 Press Rm., State Capitol
St. Paul, MN

Peter Donohue, Attorney
916 St. Germain St., Box 971
St. Cloud, MN 56301

Lt. Porth
Bloomington Police Department
2215 W. Old Shakopee Rd.
Bloomington, MN 55431

Phillips Legislative Svc., Inc
459 Rice St.
St. Paul, MN 55103

Duane Bahn, Chief
Osakis Police Dept.
P.O. Box 84
Osakis, MN 56360

MN Board of Nursing
717 Delaware St. NE
Minneapolis, MN 55414

Dennis Brekke, Sheriff
Marshall Co. Sheriff's Office
Law Enforcement Center
Warren, MN 56762

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Ave.
Minneapolis, MN 55488

Ivan Fossen, Chief
Glenwood Police Dept.
137 E. Minnesota Ave.
Glenwood, MN 56334

Barry Schrieber
St. Cloud State University
Criminal Justice Studies
St. Cloud, MN 56301

Mel Kilbo, Chief
Orono Police Dept.
P.O. Box 86
Crystal Bay, MN 55323

Phillip Finkelstein
Law Enforcement Labor Svcs.
10800 Lyndale Ave. So.
Bloomington, MN 55431

Marie Ohman, Exec. Sec.
Private Det. & Prot. Agent Bd
1246 University Ave.
St. Paul, MN 55104

Galen Wills, Chief
Arlington Police Department
322 W. Main St.
Arlington, MN 55307

Robert Heid, Chief
Browerville Police Department
City Hall, Main Street
Browerville, MN 56438

Dale Peterson, City Admin.
City of Littlefork
Littlefork, MN 56653

Kathleen Burek, Exec. Director
Leg. Comm. to Review Adm. Rules
510 State Office Bldg.
St. Paul, MN 55155

Craig Kinney, Chief
So. St. Paul Police Dept.
125 3rd Ave. N.
So. St. Paul, MN 55075

Don Woodward
Route 3
Kenyon, MN 55946

Director
Office of Emergency Preparedness
1380 Frost Ave.
Maplewood, MN 55109

Raymond Hager
Brown Co. Sheriff's Office
New Ulm, MN 56073

Keith Dickinson, Chief
Avon Police Department
Box 195
Avon, MN 56310

Hennepin Co. Sheriff's Office
Training Division
Rm 6, Courthouse
Minneapolis, MN 55415

Mr. Doug Trouton
The Staples World
224 N. 4th St.
Staples, MN 56479

Mr. H.E. Maitland
MN Railroads Assn.
203 Hanover Bldg.
St. Paul, MN 55101

Stan Peskar
League of MN Cities
183 University Ave. E.
St. Paul, MN 55101

Scott Neft, Attorney
Box 1086
Virginia, MN 55792

Steven Neet, Chief
Long Prairie Police Dept.
239 Central Ave.
Long Prairie, MN 56347

Sen. Howard Knutson
1907 Woods Lane
Burnsville, MN 55337

Sam Ruhle
Office of Admin. Hearings
400 Summit Bank Bldg.
310 So. 4th Ave.
Minneapolis, MN 55415

Gregory Schol, Chief
Chaska Police Department
205 E. 4th St.
Chaska, MN 55318

Rep. Steve Wenzel
333 State Office Bldg.
St. Paul, MN 55155

Don Adams
City of Dalton
Dalton, MN 56324

Edward Williams, Sheriff
Grant County Sheriff's Office
Courthouse
Elbow Lake, MN 56531

Sen. Don Moe
323 State Office Bldg.
St. Paul, MN 55155

Stan Clark, Mayor
City of Remer
Box 202
Remer, MN 56672

Henry Malzahn
Osseo Police Department
Box 330
Osseo, MN 55369

Richard Ellison
E. Star Route 1
Northome, MN 56661

ATOM
Box 27282
Minneapolis, MN 55427

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE OF MAILING LIST

In the Matter of the Proposed Adoption of Rules of the Board of Peace Officer Standards and Training Governing Peace Officer Education, Licensing and Police Pursuits.

I hereby certify that on the 10th day of March, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt A Rule Without A Public Hearing in the State of Minnesota Central Mail System for United States Mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned list.

Marge Braun
Name

Secretary
Title

Subscribed and sworn to before me this 16 day of March, 1989.

William R. Carter, III
Notary Public

WILLIAM R. CARTER, III
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires Oct. 7, 1989

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Board of Peace Officer Standards and Training

In the Matter of the Proposed Adoption of the Rule Governing Peace Officer Education, Licensing and Police Pursuits	NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the Board of Peace Officer Standards and Training intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Laws of Minnesota, Chapter 712, Minnesota Statutes, section 626.843, subdivision 1, Minnesta Statutes, section 626.845, subdivision 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may take a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

William R. Carter, III
Executive Director
POST Board
333 Sibley Street, Suite 495
St. Paul, MN 55101

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from William Carter upon request.

You are advised, pursuant to Minn. Stat. 14.115, "Small business consideration in rulemaking," that the proposed rule will not have an impact on small business in Minnesota. Also, pursuant to Minn. Stat. 14.11, "Special Notice in Rulemaking," the adoption of these rules will not have any impact upon agricultural land nor cost local public bodies any money for two years immediately following the adoption of these rules within the meaning of that law.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submision of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to William Carter.

March 10, 1989
Date

William R. Carter, III

Executive Director
Title

CERTIFICATE OF THE

RESOLUTION ADOPTING THE RULE

I, Thomas Brownell, do hereby certify that I am a member and the Vice Chairperson of the POST Board, duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Peace Officer Standards and Training, duly and properly called and held on the 20th day of April, 1989, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to peace officer education, licensing and police pursuits is approved and adopted, pursuant to authority vested in the Board by Laws of Minnesota 1988, Chapter 712, Minn. Stat. 626.84, the Executive Director, William R. Carter, III, of the Minnesota Peace Officer Standards and Training Board, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 20th day of April 1989.

Thomas G. Brownell, Vice Chair

Attest by one other Board Member

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed
Adoption of the Rules Governing
Peace Officer Education,
Licensing and Police Pursuits

FINDINGS OF FACT, CONCLUSIONS,
AND ORDER ADOPTING RULES
WITHOUT A PUBLIC HEARING

Notice of the Board's Intent to Adopt the above-entitled rule was published in the State Register on March 13, 1989, and was sent by United States Mail on March 10, 1989, to all persons on the list maintained by the Board pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. Because a section of these rules involves adjustment of fees, the chair of the house appropriations committee and senate finance committee were properly notified.

All persons were given the opportunity to submit comment on the rule for 30 days after the notice of intent to adopt a rule without a public hearing was given. The board received zero requests for a public hearing.

Two comments on the rule were received by the board and no requests for notice of submission to the attorney general were received.

Based on the comments and evidence in the record before the board, I find the following:

1. The rules, as proposed; a copy of which is attached hereto as Exhibit A.

2. The rules, as adopted; a copy of which is attached hereto as Exhibit B.

3. The Statement of Need and Reasonableness; a copy of which is attached hereto as Exhibit C.

4. The clarifications to four portions of the rule since it was proposed are non-substantial. The change to section 6700.0100, subp. 10, was inserted to clarify that the Board did not intend to require that a coordinator manage the law enforcement program full time, but only that the coordinator be employed full-time by the certified school. This change

does not introduce new subject matter, make a major substantive change, or affect new classes of persons. Therefore, the change is non-substantial.

The amendment to section 6700.1300, subp. 5A, was made to clarify the Board's intent to ensure safety of participants in the clinical skills program. The change expresses the Board's recognition that certain disabled individuals may be able to safely participate in the program. This change does not impact a class of person who could not reasonably have been expected to comment on the proposed rule as originally noticed, as the same classes of people are affected by the change.

The change does not introduce significant new subject matter, nor does it make a major substantive change. The change is therefore non-substantive.

The change to section 6700.0300, subp. 5B, is non-substantive. It merely corrects a typographical error, and directs the reader's attention to the correct section of the rule. It does not affect new clases of persons, introduce significant new subject matter, or make a major substantive change. It is therefore non-substantive.

The change to section 6700.2700 is non-substantive. It eliminates possible confusion in the reading of this section and section 6700.2701. This modification is authorized by the Board's authorizing motion of April 20, 1989.

5. The rules, as adopted and modified; a copy which is attached hereto as Exhibit D.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as peace officer education, licensing, police pursuits as modified, is adopted this 9th day of June, 1989, pursuant to authority vested in the Board by Laws of Minnesota 1988, Chapter 712, Minnesota Statutes 626.843, Subd. 1, and 626.845, Subd. 1.

William R. Carter, III

William R. Carter, III, Executive Director
Board of Peace Officer Standards and Training

Exhibit A

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

AGENCY: Minnesota Board of Peace Officer Standards and Training

MINNESOTA RULES: Chapter 6700

The attached rules are approved for publication in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

Minnesota Board of Peace Officer Standards and Training

Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Proposed

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. Professional peace officer education. "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. Certification. "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. Coordinator. "Coordinator" means ~~an individual at each school who is recognized by the board and designated by the school to coordinate the basic course as taught at that school~~ a person designated by a certified school to manage on a full-time basis the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. Eligible to be licensed. "Eligible to be

Approved by Revisor RPK

licensed" means the status of an individual who has passed the ~~academic-and-skills-examinations~~ peace officer licensing examination or the reciprocity examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. Part-time peace officer. "Part-time peace officer" has the meaning ~~assigned-to~~ given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. Peace officer. "Peace officer" has the meaning ~~assigned-to~~ given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. School. "School" means ~~any-institution certified-by-the-board-to-offer-academic-instruction,-skills instruction,-or-both.~~ a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. Postsecondary degree. "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. Postsecondary certificate. "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. Certified school. "Certified school" means a school that has been given certification.

