

PROPOSED RULEMAKING

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

[37 PA. CODE CH. 203]

Municipal Police Education and Training Act

The Municipal Police Officers Education and Training Commission (Commission) proposes to revise the regulations in Chapter 203, Subchapters A—G, in their entirety, which implement 53 Pa.C.S. § 2164(14) (relating to powers and duties of commission). This proposed rulemaking will read as set forth in Annex A. The reasons for this comprehensive revision are as set forth as follows.

Due to the extensive changes in this omnibus revision, Chapter 203 is proposed to be rescinded and the content will be listed under proposed Chapter 203a (relating to administration of the Program).

Effective Date

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

This proposed rulemaking is authorized under 53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

Background and Need for the Amendment

The Commission was established in 1974. The Commission currently consists of 20 statutorily designated Commissioners appointed by various entities. The Commissioner of the State Police is the Chairperson of the Commission and both enlisted and civilian personnel under the Commissioner's supervision provide the staff necessary to carry out the daily operations of the Commission.

The Commission's primary responsibility is to set the training and eligibility requirements for prospective and current police officers covered under 53 Pa.C.S. Chapter 21, Subchapter D. To accomplish this, the Commission regulates and certifies police academies and police training instructors, who teach Commission-mandated curriculums in "basic police training" and "in-service training." Basic police training is the training received while in the police academy. In-service training is the required annual updates that an officer must complete to keep their certification active. When a prospective police officer has successfully completed the training, and is employed by a police department, the police officer applies to the Commission for certification, and must demonstrate completion of appropriate training, psychological and physical fitness for duty, and completion of firearms and lifesaving qualifications. These requirements are set forth in Chapter 203, Subchapter B. A police officer cannot enforce the laws of the Commonwealth or carry a firearm until the police officer is so certified. See 53 Pa.C.S. § 2167(a) (relating to police training). The Commission thus provides uniform standards for the more than 22,000 police officers who are employed by approximately 1,100 diverse police departments throughout this Commonwealth. The Commission also regulates police academies, curriculum

and instructors in Chapter 203, Subchapters C—E, and handles grant allocations as well in Chapter 203, Subchapter F.

Currently, Chapter 203 governs the administration of the Commission. The last major revision to these Commission regulations occurred in 1996. After conducting an exhaustive review and analysis of the current regulations, the Commission has determined that many definitions, key policies and procedures, and criteria related to certification of officers, certification of schools which train officers and course requirements, must be amended to reflect Commission-approved policy changes and statutory changes which touch upon these issues.

Revisions were prompted by a need for updating and providing greater specificity and clarity in many areas within the scope of the Commission's authority. Revisions were also made to provide greater flexibility regarding revisions to 53 Pa.C.S. Chapter 21, Subchapter D and ever-changing climate of police training. Finally, these revisions are reflective of the addition of pre-service applicants (those individuals who have not yet been hired by a police department, but are seeking training to become a police officer) to those who may attend basic police training.

These changes were drafted over an extended working period and feedback from the regulated community was sought. The draft regulations were provided to the Fraternal Order of Police and Pennsylvania Chiefs' of Police Association for review and comment. These two groups respectively represent the majority of both line officers in the field, as well as the police executives who command them. Commission staff spoke to and met with these groups personally; their comments and concerns were reviewed and, where appropriate, changes were considered and made to this proposed rulemaking. The regulations were also provided to the directors of certified police training schools for their review and comment, which was also considered and integrated where appropriate. These preliminary reviews and comments to the Commission staff ensured the regulated community was involved from the beginning stages and were aware of the significant proposed changes and revisions.

Description of the Proposed Rulemaking

As previously mentioned, due to the extensive changes in this omnibus revision, Chapter 203 will be rescinded and the content will be listed under proposed Chapter 203a. Although each section is renumbered in this conversion (that is, § 203.1 becomes § 203a.1), in general the topic of each section remains the same in this conversion.

Subchapter A—General

In Subchapter A (relating to general), § 203a.1 (relating to definitions), existing definitions are updated to reflect updated policy and to be consistent with substantive changes made to other subchapters. New definitions are created for the following terms: "Certified firearms instructor," "Change-of-Status Notice," "Cheating," "Chief," "Command Level," "Document," "Essential Job Functions of a Police Officer," "Federal Law Enforcement Officer," "Firearm," "Good Standing," "LIVESCAN," "Military Police Officer," "Other Qualified Medical Professional," "Signature" and "Suspension." The significance of these new terms is explained as follows in the corresponding applicable subchapters.

Subchapter B—Police Officer Certification Requirements

Subchapter B (relating to police officer certification requirements), which governs Police Officer Certification, is significantly restructured and modified by the Commission. First, § 203.11 for police officers seeking Commission certification is revised. This section now relates to all persons applying for entry to a Commission-certified school (hired or pre-service) or who are returning to basic training after an absence. See § 203a.11 (relating to qualifications for attending basic training at Commission-certified schools).

Due to restrictions related to firearms possession, applicants cannot be subject to an active temporary or final Protection from Abuse order from the Commonwealth or another jurisdiction. Similarly, the term “disqualifying criminal offenses” is changed to “disqualifying offenses” in § 203a.1, and is expanded to preclude an applicant from not only being convicted of a criminal offense punishable by more than 1 year, but also subject to any of the following: an offense under the Uniform Code of Military Justice that resulted in a bad conduct or dishonorable discharge; a conviction or adjudication as a juvenile that would preclude possession or control of a firearm; a finding of mental incompetence or incapacity, involuntary commitment, or other mental health treatment or status that prohibits possession or control of a firearm; or a conviction or adjudication as a juvenile that requires registration as a sex offender under the Commonwealth’s or other state’s Megan’s Law statutes. See § 203a.11(4).

The minimum required reading level is raised from 9th to 11th grade, and while the Nelson-Denny Reading Test is retained as the standard, the regulation is proposed to be amended to allow the Commission to approve another test and publish the alternative standards in the *Pennsylvania Bulletin*. See § 203a.11(5). The reading level was adjusted because of a statistical analysis and input of subject matter experts regarding the essential tasks of the position of municipal police officer (Job Task Analysis).¹

A physical examination continues to be required, under § 203a.11(6), but certain conditions are changed. Language throughout this section referring to the ability to perform “the duties of a police officer” is changed to the preferred phrase “the essential job functions of a police officer,” which is now specifically defined in § 203a.1. Applicants must be free from addictive drugs or excessive use of not only alcohol but also prescription medication. See § 203a.11(6)(i). The use of illegal drugs is not only a concern due to its legality, but also because it is a potential firearms prohibitor. It is clarified that illegal drugs cannot be used for 1 year prior to application and a drug screening will be conducted using laboratory testing procedures required by the Commission. See § 203a.11(6)(ii). Language prohibiting “any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions” is more appropriately worded to prohibit “any debilitating neurological or medical conditions” which may affect the applicant’s ability to perform the essential job functions of a police officer. See §§ 203a.1 and 203a.11(6)(iv). The audio acuity test is amended in § 203a.11(6)(vi) and replaced with an updated and more objective standard, based on a

¹ Dr. Valdis A. Lubans, a leading expert in developing and interpreting participant responses to training needs surveys, was contracted in 2012 to investigate the training needs of newly-appointed police officers with 5 years or less of experience as patrol officers. From his statistical analysis based on the feedback he received from officers with less than 5 years on the job, as well as their chiefs and patrol supervisors who participated, he developed basic job performance standards, medical guidelines and police academy entry standards for the Commission, which were incorporated into a Job Task Analysis Report. This process recurs approximately every 10–12 years.

recommendation in the Job Task Analysis. The visual acuity test is moved to subparagraph (v) and restated. Many members of the regulated community participated in the Job Task Analysis and the Fraternal Order of Police and the Pennsylvania Chiefs’ of Police Association saw the regulation with a same/similar version of the proposed changes.

To ensure that results of an applicant’s physical fitness testing do not become stale, the results will only be valid for 6 months after an applicant successfully passes the testing battery. See § 203a.11(8). A bench press requirement is replaced with a 1-minute push-up requirement, as recommended by the recent Job Task Analysis. Moreover, this change makes it possible for the physical fitness testing battery to be accomplished without the need for weight lifting equipment.

The current language of § 203.11(a)(10), which requires the applicant to undergo several checks through their employing police department (that is, criminal history check, credit history check, interviews with at least three references, interviews with former employers for past 5 years and a driving record check verifying that applicants have a valid driver’s license), is proposed to be deleted in favor of two proposed subsections. The first proposed subsection requires that the applicant possess a valid driver’s license. See § 203a.11(9). The second proposed subsection requires that the applicant, at their own expense (since the applicant is not yet fully employed as a police officer), provide Federal Bureau of Investigation and Pennsylvania criminal record checks and a driving history check from all states in which the applicant has been licensed for the past 10 years. See § 203a.11(10). Given that police departments must conduct their own thorough background investigation of the applicant under proposed § 203a.13(a) (relating to certification as a municipal police officer), it was deemed unnecessary and duplicative to include the other aspects of an applicant’s background check into the Commission certification process.

Applicants who are returning to a basic police training program after more than a 30-day absence may simply provide an affidavit attesting that there were no changes to their criminal history instead of requesting and paying for new criminal history checks. Applicants who are arrested for a disqualifying offense during an absence must submit new criminal history checks and a driving history check before being readmitted to the training program. Applicants who are convicted of a disqualifying offense during an absence may not be readmitted.

The current language of § 203.11(a)(11), requiring the successful completion of a basic police training course or obtaining a waiver of training as specified in § 203.12, is proposed to be deleted and is renamed and integrated more appropriately into corresponding proposed § 203a.12 (relating to training requirements).

Proposed § 203a.12 is modified so that it relates to the training requirements for certification, and not only to waiver of the training requirements. As such, the proposed section also incorporates the existing § 203.11(a)(11), with modifications. Applicants are still required to successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training from the Commission. See § 203a.12(a). Successful completion of the course will continue to be determined by the Commission-certified school, in accordance with Commission standards.

Applicants are still required to complete 100% of all instructional hours, see § 203a.12(b)(2); under prior

§ 203.11(a)(11) they were required to “attend 100% of all classes.” The policy regarding excused absences is proposed to be amended, clarifying that they must be mutually agreed upon by the police officer’s chief (as defined in § 203a.1) and the school director, or the school director alone if the applicant is not employed as a police officer. Applicants are responsible for all course content and testing missed due to the excused absences. See § 203a.12(b)(2)(i) and (ii). A restriction on the reasons for excused absences is proposed to be deleted, leaving this to the sound discretion of the applicant’s chief and the school director.

