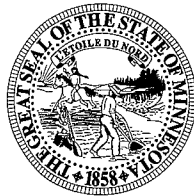


12-13-2007



**Minnesota Board  
of Peace Officer  
Standards and Training**

1600 University Avenue, Suite 200  
St. Paul, MN 55104-3825  
(651) 643-3060 • Fax (651) 643-3072  
TDD (651) 297-2100

December 11, 2007

Legislative Reference Library  
645 State Office Building  
100 Constitution Avenue  
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Board of Peace Officer Standards and Training Governing Continuing Education and Accreditation, *Minnesota Rules*, Chapter 6700, Parts 0900, 0901 and 0902; Governor's Tracking #AR354.

Dear Librarian:

The Minnesota Board of Peace Officer Standards and Training intends to adopt rules governing continuing education and accreditation. We plan to publish a Notice of Intent to Adopt Rules Without a Public Hearing in the December 17, 2007 State Register.

The Board has prepared a Statement of Need and Reasonableness (SONAR). As required by Minnesota Statutes, sections 14.131 and 14.23, the library will receive a copy of the SONAR at the same time the Notice of Intent to Adopt Rules Without a Public Hearing will be mailed.

If you have any questions, please contact me at 651-201-7787 or [mary.bjornberg@state.mn.us](mailto:mary.bjornberg@state.mn.us).

Sincerely,

A handwritten signature in black ink that reads "Mary Bjornberg".

Mary Bjornberg  
Interim Rules Coordinator

Enclosure: SONAR

# **Minnesota Board of Peace Officer Standards and Training**

## **STATEMENT OF NEED AND REASONABLENESS**

### **Proposed Amendment to Rules Governing Continuing Education and Accreditation, *Minnesota Rules*, Chapter 6700, Parts 0900, 0901 and 0902.**

#### **INTRODUCTION**

The Minnesota Board of Peace Officer Standards and Training was created by legislation in 1977 to establish statewide licensing for peace officers. Since then the duties of the Board have grown to include creating minimum standards of selection; developing learning objectives for continuing education; reimbursing local governments for some peace officer training expenses; establishing and enforcing standards of conduct for officers; investigating allegations of misconduct and unauthorized practice of law enforcement; and implementing policies and procedures mandated through legislation. The Board's mission is to enhance the profession of law enforcement throughout the state of Minnesota by developing, maintaining and enforcing selection, education and licensing standards.

There are several proposed non-substantive rule amendments to Continuing Education, Definitions and Accreditation. These clarify the language, correct grammar and establish consistency of content throughout the three Parts.

The proposed substantive changes reflect how current practice has evolved since the original rules were established in the early 1980s. The amendments specific to Continuing Education and Accreditation will affect sponsors and sponsors wishing to become accredited by revising the application process for both by concisely listing the criteria for approval and the required documentation.

In addition, the proposed substantive amendments to Accreditation remove the limitation of many sponsors to apply to become an accredited sponsor by deleting the obligation to designate a continuing education coordinator. Also, the proposed changes add more stringent criteria of two-year proven competency before approval will be granted and require additional documentation to maintain the approval.

The proposed substantive changes to Definitions delete the definition of a continuing education coordinator and add the definition of an accredited sponsor.

An ad hoc committee meeting was held February 14, 2007 to discuss the current process of approving continuing education courses and to review the application. Representatives from across the state were invited and the group reached a consensus on two suggestions – revising the application process to clarify requirements and be more readable, and to delete the requirement that an accredited sponsor must designate a continuing education coordinator

due to the limitations it causes. These suggestions were incorporated into the proposed rules. The Board approved the proposed amendments on July 26, 2007 and a Request for Comments was published in the State Register on August 20, 2007. A Notice of Intent to Adopt Rules Without a Public Hearing will be published in the State Register in December, 2007.

## **ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format such as large print, Braille, or cassette tape. To make a request, contact:

Mary Bjornberg, Interim Rules Coordinator  
Minnesota Board of Peace Officer Standards and Training  
1600 University Avenue, Suite 200  
Saint Paul, Minnesota 55104      Direct 651.201.7787      Fax 651.643.3072  
mary.bjornberg@state.mn.us      Main 651.643.3060      TTY 651.297.2100

## **STATUTORY AUTHORITY**

Minnesota Statutes, sections 626.84 to 626.863, authorize the Board to adopt rules and standards relating to the selection, education and training of peace officers and part-time peace officers in the state of Minnesota. Under these statutes, the Board has the necessary statutory authority to adopt the proposed rules.