Subp. 25. Classroom discrimination. Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 ~~BASIC-COURSE~~ PROFESSIONAL PEACE OFFICER EDUCATION.

Approved by Revisor _____

Subpart 1. **Subject areas ~~and skills instruction~~.** The **~~basic course~~** professional peace officer education must minimally **~~shall~~** include the following subject areas~~:~~.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes, criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid~~; and~~.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area **enumerated** in subpart 1 **~~shall~~** may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements **~~set forth~~** in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 **~~shall preclude~~** precludes any certified school from enacting rules which establish standards of training above the minimum requirements **~~set forth~~** in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the **~~basic course~~** professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement** in clinical skills.

A. All students shall be capable of complete participation in **~~all basic course activities~~** the clinical skills component of the professional peace officer education program. Any student unable to physically or psychologically participate in all aspects of the **~~basic course~~** clinical skills component shall not be deemed as satisfactorily completing the **~~basic~~** course clinical skills component.

Approved by Revisor _____

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in subpart 1, item B, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart 1, item B.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the ~~school~~ professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

C. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a

Approved by Revisor _____

coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

Subp. 7. Instructor requirements. All instructors who teach law enforcement courses in a certified school shall possess ~~an associate degree or greater from an accredited institution of higher learning~~ a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This ~~rule~~ part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. Application. Upon filing a proper application, a school desiring certification shall be reviewed by the board. ~~No~~ The board will not consider certification ~~will be issued~~ unless the school ~~files~~ has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors. ~~Further, the coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a person of Black, Hispanic, Asian, American Indian, or native Alaskan heritage. Relevant information may include lesson plans and course outlines.~~

Subp. 2. Provisional certification. ~~Upon receipt of a properly filed application, the board shall grant provisional certification to a school until such time as an on site evaluation and inspection has been completed.~~ review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an

Approved by Revisor _____

on-site evaluation and inspection has been completed.

Subp. 3. Certification. The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days from the effective date of this part to seek approval from the board.

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

Subp. 4. Certified school disciplinary action. Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the

Approved by Revisor _____

published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

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

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with the board; or obstructing a board investigation~~.~~; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. Sanctions. Sanctions for failure to comply with the requirements ~~set forth~~ in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. Procedures. Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

Approved by Revisor _____

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

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

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

6700.0500 ~~ACADEMIC-AND-SKILLS~~ PEACE OFFICER LICENSING ~~EXAMINATIONS~~ EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. Eligibility for ~~academic-and-skills~~ examination. Students who successfully complete ~~a-school~~ professional peace officer education which meets the minimum requirements ~~set-forth~~ in part 6700.0300, subpart 1, items A and B are eligible to take ~~both the academic-and-skills-examinations~~ peace officer licensing examination.

Subp. 5. Reinstatement of eligibility. Upon successful completion of the ~~required-academic-and-skills~~ peace officer

Approved by Revisor _____

licensing ~~examinations~~ examination, a person is eligible ~~for licensure as a peace officer~~ to be licensed for three years. If the person is not licensed after three years, the person may reinstate ~~his~~ eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution which is accredited by a member of ~~the Council on Postsecondary Accreditation~~ one of the six regional accrediting associations and authorized to award ~~such titles~~ degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

Subp. 9. **License eligibility.** Upon successful completion of the reciprocity examination, a person is eligible for a peace officer license. If the person is not licensed after three years, the person may reinstate eligibility by ~~passing the appropriate licensing examination. The executive director shall determine which examination is appropriate based on the substantive changes in law and police practice~~ again demonstrating qualifications for the examination pursuant to subpart 7 and must again comply with the provisions of part

Approved by Revisor _____

6700.0600.

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board ~~prior to~~ before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee ~~as set forth in~~ under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board ~~prior to~~ before taking the following licensing examinations:

A. ~~academic~~ peace officer licensing examination, ~~$12.50~~ $40;

~~B. skills examination, $12.50;~~

~~C.~~ reciprocity examination, ~~$25~~ $40;

~~D.~~ C. peace officer license endorsement examination, $12.50; and

~~E.~~ D. part-time peace officer licensing examination, $12.50~~;~~.

~~F. constable licensing examination, $25.~~

Subp. 3. and 4. [Unchanged.]

Subp. 5. Reinstate eligibility. The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards ~~prior to~~ before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

Approved by Revisor _____

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart ~~1, items A to J~~. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, ~~subparts~~ subpart 1 and ~~2, or subpart 3~~. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards ~~prior to~~ before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this ~~rule~~ part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. ~~Prior to~~ Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days ~~prior to the~~ before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at least ten days ~~prior to the~~ before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest.

Approved by Revisor _____

Nothing contained in this ~~rule~~ part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3~~, items A to F~~.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone

Approved by Revisor _____

who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Subpart 1. to 5. [Unchanged.]

Subp. 6. Rosters. On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers ~~or constables~~ who complete each course, each peace officer ~~or constable~~ license number, and the number of continuing education hours which are to be credited to each peace officer ~~or constable~~. This form must be submitted no later than ten days after the class is completed.

Approved by Revisor _____

Subp. 7. Course notices. The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers ~~or constables~~ who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. Documentation. The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. Course statements. The continuing education coordinator or a designee of the coordinator shall read the following statement at the ~~commencement~~ beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers ~~and constables~~ who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. Procedures. A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The

Approved by Revisor _____

procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the ~~academic-and-skills~~ peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer~~;-or~~

~~C.--the-constable-licensing-examination-for-a constable.~~

Subp. 10. and 11. [Unchanged.]

Rules as Proposed (all new material)

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be

Approved by Revisor _____

written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty

Approved by Revisor _____

supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. Police pursuit copies. Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. Copies available to public. Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

Approved by Revisor _____

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved by Revisor _____

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person <u>who is employed full-time by a certified school, and</u> designated by a certified school<u>,</u> to manage ~~on-a-full-time-basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operations and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically-or-psychologically-participate in-all-aspects-of-the-clinical-skills-component-shall-not-be deemed-as-satisfactorily-completing-the-clinical-skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved by Revisor _____

subpart ± 5, item B A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ± 5, item B A.

Subp. 6. Coordinator's duties. The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved
by Revisor _____

experience with a criminal justice agency.

Subp. 7. Instructor requirements. All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. Application. Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. Provisional certification. Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. Certification. The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved
by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. Sanctions. Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. Procedures. Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. Summary. The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Postsecondary degree. "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. Procedures. A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. Copy of procedures. The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. Complaints. Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. Licensing examination. For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs. Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. Police pursuit copies. Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. Copies available to public. Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

Exhibit C

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

Statement of Need and Reasonableness Regarding Proposed Permanent Rules relating to peace officer education, licensing and police pursuits of the Minnesota board of Peace Officer Standards and Training:

6700.0100 -- Definitions

Subpart 5a. Professional peace officer education.

This definition is necessary because the previous use of the term "basic course" no longer adequately explains the education needed to prepare to take the peace officer licensing examination. It is reasonable that the present definition refers to professional peace officer education as a post-secondary degree or certificate from a certified school (offering either the academic or clinical skills component as outlined in 6700.0300) since the preparation to become a peace officer requires substantial education and training that can only be done through a two- or four-year educational program.

Subpart 7. Certification.

It is necessary to outline, through this rule, that certification refers to schools that offer either, or both, the academic or clinical skills components of the professional peace officer education. It is reasonable that the board certify any schools that are preparing students in part, or all, of the requirements needed to take the professional peace officer licensing examination.

Subpart 10. Coordinator.

The changes in this definition are necessary to ensure that a person designated by a certified school to be a coordinator must now work there full-time instead of part-time, and that a coordinator can be someone in charge of all components of a professional peace officer education, or someone in charge of either the academic or clinical skills component of peace officer education. It is reasonable to require that coordinators of either or both components of a program be able to work full-time at that occupation because the work required of coordinators is important and time-consuming. Coordinators need to be available full-time to teach, counsel students, and to meet with other faculty, staff and POST board staff when needed.

Subpart 11. Eligible to be licensed.

This rule change is necessary to indicate that there are no longer two separate licensing exams, academic and skills, but only, the Peace Officer Licensing Examination. It is reasonable to offer one examination after

credits for the POST board. The term constable is no longer part of this rule since constables are no longer peace officers.

Subpart 12. A. -- F.

This rule is necessary to outline to continuing education sponsors the minimum procedures that they must follow to investigate and resolve allegations of misconduct concerning behavior in a continuing education class. The procedures outlined are reasonable since they simply give anyone who feels they have experienced or witnessed classroom discrimination a full and fair investigation process concerning their grievance. It is necessary and reasonable to require that procedures be in writing so that everyone affected can have complete information concerning the procedures.

Subpart 13.

This rule is necessary to make certain that all continuing education coordinators make their written policies available to faculty and staff and anyone else interested in seeing it. It is reasonable to ensure that faculty and staff are aware of the specifications of the policy, since it applies to their behavior and the behavior of their students in a continuing education classroom setting.

Subpart 14.

This rule is necessary to ensure that continuing education sponsors know that they must use the written procedures outlined in Subpart 12 if an allegation of classroom discrimination occurs. It is reasonable that the procedures used in an allegation situation of this kind be the procedures outlined by the sponsor for their continuing education classes.