Like the existing regulation in § 203.11(a)(11), § 203a.12(b)(3) allows the Commission to establish and adjust minimum grades for various testing areas of the basic police training course, which will be published in the *Pennsylvania Bulletin*. Furthermore, subsections (i) and (ii) provide for the same procedures for applicants who fail one or more examinations in testable areas.

A requirement is proposed to be added in § 203a.12(b)(4)(i), mandating that applicants achieve a minimum qualifying firearms score of 75% based upon standards which are determined by the Commission and published in the *Pennsylvania Bulletin*. While the 75% standard is contained within the previous regulations, the additional language provides the Commission the ability to regulate the police firearms training course to be consistent with generally accepted practices in police firearms qualification.

Finally, similar to the existing regulation of § 203.11(a)(11), proposed § 203a.12(b)(4)(ii) mandates that applicants receive certifications in cardiopulmonary resuscitation (CPR) for the Professional Rescuer, with an Automated External Defibrillator (AED), and first aid through an approved regulatory agency.

Proposed § 203a.12(c) contains the provisions regarding waiver of basic police training. Recognizing that applicants may not be given full employment status until certification is received, a change is made from the current regulation so that an applicant needs to simply have a conditional offer of employment as a police officer from a police department to obtain a waiver for the training, in addition to full employment. See § 203a.12(c)(1). Refinements are made to the existing conditions of waiver, including the addition of a 10-year time frame for leaving employment “in good standing” as a State Police Trooper, or as a Commission-certified police officer, or as an out-of-State police officer who was employed full-time for at least 1 year. See § 203a.12(c)(2)(i)—(iii). The Commission mandates the full-time requirement for out-of-State officers to ensure that they do not bypass basic police training under 53 Pa.C.S. Chapter 21, Subchapter D by going to an academy in another state, and to ensure they are not employed in a capacity such as an auxiliary officer, as contained therein. The Commission is imposing the 10-year time requirement to ensure that a police officer’s training and experience has not become stale after being absent from the profession for 10 or more years. The Commission deems that this 10-year period is reasonable based upon changes occurring to the curriculum every decade, based upon the results of a recurrent Job Task Analysis. The term “good standing” is defined in § 203a.1, as the lack of a current definition has led to uncertainty and a lack of continuity in its application; a determination of “good standing” is the responsibility of the employing municipalities, jurisdictions, Federal agencies or certified schools, and will be certified by the Commission. See § 203a.12(f).

A provision is proposed to be added that allows Commission discretion to require that an applicant take all or portions of the current certification period’s Mandatory In-Service Training (discussed as follows) to qualify for a waiver of training in case this is deemed necessary. See § 203a.12(c)(3). Moreover, while applicants must continue to provide proof that they satisfactorily qualified on a police firearms course, a 12-month window is added to ensure that officers who seek a waiver of training are current on their firearms proficiency. See § 203a.12(c)(4)(i). Requirements for a police firearms course, and for certified firearms instructors, will now be published in the *Pennsylvania Bulletin*. Furthermore, applicants for a waiver must also have a current, valid certification in CPR for professional rescuer with an AED component, as well as for first aid. See § 203a.12(c)(4)(ii). AEDs are now common and readily located within public venues, so this training is now mandated by the Commission.

The regulation is also proposed to be amended to allow former Federal law enforcement officers and military police officers to apply for a partial waiver of training. These proposed amendments are in response to the amendment of 53 Pa.C.S. § 2164 in 2012. Those Federal law enforcement officers who left their agency in good standing within 10 years, see § 203a.12(d)(1), and military police officers who were honorably discharged in the previous 10 years, see § 203a.12(d)(2), are eligible. The Commission is required to notify applicants in writing of its decision regarding which portions of the basic police training may be waived. See § 203a.12(d)(3). The Commission reserves the right to require applicants to undergo all required training, with good cause, based upon a review of the applicant’s training and work history. See § 203a.12(e).

A requirement that applicants for a waiver take and pass the patrol vehicle operation test as required in the basic police training course is proposed to be deleted, given that training and on-the-job experience may be recognized by the Commission instead of taking the patrol vehicle operations test. In all instances, the Commission may still require additional training based upon the training and work history of an applicant, as deemed appropriate by the Executive Director.

The existing language of § 203.13, regarding certification as a municipal police officer, is proposed to be amended by language which is far more specific and detailed, including a series of items that applicants must complete before they can be issued a certification as described in the existing regulation. Applicants must be compliant with enumerated § 203a.11, see § 203a.13(a)(1) (relating to certification as a municipal police officer); be subject to a thorough background check conducted by the employing police department regardless of any previously conducted check that was completed, see § 203a.13(a)(2); and take and pass the certification examination administered by the Commission. The certification test is currently required under existing regulations in §§ 203.11 and 203.12 regarding applicants and waiver applicants, but it is moved to proposed § 203a.13 to apply to both types of applicants for certification. Several provisions are proposed to be added with respect to the certification examination.

The examination schedule will be posted on the Commission’s web site. See § 203a.13(a)(4). The results will be valid if the officer maintains certification or for a maximum of 2 years after the officer’s certification lapses or the officer is suspended. See § 203a.13(a)(4)(i). Indi-

viduals re-applying for certification after a revocation of certification must retake and pass the examination. See § 203a.13(a)(4)(i). If an applicant fails the examination after three attempts within 2 years of the first attempt or within 10 years of the completion of the basic police training course, the applicant will be required to take and pass the entire basic police training course to qualify for certification. See § 203a.13(a)(4). Individuals who are not currently employed by a police department or who do not have a conditional offer of employment from a police department, must pay the cost of the examination, equal to the cost of administering the test, which shall be determined by the Commission. See § 203a.13(a)(4)(ii) and (iii).

For consistency and administrative efficiency, the current 2-year initial certification period has been changed. Initial certification will be valid for no more than 2 years, expiring on June 30th of the odd-numbered calendar year after it was issued. See § 203a.13(a)(5). The Commission will continue to provide written or electronic documentation evidencing certification to the applicant's employing police department. See § 203a.13(a)(5). As currently provided, the certification will only be valid in the department identified in the certification documentation and will become void upon the applicant's suspension or termination from employment. See § 203a.13(a)(6).

A provision is proposed to be added that allows the Commission to issue a temporary certification pending the Commission's approval of a candidate. See § 203a.13(b).

The current regulation merely provides that a certification shall be renewed every 2 years, and while this provision is retained, the Commission fleshes out the renewal process and requirements in this proposed rulemaking. Renewal certificates will only be issued to police officers who have satisfied the mandatory in-service training requirements set forth in § 203a.52 (relating to mandatory in-service training courses). See § 203a.13(c)(1) and (2). The Commission must receive a list of officers who successfully completed the trainings. See § 203a.13(c)(1). The officer's chief must maintain and allow for the Commission's inspection, copies of all documents related to the officer's certification for a minimum of the two most recent recertification periods. See § 203a.13(c)(3).

The Commission proposes to add a provision allowing for an inactive status of a police officer's certification in one of two situations: the officer leaves employment with a police department in good standing and is not employed as a police officer elsewhere; or the officer fails to complete the mandatory in-service training requirements set forth in § 203a.52 (unless an extension has been requested). See § 203a.13(d)(1). An inactive certification may be reinstated within the 2-year period immediately following the date on which certification expires or the date of separation from employment. See § 203a.13(d)(2).

Every applicant for certification or recertification must be free from a disqualifying offense (defined *supra*) and remain eligible to possess firearms under State and Federal law. See § 203a.13(e).

The current language of § 203.14, regarding revocation of certification, is proposed to be amended in § 203a.14 (relating to suspension or revocation of certification) to reflect Commission statutory and policy changes in such matters. Most significantly, the section is proposed to be amended to allow the Commission to not only revoke, but also suspend, a certification under the same conditions

but with fact patterns which do not necessarily merit revocation, but rather an intermediate form of corrective action. With few exceptions, this proposed rulemaking has the same criteria as the existing regulations, with word choice changes for consistency with other sections. See § 203a.14(a). While failure to complete annual mandatory in-service training is retained as one of the criteria to suspend or revoke certification, this proposed rulemaking would permit the Commission to approve additional time to allow the officer to comply with this requirement, consistent with existing § 203.14(c), proposed to be deleted as redundant. See § 203a.14(a)(4). Furthermore, while having a physical, psychological or other condition rendering the officer unable to perform the essential job functions of a police officer is retained as one of the criteria upon which the Commission may suspend or revoke certification, a provision is proposed to be added allowing the Commission to require the applicant to provide additional medical information or submit to a medical or psychological examination, at the police department's expense; failure to comply with a directive would result in the immediate suspension of the officer's certification until they are compliant. See § 203a.14(a)(5). Finally, two new criteria are proposed to be added for suspending or revoking certification: ineligibility to possess firearms under Federal or State law, and committing any other act or omission that violates the rules set forth in Subchapter B of this proposed rulemaking. See § 203a.14(a)(10) and (11).

Existing § 203.14(b), regarding a police department's duty to provide documentation to the Commission related to certification, is replaced with new language that simplifies this obligation. See § 203a.14(b). The applicant's chief is now merely required to provide written notification to the Commission when the applicant meets any of the criteria listed in § 203a.14(a) regarding suspension or revocation of certification.

Proposed subsection 203a.14(c) is proposed to be added, allowing an officer to voluntarily surrender their certification instead of suspension or revocation. The Executive Director of the Commission is authorized to accept the officer's voluntary surrender of certification under terms and conditions deemed appropriate.

Existing § 203.15, regarding application packet submission, is proposed to be amended. Forms must be submitted in a manner determined by the Commission, and may now contain an electronic signature. See § 203a.15(a) (relating to application packet submission). Requirements of application forms, under § 203.15(b) are proposed to be amended as follows:

- Existing § 203.15(b)(2) is proposed to be amended by deleting an unnecessary subsection (the ability to process fingerprints by electronic means renders the subsection obsolete) and allowing fingerprint cards to be electronically submitted through "LIVESCAN" (a term which is defined in proposed § 203a.1). See § 203a.15(b)(2).
- Existing § 203.15(b)(3) is proposed to be amended by deleting an unnecessary subsection (the term "physician" is already defined in proposed § 203a.1), clarifying that the physical examination form should be signed by the physician, or other qualified medical professional, who conducted the examination, requiring that the form be submitted to the Commission and the chief of the officer's employing police department, and allowing the results of the physical examination shall be valid for a period not to exceed 2 years. See § 203a.15(b)(3). The physical examination form will not be required if the applicant qualified for a waiver under § 203a.12(c)(2)(i) if the application is

submitted within 2 years of the applicant's separation from employment as a police officer. Based upon conversations with medical professionals, a physical or psychological examination is only invalidated by a significant change to the individual's status, that is, an injury, accident or psychological trauma. As this proposed rulemaking provides for an examination anytime, before or after certification and upon reasonable cause, the extension to 2 years was deemed reasonable. For the same reasons, the 2-year period and other similar changes have been uniformly provided for in § 203a.15(b)(4)–(6).