## **REGULATORY ANALYSIS**

- 1. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.**
  - Classes most likely to be affected by the proposed rule changes are:
    - Current continuing education sponsors; and
    - Current continuing education sponsors wishing to become accredited sponsors.
  
  - Classes in general likely to be affected by the proposed rule changes are:
    - Sponsors who have submitted courses in the past;
    - Sponsors who have submitted courses in the past wishing to become accredited sponsors; and
    - Law enforcement community.
  
  - No classes of persons will bear the cost of the proposed rule changes because none are anticipated.

- All classes most likely to be affected will benefit since the application process will become more concise by clearly stating the criteria required for course approval and the type of documentation required to maintain the approval.
  - Classes most likely to be affected, specifically sponsors wishing to become accredited, will benefit because deleting the obligation to designate a continuing education coordinator removes many sponsors' limitation to apply to become an accredited sponsor.
  - Classes in general likely to be affected will benefit since plainly listing required documentation (to maintain the approval) and adding more stringent criteria (two-year proven competency before approval to become accredited will be granted) ensures the sponsors and the courses they provide follow the Board's mission to enhance the profession of law enforcement.
- 2. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.**
- No probable costs to the Board or any other agency are predicted with the implementation and enforcement of the proposed rule changes.
- 3. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.**
- Since there are no anticipated costs associated with the proposed rule changes, a less costly method is not applicable.
- 4. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.**
- Because the administrative procedures are set forth in *Minnesota Rules*, no alternative methods to achieve the purpose of the proposed rule changes were seriously considered.
- 5. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.**
- There are no predicted probable costs to any of the identifiable categories of affected parties to comply with the proposed rules.
- 6. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of**

**affected parties, such as separate classes of government units, businesses, or individuals.**

- There are no anticipated probable costs to any of the identifiable categories of affected parties to not adopt the proposed rules.

**7. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.**

- There are no differences between the proposed rule changes and existing federal regulations because the changes relate only to the state of Minnesota's peace officers.

## **PERFORMANCE-BASED RULES**

**Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.**

Regarding rules governing continuing education and accreditation, the Board considered performance-based standards by developing changes that will establish new more stringent requirements for agencies to submit courses for approval, require an onsite evaluation every five years, and require the sponsor be in good standing with the board. This emphasizes superior achievement because it will strengthen the level of proficiency among the accredited sponsors, enhance the level of service to the continuing education sponsors and law enforcement personnel and exemplify the Board's mission to increase professionalism within the law enforcement community.

## **ADDITIONAL NOTICE**

According to Minnesota Statutes, sections 14.131 and 14.23, additional notice will be given by:

- Posting the proposed rules, Request for Comments, SONAR, Notice of Intent to Adopt and Notice of Adoption with official rules as adopted on the Board's website;
- Mailing the Request for Comments, the proposed rule changes, the SONAR, the Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Adoption to the three law enforcement associations which include the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association; and

- As required by Minnesota Statutes, sections 14.131, 14.23 and 14.116, a copy of the Notice of Intent to Adopt Rules Without a Public Hearing and a copy of the SONAR will be mailed to the Legislative Reference Library and to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules.

NOTE: the Board does not have a rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a, because no one re-registered to receive notice of rule proceedings. In January 2002, all individuals previously registered with the Board as an "interested party" were notified that, due to budget restrictions, all information pertaining to the Board would be publicized on the Board's website rather than the US postal system. A copy of the letter is available upon request.

Other Notice was given by:

- Mailed Request for Comments to classes most likely to be affected. The list includes:
  - ✓ Sponsors who were invited to the ad hoc committee meeting;
  - ✓ Sponsors who have current approved courses as well as courses that have been approved within the past year; and
  - ✓ Sponsors who are currently accredited sponsors.

Note: Due to budgetary constraints, the classes most likely to be affected mailing list was informed to contact the Board if they wished to receive hard copies of future documents concerning the rule change process, otherwise all documents would be available via the Board's website. One individual contacted the Board via telephone and requested to receive hard copies throughout the process which the Board will comply with. A copy of the letter is available upon request.