6700.1000 License renewal.

Subpart 9. A.

The peace officer licensing examination will no longer be given in two parts, academic and skills, but will instead be given at the end of both components of peace officer education, academic and clinical skills. This is reasonable and necessary because it emphasizes the importance of integrating both components of the peace officer education requirements, and it follows more closely the mode of other professions that require their members to be licensed by giving them one licensing examination.

B.

This rule is nearly identical to the previous 6700.1000 Subpart 9. B. rule. It is necessary and reasonable for this change to eliminate the constable licensing examination since the board no longer licenses constables.

Subpart 14.

This rule is reasonable in that it asks the continuing education coordinator to make their classroom discrimination policy available to their students, faculty and staff. It is necessary for all these individuals to know what the policy is so that they can use these procedures if the need arises.

Subpart 15. This rule outlines when the POST board can take disciplinary action against a continuing education course sponsor. It is necessary and reasonable to give sponsors clear information about what the POST board considers to be the responsibilities of the sponsor position.

Subpart 16.

This rule is necessary and reasonable to outline what disciplinary action could result if a sponsor violates anything in Subpart 15.

Subpart 17.

This rule is necessary and reasonable to inform sponsors of the chapters of the statutes and administrative rules that govern disciplinary procedures by the POST board.

6700.0902 Accreditation.

Subpart 6. Rosters.

This rule outlines how continuing education coordinators need to submit the names of peace officers who complete a course so that they can receive continuing education credit. It is necessary and reasonable to leave off the term "constable" in this rule, since the term constable has been abolished.

Subpart 7. Course notices.

This rule is necessary to ensure that all written notices about a continuing education sponsor's course must state the number of hours of credit that peace officers will receive for successful completion of the course, so that the officer can have a reasonable expectation about the credit they will receive from the course before they sign up for it. The term constable is no longer included in this rule since the term constable has been abolished.

Subpart 8.

The addition of a comma in this part was reasonable and necessary to ensure grammatical clarity. This is also an editorial change by the revisor.

Subpart 9. Course statements.

It is reasonable and necessary that a statement must be read at the beginning of any continuing education course providing peace officers with the necessary information about how the course fulfills continuing education

6700.0700, Subpart 1, and 6700.050, Subpart 1. This is also an editorial change made by the revisor.

Subpart 3.

The minor terminology change in this rule from "prior to" to "before" is necessary and reasonable to ensure that a clear understanding of when a peace officer needs to meet selection standards is communicated.

6700.0900 Continuing education.

Subpart 3.

It is necessary and reasonable to change the term "this rule" to "this part" to clearly indicate that only part of a rule is being referred to. This is also an editorial change made by the revisor.

A. and C.

It is necessary and reasonable to change the term "prior to" to "before" to ensure clear understanding by the course sponsor of when they need to make application for course approval. This is also an editorial change made by the revisor.

Subpart 4.

It is necessary and reasonable to change the term "this rule" to "this part" to clearly indicate that only a part of a rule is being referred to. This is also an editorial change made by the revisor.

Subpart 12.

It is necessary and reasonable to state that approval of license endorsement courses shall be handled in accordance to "Subpart 3" instead of "Subpart 3, Items A to I," since items A to I are all the items in Subpart 3. To indicate those items separately is redundant. This is also an editorial change made by the revisor.

Subpart 13. Items A. -- F.

In the past, there was no rule requiring continuing education course sponsors to have policies regarding classroom discrimination. Therefore, if someone witnessed or experienced discrimination in a classroom setting, they had no way to file a complaint or officially change the situation. This rule is necessary to make sure that continuing education course sponsors are required to have policies regarding classroom discrimination. This rule outlines what procedures they must follow. It is reasonable to require course sponsors to have these policies, to ensure that if discrimination takes place in a classroom setting, those witnessing or experiencing the discrimination can make a complaint and the discrimination can be stopped.

Subpart 2.A

This change is necessary because peace officers will now be given only one examination that will cover the material that was previously tested separately in the academic and skills examinations. The examination fee increase is reasonable because it brings the cost of the professional peace officer examination closer to the actual costs of developing and administering these tests.

B.

This change is necessary and reasonable because the reciprocity examination is a test to determine if the examinee can become a peace officer in the state of Minnesota, and it should have the same fee as the peace officer licensing examination.

C

This rule is identical to the previous rule, 6700.0600, Subpart 2.D.

D.

This rule is identical to the previous rule 6700.0600, Subpart 2E. The previous rule, 6700.0600, Subpart 2.F. is no longer needed since the board no longer licenses constables.

Subpart 5.

This rule is necessary to require that a person who has been certified to take an examination, and has sent in their application fee, but does not take the examination within a year after these requirements are met, re-establish their eligibility by beginning the application process over again. This rule is reasonable because it requires students to return to their law enforcement coordinator to verify that their knowledge of the peace officer learning objectives is current.

6700.0700 Minimum selection standards.

Subpart 1.

The change in this section is a minor terminology change, pointing out that certain selection standards need to be met "before" a peace officer is appointed instead of "prior to" appointment, the term previously used. This minor change is necessary and reasonable to ensure that a clear understanding of when appointment will be made is communicated by this rule. This is also an editorial change made by the revisor.

Subpart 2.

The minor changes in this rule are necessary and reasonable because they make this rule subpart consistent with changes previously outlined in

through this rule that both the academic and clinical skills components of the professional peace officer education must be completed before a person is eligible to take the licensing examination.

Subpart 5. Re-instatement of eligibility.

This rule is necessary to provide information to people who have successfully become eligible to be licensed, but have not been licensed after three years. It is reasonable to require these people to reinstate their eligibility by taking an appropriate licensing examination, as outlined in the rules.

It is also reasonable to require people who have not been licensed after a second three years to have a coordinator determine whether or not they need to take additional course work before they can take the licensing examination to reinstate their eligibility again.

6700.0501 Reciprocity licensing examination.

Subpart 5. Postsecondary degree.

Individuals applying for a reciprocity examination would not have completed a professional peace officer education through a POST certified institution. It is also reasonable to require people who have not been licensed after a second three years to have a coordinator review each individuals need for additional course work. It is necessary to have coordinators make suggestions to individuals about such course work to ensure that individuals have current information conveying the boards law enforcement learning objectives before they take the licensing examination. This requirement is consistent to the postsecondary degree requirement in rule 6700.0100, subpart 22.

Subpart 9. License eligibility.

This rule is necessary to make it clear to applicants that they are eligible to be licensed upon successful completion of the reciprocity examination. It is reasonable to state through the rule that individuals must reinstate their eligibility by retaking a qualifying licensing examination if they are not a licensed peace officer within three years after they have become eligible to be licensed. This is consistent with the requirement for those who have completed a POST-certified program to become peace officers.

6700.0600. Licensing examinations.

Subpart 1.

It is necessary and reasonable to change the terms "prior to" and "as set forth in" to "before" and "under" respectively, to simplify and update the language.

Subpart 4. A. -- D.

The addition of the term "certified" throughout these rules is reasonable and necessary to make it clear that only certified schools are subject to the requirements and disciplinary sanctions outlined.

E.

This addition is necessary and reasonable to give certified schools a summary of all the rules they must comply with to avoid disciplinary sanctions.

Subpart 5.

The addition of the word certified is necessary and reasonable to indicate that sanctions only apply to certified schools.

Subpart 6.

It is necessary and reasonable to change the term rule to part, since this section is a Subpart of the rule 6700.0400. This is also an editorial change by the revisor.

6700.0401 Classroom discrimination -- procedures.

Subpart 1. A. -- F.

These procedures are necessary to establish steps that can be taken by anyone who has experienced or witnessed classroom discrimination in a POST certified law enforcement program. These procedures are reasonable because they follow legal due process procedures for complaints and/or grievances, and they highlight the importance of having multi-ethnic, multi-cultural, gender-fair law enforcement programs in schools certified by the board.

Subpart 2.

This rule is necessary and reasonable to ensure that all students, faculty and staff under a coordinator's supervision are aware of the classroom discrimination policy at their institution.

Subpart 3.

This rule is necessary and reasonable to ensure that coordinators realize that classroom discrimination policies must be processed according to the procedures outlined in Subpart 1.

6700.0500 Peace officer licensing examination.

Subpart 3. Eligibility.

This rule outlines who is eligible to take the professional peace officer licensing examination. It is necessary and reasonable to make it clear

Subpart 7.

The change in this part, from requiring an "associate degree or greater" for an instructor, to requiring a "postsecondary degree" is necessary and reasonable because it simplifies the wording of the requirement, but does not place a minimum qualification on the type of postsecondary degree required of instructors. This allows institutions to choose the most qualified instructors, regardless of the type of postsecondary degree they have.

6700.0400 Certification of schools.

Subpart 1.

This part is necessary and reasonable to emphasize that part of the criteria for giving a school certification is a documented need by the school to have a law enforcement program. It is also reasonable to require that a certified school have a library available to its students. The information about filing semi-annual affirmative action plans has been moved to section 6700.0300, Subpart 6.A., since it is more reasonable to include it under the coordinator's responsibilities sections.

Subpart 2.

This change is necessary and reasonable to ensure that the changes made in Subpart 1 are included in the requirements for provisional certification.

Subpart 3.A.

This addition is necessary and reasonable to refer to the change made in Subpart 3.C.

B.