- Paragraphs (4) and (5) are proposed to be added to § 203a.15(b) requiring that a physician's documentation related to the applicant's audio decibel test and visual acuity test are submitted to the Commission, with the same exemption for applicants qualifying for a waiver under § 203a.12(c)(2)(i).

- The existing subsection pertaining to providing the psychological form is renumbered to § 203a.15(b)(6) due to the additions of the previously-referenced proposed subsections, and is proposed to be amended to be consistent as noted previously.

- Paragraph (7) is proposed to be added to § 203a.15(b) which requires applicants to certify whether they have taken a physical or psychological evaluation in conjunction with an employment application for a police officer within the previous year and provide the results.

Existing § 203.15(c) is proposed to be amended to require that the application be submitted and signed by the applicant's chief. If the chief is the applicant for certification, then it shall be submitted and signed by the chief's supervisor. See § 203a.15(c).

Finally, § 203a.16 (relating to additional medical review) is proposed to be added to Subchapter B. This section allows the Commission to, at any time prior to certification, require an individual to provide additional medical documentation or submit to examination by a medical, psychological or other appropriate expert selected by the Commission, if reasonable cause exists to believe that the individual does not meet any of the requirements of the subchapter. This serves to allow the Commission to extend the validity period of medical and psychological examinations, while providing a clear mechanism for independent medical review to occur whenever needed.

Subchapter C—School Requirements

Subchapter C (relating to school requirements) addresses requirements for those schools that are authorized to train police officers under the auspices of the Commission.

Currently existing § 203.31, regarding eligibility for school certification, is proposed to be amended. A new subsection is proposed to be added to § 203a.31(a) (relating to eligibility for school certification) which affords the Commission the ability to consider an additional factor in evaluating the need for additional police training schools: the number of graduates obtaining employment within the specified geographic area of each Commission-certified school. This was deemed necessary to manage the number of certified schools, based upon the needs of the law enforcement population, job availability and other relevant factors, should the need arise.

Two provisions are proposed to be added which require schools to hire a school director or identify an interim school director meeting the requirements of § 203a.33(a)(2) (relating to minimum school standards

and requirements), and require schools with multiple teaching sites to appoint an onsite coordinator, approved by the Commission, to oversee the daily operation of the site in the absence of the school director. Existing § 203.31(b) is proposed to be amended as § 203a.31(d) and is proposed to be amended by resetting the base year from 1994 to 2014 for the Commission to determine whether new schools are necessary.

The title of existing § 203.32 is shortened from "Initial school certification procedure" to "School certification" to more accurately reflect the content of the section. See § 203a.32 (relating to school certification). Proposed subsection (a) of § 203a.32 adds a provision that if the Commission determines that new certified schools are necessary, it may limit applications to those located in a specific geographic area where a new school is needed most. Minor consistency changes are made to § 203a.32(b)–(d) regarding the procedures to be used for applying for school certification. Proposed subsection (c)(3) of § 203a.32 adds a provision that the Commission may limit those schools to receive certification to those necessary and best qualified to support the police population within a specific geographic area.

The current language of § 203.33, regarding minimum school standards and requirements, is proposed to be amended significantly by updating antiquated provisions and making them current with existing Commission policy. Only technical proposed amendments are made to § 203a.33(a)(1).

Proposed subsection (a)(2) of § 203a.33 adds the standards necessary for school directors, who must be approved by the Commission. The language is based on, and restructured from, existing § 203.37, which is proposed to be deleted and replaced with other language. There are two key changes to the standards for school directors. First, a school director must possess a bachelor's degree or higher in the fields of criminal justice, public administration, education or a related field (only an associate's degree is currently required). Second, school directors must have either 10 years of law enforcement experience including 5 years at a command level directly supervising police officers (currently, the 5 years must be at an administrative level, not at a command level), or other law enforcement related experience as deemed appropriate by the Commission and published in the *Pennsylvania Bulletin* (currently, instead of the 10-year law enforcement experience requirement, supra, a school director must have at least 15 years of increasingly responsible full-time experience as a Federal, State or municipal law enforcement officer with general police powers). These proposed changes retain the requirement that school directors have proven law enforcement experience, but allow greater flexibility for candidates who may have a varied law enforcement background who the Commission deems qualified for the key position. Finally, a "grandfathering" provision is proposed to be added for school directors approved prior to the promulgation of this proposed rulemaking.

Proposed subsection (a)(3) of § 203a.33 regarding compliance with applicable safety standards is proposed to be amended to add a reference to the Uniform Construction Code and applicable State, Federal and local laws, and delete a reference to an outdated law.

Existing § 203.33(a)(14), requiring that schools have and use a suitable area for physical conditioning and defensive tactics, is proposed to be amended. The school may now have multiple areas for such purposes, but they must be approved by the Commission. Furthermore, each

school shall have and use suitable areas approved by the Commission for conducting physical conditioning and defensive tactics in a safe manner. Physical conditioning shall not be conducted in the same area designated for classroom instruction. The school may, with approval of the Commission, conduct physical conditioning and defensive tactics training at an approved off-site facility, which must be the nearest available facility, see § 203a.33(a)(14). The minimum requirements for such areas are proposed to be amended. A school may now either have an isokinetic weight machine (currently required) or sufficient free weights for strength training. See § 203a.33(a)(14)(i). A required measured running course must now be Commission-approved for conducting assessments and testing. See § 203a.33(a)(14)(ii). Additionally, a provision is proposed to be added requiring schools to possess sufficient protective equipment and mats to facilitate defensive tactics and ground fighting. See § 203a.33(a)(14)(vi). The requirements for a “sit and reach flexibility evaluation station” and “skinfold calipers or cloth tape to determine body fat” are proposed to be deleted; the list of additional exercise equipment related physical conditioning training which the school may have to meet its obligations is amended to include stationary bicycles, treadmills, elliptical machines and rowing machines. See § 203a.33(a)(14)(vii).

Regarding the requirement that schools have a Commission-approved firing range, existing § 203.33(a)(15) is proposed to be amended to require that the range must comply with all applicable State, Federal and local laws. See § 203a.33(a)(15). Furthermore, the minimum caliber semi-automatic firearm is proposed to be amended to 9mm from .380 caliber. See § 203a.33(a)(15)(i). This proposed amendment is made as most police departments issue firearms of at least 9mm caliber. A police officer who qualifies with the weapon the police officer will use while on-duty will no longer be required to obtain further qualifications during the calendar year for purposes of certification. See § 203a.33(a)(15)(ii). Schools may now refuse the use of a weapon the firearms instructor deems not only unsafe, inadequate or not appropriate for police training, but also believes has been altered or modified in some way. See § 203a.33(a)(15)(iii).

A school's audio/visual requirements are proposed to be amended in § 203a.33(a)(17), removing antiquated equipment and updating with modern technology such as: multimedia equipment, projection screens, an A/V system capable of playing all media associated with trainings, TV monitors.

New requirements for schools are proposed to be added:

- Schools must only teach the Commission-approved curriculum. See § 203a.33(a)(19).
- Schools may only admit students to basic police training that have been identified as eligible to attend. See § 203a.33(a)(20).
- Schools must conduct a check of the student's driving record and verify a valid license. See § 203a.33(a)(21).
- Schools must report any injuries requiring medical attention to the Commission within 48 hours. See § 203a.33(a)(22).
- The school must use a Commission-approved location for conducting emergency vehicle operation training, which must be located as close to the school as possible. See § 203a.33(a)(23).
- Schools must submit any changes to their training calendar to the Commission within 5 business days. See § 203a.33(b)(2).

- Receive, acknowledge and update curriculum and training policies as directed by the Commission. See § 203a.33(b)(3).

- Schools must maintain additional specified records in their records management system; the Commission may require all schools to utilize a uniform records management system. See § 203a.33(b)(5).

- Schools must not only develop rules regarding discipline, student conduct, school operations and instructor standards (which they are currently required to do), they must also submit those rules to the Commission, and must apply those rules uniformly. See § 203a.33(b)(6).

- The prohibition on schools allowing instructors to teach more than 180 hours of any one basic police training course is proposed to be amended to prohibit an instructor from providing more than 25% of the total hours of any one basic police training course. See § 203a.33(b)(11).

- The existing § 203.33(b)(12) provision requiring schools to develop and transmit lesson plans and course outlines is proposed to be deleted since schools will now be required to use the Commission's curriculum.

- A provision is proposed to be added requiring that schools retain certain records for a minimum of 75 years: class rosters, attendance information, academic transcripts, firearms scores, firearms skills checklists, physical fitness assessments and test scores, course content, class schedules with assigned instructors and any other records designated by the Commission. See § 203a.33(b)(16).

- A provision is proposed to be added requiring that schools comply with the Commission's written directives concerning documents to be released under the Right-to-Know Law. See § 203a.33(b)(17).

- A provision is proposed to be added requiring that schools submit to a physical inspection of records by Commission inspectors upon reasonable notice. See § 203a.33(b)(18).

- The requirement that schools provide to the Commission a roster of all students completing a basic training police course is proposed to be amended. Schools must provide a roster of students, their physical fitness initial assessment and dates of trainings at the beginning of each course. Then, within 5 days of the conclusion of the course, submit to the Commission a roster of all students completing the course, whether they successfully completed the course, and their grades for each block of instruction. Detailed explanations must be provided for any students not successfully completing the course. See § 203a.33(c).

If there is any change in the location of a school or facility of a school, the Executive Director will schedule an inspection of the new location within 30 days after the Commission is notified of the change. See § 203a.33(d). Schools are prohibited from conducting training at the proposed location until tentative approval is given to the school. If a fire marshal, inspector from the Department of Labor and Industry, or other legal authority deems the new location satisfactory, then the Executive Director may give tentative approval. After the new location, has been visited by inspectors from the Commission, and the inspection has determined that the new location meets the standards set forth in this proposed rulemaking, final approval shall be voted upon by the Commission.