- Emailed Request for Comments to the Minnesota State Senate Public Safety Budget Division distribution list. The list is comprised of individuals that signed up to receive information on legislative activity pertaining to the committee and contains over 100 names. A copy of the distribution list is available upon request.

## **CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Department has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Department publishing the Notice of Intent to Adopt. We sent the copies on October 3, 2007. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules; and SONAR. The POST Board's Executive Budget Officer sent a letter dated October 26, 2007 indicating the proposed rules have little or no impact on local units of government.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

### **Agency Determination of Cost**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city and has determined it will not.

The Board made this determination because there are no predicted probable costs of complying with the proposed rule (see Regulatory Analysis section). In fact, it is feasible to assume there may be a cost savings because the requirement for a sponsor wishing to become an accredited sponsor to appoint a full-time employee as a continuing education coordinator is deleted thereby reducing the cost to the school, agency, individual or organization to employ a specific person to fill that role.

## **RULE-BY-RULE ANALYSIS**

### **6700.0900 CONTINUING EDUCATION.**

**Subpart 1. Purpose.** ~~Pursuant to the authority vested in it by Minnesota Statutes, section 214.12,~~ The board has determined that a program of believes continuing education for peace officers is necessary to promote and ensure their professional competence.

The proposed rule change makes the language grammatically correct and more readable. The statutory reference was deleted to become consistent with other Parts of Chapter 6700 which do not reference statutory citations.

**Subp. 2. Continuing education and license renewal.** No peace officer license may be renewed unless the licensee or the licensee's appointing authority ~~furnishes~~ provides the board proof that the licensee has successfully completed board-approved continuing education ~~as provided~~ required in part 6700.1000, subpart 3. Licensees may be randomly selected for a continuing education review. If selected, the licensee must verify successful completion of the required hours of continuing education for license renewal.

The proposed rule change was added to reflect a new process for license renewal. In 2006, the Board established a policy based on other state licensing agencies which require licensees to submit information verifying they completed the required number of continuing education hours necessary to renew their license if they are randomly selected. Previously, licensees were required to submit proof of successful completion prior to their license renewal.

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

The proposed rule change provides consistency with the definition of sponsor listed in 6700.0901, subp. 4.

~~A. Before being eligible~~ **A sponsor that seeks to receive board continuing education course approval, the course sponsor shall make submit a completed application for course approval. Application for approval must be submitted on forms a form provided by the board.**

The proposed rule change makes the language grammatically correct and more readable.

~~B. No approval will be granted unless the course sponsor files with the board satisfactory proof that the course is law enforcement related, is based on the knowledge, skills, and abilities needed to be a peace officer, and meets a law enforcement training educational need and that the course has reasonable training equipment and facilities available. Further, the course sponsor shall furnish the board with the lesson plans and instructor credentials for the course and such other relevant information as the board may require. Relevant information may include handout material, attendance policy, and evaluation.~~

The proposed changes add simplicity to define the criteria a course must meet to gain approval by deleting antiquated language. Also, the Board's attorney recommended the criteria for courses offered by accredited sponsors be added and in order to maintain consistency with 6700.0902, subp. 2a., item C., the same language was used in this subpart.

~~C. No approval will be granted unless the course sponsor files all relevant information required by the board at 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.~~ **sponsor submits information required by the board at least ten days before commencement of the proposed course. Required information may include course goals and objectives, course outline including timeline, instructor qualifications and evaluation, and agreement the course statement shall be read according to subpart 6a.**

The deleted portions of 6700.0900, subp. 3., items B. and C. are reflected in the proposed item C. which brings clarity by specifically listing the types of courses and the required information necessary for approval.

**D. Upon approval, the board shall issue a letter of course approval to the ~~course~~ sponsor.**

The proposed rule change makes the language grammatically correct and more readable.

**E. Instructors who teach in continuing education courses shall possess professionally recognized training and experience in the assigned subject area, and board-recognized instructor training or specialized academic preparation in the assigned subject area, ~~including but not limited to psychology, law, and forensic pathology.~~**



The proposed rule change makes the language grammatically correct and more readable.

**F. Guest lecturers shall have their ~~lesson planning and~~ classroom activities supervised by an individual who has completed board-recognized instructor training.**

The proposed rule change makes the language grammatically correct and more readable.