This addition is necessary and reasonable to indicate to certified schools that they will need to seek board approval to offer courses that were not included in their original application for certification. This will apply retroactively so that schools already offering courses on their own or other campuses must seek board approval for those courses. It is important for the board to have accurate information on the law enforcement courses being taught at the schools it has certified.

C.

This addition is necessary to outline the procedures that certified schools need to follow every five years to renew their certification. This requirement is reasonable because most other programs in higher education that require certification or accreditation are reviewed every three or five years by the accreditation board to ensure that their programs are continuing to offer quality education that meets the learning objective goals of that discipline.

replaced with the less outdated term "precludes." These last two terms are also editorial changes made by the revisor.

Subpart 4.

This change from "basic course" to "professional peace officer education" is necessary and reasonable in order that this Subpart be consistent with the terms used in Subparts 1-3.

Subparts 5. A. and B.

These changes concerning the admission requirements to the clinical skills component of the peace officer education are necessary to indicate that they apply only to the clinical skills programs and not to the academic programs. They are reasonable because they outline the appeal process that clinical skills schools must make available to students who have been denied admission into their program. The appeal process is necessary and reasonable to give students full and fair opportunity to meet admission requirements.

Subpart 6. A.

These changes are necessary and reasonable to indicate that the coordinator's duties outlined are for POST certified schools that offer professional peace officer education.

B.

This information is necessary to outline the POST board's requirement that coordinators file semi-annual affirmative action plans. It is reasonable to describe what must be included in these plans. It is also reasonable to include this information under coordinator's responsibilities instead of under the school certification section, and so transfer of these responsibilities from 6700.0400, subpart 1 to this section 6700.0300, subpart 6 has been made.

C.

This rule is reasonable and necessary to provide information to certified schools about how to manage a smooth transition of coordinators when a change must occur, and how to provide the board with information about new coordinators so that accurate records can be maintained. This rule also requires that any person appointed as a coordinator after January 1, 1990 have a bachelor's degree and at least three years experience with a criminal justice agency. This requirement is reasonable and necessary to ensure that individuals appointed as coordinators have sufficient education and experience related to law enforcement to be able to councel students, teach classes and advise other faculty about the requirements and responsibilities of a career in law enforcement.

without needing to meet all the requirements that another postsecondary degree would require.

Subpart 24. Certified school.

It is reasonable to define a certified school as one that has been given certification, as defined in 6700.0100, Subp. 7.

Subpart 25. Classroom discrimination.

This definition is necessary so that it is clear to certified schools and course sponsors what this term means when they are designing their classroom discrimination policies. The definition is reasonable because it ties into other anti-discrimination legislation already in existence.

6700.0300 Professional peace officer education.

It is necessary and reasonable to change the title of this rule from "basic course" to "professional peace officer education" to reflect the highly respected profession that law enforcement has become.

Subpart 1.

It is necessary and reasonable that the words "and skills instruction" and "basic course" were dropped from this subject area Subpart to emphasize that skills instruction is now viewed as an integral part of the peace officer education and not as a separate educational experience.

A. and B.

It is necessary and reasonable that the subject areas "academic" and "skills" were changed to "academic component" and "clinical skills component" to reflect the POST Board's view that both components of the professional peace officer education are equally important and that a complete peace officer education cannot take place if one or the other component is missing.

Subpart 2.

It is necessary and reasonable to change "shall" to "may" to provide more accurate information about the coordinator's responsibilities. When "shall" is used with the second or third person singular, the directive "will" is implied. The present change to "may" leaves the decision more clearly with the coordinator. This allows the coordinator to require that students take additional training in areas that they are deficient in.

Subpart 3.

The addition of the term "certified" is necessary and reasonable to make it clear that this rule applies only to POST certified schools. The term "set forth" is deleted because it is unnecessary and the term "shall preclude" is

students have completed both components of their training, so that students have an opportunity to integrate what they have learned in an academic setting with clinical skills in law enforcement before they are tested.

Subpart 18. Part-time peace officer.

This rule points out that the part-time peace officer definition is specified in Minnesota Statutes section 626.84, subdivision 1, clause (f). The only change here is that the word "given" is used instead of "assigned", which was used previously. This change is reasonable and necessary because the term "assigned" has a denotative meaning that implies "to bestow arbitrarily" whereas the term "given" more aptly means "legally specified." Additionally, this is an editorial change by the revisor.

Subpart 19. Peace officer.

This rule points out that the peace officer definition is specified in Minnesota Statutes, section 626.84, subdivision 1, clause (c). The only change here is that the word "given" is used instead of "assigned", which was used previously. This change is reasonable and necessary because the term "assigned" has a denotative meaning that implies "to bestow arbitrarily" whereas the term "given" more aptly means "legally specified." Additionally, this is an editorial change by the revisor.

Subpart 20. School.

This definition of school is necessary to indicate that in order for a school to be certified by the POST Board, it must be accredited by one of six regional accrediting associations. The definition also gives examples of degrees that it would be reasonable to expect a certified school to offer. It is reasonable to require a school to be accredited by a regional association in order to be certified by the board, since these associations help to ensure that students are receiving a quality education in all aspects of their academic program, including their law enforcement courses.

Subpart 22. Postsecondary degree.

This definition is necessary because it indicates that any degree given by a school, as defined in Subp. 20, is considered to be a postsecondary degree. This is a reasonable definition, since the board only certifies schools that offer postsecondary degrees.

Subpart 23. Postsecondary certificate.

This definition refers to the title awarded to students who already have a postsecondary degree in a non-law enforcement area, and who have then completed a course of study that prepares them for the professional peace officer licensing examination. The existence of this certificate is necessary and reasonable so that people who already have a postsecondary degree can have the opportunity to qualify for the peace officer licensing examination

6700.2704. Affirmation of compliance.

This rule is necessary and reasonable to specify to agencies the date by which they must affirm their compliance form with the board, and to specify to new law enforcement agencies when they must affirm their policies to the board.

Minnesota Board of Peace Officer Standards and Training

Adopted Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

Rules as Adopted

6700.0100 DEFINITIONS.

Subpart 1. to 4. [Unchanged.]

Subp. 5. [See Repealer.]

Subp. 5a. **Professional peace officer education.** "Professional peace officer education" means:

A. a postsecondary degree that includes instruction as specified in part 6700.0300, subpart 1; or

B. a postsecondary certificate that includes instruction as specified in part 6700.0300, subpart 1, and is awarded by a certified school to individuals who already possess a postsecondary degree.

Subp. 6. [Unchanged.]

Subp. 7. **Certification.** "Certification" means official acknowledgment by the board that a school meets all of the criteria listed in parts 6700.0300 and 6700.0400 to offer professional peace officer education or the academic component or clinical skills component of the professional peace officer education.

Subp. 8. [Unchanged.]

Subp. 9. [See Repealer.]

Subp. 10. **Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage ~~on a full time basis~~ the day-to-day activities of the professional peace officer education program or the academic component or clinical skills component of the professional peace officer education program.

Subp. 11. **Eligible to be licensed.** "Eligible to be licensed" means the status of an individual who has passed the peace officer licensing examination or the reciprocity

Approved by Revisor RPK

examination, but who has not yet secured employment as a law enforcement officer.

Subp. 12. to 17. [Unchanged.]

Subp. 18. **Part-time peace officer.** "Part-time peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (f).

Subp. 19. **Peace officer.** "Peace officer" has the meaning given it in Minnesota Statutes, section 626.84, subdivision 1, clause (c).

Subp. 20. **School.** "School" means a postsecondary institution which is accredited by one of the six regional accrediting associations and authorized to award academic degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 21. [Unchanged.]

Subp. 22. **Postsecondary degree.** "Postsecondary degree" means an academic degree awarded by a school.

Subp. 23. **Postsecondary certificate.** "Postsecondary certificate" means a nonacademic title awarded by a school that shows completion of a specific course of study.

Subp. 24. **Certified school.** "Certified school" means a school that has been given certification.

Subp. 25. **Classroom discrimination.** Effective July 1, 1989, "classroom discrimination" means an act or comment of prejudice by a faculty member, staff person, or student which relates to race, gender, creed, age, color, religion, national origin, marital status, physical disability, mental disability, or characteristics identified as sexual orientation, and that offends another.

6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION.

Subpart 1. **Subject areas.** The professional peace officer education must minimally include the following subject areas.

A. The academic education component includes instruction in administration of justice, Minnesota Statutes,

Approved
by Revisor _____

criminal law, human behavior, juvenile justice, law enforcement operatiohs and procedures, and first aid.

B. The clinical skills education component includes instruction in techniques of criminal investigation and testifying, patrol functions, traffic law enforcement, firearms, defensive tactics, emergency vehicle driving, and criminal justice information systems.

Subp. 2. **Waiver.** Participation or continued instruction in a particular subject area in subpart 1 may be waived by the coordinator upon satisfactory evidence of approved equivalent training.

Subp. 3. **Minimum requirements.** All certified schools shall comply with the minimum requirements in subpart 1, item A or B or both and shall furnish reasonable and necessary proof to the board to verify that the provisions of subpart 1 are being met. Nothing in parts 6700.0100 to 6700.1900 precludes any certified school from enacting rules which establish standards of training above the minimum requirements in subpart 1.

Subp. 4. **Learning objectives.** Periodically the board may issue specific learning objectives applicable to the content of the professional peace officer education as outlined in subpart 1.