Existing § 203.34, regarding school inspections, is proposed to be amended to allow the Commission's inspec-

tors to visit and inspect each approved school at least biennially, rather than the current annual visit. Furthermore, this section is proposed to be amended to allow the Commission specific authority to not only survey the physical facilities of each school, but also its records, equipment, facilities owned or contracted, vehicles, firearms ranges, and driving tracks. Finally, this section is amended to allow the Executive Director to approve an individual as a Commission inspector who has subject matter expertise required to evaluate the school's operations and personnel. See § 203a.34 (relating to school inspections).

Existing § 203.35, regarding emergency suspension of school certification, is proposed to be amended by adding two additional reasons for emergency suspensions: failure to admit Commission inspectors to a certified school or its facilities, see § 203a.35(a)(5) (relating to emergency suspension of school certification), and failure to cooperate with an administrative investigation, including a physical review of records, being conducted by the Commission, see § 203a.35(a)(6).

Further, existing § 203.35 is proposed to be amended and improved by adding procedural steps to this process which currently do not exist. Under this proposed rulemaking, the school must be provided with the reasons for the emergency suspension as soon as possible, but no later than 15 business days from the date of the emergency suspension. Within 30 business days of an emergency suspension, the Executive Director shall provide the school with an opportunity to be heard on the conditions giving rise to the suspension. When those conditions are remedied, the certification shall be immediately restored. See § 203a.35(b).

Existing § 203.36, regarding revocation of school certification, is proposed to be amended to allow the Commission the authority to suspend a school's certification in addition to its current authority to revoke a school's certification. The basis for remedial measures are expanded to include violations of any standard or requirement of Subchapter C (relating to school requirements), see § 203a.36(1) (relating to suspension or revocation of school certification), the submission of known false or fraudulent information to the Commission, see § 203a.36(2), subcontracting police training to another noncertified entity, see § 203a.36(3), failure to comply with any settlement agreement entered into with the Executive Director, see § 203a.36(4), failure to conduct one basic police training course every 3 years the school is certified, see § 203a.36(5), failure to correct deficiencies discovered during school inspections after proper identification and notification to the school director, see § 203a.36(6), failure to properly administer courses and maintain confidentiality of all examinations, see § 203a.36(7), failure to cooperate with an administrative investigation being conducted by the Commission, see § 203a.36(8), failure to admit Commission inspectors to the school or its facilities where Commission-sponsored trainings are being conducted, see § 203a.36(9), and any other act or omission which constitutes a violation of 53 Pa.C.S. Chapter 21, Subchapter D or the regulations thereunder, or any other applicable Federal, State or local law, see § 203a.36(10). Two other reasons for suspension or revocation are proposed to be deleted: the failure to take corrective action after an emergency suspension, and the failure to have a school director meeting the requirements contained in Chapter 203a. The Commission has at times identified school deficiencies, which were averse to the efficient operation of the certified school. These deficiencies were not always clearly covered by the provi-

sions of this section; these proposed amendments are designed to ensure voluntary compliance with this proposed rulemaking, but should the certified school fail to comply, the Commission may pursue corrective action to gain necessary compliance.

Existing § 203.37, currently entitled "Minimum standards for school directors," is proposed to be deleted and replaced with a new subject in § 203a.37 (relating to authority of the Executive Director), as the contents of this section were placed into § 203a.33(a)(2). The proposed added language supports the additional basis for suspension or revocation, or both, by allowing the Executive Director of the Commission, at any time prior to or following a suspension or revocation but prior to the issuance of a hearing examiner's recommendation, to enter into a voluntary settlement agreement with the conditions and requirements as the parties deem appropriate. It should be noted that the hearing process and role of hearing examiners is provided for in Subchapter G (relating to notice and hearings).

Subchapter D—Course Requirements

As it relates to the existing Chapter 203, Subchapter D, proposed amendments are made that relate to the basic police training course curriculum and the mandatory and non-mandatory in-service training courses conducted by Commission-certified schools.

Existing § 203.51 is proposed to be amended to reflect the Commission's updated changes to the curriculum for basic police training, which is necessary for initial police officer certification. The current course on "Antisocial Behavior" is replaced with a course entitled "Special Needs, Medical and Behavioral Issues." See § 203a.51(b)(4) (relating to basic police training course curriculum). The course on "Professional Relations" is replaced with a course entitled "Community Policing—Problem Solving." See § 203a.51(b)(5). In addition, five new courses are added: "Ethics" in § 203a.51(b)(17), "Diversity and Sensitivity Training" in § 203a.51(b)(18), "Homeland Security" in § 203a.51(b)(19), "Drug Law Enforcement" in § 203a.51(b)(20) and "Electronic Crimes" in § 203a.51(b)(21). These course titles were updated and changed to be reflective of the current and forthcoming curriculum.

Existing § 203.52 is proposed to be amended in § 203a.52 to reflect the Commission's updated changes to the curriculum for mandatory in-service training courses, which are required annually for all certified police officers. The two components to mandatory in-service training are clarified as academic requirements and police skills requirements. See § 203a.52(b). The police skills requirements (consisting of an annual qualification on a police firearms course and maintenance of a first aid and CPR/AED certification) and academic requirements (consisting of at least 12 credited hours of annual training) are retained with minor changes consistent with amendments to other regulations.

A provision is proposed to be added requiring the Commission to evaluate law enforcement training courses to determine equivalency to mandatory in-service training course requirements, and requiring the Commission to publish a list of any approved training courses on its web site no later than September 30th of each year. The Commission may require completion of any in-service training courses mandatory regardless of the completion of approved equivalency training, during the calendar year. See § 203a.52(c).

Another provision is proposed to be added allowing non-certified law enforcement officers, at the request of

their employing agency and at the sole discretion of the Commission, to attend mandatory in-service trainings. See § 203a.52(d).

The existing provisions regarding the administration of mandatory in-service training are proposed to be renumbered and amended, as outlined in § 203a.52(e). Provisions regarding instructor certification requirements were deleted from this section, as they are incorporated into § 203a.72 for consistency and clarity. A provision is proposed to be added requiring that the courses be taught by an authorized instructor with the exception of Commission-approved online training or the equivalent. See § 203a.52(e)(1). The provision setting forth the procedure when an officer fails an examination is proposed to be amended with updated language. The basic process remains (a different version of the examination will be offered on reexamination; if the officer fails the reexamination a written notice of failure shall be provided). See § 203a.52(e)(7). Proposed subsection (e)(8) places responsibility for security of the examinations on the school and the course instructors or online training providers; violations may result in suspension or revocation of school or instructor certification.

Supporting provisions are proposed to be added to the subsection allowing the employing police department to request an extension of time to allow officers to complete the mandatory in-service trainings. See § 203a.52(e)(10). Either the employing municipality or the officer's chief may apply or a waiver of the time restriction for a line-of-duty connected injury or disability. These applications must be approved by a majority vote of the Commission. If a waiver is not requested, the officer shall not be decertified unless, upon return to service, the officer fails to complete the in-service training requirements deemed appropriate by the Commission. Further, the employing municipality or the officer's chief may apply for a waiver if the officer is deployed by the military. Officers must complete all in-service training after returning from deployment, unless exempted by the Commission. These changes are designed to provide more thorough procedures for the department and are also reflective of changes to 53 Pa.C.S. Chapter 21, Subchapter D itself regarding extensions of time for injured or deployed officers. Under § 203a.52(e)(11), a provision is proposed to be added allowing the Commission to approve online training, or its equivalent, as part of mandatory in-service training. This is done to ensure that current approved online training offered by partnership with the Pennsylvania Chiefs' of Police Association, and possibly others in the future, is provided for by this proposed rulemaking.

Under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses), the Commission is required to, if certain requirements are met and funding is available, reimburse municipalities for the cost of training their officers to Commission standards. Existing § 203.53, pertaining to non-mandatory in-service training courses, is proposed to be amended in two ways. The issuance of training grants made available to municipalities who make application, under 53 Pa.C.S. § 2170, a provision is proposed to be added making clear that grant monies will be provided on a pro rata basis and payments will be limited to the funds available to the Commission for such purposes. See § 203a.53(b)(1) (relating to nonmandatory in-service training courses). Additionally, the authority for approving grant requests in the amount of \$3,000 or less may now be approved by the Executive Director with the concurrence of the Budget Committee, rather than the Commission's Committee. See § 203a.53(c). References to the "Commission's Committee" are replaced with the

"Budget Committee;" references to the "In-Service Training Committee" are updated to the "Training Committee."

Finally, the Commission's existing cheating policy under § 203.54 is proposed to be amended in § 203a.54 (relating to Commission cheating policy), and a new definition of "cheating" is placed into § 203a.1. This cheating policy is updated to provide a clear definition of what constitutes cheating and to allow the Commission more flexibility in imposing sanctions on those found to have cheated; prior incidents which led to decertification proceedings resulted in significant litigation and identified areas where the policy could be improved. An individual is prohibited from intentionally, knowingly or willfully soliciting, possessing, receiving, utilizing, disseminating, acquiring or attempting to acquire questions, answers or answer keys to any official Commission examination without express authority. Individuals are prohibited from any acts of cheating, as further specified, and may not hinder or obstruct a Commission investigation involving cheating. Students must be apprised of, and given written acknowledgement of, the cheating policy before every examination. Written notice of a cheating violation must be sent by the school director to the student and Commission within 2 business days of becoming aware of the violation. The Commission shall investigate all allegations of cheating. The Executive Director may bar an individual not certified by the Commission who is found to have violated the cheating policy from further participation in any Commission training or testing. Certified individuals found to have violated the cheating policy shall be subject to suspension or revocation of their certification after receiving notice and having the opportunity to be heard under the provisions of Subchapter G. The hearing officer shall provide a recommendation regarding the appropriate penalty to the Commission, which may accept, reject or modify the hearing officer's findings, conclusions and recommendations. The Commission shall issue a final order in regards to cheating in accordance with Subchapter G.

Subchapter E—Instructor Certifications

Minor amendments are proposed to be made to existing § 203.71, which contains general provisions, under § 203a.71 (relating to general). It is clarified that individuals may not provide instruction in any Commission-certified course unless they have received instructor certification. Application forms will now be available by means of the Commission's web site. The requirement that applications be notarized is proposed to be deleted. Applicants cannot be convicted of, or subject to, a disqualifying offense.