**G. ~~Approval of continuing education courses shall be based upon relevance to the knowledge, skills, and abilities needed to be a peace officer.~~**

The content of the deleted item G is captured in the proposed changes to 6700.0900, subp. 3., item B.

**H. The board will approve the course for continuing education credit hours based on each hour of proposed training. An hour ~~shall consist~~ consists of 50 minutes of learning activities.**

The proposed rule change makes the language grammatically correct and more readable.

**I. H. The board may ~~accredit~~ allow a ~~course~~ sponsor to offer a continuing education course for a specified period of time without further documentation.**

The proposed rule change makes the language grammatically correct and more readable.

**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~~ may require or ~~furnishing~~ provide more than the number of hours of continuing education required by the board.**

The proposed rule change makes the language grammatically correct and more readable.

**Subp. 5. Learning objectives. The board may issue specific learning objectives applicable to the content of continuing education courses.**

There are no proposed changes for this subpart.

**Subp. 6. Review. All continuing education courses are subject to periodic review ~~and evaluation~~ by the board. The sponsor shall cooperate with the board's review.**

The proposed rule change adds language that is consistent with other parts of Chapter 6700 which require licensees and certified schools to cooperate with the Board.

**Subp. 6a. Course statement. The designee of the sponsor shall read aloud the following statement at the beginning of each class:**

"The (name of the sponsor) is a continuing education sponsor as approved by the Board of Peace Officer Standards and Training. This course (name of the course), (course number) has been approved by the POST Board for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. The sponsor of this course has a written policy for the investigation and resolution of allegations of classroom discrimination. Discrimination is an act or comment of prejudice that offends another. This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the sponsor by contacting (insert appropriate name and contact information)."

The proposed changes provide consistency between 6700.0902, subp. 9. and this subpart. Please see the analysis of 6700.0902, subp. 9. for further information.

**Subp. 7. Inactive licensed officer.** An inactive licensed officer is eligible to attend continuing education courses. Priority may be given to active licensees.

There are no proposed changes for this subpart.

**Subp. 8. Record keeping.** A list of licensees who successfully complete an approved continuing education course shall be maintained by the course sponsor and a copy transmitted to the board within ten days of the close of the course. ~~The list shall be submitted on forms provided by the board and shall include the license number of each officer.~~ Successful completion of the course shall be determined by the course sponsor.

In light of the new license renewal process of licensees submitting required information (referenced in 6700.0900, subp. 2.), the requirement for a sponsor to submit a list of attendees is obsolete. Therefore, the proposed change deletes the requirement.

**Subp. 9. Instructor credit.** Peace officers may earn up to one-half of their required continuing education credits for instructing in approved continuing education courses. The peace officer may earn two hours of continuing education credit for each hour of instruction.

There are no proposed changes for this subpart.

**Subp. 10. Credit for courses not directly approved by the board.** Peace officers may request receive continuing education credit for a course which that was not directly approved by the board provided the course was not denied approval, the licensee can show proof that the course was law-enforcement related meets the requirements of subpart 3, item B, and can prove successful completion of the course. ~~Application for credit must be submitted on forms provided by the board. Continuing education credit will be granted according to subpart 3, items G and H.~~

Continuing education credit may be granted for courses completed at accredited colleges and universities ~~according to~~ if the course meets the requirements of subpart 3, item G, and B. Credit shall

be granted with one semester credit equaling 15 continuing education credits and one quarter credit equaling ten continuing education credits.

The proposed rule change is for grammatical purposes, add the correct item letter and delete obsolete language. Credit for courses is based on the proposed 6700.0900, subp. 3., item B. rather than items G and H. The requirement for individuals to submit an application for course credit is no longer the practice of the Board due to the new license renewal process (referenced in 6700.0900, subp. 2.). Therefore, the proposed change deletes the requirement.

**Subp. 13. Classroom discrimination; 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 to investigate~~ complaints will be investigated;
  - C. the sanctions ~~which that~~ 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.

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0902, subp. 12.

**Subp. 14. Copy of procedures.** The course sponsor must make the written procedures required in subpart 13 available to all faculty, instructors, and administrative staff, and to anyone who requests a copy else upon request. ~~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.~~

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0902, subp. 13.