Subp. 5. **Participation requirement in clinical skills.**

A. All students shall be capable of ~~complete participation~~ safely participating in the clinical skills component of the professional peace officer education program. Any student unable to ~~physically-or-psychologically-participate in-all-aspects-of-the-clinical-skills-component-shall-not-be deemed-as-satisfactorily-completing-the-clinical-skills component~~ safely participate in all aspects of the clinical skills component for medical or psychological reasons shall be denied admission or continued participation by the certified school.

B. If a student is denied admission or participation in the clinical skills component of the professional peace officer education program because of any of the requirements in

Approved by Revisor _____

subpart ~~4~~ 5, item B A, the certified school shall inform the student of the denial and its reasons for the denial. The certified school shall also afford the student a formal appeal process. That appeal process must be reduced to writing and provided to each student who is denied admission or participation in the clinical skills component because of any of the requirements in subpart ~~4~~ 5, item B A.

Subp. 6. **Coordinator's duties.** The coordinator's duties include the following:

A. The coordinator shall be responsible for maintaining and making available to the board and executive director pertinent information on all classes conducted in the certified school. The coordinator shall notify the executive director of students who have successfully completed the professional peace officer education. Additionally, the coordinator shall certify to the board that these students have successfully completed a sequence of courses which includes material covering the applicable learning objectives promulgated by the board.

B. The coordinator shall file with the board a semiannual affirmative action plan and such other relevant information as the board may require. The affirmative action plan must describe objectives for the recruitment and retention of minority students and women in the law enforcement program. "Minority student" means a Black, Hispanic, Asian or Pacific Islander, American Indian, or Alaskan native person. Relevant information may include lesson plans and course outlines.

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

Approved by Revisor _____

experience with a criminal justice agency.

Subp. 7. **Instructor requirements.** All instructors who teach law enforcement courses in a certified school shall possess a postsecondary degree, or have professionally recognized training and experience to teach the assigned subject matter. This part shall not preclude the use of guest lecturers.

6700.0400 CERTIFICATION OF SCHOOLS.

Subpart 1. **Application.** Upon filing a proper application, a school desiring certification shall be reviewed by the board. The board will not consider certification unless the school has shown a documented need for its program. The school must also file with the board satisfactory proof that the school will offer courses meeting the prescribed learning objectives, has reasonable training equipment and facilities including library, and has qualified instructors.

Subp. 2. **Provisional certification.** Upon review of an application, properly filed by a school, and having determined that the school has met the requirements in subpart 1, the board shall grant provisional certification until such time as an on-site evaluation and inspection has been completed.

Subp. 3. **Certification.** The board's duties with respect to certification include the following:

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

B. Before a certified school offers any course from the professional peace officer education program at another school's campus not included in its original application, the certified school must seek written approval from the board. The board shall consider those criteria in subpart 1 in determining whether the proposal will be approved. This part applies retroactively and certified schools presently shall have 90 days

Approved
by Revisor _____

from the effective date of this part to seek approval from the board.

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

Subp. 4. **Certified school disciplinary action.** Failure of a certified school to comply with any of the following requirements will result in imposition of disciplinary sanctions by the board against the certified school:

A. provision of instruction consistent with the published learning objectives in the subject areas for which the school was certified pursuant to part 6700.0300, subpart 1;

B. filing with the board all information which the board requires;

C. cooperation of the staff and faculty of a certified school with any board investigation relative to its certification status;

D. cooperation of the staff and faculty of a certified school with any board investigation of alleged misconduct by students, staff, or faculty in the giving or taking of examinations, reports, or investigations required by the board. The staff and faculty shall report any misconduct which is discovered to the board. For purposes of this requirement, the term "misconduct" includes cheating on any licensing examination or tests required by the rules of the board, or helping another to cheat; filing a false report with

Approved by Revisor _____

the board; or obstructing a board investigation; and

E. failure to comply with parts 6700.0300 to 6700.0500.

Subp. 5. **Sanctions.** Sanctions for failure to comply with the requirements in subpart 4 shall be one or more of the following: a letter of censure to the coordinator of the certified school; formal or informal probation for the certified school; or suspension, revocation, or nonrenewal of certification of the certified school.

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

6700.0401 CLASSROOM DISCRIMINATION; PROCEDURES.

Subpart 1. **Procedures.** Every certified school must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions that may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process that will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of procedures.

Subp. 2. **Summary.** The coordinator must provide all new students who are in courses taught as a part of the professional peace officer education program a summary of the written procedures required under subpart 1. The coordinator must provide all faculty and staff members who participate in courses

Approved by Revisor _____

as a part of the professional peace officer education program a copy of the written procedures required under subpart 1. Also, the coordinator must make the procedures required under subpart 1 available to anyone else upon request.

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

6700.0500 PEACE OFFICER LICENSING EXAMINATION.

Subpart 1. and 2. [See Repealer.]

Subp. 3. **Eligibility for examination.** Students who successfully complete professional peace officer education which meets the minimum requirements in part 6700.0300, subpart 1, items A and B are eligible to take the peace officer licensing examination.

Subp. 5. **Reinstatement of eligibility.** Upon successful completion of the peace officer licensing examination, a person is eligible to be licensed for three years. If the person is not licensed after three years, the person may reinstate eligibility by passing the appropriate licensing examination. The executive director shall determine what examination is appropriate based on the substantive changes in law and police practices. If the person is not licensed after a second three years, that person must have a coordinator from a professional peace officer education program determine any additional coursework the person must complete in order for the person's professional peace officer education to be considered current. After successful completion of the coursework, the person is eligible to take the peace office licensing examination. Upon successful completion of the examination the person is eligible to be licensed for three years.

6700.0501 RECIPROCITY LICENSING EXAMINATION.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Postsecondary degree.** "Postsecondary degree" means an academic title awarded by a postsecondary institution

Approved
by Revisor _____

which is accredited by a member of one of the six regional accrediting associations and authorized to award degrees including, but not limited to, Associate of Arts (A.A.) degrees, Associate of Science (A.S.) degrees, Bachelor of Arts (B.A.) degrees, and Bachelor of Science (B.S.) degrees.

Subp. 6. to 8. [Unchanged.]

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

Subp. 10. [Unchanged.]

6700.0600 LICENSING EXAMINATIONS.

Subpart 1. **Application.** Licensing examinations will be offered at least four times each year. The board shall establish the examination schedules. An applicant for any of the licensing examinations shall submit a written application on a form provided by the board before the date of the examination. An application shall be accompanied by the appropriate nonrefundable fee under subpart 2.

Subp. 2. **Nonrefundable fee.** A nonrefundable fee shall be paid to the board before taking the following licensing examinations:

A. peace officer licensing examination, $40;

B. reciprocity examination, $40;

C. peace officer license endorsement examination, $12.50; and

D. part-time peace officer licensing examination, $12.50.

Subp. 3. and 4. [Unchanged.]

Subp. 5. **Reinstate eligibility.** The eligibility for a person to take the examination in subpart 2 shall be void one year after qualifying for the examination. In order to

Approved
by Revisor _____

reinstate eligibility, the person shall comply with subparts 1 and 2.

6700.0700 MINIMUM SELECTION STANDARDS.

Subpart 1. **Selection standards.** A person eligible to be licensed shall meet the following minimum selection standards before being appointed to the position of peace officer. The appointing authority may certify that the applicant has already completed certain of these standards, but certification must be documented pursuant to subpart 2.

A. to J. [Unchanged.]

Subp. 2. **Documentation.** The chief law enforcement officer shall maintain documentation necessary to show completion of subpart 1. The chief law enforcement officer is not required to obtain documentation for subpart 1, item I, if the applicant completed part 6700.0500, subpart 1. The documentation is subject to periodic review by the board, and shall be made available to the board at its request.

Subp. 3. **Requirements.** An appointing authority may require a peace officer to meet some or all of the foregoing standards before appointment.

Subp. 4. [Unchanged.]

6700.0900 CONTINUING EDUCATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Criteria for course approval.** For the purpose of this part, "course sponsor" means any agency, organization, or person who provides continuing education courses and seeks board approval of these courses.

A. Before being eligible to receive board approval, the course sponsor shall make application for course approval. Application for approval must be submitted on forms provided by the board and must be received 30 days before commencement of the continuing education course.

B. [Unchanged.]

C. No approval will be granted unless the course sponsor files all relevant information required by the board at

Approved
by Revisor _____

least ten days before commencement of the proposed course. A ten-day extension may be granted by the executive director upon receipt of documentation showing a compelling reason for the extension.

D. to I. [Unchanged.]

Subp. 4. **Mandatory courses.** The board may mandate specific courses and required minimum hours in selected subject areas to ensure continued protection of the public interest. Nothing contained in this part shall be construed as limiting an agency from requiring or furnishing more than the number of hours of continuing education required by the board.

Subp. 5. to 10. [Unchanged.]

Subp. 12. **Endorsements.** The board may issue endorsements to peace officer licenses. Endorsements shall acknowledge the acquisition of the knowledge, skills, and abilities needed to perform specialized law enforcement functions.

Courses which lead to license endorsement shall meet the learning objectives specified by the board for endorsement. Approval of license endorsement courses shall be according to subpart 3.

Endorsement shall be awarded only after a peace officer successfully completes both the prescribed endorsement course and the appropriate peace officer license endorsement examination administered by the board.

The board may accredit a course sponsor to offer an endorsement course for a specified period of time without further documentation.

Subp. 13. **Procedures.** Every course sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. These procedures must minimally specify:

A. the person to whom the formal complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint

Approved by Revisor _____

is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 14. **Copy of procedures.** The course sponsor must make the procedures required in subpart 13 available to anyone who requests a copy. Also, the course sponsor must make available to all of its faculty members and staff persons a copy of the written procedures required in subpart 13.