Existing § 203.72, regarding certification requirements, is also proposed to be amended. Among the current requirements for instructors is the successful completion of a Commission approved instructor course or having a teaching certificate issued by the Department of Education. Specifications are added for the Commission approved-instructor development course, which must consist of a minimum of 40 hours of instruction. See § 203a.72(2)(i)(A) (relating to certification requirements). A listing of approved courses will now be published in the *Pennsylvania Bulletin*. See § 203a.72(2)(i)(A). Further, it is specified that for an instructional area which requires professional education, certification, licensure or other subject matter expertise, the Executive Director may certify (and subsequently deny or rescind) an individual as an instructor for that instructional area only. See § 203a.72(2)(iii). All instructors must acknowledge and abide by an Instructor Code of Conduct as has been

established by the Commission and which will be published in the *Pennsylvania Bulletin*. See § 203a.72(2)(i)(C).

To obtain certification as a special instructor, instructors must also acknowledge and abide by an Instructor Code of Conduct as established by the Commission. See § 203a.72(2)(i)(C). It is now specified that firearms instructors, like other special instructors, must also successfully complete a Commission-approved instructor development course. See § 203a.72(2)(iv)(B).

The provisions setting forth the qualifications for obtaining certification as a special instructor for mandatory in-service training are proposed to be amended and moved, from existing § 203.72(b) to § 203a.72(2)(iv)(F), for ease of reference. Special instructors must now be nominated by the certified school's approved school director. See § 203a.72(2)(iv)(F)(1). For individuals who are not currently a general police training certified instructor but are eligible for certification, temporary certifications shall expire upon the approval of the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first (currently, temporary certifications are valid for 6 months). See § 203a.72(2)(iv)(F)(2)(I). The current requirement that special instructors must successfully complete Commission instructor training remains; however, it is specified that the Executive Director shall determine attendance policies for these "workshops" and may reject any nomination for admittance. See § 203a.72(2)(iv)(F)(3). Finally, a provision is proposed to be added that limits certification for mandatory in-service training instructors to 1 calendar year from the date of issuance; instructors must be re-nominated each year for certification. See § 203a.72(2)(iv)(F)(4). The Executive Director may temporarily authorize an instructor to teach make-up mandatory in-service training courses. These proposed amendments are designed to provide clear procedural requirements and substantive standards for mandatory in-service training, as well as ensure the Executive Director is vested with the necessary authority to oversee these instructors.

Existing § 203.72(a)(3) regarding renewal and lapse of police training instructor certification is proposed to be amended so as not to apply to certifications for mandatory in-service training instructors, as this issue will be covered in § 203a.72(2)(iv)(F)(4). A provision is proposed to be added providing that if the Executive Director has determined that the qualifications for certification have been met, a temporary certification may be issued which shall expire upon approval of the final certification by the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first. See § 203a.72(3)(iv). However, individuals applying after a revocation shall not receive temporary certification. Certification of a reinstated instructor requires a majority vote by the Commission.

Currently existing § 203.73, regarding revocation of instructor certification, is proposed to be amended to allow the Commission the authority to suspend an instructor's certification in addition to its current authority to revoke an instructor's certification. The existing reasons for the remedial measures are proposed to be deleted and replaced with a significantly modified and expanded list in § 203a.73(a) (relating to suspension or revocation of instructor certification), to fully encompass the grounds upon which the Commission would either suspend or revoke an instructor's certification. The overarching revisions are designed to provide a more comprehensive set of

grounds for revocation and suspension, as it had been determined that previous regulations did not provide sufficient grounds to ensure the Commission has adequate oversight authority. Proposed § 203a.73(c) would allow an instructor to voluntarily surrender their certification instead of suspension or revocation. The Executive Director may accept or reject the instructor's voluntary surrender of certification with the terms and conditions he deems appropriate.

Subchapter F—Reimbursement of Expenses

Consistent with the proposed language of § 203a.53(b)(1), with respect to the issuance of training grants made available to municipalities who make application under section 2170 of the act, a provision is proposed to be added to § 203a.81(a) (relating to basic training) making clear that grant monies will be provided on a pro rata basis and payments will be limited to the funds available to the Commission for these purposes. The same change is made to § 203a.82 (relating to mandatory in-service training).

Further, in proposed § 203a.83 (relating to grants for nonmandatory in-service training programs), references to the disbanded "In-Service Training Committee" are updated to reference to the existing "Budget Committee."

Subchapter G—Notice and Hearings

Existing § 203.102 is proposed to be amended to clarify that notice of a Commission decision adversely affecting a party certified by the Commission will be sent to the certified police officer, certified instructor or certified school. See § 203a.102(a) (relating to notice).

Existing § 203.103 regarding hearing procedure is proposed to be amended to reflect that the Commission will hold hearings in its Harrisburg office (The Commission is no longer housed in the Hershey area, as it was previously). Hearing examiners will now be appointed by the Chairman of the Commission or in any other reasonable manner as determined by the Commission, rather than by a majority vote of the Commission. This is designed to provide more flexibility and reflect the current approved method of appointing hearing officers through the OGC program. Finally, the Commission is given the authority to not only accept or reject, but also modify, the findings of fact, conclusions of law and recommendations, consistent with standing procedures. See § 203a.103 (relating to hearing procedures).

Fiscal Impact and Paperwork Requirements

The proposed amendments will have the following approximate fiscal impacts upon the regulated community, which consists of police officers and their employing municipality/agency, as well as certified police training schools and their staffs.

Subchapter B is proposed to be updated and contains certain additional costs (all projections hereinafter are approximate based upon reasonable estimates; most are expected to be one-time expenses, though this could vary by expense and subchapter). Physical and Psychological examinations (\$75 and \$400, respectively) are still required, along with a five-panel drug screen (\$70) and decibel audio test (\$75). The approximate costs of these are expected to be \$500—\$700 in total. The subchapter also proposed to add the ability of the Commission to request evaluation by an appropriate independent medical expert if needed; due to the variety of potential evaluations, the costs would likely range from several hundred to several thousand dollars. Other costs for this subchapter include up to \$45.85 for background checks

for an applicant for basic police training and \$90 for professional rescuer certification. The other major new cost, though likely infrequent, will be a result of basic police training being required for former law enforcement who have previously completed recognized training, but have been absent from the profession for more than 10 years. If they must attend basic police training again, the cost is currently estimated to be approximately \$6,048.63. Finally, since the law now allows for the recognition of former Federal and military law enforcement training, those former officers will only have to take partial training at a reduced cost, which could be as much as several thousand dollars. The costs and savings for Subchapter B will be borne by the individual applicant, or if employed, by the employing municipality or agency and are most likely one-time expenditures.

Subchapter C proposes to impose a few additional costs upon certified police training schools. This proposed rulemaking now specifically provides for an onsite coordinator for campuses with multiple locations (this has already been done by most schools with a satellite campus). A part-time coordinator may be acceptable, so savings may be realized over a full-time position (salary of approximately \$50,000). Also, by allowing new officers to use their academy firearms qualification for their first year, a one-time savings of \$300 may be recognized in some instances by a municipality/agency. Updates to the required technologies may appear onerous, but as most academies have the necessary equipment already, the cost is presumed to be no more than \$1,000 for one-time upgrades. The other costs are related to updated records retention requirements (\$1,500) and an additional driver's history check for each student (\$10 per student), also both likely one-time expenses, though the need to update records retention capability may occur again at some indeterminate point depending on a school's specific circumstances.

Subchapters D and E (relating to course requirements; and instructor certifications) also are proposed to impose some additional costs on schools. It is anticipated that the new curriculum under Subchapter D has resulted in increases to tuition, (approximate tuition cost estimated at \$6,048.63); there is also additional cost in obtaining professional rescuer certification for an instructor from the American Red Cross (\$300). Some savings may be realized in Subchapter D as equivalency courses will now be allowed to substitute for in-service training, resulting in potential cost savings. Subchapter E proposed to add a few additional minimal costs such as all instructors being required to complete instructor development, as well as additional requirements to become a special instructor. Most of these costs for Subchapters D and E are expected to be one-time expenditures, though tuition is often variable. Subchapters F and G involve minimal changes and any fiscal impact is therefore also believed to be minimal in nature.

These proposed amendments will also impact paperwork requirements. Many of the changes to this proposed rulemaking are designed to allow for more modern and efficient business practices, curtailing costs, time and workload for both the Commonwealth and the regulated community. In some instances, new paperwork is required, such as the I-9 form and certain medical examinations/reviews in Subchapter B, along with a few additional background screenings in Subchapters B and C.

Finally, the impact on the Commonwealth, particularly the Commission, should be minimal, but is hard to

quantify. Commission staff will be required to provide more regular updates to certain matters by publishing in the *Pennsylvania Bulletin* and process additional paperwork in some instances (that is, Partial Waiver of Training Applicants). However, these additional duties will be likely be offset to some degree by more efficient business practices and flexibility as allowed for in this proposed rulemaking. Therefore, the additional fiscal and paperwork impacts upon the Commonwealth are likely to be minimal overall.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 45.5(a)), on September 28, 2020, on behalf of the Municipal Police Officers' Education and Training Commission, the State Police submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Law and Justice Committee and the House Judiciary Committee. A copy of this material is available on request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking by the State Police, the General Assembly and the Governor for comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Sergeant Leslie Barr, Policy and Legislative Affairs Office, State Police, by mail at 1800 Elmerton Avenue, Harrisburg, PA 17110 or by e-mail at lesbarr@pa.gov within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference "17-80, Chapter 203 revisions" when submitting comments.

COLONEL ROBERT EVANCHICK,
Commissioner

Fiscal Note: 17-80. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Subpart A. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM

CHAPTER 203. [ADMINISTRATION OF THE PROGRAM] (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Municipal Police Officers' Education and Training Commission is proposing to rescind Chapter 203, which appears in 37 Pa. Code pages 203-1—203-30, serial pages (331437)—(331442), (322731), (322732), (363425), (363426), (322735)—(322740), (336841), (336842), (322743)—(322752), (374975) and (374976).)

Sec.
203.1. (Reserved).
203.11—203.15. (Reserved).
203.31—203.37. (Reserved).
203.51—203.54. (Reserved).

203.71—203.73. (Reserved).
 203.81—203.83. (Reserved).
 203.101—203.103. (Reserved).

(*Editor's Note:* Chapter 203a is proposed to be added and printed in regular type to enhance readability.)

CHAPTER 203a. ADMINISTRATION OF THE PROGRAM

Subchapter A. GENERAL

Sec.
 203a.1. Definitions.

§ 203a.1. Definitions.

In addition to the definitions contained in the act, the following words and terms, when used in this chapter, have the following meanings:

Act—53 Pa.C.S. Chapter 21, Subchapter D (relating to municipal police education and training).

