



**MINNESOTA BOARD OF  
PEACE OFFICER STANDARDS AND TRAINING**  
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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 counsel 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.