Subp. 15. **Disciplinary action.** The board may take disciplinary action against a course sponsor:

A. who violates the provisions of part 6700.0900;

B. who files with the board a false application form or course roster;

C. who provides instruction which is not consistent with the application form;

D. who fails to cooperate with the board's investigation into an allegation of a violation of this part; and

E. whose administrative staff or faculty fails to cooperate with the board's investigation into an allegation of a violation of this part.

Subp. 16. **Sanctions.** Disciplinary action for violation of subpart 15 consists of one or more of the following: a letter of censure to the course sponsor, formal or informal probation of the course sponsor, or denial of approval of other courses for a specified period of time.

Subp. 17. **Procedure requirements.** Disciplinary procedures under this part must be conducted under the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, parts 1400.5100 to 1400.8500.

6700.0902 ACCREDITATION.

Approved
by Revisor _____

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Rosters.** On a form supplied by the board, the continuing education coordinator shall submit a list of the names of the peace officers who complete each course, each peace officer license number, and the number of continuing education hours which are to be credited to each peace officer. This form must be submitted no later than ten days after the class is completed.

Subp. 7. **Course notices.** The continuing education coordinator shall publish the following statement in all written notices which advertise a continuing education sponsor's course:

"Peace officers who successfully complete this course will receive (maximum number of continuing education hours) hours of peace officer continuing education credit."

Subp. 8. **Documentation.** The continuing education coordinator shall maintain copies of the documents received in part 6700.0900, subpart 3, item C, for five years. Copies of this documentation shall be made available to the board within five working days of the board's request for it. If compliance is not possible within that time, the continuing education coordinator shall inform the board within five working days of the board's initial request and shall have an additional five working days to comply with the request.

Subp. 9. **Course statements.** The continuing education coordinator or a designee of the coordinator shall read the following statement at the beginning of each class:

"The (name of the continuing education sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. Peace officers who successfully complete this course (name of the course) will receive (total number of hours) hours of continuing education. A course roster will be mailed to the POST Board no later than ten days after this course is completed. The roster will list the names, license numbers, and continuing education

Approved by Revisor _____

hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator)."

Subp. 10. and 11. [Unchanged.]

Subp. 12. **Procedures.** A continuing education sponsor must establish written procedures for the investigation and resolution of allegations of classroom discrimination. The procedures must minimally specify:

A. the person to whom the complaint must be made;

B. the process by which complaints will be investigated;

C. the sanctions which may be imposed if a complaint is sustained;

D. the appeal process for the offending party;

E. the process which will be used to notify the complainant of the investigation and disposition; and

F. the effective date of the procedures or subsequent modifications of the procedures.

Subp. 13. **Copy of procedures.** The continuing education coordinator must make available to all faculty and staff a copy of the written procedures required in subpart 12. Also, the continuing education coordinator must make these procedures available to anyone else upon request.

Subp. 14. **Complaints.** Complaints which allege classroom discrimination during a course sponsored by a continuing education sponsor must be processed according to the written procedures required in subpart 12.

6700.1000 LICENSE RENEWAL.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Licensing examination.** For the purposes of subpart 8, the appropriate licensing examination is as follows:

A. the peace officer licensing examination for a peace officer; or

B. the part-time peace officer licensing examination for a part-time peace officer.

Approved by Revisor _____

Subp. 10. and 11. [Unchanged.]

6700.2700 POLICE PURSUITS.

The board recognizes the complex and unpredictable factors associated with police pursuits. It is imperative that there be written procedures for these types of serious law enforcement operations. The board has identified the issues which the procedures must consider. ~~It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs.~~ Because police pursuits may involve peace officers from other jurisdictions, the board encourages each agency to advise neighboring agencies, or agencies which have concurrent jurisdictions, of its police pursuit policies.

6700.2701 ESTABLISHMENT OF POLICE PURSUIT PROCEDURES.

On or before October 1, 1989, the chief law enforcement officer of each agency must establish written procedures to govern the conduct of peace officers from that agency who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487. These written procedures must consider the following issues:

A. circumstances in which a peace officer may initiate a pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. duties and number of the agency's law enforcement vehicles, displaying red lights and siren, that are permitted to participate in the pursuit of a vehicle operated in violation of Minnesota Statutes, section 609.487;

C. assignments of the agency's other assisting law enforcement vehicles;

D. requirements for the operation of the pursuing law enforcement vehicle that is operated as an authorized emergency vehicle as prescribed in Minnesota Statutes, chapter 169;

E. use and proper application of specific offensive tactics which may be used to terminate a pursuit including, but not limited to, bumping, ramming, blocking, or boxing in the pursued vehicle;

Approved by Revisor _____

F. circumstances under which a pursuit is to be terminated;

G. radio communications procedures during a pursuit;

H. role and responsibilities of the agency's on-duty supervisors during a pursuit;

I. application of deadly force as defined by Minnesota Statutes, section 609.066, during the course of a pursuit;

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of Minnesota Statutes, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures

Approved by Revisor _____

governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. Minnesota Rules, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Peace Officer Education; Licensing; Police Pursuits

AGENCY: Minnesota Board of Peace Officer Standards and Training

MINNESOTA RULES: Chapter 6700

The attached rules are approved for publication in the State Register

Robert P. Kittel

Robert P. Kittel
Assistant Deputy Revisor

STATE OF MINNESOTA

BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Proposed
Adoption of the Rules Governing
Peace Officer Education,
Licensing and Police Pursuits

FINDINGS OF FACT, CONCLUSIONS,
AND ORDER ADOPTING RULES
WITHOUT A PUBLIC HEARING

Notice of the Board's Intent to Adopt the above-entitled rule was published in the State Register on March 13, 1989, and was sent by United States Mail on March 10, 1989, to all persons on the list maintained by the Board pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. Because a section of these rules involves adjustment of fees, the chair of the house appropriations committee and senate finance committee were properly notified.

All persons were given the opportunity to submit comment on the rule for 30 days after the notice of intent to adopt a rule without a public hearing was given. The board received zero requests for a public hearing.

Two comments on the rule were received by the board and no requests for notice of submission to the attorney general were received.

Based on the comments and evidence in the record before the board, I find the following:

1. The rules, as proposed; a copy of which is attached hereto as Exhibit A.

2. The rules, as adopted; a copy of which is attached hereto as Exhibit B.

3. The Statement of Need and Reasonableness; a copy of which is attached hereto as Exhibit C.

4. The clarifications to three portions of the rule since it was proposed are non-substantial. The change to section 6700.0100, subp. 10, was inserted to clarify that the Board did not intend to require that a coordinator manage the law enforcement program full time, but only that the coordinator be employed full-time by the certified school. This change

does not introduce new subject matter, make a major substantive change, or affect new classes of persons. Therefore, the change is non-substantial.

The amendment to section 6700.1300, subp. 5A, was made to clarify the Board's intent to ensure safety of participants in the clinical skills program. The change expresses the Board's recognition that certain disabled individuals may be able to safely participate in the program. This change does not impact a class of person who could not reasonably have been expected to comment on the proposed rule as originally noticed, as the same classes of people are affected by the change.

The change does not introduce significant new subject matter, nor does it make a major substantive change. The change is therefore non-substantive.

The change to section 6700.0300, subp. 5B, is non-substantive. It merely corrects a typographical error, and directs the reader's attention to the correct section of the rule. It does not affect new clases of persons, introduce significant new subject matter, or make a major substantive change. It is therefore non-substantive.

The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as peace officer education, licensing, police pursuits as modified, is adopted this 5th day of May, 1989, pursuant to authority vested in the Board by Laws of Minnesota 1988, Chapter 712, Minnesota Statutes 626.843, Subd. 1, and 626.845, Subd. 1.

William R. Carter, III, Executive Director
Board of Peace Officer Standards and Training

In the Matter of the Adoption
of the Rule of the Board of Peace
Officer Standards and Training
Governing Peace Officer Education,
Licensing, and Police Pursuits

DECLARATION OF
COUNSEL

I, Mary Theisen, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 35.2A88.0141.

EXCEPTION: Through an error by the office of the undersigned, the Notice of Intent to Adopt a Rule was not published within the 180 days required by Minn. Stat. 14.12 (1988). The Board then complied with the reporting requirement of Minn. Stat. 14.12 by submitting an explanation for the delay to the Governor, the Legislative Commission to Review Administrative Rules, and the Chairs of the Senate and House Policy Committees. These letters are attached. The inadvertent error was thus remedied.

Mary J. Theisen
Special Assistant Attorney
General

Dated: 5/4/89

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
200 FORD BLDG.
117 UNIVERSITY AVE.
ST. PAUL, MN 55155
TELEPHONE: (612) 296-7575

January 23, 1989

Governor Rudy Perpich
Room 130
State Capitol
St. Paul, MN 55155

Re: Adoption of Rules by Minnesota Board of Peace Officer Standards and Training Regarding Pursuit of Fleeing Suspects By Peace Officers

Dear Governor Perpich:

I am the Special Assistant Attorney General assigned to represent the Minnesota Board of Peace Officer Standards and Training (POST Board). The purpose of this letter is to inform you that the POST Board will be unable to publish a notice of intent to adopt a rule within the six-month time period contained in Minn. Stat. § 14.12 and to furnish an explanation for the delay.