**Subp. 14a. Complaints. Complaints that allege classroom discrimination during a course must be processed according to the written procedures required in subpart 13 by the sponsor.**

The proposed rule change provides consistency with 6700.0902, subp. 14. In addition, OAH staff suggested having the same subparts listed in both parts 6700.0900 and 6700.0902 was not redundant since one part affects sponsors and one part affects accredited sponsors.

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

- A. ~~who~~ violates the provisions of this part 6700.0900;
- B. ~~who files with the board~~ submits a false application ~~form or course roster~~;
- C. ~~who~~ provides instruction ~~which is not consistent with the application form~~; or

D. ~~who fails to cooperate or whose faculty, instructors, or administrative staff 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.~~

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0902, subp. 10.

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.

The proposed rule change makes the language grammatically correct and more readable.

Subp. 17. ~~Procedure requirements~~ **Disciplinary proceedings.**

Disciplinary ~~procedures~~ proceedings under this part ~~must~~ shall be conducted ~~under~~ pursuant to the Administrative Procedure Act, Minnesota Statutes, chapter 14, and the rules of the Office of Administrative Hearings, ~~parts 1400.5100 to 1400.8500~~ chapter 1400.

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0902, subp. 11.

#### **6700.0901 DEFINITIONS.**

Subpart 1. **Scope.** For the purpose of this part, the following words and phrases ~~in this part~~ have the meanings given.

The proposed rule change makes the language grammatically correct and more readable.

Subp. 2. **Accreditation.** "Accreditation" means a sponsor that has received authority granted by from the board ~~to a school, agency, or association of agencies~~ to approve courses they provide for continuing education credit.

The proposed rule change clearly defines the authority of a sponsor who has received accreditation.

Subp. 2a. **Accredited sponsor.** "Accredited sponsor" means a sponsor that has received accreditation from the board.

The proposed rule change defines the difference between a sponsor and an accredited sponsor.

Subp. 3. **See repealer.**

The proposed rule change repeals the subpart which referenced a Continuing Education Coordinator.

Subp. 4. **Continuing education Sponsor.** ~~"Continuing education Sponsor"~~ means a school, agency, individual, or association of agencies which organization that has received accreditation authority from the board to provide approved courses for continuing education credit.

The proposed rule change more clearly defines a sponsor as having authority from the board to provide approved courses for continuing education credit. The words, "individual" and "organization," were added due to the growing demand from these types of sponsors.

Subp. 5. **Disciplinary action.** "Disciplinary action" means one or more of the following sanctions: letter of censure to the course sponsor, probation of the course sponsor, denial of approval of other courses for a specified amount of time, or suspension or revocation of the accreditation.

The proposed rule change adds the disciplinary action listed in the current rules of 6700.0900, subp. 16. to the definitions to ensure all possible sanctions are listed.

#### **6700.0902 ACCREDITATION.**

Subpart 1. **See repealer.**

The proposed repealer that referenced the application form is incorporated into the proposed changes to 6700.0902, subp. 2a., criteria for accreditation approval.

Subp. 1a. Purpose. The board believes sponsors who provide peace officer continuing education play a vital role in ensuring professional competence. The board recognizes a sponsor demonstrates competency by providing courses that are law enforcement related, promote professional job-related competence, and meet a law enforcement educational need. The board further believes if a sponsor has proven competency and is in good standing with the board, the sponsor can apply to become an accredited sponsor.

The Board feels it is important to define the purpose of an accredited sponsor to ensure sponsors wishing to become accredited know what the Board expects. In addition, the proposed change adds a purpose to provide consistency with 6700.0900, subp. 1. and other parts of Chapter 6700.

Subp. 2. **See repealer.**

The proposed rule change repeals the former subpart that referenced provisional accreditation. The Board concluded a two-year requirement explained in the proposed 6700.0902, subp. 2a., item B. followed the purpose of an accredited sponsor more closely than a one-year issuance of a provisional accreditation.

*Note: overall, the following proposed changes of subpart 2a are listed to be consistent with the styling in 6700.0900, subp. 3., items A. through H.*

**Subp. 2a. Criteria for accreditation approval. For the purpose of this part, "accreditation" means a sponsor who provides continuing education courses and seeks accreditation from the board.**

The proposed rule change provides consistency with the definition of an accredited sponsor listed in 6700.0901, subp. 2a.

**A. A sponsor that seeks accreditation shall submit a completed application on a form provided by the board.**

The proposed rule change makes the language grammatically correct and more readable, and is consistent with the wording of the criteria for approval listed in part 6700.0900, subp. 3., item A.