Certification—The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the Commission and successful completion of mandatory in-service training. Certification is for a period of 2 years.

Certified police firearms instructor—An individual who possesses a current police firearms instructor rating, and whose firearms instructor training has been approved by the Commission and published on the Commission's public web site.

Certified police officer—A police officer who has met all of the qualifications required by this chapter and is authorized to enforce 18 Pa.C.S. (relating to Crimes Code), moving violations of 75 Pa.C.S. (relating to Vehicle Code), and carry a firearm.

Chairperson of the Commission—The Commissioner of the State Police.

Change-of Status Notice—Either of the following:

(1) A document submitted by a police department as defined by the act to report:

- (i) separation or termination from employment,
- (ii) a criminal arrest,
- (iii) a change of name, or

(iv) a change in the physical or psychological condition of an individual who holds active certification as a police officer; or

(2) a document submitted by a police department identified by the act to reactivate a certification number assigned to an individual whose certification has been inactive for less than 24 months.

Cheating—To solicit, possess, receive, utilize, disseminate, acquire or attempt to acquire questions, answers or answer keys to any official Commission examination, or portion thereof, without written authorization of the Executive Director as required for official Commission business. The term includes, without limitation, communicating verbally, in writing, by means of signals, or electronically any information pertaining to the material or examination; referring to any unauthorized study, educational, or other aid; misrepresenting one's identity; interfering with or obstructing a Commission investigation regarding cheating; or aiding an individual to accomplish any of the items mentioned under this term.

Chief—The agency executive, chief of police, or officer in charge of a police department enumerated under the

act, or the person or governing body exercising executive oversight of a police department enumerated under the act.

Command level—A management position within a police department in which a police officer has responsibility for executive level functions, including without limitation functions such as budgetary requests, development or implementation, or both, of policies, oversight of police supervisors, investigation of police misconduct, discipline, labor relations or contractual interpretation.

Commission—The Municipal Police Officers' Education and Training Commission.

Conviction—A finding of guilt or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been imposed, including without limitation, similar dispositions as provided in the Uniform Code of Military Justice or other State or Federal law.

Disqualifying offense—Any of the following:

(1) A criminal offense under the laws of the Commonwealth, any other state, or the laws of the United States and its recognized territories, principalities and tribes, for which more than 1 year of incarceration can be imposed as punishment, as determined by the laws of the jurisdiction where the criminal offense occurred;

(2) a conviction for an offense under the Uniform Code of Military Justice for which a Bad Conduct or Dishonorable Discharge could be imposed;

(3) any conviction for a criminal offense, or adjudication as a juvenile delinquent, that prohibits the applicant's possession or control of a firearm under the laws of the United States or the Commonwealth;

(4) any finding of mental incompetence or incapacity, involuntary commitment to a mental institution, or other mental health treatment or similar status under State or Federal law that prohibits the possession or control of a firearm under the laws of the United States or the Commonwealth; or

(5) any conviction for a criminal offense, or adjudication as a juvenile delinquent, that requires registration under the Commonwealth of Pennsylvania's Megan's Law statute, or any other similar statutes of other states or the United States and its recognized territories, principalities and tribes.

Document—Any written or electronic submission which contains text or information of a legal, official or similar nature.

Essential job functions of a police officer—The job functions and tasks essential to performing the duties of a municipal police officer, including the ability to effectuate arrests, proficiently handle firearms, operate a police vehicle and perform a variety of physical tasks, the ability to communicate effectively, both verbally and in writing, the ability to comprehend documents and apply rules, procedures, and precedent, and other mental tasks, as well as perform rescue functions and other miscellaneous duties.

Executive Director—The Commission elected head of staff responsible for administration. See section 2164(9) of the act (53 Pa.C.S. § 2164(9) (relating to powers and duties of commission)).

Federal Law Enforcement Officer—A criminal investigator at the General Schedule-1811 level, or uniformed police officer in good standing, with Federal arrest powers, whose duties were generally consistent with those of

a certified police officer within the Commonwealth and who has successfully completed one of the following:

- (1) Federal Bureau of Investigation (FBI) basic training at the FBI Academy in Quantico, Virginia.
- (2) Drug Enforcement Administration basic training academy in Quantico, Virginia.
- (3) Uniformed Police Training Program at the Federal Law Enforcement Training Center.
- (4) Criminal Investigator Training Program at the Federal Law Enforcement Training Center.
- (5) Rural Police Training Program at the Federal Law Enforcement Training Center.

Firearm—Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive.

Good Standing—The term refers to the following:

- (1) A currently certified police officer or instructor who is not subject to removal by any employing municipalities or certified schools.
- (2) A former certified police officer, former State Trooper, or former certified instructor who, upon his separation or retirement, was not subject to removal by any employing municipalities, agencies or certified schools.
- (3) A current police officer of another state, Federal law enforcement officer or military police officer who is not subject to removal by any employing jurisdictions, Federal agencies, or if a military police officer, was not subject to any discharge other than honorable.
- (4) A former police officer of another state, Federal law enforcement officer or military police officer who is not subject to removal by the employing jurisdiction, Federal agency, or if a military police officer, was not subject to any discharge other than honorable.

The term excludes any person enumerated in paragraphs (1)–(4), who is, or who upon separation or retirement was, subject to a criminal or administrative investigation that could lead to the person's removal.

LIVESCAN—A computer-based system for the inkless collection and transmission of fingerprints.

Military Police Officer—A member of the United States Armed Services who has successfully completed basic training as a military police officer, criminal investigator, or special agent, and whose Military Occupational Specialty (MOS), Air Force Specialty Code (AFSC), or service equivalent, designates the person as a Military Police Officer (Army—MOS 31B or 31D; Marines—MOS 5800 or 5821; Air Force—AFSC 3P or 7S; Navy—Master at Arms (MA); or a Special Agent with the Coast Guard Investigative Service). The designation must be listed on the applicant's Department of Defense Form 214 (DD-214). The term excludes military police correctional officers.

Other Qualified Medical Professional—A certified registered nurse practitioner licensed in this Commonwealth by the State Board of Nursing, or a physician assistant licensed in this Commonwealth by the State Board of Medicine or by the State Board of Osteopathic Medicine.

Physician—An individual licensed to practice medicine and surgery in this Commonwealth by the State Board of Medicine or by the State Board of Osteopathic Medicine.

School—A Commission-approved training or educational entity that provides basic and in-service police training courses.

Signature—A legally recognized written, electronic, or digital, mark or sign made by an individual on an instrument or document to signify knowledge, approval, acceptance or obligation.

Suspension—Temporary decertification for a period of time determined by the Commission, generally not to exceed 2 years.

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

Sec.

- 203a.11. Qualifications for attending basic training at Commission-certified schools.
- 203a.12. Training requirements.
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§ 203a.11. Qualifications for attending basic training at Commission-certified schools.

A person applying for entry to a Commission-certified school or returning to basic training after an absence shall:

- (1) Be 18 years of age or older.
- (2) Provide documentation that the applicant possesses a high school diploma recognized and accepted by the Pennsylvania Department of Education or GED Equivalency.
- (3) Be a citizen of the United States and provide documentation of citizenship using Department of Homeland Security, United States Citizenship and Immigration Services form I-9.
- (4) Be free from both of the following:
 - (i) Conviction of, or being subject to, a disqualifying offense.
 - (ii) An active Temporary or Final Order issued under the Protection from Abuse Act, 23 Pa.C.S. §§ 6101–6122 (relating to protection from abuse), or an equivalent order from another jurisdiction.
- (5) Be able to read at no less than the eleventh grade level, as established through the administration of the Nelson-Denny Reading Test or other reading comprehension test as may be approved by the Commission. The results of the Nelson-Denny Reading Test shall be valid for no more than 3 years from date of completion.
- (6) Be personally examined by a physician or other qualified medical professional who is licensed in this Commonwealth. The examination must include the following findings, in writing, on a form or in a manner prescribed by the Commission:
 - (i) Applicants shall be free from the addictive or excessive use of either alcohol or legal prescription medication.
 - (ii) Applicants shall be free from the use of illegal controlled substances within the previous year. An applicant shall submit to a drug screening using current laboratory testing procedures required by the Commission.
 - (iii) Applicants' physical condition shall be that applicants could reasonably be expected to withstand significant cardiovascular stress.

(iv) Applicants shall be free from any debilitating neurological or medical condition, which may affect the applicants' ability to perform the essential job functions of a police officer.

(v) Applicants shall be found to have visual acuity of at least 20/70, uncorrected in the stronger eye, correctable to at least 20/20; and at least 20/200, uncorrected in the weaker eye, correctable to at least 20/40. In addition, the applicant shall have normal depth and color perception and be free of any other significant visual abnormality. An optometrist or ophthalmologist may conduct this portion of the examination.

(vi) Applicants shall be required to take and pass a decibel audio test using an audiometer with an average loss not to exceed 25 or more decibels at the 500, 1000, 2000 and 3000 Hertz (Hz) levels in either ear with no single frequency loss in excess of 40. The applicant may not use a hearing aid or other aid to perform the test. An audiologist may conduct this portion of the examination.

(vii) Applicants may not be missing any extremities, including digits, which would prevent meeting minimum training requirements and performing the essential job functions of a police officer.

(viii) Applicants shall be free from any other significant physical limitations or disabilities which would, in the physician's or other qualified medical professional's opinion, impair the applicant's ability to complete the required minimum training requirements and perform the essential job functions of a police officer.

(7) Be personally examined by a psychologist licensed in this Commonwealth and found to be psychologically capable to exercise appropriate judgment and restraint in performing the essential job functions of a police officer. The examination shall include the following elements:

(i) *Interview and history.* The psychologist shall personally interview the applicant. The interview shall include a summary of the applicant's personal, educational, employment and criminal history.

(ii) *Required psychological test.* Applicants shall be administered a current standard form of the Minnesota Multiphasic Personality Inventory.

(iii) *Other testing methods.* If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment and restraint to perform the essential job functions of a police officer, including the handling of a lethal weapon, the psychologist shall employ other appropriate techniques to form a professional opinion of the applicant's ability. The use of these additional techniques requires a full and complete written explanation to the Commission on a form submitted by the psychologist to the Commission indicating what additional testing has been performed, the results of the tests and written documentation detailing why the individual possesses the appropriate judgment and restraint to perform the essential job functions of a police officer.