The 1988 Minnesota Legislature mandated rulemaking by the POST Board regarding issues to be considered by political subdivisions and state law enforcement agencies governing conduct of peace officers in pursuit of a vehicle operated in violation of Minn. Stat. § 609.487, as well as requirements for training of peace officers in conducting these pursuits. 1988 Minn. Laws ch. 712, sec. 18, subd. 1(1), codified at Minn. Stat. § 626.843, subd. 1(1) (1988). In accord with this legislative directive, the staff of the POST Board held a number of public meetings regarding the proposed issues, completed extensive research into the issues, and prepared proposed rules for approval by the POST Board at their quarterly meeting on January 19, 1989. The staff also prepared for submission and approval by the Board a notice of intent to adopt a rule to be published in the state register.

During the January 19, 1989 Board meeting, a representative from the Minnesota Police and Peace Officers Association (MPPOA) informed the Board that the MPPOA had not had enough time to review the rule and meet with POST staff to discuss potential concerns they may have about the proposed rule. Further, the Minnesota State Sheriffs Association also wished to discuss the proposed rule with POST staff. William R. Carter, III, Executive Director of the POST Board, informed the Board that there was a six-month requirement which mandated that the notice of intent to adopt a rule be

published within six months of the legislative mandate. Because 1988 Minn. Laws ch. 712, sec. 18 was effective August 1, 1988, the notice of intent to publish should be completed by February 1, 1989.

The chair of the POST Board asked me about the six-month requirement. I telephoned an attorney in my office who handles rulemaking. She informed me that based upon her knowledge and review of the statutes there was no such requirement. Relying on that information, I informed the Board that there was no six-month requirement to publish a notice of intent to adopt a rule. Pursuant to the inaccurate advice, the Board acted to extend the time to publish the notice of intent, so as to permit the MPPOA and Sheriff's Association an opportunity to consult with POST staff about their possible concerns with the proposed rule.

Unfortunately, as I now know, the information I relayed to the Board was inaccurate. Minn. Stat. § 14.12 requires that an agency shall publish a notice of intent to adopt a rule within 180 days after the effective date of a law requiring rulemaking. If the agency does not, it must report to the legislative commission to review administrative rules, the Governor, and other appropriate legislative committees that the agency will fail to meet the deadline.

Because the Board acted to extend the time to act on the notice of intent by 30 days to permit the MPPOA and Sheriffs Association to consult with POST staff, and because it takes two weeks to publish a notice in the State Register, the POST Board will publish an appropriate notice of intent to adopt a rule within 30 days of the date of this letter, plus two weeks for publishing time.

I regret the delay and failure to comply with Minn. Stat. § 14.12. If I may respond to any concerns you may have, please do not hesitate to contact me.

Sincerely,

MARY J. THEISEN
Special Assistant
Attorney General

Criminal Division
Telephone: (612) 296-1427

MJT:lda
cc: William R. Carter, III
Executive Director
POST Board

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
200 FORD BLDG.
117 UNIVERSITY AVE.
ST PAUL, MN 55155
TELEPHONE: (612) 296-7575

January 23, 1989

Maryanne V. Hruby
Executive Director
Legislative Commission to Review
Administrative Rules
Room 55
State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: Adoption of Rules by Minnesota Board of Peace Officer Standards and Training Regarding Pursuit of Fleeing Suspects By Peace Officers

Dear Ms. Hruby:

I am the Special Assistant Attorney General assigned to represent the Minnesota Board of Peace Officer Standards and Training (POST Board). The purpose of this letter is to inform you that the POST Board will be unable to publish a notice of intent to adopt a rule within the six-month time period contained in Minn. Stat. § 14.12 and to furnish an explanation for the delay.

The 1988 Minnesota Legislature mandated rulemaking by the POST Board regarding issues to be considered by political subdivisions and state law enforcement agencies governing conduct of peace officers in pursuit of a vehicle operated in violation of Minn. Stat. § 609.487, as well as requirements for training of peace officers in conducting these pursuits. 1988 Minn. Laws ch. 712, sec. 18, subd. 1(1), codified at Minn. Stat. § 626.843, subd. 1(1) (1988). In accord with this legislative directive, the staff of the POST Board held a number of public meetings regarding the proposed issues, completed extensive research into the issues, and prepared proposed rules for approval by the POST Board at their quarterly meeting on January 19, 1989. The staff also prepared for submission and approval by the Board a notice of intent to adopt a rule to be published in the state register.

During the January 19, 1989 Board meeting, a representative from the Minnesota Police and Peace Officers Association (MPPOA) informed the Board that the MPPOA had not had enough time to review the rule and meet with POST staff to discuss potential concerns they may have about the proposed rule. Further, the Minnesota State Sheriffs Association also wished to discuss the proposed rule with POST staff. William R. Carter, III, Executive Director of the POST Board, informed the Board that there was a six-month requirement which mandated that the notice of intent to adopt a rule be

published within six months of the legislative mandate. Because 1988 Minn. Laws ch. 712, sec. 18 was effective August 1, 1988, the notice of intent to publish should be completed by February 1, 1989.

The chair of the POST Board asked me about the six-month requirement. I telephoned an attorney in my office who handles rulemaking. She informed me that based upon her knowledge and review of the statutes there was no such requirement. Relying on that information, I informed the Board that there was no six-month requirement to publish a notice of intent to adopt a rule. Pursuant to the inaccurate advice, the Board acted to extend the time to publish the notice of intent, so as to permit the MPPOA and Sheriff's Association an opportunity to consult with POST staff about their possible concerns with the proposed rule.

Unfortunately, as I now know, the information I relayed to the Board was inaccurate. Minn. Stat. § 14.12 requires that an agency shall publish a notice of intent to adopt a rule within 180 days after the effective date of a law requiring rulemaking. If the agency does not, it must report to the legislative commission to review administrative rules, the Governor, and other appropriate legislative committees that the agency will fail to meet the deadline.

Because the Board acted to extend the time to act on the notice of intent by 30 days to permit the MPPOA and Sheriffs Association to consult with POST staff, and because it takes two weeks to publish a notice in the State Register, the POST Board will publish an appropriate notice of intent to adopt a rule within 30 days of the date of this letter, plus two weeks for publishing time.

I regret the delay and failure to comply with Minn. Stat. § 14.12. If I may respond to any concerns you may have, please do not hesitate to contact me.

Sincerely,

Mary Theisen

MARY J. THEISEN
Special Assistant
Attorney General

Criminal Division
Telephone: (612) 296-1427

MJT:lda
cc: William R. Carter, III
Executive Director
POST Board

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
200 FORD BLDG.
117 UNIVERSITY AVE.
ST. PAUL, MN 55155
TELEPHONE: (612) 296-7575

January 23, 1989

Representative Randy C. Kelly
Chair, House Judiciary Committee
509 State Office Building
St. Paul, MN 55155

Re: Adoption of Rules by Minnesota Board of Peace Officer Standards and Training Regarding Pursuit of Fleeing Suspects By Peace Officers

Dear Represenative Kelly:

I am the Special Assistant Attorney General assigned to represent the Minnesota Board of Peace Officer Standards and Training (POST Board). The purpose of this letter is to inform you that the POST Board will be unable to publish a notice of intent to adopt a rule within the six-month time period contained in Minn. Stat. § 14.12 and to furnish an explanation for the delay.

The 1988 Minnesota Legislature mandated rulemaking by the POST Board regarding issues to be considered by political subdivisions and state law enforcement agencies governing conduct of peace officers in pursuit of a vehicle operated in violation of Minn. Stat. § 609.487, as well as requirements for training of peace officers in conducting these pursuits. 1988 Minn. Laws ch. 712, sec. 18, subd. 1(1), codified at Minn. Stat. § 626.843, subd. 1(1) (1988). In accord with this legislative directive, the staff of the POST Board held a number of public meetings regarding the proposed issues, completed extensive research into the issues, and prepared proposed rules for approval by the POST Board at their quarterly meeting on January 19, 1989. The staff also prepared for submission and approval by the Board a notice of intent to adopt a rule to be published in the state register.

During the January 19, 1989 Board meeting, a representative from the Minnesota Police and Peace Officers Association (MPPOA) informed the Board that the MPPOA had not had enough time to review the rule and meet with POST staff to discuss potential concerns they may have about the proposed rule. Further, the Minnesota State Sheriffs Association also wished to discuss the proposed rule with POST staff. William R. Carter, III, Executive Director of the POST Board, informed the Board that there was a six-month requirement which mandated that the notice of intent to adopt a rule be

published within six months of the legislative mandate. Because 1988 Minn. Laws ch. 712, sec. 18 was effective August 1, 1988, the notice of intent to publish should be completed by February 1, 1989.

The chair of the POST Board asked me about the six-month requirement. I telephoned an attorney in my office who handles rulemaking. She informed me that based upon her knowledge and review of the statutes there was no such requirement. Relying on that information, I informed the Board that there was no six-month requirement to publish a notice of intent to adopt a rule. Pursuant to the inaccurate advice, the Board acted to extend the time to publish the notice of intent, so as to permit the MPPOA and Sheriff's Association an opportunity to consult with POST staff about their possible concerns with the proposed rule.

Unfortunately, as I now know, the information I relayed to the Board was inaccurate. Minn. Stat. § 14.12 requires that an agency shall publish a notice of intent to adopt a rule within 180 days after the effective date of a law requiring rulemaking. If the agency does not, it must report to the legislative commission to review administrative rules, the Governor, and other appropriate legislative committees that the agency will fail to meet the deadline.