**B. No approval will be granted unless the sponsor has submitted and received continuing education course approval from the board over a two-year period, and the board has not taken disciplinary action against them.**

The proposed rule change adds stringency to the criteria to make certain only competent sponsors can qualify to become accredited.

**C. No approval will be granted unless the sponsor's courses are law enforcement related, based on the knowledge, skills, and abilities needed to be a peace officer, and meet a law enforcement educational need.**

The Board's attorney recommended the criteria for courses offered by accredited sponsors be added. The proposed change adds the definition of the criteria a course must meet to gain approval and is consistent with the wording of the criteria for approval listed in part 6700.0900, subp. 3., item B.

**D. No approval will be granted unless the sponsor submits information required by the board. Required information includes instructional objectives, course curriculum, facilities/learning resources, classroom discrimination policy, and agreement the course statement shall be read according to subpart 9.**

The proposed change adds clarity to the types information required by the Board necessary for approval and is consistent with the wording of the list of criteria for approval listed in part

6700.0900, subp. 3., item C.

**E. Upon completion of the application process, the board shall issue a letter granting or denying accreditation.**

The proposed change adds the a requirement for the Board to notify the sponsor if they are granted or denied accreditation and is consistent with wording of the list of criteria for approval listed in part 6700.0900, subp. 3., item D.

**F. Instructors who teach in continuing education courses shall possess professionally recognized training and experience in the assigned subject area, and board-recognized instructor training or specialized academic preparation in the assigned subject area.**

The proposed change adds the requirements for accredited sponsors' instructors and is consistent with wording of the list of criteria for approval listed in part 6700.0900, subp. 3., item E.

**G. Guest lecturers shall have their classroom activities supervised by an individual who has completed board-recognized instructor training.**

The proposed change adds the requirement that a guest lecturer must have their classroom activities supervised and is consistent with wording of the list of criteria for approval listed in part 6700.0900, subp. 3., item F.

**H. The course will be approved for continuing education credit hours based on each hour of proposed training. An hour consists of 50 minutes of learning activities.**

The proposed change adds the definition of what the number continuing education hours is based on and is consistent with wording of the list of criteria for approval listed in the proposed part 6700.0900, subp. 3., item G.

**Subp. 3. See repealer.**

The proposed rule change repeals the former subpart that referenced provisional accreditation which is made obsolete by the proposed addition of 6700.0902, subp. 2a., item B. In addition, the language regarding granting or denying accreditation is incorporated into the proposed 6700.0902, subp. 2a., item E.

**Subp. 4. See repealer.**

The proposed rule change repeals the former subpart that referenced the duties of the continuing education coordinator because not all sponsors have enough personnel to assign a specific person to the coordinator duties and therefore, it limits them from applying to become

an accredited sponsor. The Board feels that although the requirement to designate coordinator is deleted, the proposed requirements (see proposed 6700.0902, subp. 2a., item B.) for sponsors are more stringent.

**Subp. 4a. Evaluation. Every five years the board shall conduct an evaluation of all accredited sponsors to ensure compliance. All accredited sponsors are subject to periodic evaluation by the board. Accredited sponsors shall cooperate with the board's evaluation.**

The proposed rule change adds the requirement that accredited sponsors' must be evaluated every five years. Previously, it was optional for the Board to request documentation from accredited sponsors and the proposed changes still allow the board that option while also requiring an evaluation. Also, the proposed language indicating accredited sponsors shall cooperate with the Board was added based on other parts of Chapter 6700 requiring cooperation with the Board.

**Subp. 5. See repealer.**

The proposed rule change repeals the former subpart that referenced notifying the Board of a change in continuing education coordinator because it is obsolete based on the proposed repeal of 6700.0902, subp. 4.

**Subp. 6. See repealer.**

The proposed rule change repeals the former subpart that referenced submitting rosters of class participants to the Board because the new license renewal process of licensees submitting required information (referenced in 6700.0900, subp. 2.), makes the requirement for a sponsor to submit a list of attendees is obsolete.

**Subp. 7. See repealer.**

The proposed repealer that referenced course notices is incorporated into the proposed changes to 6700.0902, subp. 9., course statement.