(8) Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research. Each applicant shall score no lower than the 30th percentile of the Cooper standards, which coincides with the 30th percentile of the general population, in the testing battery to be eligible for employment. A person will not be enrolled in a basic police training course at a police academy certified by the Commission unless the person has obtained a score in the 30th percentile or higher for the person's age and gender as specified in the Cooper standards for the test battery. Physical fitness results remain valid for 6 months after successfully passing the testing battery. The required testing battery is as follows:

(i) 1.5 mile run.

(ii) 300 meter run.

(iii) One minute push-ups.

(iv) One minute sit-ups.

(9) Have and maintain a valid driver's license.

(10) Individuals shall, at their expense, provide Federal Bureau of Investigation and Pennsylvania criminal history checks and a driving history check from all states in which they have been licensed in the past 10 years before entering a Commission-certified police academy. Individuals returning to a basic police training program after an absence of more than 30 days shall provide a notarized affidavit verifying that all criminal history contained in their initial application remains true and accurate. Applicants arrested for a disqualifying offense during an absence shall be required to submit new criminal history and driving history checks before being readmitted to the program. Applicants convicted of a disqualifying offense during an absence shall not be readmitted into the program.

§ 203a.12. Training requirements.

(a) Applicants shall successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training from the Commission.

(b) *Basic Police Training Course.*

(1) Successful completion of a basic police training course shall be determined by the training school, in accordance with Commission standards.

(2) Applicants shall complete 100% of all instructional hours.

(i) Excused absences shall be mutually agreed upon by the police officer's chief and the school director. School directors shall determine excused absences for applicants not employed as police officers. School directors shall document and submit to the Commission each excused absence and the completion of all make-up hours missed due to the absence.

(ii) Applicants are responsible for all course content and testing that is missed due to the excused absence.

(3) Applicants must complete the basic police training course with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* whenever the minimum grade on any tested area of examination changes.

(i) Applicants not achieving the minimum grade in any tested area shall repeat the training in that area before being eligible to retake the examination in that tested area. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to retake and pass the entire basic police training course to qualify for certification.

(ii) Applicants not achieving the minimum grade in two separate tested areas during a basic police training course shall be required to retake and pass the entire basic police training course to qualify for certification.

(4) To qualify for certification, an applicant shall:

(i) Achieve a minimum qualifying firearms score of 75% based upon standards as determined by the Commission and published as a notice in the *Pennsylvania Bulletin*.

(ii) Receive certification in cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component, or equivalent, and first aid

from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(c) *Waiver of training.* Applications for certification for which waivers of training are requested shall be submitted by the applicant's employing police department. An applicant for a waiver of training shall:

(1) Be employed as a police officer or have a conditional offer of employment as a police officer from a police department.

(2) Satisfy one of the following conditions:

(i) Within 10 years, the applicant was a State Trooper, successfully completed his probationary period, and left that position in good standing.

(ii) Within 10 years prior to the date of employment on the application for certification, the applicant was a Commission-certified municipal police officer, employed by a police department enumerated by the act, and left that position in good standing.

(iii) Within 10 years prior to the date of employment on the application for certification, the applicant was employed as a full-time police officer in another state for a minimum of 1 year and left in good standing. This waiver shall be contingent upon the applicant providing documentation demonstrating completion of that state's Peace Officers Standards and Training curriculum, or equivalent, if comparable to that of the act. For purposes of this section, a full-time police officer is a person who is employed by a police department assigned to law enforcement duties; the term does not include persons employed to check parking meters, or to perform only administrative duties, nor does it include corrections officers, auxiliary or fire police.

(3) The applicant may be required to take all, or portions thereof, the current certification period's mandatory in-service training to qualify for a waiver of training, as determined by the Commission.

(4) Provide documentary proof that the applicant has met the following requirements:

(i) *Firearms.* Within the last 12 months, applicants must have qualified on a police firearms course conducted by a certified police firearms instructor with the firearms the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course and for firearms instructors in the *Pennsylvania Bulletin*.

(ii) *First Aid/Cardiopulmonary resuscitation/Automatic external defibrillation.* Applicants shall have current, valid certifications in first aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component, or equivalent, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(d) *Partial waiver of training.*

(1) Federal Law Enforcement Officers who left their agency in good standing within 10 years may apply for a waiver of portions of the mandatory basic training curriculum. The waiver shall be contingent upon an applicant's submission of documentation to the Commission verifying successful completion of the blocks of instruction for which the applicant is requesting a waiver. This documentation may include, but is not limited to, official transcripts, certificates of completion, diplomas, lesson plans, syllabi and comprehensive course descriptions. The

Commission may request additional information before making its final determination regarding the waiver. Waivers may only be granted for those portions of the training deemed by the Commission to be comparable or equivalent to that which is required by the act and this chapter.

(2) Military Police Officers who were honorably discharged in the previous 10 years may apply for a waiver of portions of the mandatory basic training curriculum. An application for waiver shall be accompanied by form DD-214 containing verification of the applicant's Military Occupational Specialty, or equivalent, as a Military Police Officer within the applicant's branch of service. The waiver shall be contingent upon an applicant's submission of documentation to the Commission verifying successful completion of the blocks of instruction for which the applicant is requesting a waiver. This documentation may include, but is not limited to, official transcripts, certificates of completion, diplomas, lesson plans, syllabi and comprehensive course descriptions. The Commission may request additional information before making its final determination regarding the waiver. Waivers may only be granted for those portions of the training deemed by the Commission to be comparable or equivalent to that which is required by the act and this chapter.

(3) The Commission will notify the applicant in writing of its decision regarding waiver of training under subsection (d)(1) or (2). The applicant shall be required to take the non-waived portions of the mandatory basic training curriculum at a Commission-certified school.

(e) Notwithstanding any provision of subsections (c) or (d), the Commission or its Executive Director may, based upon a review of the training and work history of an individual, and with good cause, require an applicant to undergo any and all training which is required by law or similar statute, or which it deems essential training to fulfill the requirements of this subchapter.

(f) A determination of good standing under this chapter is the responsibility of the employing municipalities, jurisdictions, Federal agencies, or certified schools, and shall be certified to the Commission.

§ 203a.13. Certification as a municipal police officer.

(a) *Certification.*

(1) Applicants shall meet the requirements of § 203a.11(1)—(4), (6) and (7) (relating to qualifications for attending basic training at Commission-certified schools), pertaining to the qualifications for attending basic police training at Commission-certified schools.

(2) Applicants shall be subject to a thorough background investigation conducted by each police department employing the applicant, regardless of any previously conducted background investigations under this section. The investigation shall include the following:

(i) Documentation of citizenship using Department of Homeland Security, United States Citizenship and Immigration Services form I-9.

(ii) A criminal history check including the submission of fingerprints to the Central Repository for the Commonwealth and to the Federal Bureau of Investigation.

(iii) A check of the applicant's credit history.

(iv) Personal interviews conducted with at least five people who have personal knowledge of the applicant but are not related to the applicant, nor are a member of the applicant's household.

(v) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history. Consideration may also be given to interviewing the applicant's school director, academy staff or other appropriate academic personnel.

(vi) A check of the applicant's driving record verifying that the applicant has a valid driver's license.

(vii) If the applicant has ever been employed, or is currently employed, as a police officer or other law enforcement official with powers of arrest within this Commonwealth, or in any other state or Federal agency, the applicant's new employing department shall contact any and all of the applicant's previous employers to document the applicant's employment history, including the reason for separation and any factors relevant to the applicant's employment as a municipal police officer.

(3) A report of the background investigation, containing the items listed in paragraph (2), shall be maintained for the duration of the applicant's employment with the police department, and shall be submitted to the Commission upon request.

(4) Applicants shall take and pass the certification examination administered by the Commission at a location and time designated by the Commission. Failure to pass the certification examination after three attempts within a 2-year period from the administration of an applicant's first certification examination, or within 10 years of the completion of the basic police training course, shall result in the applicant being required to take and pass the entire basic police training course to qualify for certification. The schedule for the examinations will be posted on the Commission's web site.

(i) The results of the Commission's certification exam shall be valid for as long as the officer maintains certification, or for a maximum of 2 years after the officer's certification lapses or the officer is suspended. Individuals reapplying for certification after a revocation of certification shall be required to retake and pass the examination. If a revoked individual is granted reinstatement by the Commission, the results of their certification examination shall be valid for a period not to exceed 2 years. If granted recertification, the results shall be valid as long as the officer maintains certification or for a maximum of 2 years after the officer's certification lapses or is suspended.

(ii) Individuals who are not employed as police officers by a police department within this Commonwealth, or do not have a conditional offer of employment from a police department, shall pay an examination fee equal to the actual cost of administering the test, as determined by the Commission. The results of the examination shall be valid for a period of 2 years from the date the examination was administered.

(iii) Applicants who are employed as a police officer by a police department within this Commonwealth or have a conditional offer of that employment shall not pay an examination fee.

(5) Initial certification is valid for no more than 2 years from the date of issuance. Upon the applicant's completion of the Commission's requirements for certification as a police officer, the Commission will supply a written or electronic document evidencing certification to the applicant's employing police department. The document must contain a certification number, the date of issuance, the date of expiration and the name of the employing police department. The initial certification shall expire on June 30th of the odd-numbered year after it was issued.

(6) Certification shall be valid only in the department identified on the document issued by the Commission. Upon suspension or termination of employment by a department, the certification shall be void and the certification document shall be returned to the Commission by the department.

(7) If the certification document has been lost or destroyed, the officer shall provide a notarized statement to the Commission concerning the certification document. Upon receipt of a notarized statement, the Commission will immediately reissue the certification document.

(b) *Temporary certification.*

(1) The Executive Director is authorized to temporarily certify an applicant pending the Commission's approval.

(2) Written or electronic documentation of the applicant's temporary certification will be sent to the employing police department.

(c) *Renewal of certification.*

(1) The Commission will issue a renewal certificate only to police officers who have satisfied the mandatory in-service training requirements set forth under § 203a.52 (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide notice to the Commission of all police officers who have successfully completed the mandatory in-service training course, in a manner determined by the Commission.

(2) The Commission shall renew certification every 2 years for police officers completing the mandatory in-service training requirements outlined in § 203a.52, as evidenced by documentation from the police officer's chief and training records maintained by the Commission.

(3) The chief shall maintain copies of cardiopulmonary resuscitation for professional rescuers with an automatic external defibrillation component and first aid certification cards, as well as documentary proof of annual firearms qualification, for every police officer employed by the department, for a minimum of the 2 most recent recertification periods, and shall allow for inspection or provide the same to the Commission upon request. These documents shall be submitted in a form and manner prescribed by the Commission. Proof of annual firearms qualifications shall include the following:

(i) Exact date and time of qualification.