Because the Board acted to extend the time to act on the notice of intent by 30 days to permit the MPPOA and Sheriffs Association to consult with POST staff, and because it takes two weeks to publish a notice in the State Register, the POST Board will publish an appropriate notice of intent to adopt a rule within 30 days of the date of this letter, plus two weeks for publishing time.

I regret the delay and failure to comply with Minn. Stat. § 14.12. If I may respond to any concerns you may have, please do not hesitate to contact me.

Sincerely,

MARY J. THEISEN
Special Assistant
Attorney General

Criminal Division
Telephone: (612) 296-1427

MJT:lda
cc: Rep. Gloria M. Segal

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ST. PAUL 55155

ADDRESS REPLY TO:
200 FORD BLDG.
117 UNIVERSITY AVE.
ST. PAUL, MN 55155
TELEPHONE: (612) 296-7575

January 23, 1989

Senator Allan H. Spear
Chair, Senate Judiciary Committee
G-27 Capitol
St. Paul, MN 55155

Re: Adoption of Rules by Minnesota Board of Peace Officer Standards and Training Regarding Pursuit of Fleeing Suspects By Peace Officers

Dear Senator Spear:

I am the Special Assistant Attorney General assigned to represent the Minnesota Board of Peace Officer Standards and Training (POST Board). The purpose of this letter is to inform you that the POST Board will be unable to publish a notice of intent to adopt a rule within the six-month time period contained in Minn. Stat. § 14.12 and to furnish an explanation for the delay.

The 1988 Minnesota Legislature mandated rulemaking by the POST Board regarding issues to be considered by political subdivisions and state law enforcement agencies governing conduct of peace officers in pursuit of a vehicle operated in violation of Minn. Stat. § 609.487, as well as requirements for training of peace officers in conducting these pursuits. 1988 Minn. Laws ch. 712, sec. 18, subd. 1(1), codified at Minn. Stat. § 626.843, subd. 1(1) (1988). In accord with this legislative directive, the staff of the POST Board held a number of public meetings regarding the proposed issues, completed extensive research into the issues, and prepared proposed rules for approval by the POST Board at their quarterly meeting on January 19, 1989. The staff also prepared for submission and approval by the Board a notice of intent to adopt a rule to be published in the state register.

During the January 19, 1989 Board meeting, a representative from the Minnesota Police and Peace Officers Association (MPPOA) informed the Board that the MPPOA had not had enough time to review the rule and meet with POST staff to discuss potential concerns they may have about the proposed rule. Further, the Minnesota State Sheriffs Association also wished to discuss the proposed rule with POST staff. William R. Carter, III, Executive Director of the POST Board, informed the Board that there was a six-month requirement which mandated that the notice of intent to adopt a rule be published within six months of the legislative mandate. Because

1988 Minn. Laws ch. 712, sec. 18 was effective August 1, 1988, the notice of intent to publish should be completed by February 1, 1989.

The chair of the POST Board asked me about the six-month requirement. I telephoned an attorney in my office who handles rulemaking. She informed me that based upon her knowledge and review of the statutes there was no such requirement. Relying on that information, I informed the Board that there was no six-month requirement to publish a notice of intent to adopt a rule. Pursuant to the inaccurate advice, the Board acted to extend the time to publish the notice of intent, so as to permit the MPPOA and Sheriff's Association an opportunity to consult with POST staff about their possible concerns with the proposed rule.

Unfortunately, as I now know, the information I relayed to the Board was inaccurate. Minn. Stat. § 14.12 requires that an agency shall publish a notice of intent to adopt a rule within 180 days after the effective date of a law requiring rulemaking. If the agency does not, it must report to the legislative commission to review administrative rules, the Governor, and other appropriate legislative committees that the agency will fail to meet the deadline.

Because the Board acted to extend the time to act on the notice of intent by 30 days to permit the MPPOA and Sheriffs Association to consult with POST staff, and because it takes two weeks to publish a notice in the State Register, the POST Board will publish an appropriate notice of intent to adopt a rule within 30 days of the date of this letter, plus two weeks for publishing time.

I regret the delay and failure to comply with Minn. Stat. § 14.12. If I may respond to any concerns you may have, please do not hesitate to contact me.

Sincerely,

Mary Theisen

MARY J. THEISEN
Special Assistant
Attorney General

Criminal Division
Telephone: (612) 296-1427

MJT:lda
cc: Sen. Ember D. Reichgott

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 30, 1989

TO: Jackie Albright
Office of the Attorney General
Room 515, DOT Building

FROM: William R. Carter, III WRC
Executive Director

SUBJECT: **Permanent Administrative Rules**

Based on our telephone conversation and the advice of the Board's attorney, Mary Theisen, I request the following sentence be withdrawn from the rules the board recently submitted to your office:

> It is the duty and responsibility of each law enforcement agency to develop specific procedures based on the agency's needs (6700.2700).

I understand that it's administratively not possible to withdraw just this sentence. Therefore,, all the rules we submitted will be withdrawn and resubmitted to your office with an additional Findings of Fact along with revised copies from the Revisor's Office.

If there is any additional information you need, please let me know as soon as possible.

WRC:mb

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 15, 1989

TO: Christine Eller
Assistant Attorney General
555 Transportation Building

FROM: Rebecca H. Wade R.W.
Standards Coordinator

SUBJECT: Rules

Enclosed are the required documents for rules the POST Board recently adopted. I am submitting them to you for your review.

If you have any questions, please feel free to contact me.

RHW:mb

Enclosures as stated

RECEIVED
MAY 15 89
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG
ST. PAUL, MN 55155

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 5, 1989

TO: Rulemaking File

FROM: William R. Carter, III
Executive Director

SUBJECT: Petition for Adoption

There was no petition for adoption, suspension, amendment, or repeal of a rule.

WRC:mb

MINNESOTA BOARD OF
PEACE OFFICER STANDARDS AND TRAINING
333 SIBLEY STREET (SUITE 495)
ST. PAUL, MINNESOTA 55101

Executive Director
(612) 296-2620

DATE: May 5, 1989

TO: Rulemaking File

FROM: William R. Carter, III WRC
Executive Director

SUBJECT: Notice of Submission of the Rule to the Attorney General

No one requested notification of the date of submission of the rule to the attorney general. Therefore, there is no notice.

Also, there is no affidavit of mailing notice of submission of the rule to the attorney general.

WRC:mb

WILLMAR COMMUNITY COLLEGE

RECEIVED
MAR 24 1989
POST

March 23, 1989

Mr. William R. Carter, III
Executive Director
POST Board, Suite 495
333 Sibley Street
St. Paul, MN 55101

Dear Mr. Carter:

RE: Proposed Adoption of the Rule Governing Peace Officer Education, Licensing and Police Pursuits

Willmar Community College would like to comment on two sections of the proposed rules:

6700.0100 Definitions Subp. 10 Coordinator. The key words which we are concerned with are to "manage on a full-time basis."

At Willmar Community College, the duties of the staff person responsible for the law enforcement program are divided as follows:

Manage (coordinate) program	20%
Law enforcement internships	10%
Teaching law enforcement classes	20%
Teaching political science classes	50%

Under present funding mechanisms, Willmar Community College could not afford to increase the management function to 100% as the proposed rule states. If that is the intent of the proposed rule, it would result in the elimination of the law enforcement program at Willmar Community College.

After discussing this issue with POST board staff, it is our understanding that the proposed rule is not intended to accomplish that objective. Since the rule clearly states "to manage on a full-time basis" and may be interpreted to mean that in the future, we would suggest that the wording be changed to reflect its intended meaning.

6700.0300 Subp. 6. C. We are concerned about the requirement for a minimum of three years experience with a criminal justice agency. We suggest that qualifications be either (1) a master's degree in law enforcement, criminal justice, education, social or behavioral sciences, or a related field, or (2) a bachelor's degree . . . and at least one year of experience with a criminal justice agency.

This concern rests on three issues:

1) *The three year requirement exceeds the minimum requirements contained in the employment contract between the State Board for Community Colleges and the Minnesota Community College Faculty Association.*
2) *It is doubtful, based on current compensation levels, that the college could attract prospective applicants with three years of experience.*
3) *The experience requirement is at odds with the general education emphasis which Willmar Community College seeks to promote its law enforcement program and its staff.*

We would hope that the proposed rules could be modified and these changes would not be considered substantive change.

Sincerely,

Harold Conradi

Harold Conradi
President

HC/SNE/ep

cc: SUS/CCS Law Enforcement Programs

ASSOCIATION OF TRAINING OFFICERS OF MINNESOTA

RECEIVED
MAR 3 1989
POST

March 2, 1989

Mr. Eli Miletich, Chairman
Minnesota Board of Peace Officers
Standards and Training
333 Sibley, Suite 495
St. Paul, Minnesota 55101

Dear Mr. Miletich:

The Board of Directors of the Association of Training Officers of Minnesota (ATOM) has recently reviewed the proposed rule amendments related to certified schools, the examination process, classroom discrimination, and police pursuit policies and the proposed changes to the continuing education system.

The Board of Directors of ATOM endorses both rule amendments and the changes to the continuing education system. We find both well thought out and appropriate to enhancing the quality of police education and the professionalism of Minnesota law enforcement.

The Board was particularly pleased with the proposed rule amendments concerning pursuits and requiring full-time directors for law enforcement programs. Both were long overdue. We look forward to passage of the changes.

Our congratulations to your staff for a job well done in preparing the proposed changes.

Sincerely,

M T Smith

Michael T. Smith
President, ATOM

MTS/cls

P.O. Box 40056 • St. Paul, Minnesota 55104-8056