**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. The accredited sponsor shall retain copies of information required by the board. Required information may include but is not limited to learning goals, specific performance objectives, timeline showing a breakdown of hours, course outline of each major unit of instruction, instructor qualifications, and instructor evaluation.**



The documentation must be maintained for five years or until evaluated and shall be made available to the board upon request.

The proposed rule change brings clarity by specifically listing the necessary types of required information to maintain for documentation. In addition, the amount of time required to maintain documents is still five years and the proposed change to allow "or until evaluated" affords the accredited sponsor the opportunity to purge documents sooner.

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

"The (name of the continuing education accredited sponsor) is a continuing education accredited 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 hours for those who successfully complete the course. Any questions about this course can be directed to (the name of the continuing education coordinator).~~" This course (name of the course), (course number) has been approved for continuing education credit. Peace officers who successfully complete this course will receive (total credits approved) hours of continuing education. The accredited sponsor of this course has a written policy for the investigation and resolution of allegations of classroom discrimination. Discrimination is an act or comment of prejudice that offends another. This policy applies to all faculty, instructors, administrative staff, and students. A copy of the policy may be obtained from the accredited sponsor by contacting (insert appropriate name and contact information)."

The Board feels the course statement is a significant part of a sponsor's responsibilities in providing attendees with course information and more importantly, on their policy regarding alleged discrimination in the classroom. The existing language in 6700.0902, subp. 9. was updated by deleting the requirement to mail a course roster to the POST Board as it is obsolete with the deletion of the requirement of an accredited sponsor to designate a continuing education coordinator. In addition, the proposed change re-words the statement to include pertinent information of not only the course name, number of credits approved but also the course number since the number is used in tracking course completion. Also, the proposed changes require the designee of the accredited sponsor to inform participants about their policy on investigation and resolution of allegations of classroom discrimination as well as who the policy applies to and how to obtain a copy.

**Subp. 10. ~~Violations~~ Disciplinary action.** ~~The board may take disciplinary action against a continuing education sponsor for any violation of this part by the sponsor or the continuing education coordinator. Also, disciplinary action may be taken when the continuing education sponsor, continuing education coordinator, or faculty does not cooperate with the board in the investigation of a violation of this part. The board may take disciplinary action against an accredited sponsor that:~~

- A. violates the provisions of this part;
- B. submits a false application;
- C. provides instruction not consistent with the application; or
- D. fails to cooperate or whose faculty, instructors, or administrative staff fails to cooperate with the board's investigation into an allegation of a violation of this part.

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0900, subp. 15.

Subp. 10a. Sanctions. Disciplinary action for violation of subpart 10 consists of one or more of the following: a letter of censure to the accredited sponsor, probation of the accredited sponsor, denial of approval of other courses for a specified period of time, or suspension or revocation of the accreditation.

The proposed language was added to ensure accredited sponsors are informed of the possible sanctions if 6700.0902, subp. 10. is violated and to provide consistency with 6700.0900, subp. 16. and 6700.0901, subp. 5. In addition, OAH staff suggested having the same subparts listed in both 6700.0900 and 6700.0902 was not redundant since 6700.0900 affects sponsors and 6700.0902 affects accredited sponsors.

Subp. 11. Disciplinary proceedings. Disciplinary proceedings under this part shall be conducted pursuant to the Administrative Procedure Act, Minnesota Statutes, sections 14.001 to 14.69 chapter 14, and the rules of the Office of Administrative Hearings, chapter 1400.

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0900, subp. 17.

Subp. 12. Classroom discrimination; procedures. ~~A continuing education~~ Every accredited 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~~ to investigate complaints ~~will be investigated~~;
- C. the sanctions ~~which that~~ 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.

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0900, subp. 13.

Subp. 13. Copy of procedures. The ~~continuing education coordinator~~ accredited sponsor 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 all faculty, instructors, administrative staff, and to anyone else upon request.~~

The proposed rule change makes the language grammatically correct and more readable. It also provides consistency with 6700.0900, subp. 14.

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

The proposed rule change makes the language grammatically correct and more readable.

**REPEALER.** Minnesota Rules, parts 6700.0901, subpart 3; and 6700.0902, subparts 1, 2, 3, 4, 5, 6, and 7, are repealed.

The proposed repealers are all described individually throughout the rule-by-rule analysis.

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

11-27-2007  
Date

  
Neil W. Melton  
Executive Director