(ii) Each type of weapon used and information regarding the name of manufacturer, model, caliber, serial number and any modifications to the weapon.

(iii) Name of the firearms instructor serving as the range instructor. Firearms instructors may not conduct self-qualifications.

(iv) Actual numeric score for all weapons used during the qualification.

(v) Course of fire used to conduct the qualification.

(d) *Inactive status.*

(1) A police officer's certification will become inactive when the individual either:

(i) Leaves his employing police department in good standing and is not employed as a certified police officer elsewhere; or

(ii) Fails to complete the mandatory in-service training requirements set forth in § 203a.52(b), unless the police officer has received an extension under § 203a.52(e)(10).

(2) An inactive certification may be reinstated within the 2-year period immediately following the date on which certification expires or the date of separation from employment, whichever occurs first.

(3) To request reinstatement of an inactive certification, the chief of the employing police department shall submit all of the following:

(i) Proof of valid certification in first aid and cardiopulmonary resuscitation for professional rescuers with an automatic external defibrillation component or equivalent.

(ii) Documentation verifying qualification with all duty firearms.

(iii) Change-of-Status Notice including an attestation that the newly employing chief fulfilled the requirements of subparagraph (a)(2)(vii) of this section.

(iv) Request to complete mandatory in-service training classes, where applicable.

(e) *Disqualifying offenses.* Applicants and certified police officers shall remain free from conviction of, or being subject to, a disqualifying offense and shall also remain eligible to possess firearms under State and Federal law.

§ 203a.14. Suspension or revocation of certification.

(a) The Commission maintains the right to suspend or revoke a certification after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings) for one or more of the following:

(1) Failure to maintain employment as a police officer under the act.

(2) Failure to possess current certification in first aid and CPR for the professional rescuer with an AED component.

(3) Failure to meet firearms qualification standards as published in the *Pennsylvania Bulletin*.

(4) Failure to successfully complete annual mandatory in-service training courses as published in the *Pennsylvania Bulletin*. The municipality or chief may request additional time, generally not exceeding one certification period, for a police officer employed by the department to complete mandatory in-service training requirements as set forth in § 203a.52(e)(10) (relating to mandatory in-service training courses).

(5) Any physical, psychological or other condition that renders the officer unable to perform the essential job functions of a police officer or otherwise renders the officer unfit for duty. If reasonable cause exists to believe that the police officer has a physical, psychological or other condition that renders him unable to perform the essential job functions of a police officer or otherwise renders the officer unfit for duty, the Commission may require an individual to provide additional medical documentation or submit to an examination. The examination shall be conducted by a physician, other qualified medical professional, psychologist or other appropriate expert selected by the Commission. Any costs associated with the examination shall be the responsibility of the police officer's department or political subdivision. A police officer who is directed to undergo an examination shall cooperatively participate in the examination. Failure to comply with this section shall result in the immediate suspension of the police officer's certification until the time as the police officer complies.

(6) Conviction of, or being subject to, a disqualifying offense.

(7) Submission to the Commission of a document that contains false information.

(8) A certification issued in error.

(9) Cheating.

(10) Any ineligibility to possess firearms under State or Federal law.

(11) Any other act or omission that violates the rules and regulations contained in this subchapter.

(b) The chief of the applicant's employing police department shall provide written notification to the Commission when the applicant meets any of the conditions listed in subsection (a). If the certified officer in question is also the chief of the police department, the notification shall be made by the chief's direct supervisor.

(c) The officer may voluntarily surrender the officer's certification instead of suspension or revocation. The Executive Director, on behalf of the Commission, may accept the officer's voluntary surrender of certification with the terms and conditions as deemed appropriate including length of surrender and conditions of reinstatement. Nothing in this section shall be construed to mean that the Executive Director, on behalf of the Commission, is compelled to accept a voluntary surrender of certification instead of suspension or revocation.

§ 203a.15. Application packet submission.

(a) *General.*

(1) Forms shall be submitted in a manner determined by the Commission.

(2) Forms shall be typewritten or completed in a manner designated by the Commission.

(3) Signatures shall be original or contain an electronic signature recognized under Pennsylvania law.

(b) *Application packets.* Application packets may be obtained by contacting the Commission. Each application packet shall include:

(1) *One application form for certification.* The applicant shall truthfully answer all questions and complete the appropriate sections.

(2) *Two fingerprint cards*—one State Police Applicant Fingerprint Card and one Federal Bureau of Investigation Applicant Fingerprint Card, or the appropriate electronic equivalent.

(i) The fingerprints of the applicant shall be affixed on the fingerprint cards or sent electronically using LIVESCAN.

(ii) Both fingerprint cards shall contain the contributor number PAPSP0100. Criminal fingerprint cards or fingerprint cards not containing the contributor number will not be accepted.

(3) One physical examination form signed by a physician or other qualified medical professional who conducted an examination as required by § 203a.11(6) (relating to qualifications for attending basic training at Commission-certified schools), or if within 2 years of signing by the physician or other qualified medical professional, the physical examination form that was submitted for entry into a basic police training course.

(i) The physical examination form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the

applicant's employing police department, a certified school shall make available to the Commission any physical examination form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A physical examination conducted in conjunction with police employment shall be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior physical examination, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i) (relating to training requirements), if the application occurs within 2 years from the date of separation from the State Police.

(4) One audio decibel test form signed by a physician, other qualified medical professional, or audiologist who conducted an examination as required by § 203a.11(6)(vi), or if within 2 years of signing by the physician, other qualified medical professional, or audiologist, the audio decibel test form that was submitted for entry into a basic police training course.

(i) The audio decibel test form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any audio decibel test form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A decibel audio test conducted in conjunction with police employment shall be valid for period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior testing, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i), if the application occurs within 2 years from the date of separation from the State Police.

(5) One visual acuity form signed by a physician, other qualified medical professional, ophthalmologist or optometrist who conducted an examination as required by § 203a.11(6)(v), or if within 2 years of signing by the physician, other qualified medical professional, ophthalmologist or optometrist, the visual acuity form that was submitted for entry into a basic police training course.

(i) The visual acuity examination form shall be submitted directly to the Commission, regardless of the results of the examination, and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any visual acuity test form previously submitted as part of the applicant's acceptance into a basic police training course.

(ii) A visual acuity examination conducted in conjunction with police employment shall be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's physical condition invalidates the prior examination, a reexamination shall be necessary.

(iii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i), if the application occurs within 2 years from the date of separation from the State Police.

(6) One psychological evaluation form signed by a licensed psychologist who conducted an examination as required by § 203a.11(7), or if within 2 years of signing by the licensed psychologist, the psychological evaluation form that was submitted for entry into a basic police training course. The psychological evaluation form shall be submitted directly to the Commission, regardless of the results of the evaluation and a copy shall be submitted to the chief of the applicant's employing police department. Upon request of the Commission or the chief of the applicant's employing police department, a certified school shall make available to the Commission any psychological evaluation form previously submitted as part of the applicant's acceptance into a basic police training course.

(i) A psychological evaluation specifically conducted in conjunction with police employment may be valid for a period not to exceed 2 years and may be used in support of any police employment application during that period. If a change in the applicant's psychological condition invalidates the prior psychological evaluation, a reevaluation shall be necessary.

(ii) This subsection shall not apply to persons who obtain a waiver of training under § 203a.12(c)(2)(i) herein, if the application occurs within 2 years from the date of separation from the State Police.

(7) Applicants shall certify whether they have had a physical or psychological evaluation conducted in conjunction with an application for police employment or admission to a Commission-certified school within the previous year and the outcome of the examination or evaluation.

(c) *Submission of packets.* Application packets shall be submitted by the chief of the applicant's employing police department when an officer must attend basic police training or when a waiver of training is requested. Applications require the signature of the chief. If the chief is the applicant, this application shall require the signature of the chief's direct supervisor.

§ 203a.16. Additional medical review.

If reasonable cause exists to believe that the individual does not meet the medical, psychological, physical or other similar requirements of this subchapter, the Commission may, at any time prior to certification, require an individual to provide additional medical documentation or submit to an examination by a physician, other qualified medical professional, psychologist or other appropriate expert selected by the Commission, at the individual's expense. If the results of the examination reveal the individual does not meet the requirements of this subchapter, the individual shall be ineligible for certification until such time as the individual can meet the requirements.

Subchapter C. SCHOOL REQUIREMENTS

Sec.

203a.31. Eligibility for school certification.

203a.32. School certification.

203a.33. Minimum school standards and requirements.

203a.34. School inspections.

203a.35. Emergency suspension of school certification.

203a.36. Suspension or revocation of school certification.

203a.37. Authority of the Executive Director.

§ 203a.31. Eligibility for school certification.

(a) The Commission will promote the most efficient and economical program for police training by utilizing exist-

ing facilities, programs, and qualified State, local and Federal police personnel. The Commission will determine the need for police training schools by:

- (1) Considering the police population in the area.
- (2) Determining if there is adequate police training available to support the police population.
- (3) The number of graduates obtaining employment within the specified geographic area of the Commission-certified school.

(b) The school shall hire a school director or identify an interim school director meeting the standards for school directors as established in § 203a.33(a)(2) (relating to minimum school standards and requirements).

(c) Schools with multiple teaching sites shall appoint an onsite coordinator, approved by the Commission, to oversee the daily operation of the site in the absence of the school director.

(d) Until the Commission determines that additional schools are required, only those schools in existence and Commission-certified on or before January 1, 2014, shall be eligible for Commission certification.

§ 203a.32. School certification.

(a) If the Commission determines there is a demonstrated need for additional schools and programs for police training, applications for initial school and training course certification will be accepted from all potential schools. The Commission may limit applications from potential schools to those within a geographic area that has been identified as not having adequate available police training in accordance with § 203a.31(a) (relating to eligibility for school certification).

(b) Schools applying for initial school and training course certification shall:

(1) File an application for approval with the Commission in a form and manner determined by the Commission, which shall be signed by the proposed school's director or the head of the educational institution.

(2) Meet the requirements in § 203a.33 (relating to minimum school standards and requirements).

(c) Commission approval will be as follows:

(1) Upon receipt of an application, the Executive Director will designate Commission inspectors to inspect the facilities of those eligible entities applying for certification. The Commission inspectors shall prepare a report indicating which entities meet the minimum Commission standards. The report, along with all appropriate documentation, shall be presented by the Executive Director to the Commission for final review.

(2) The Commission will review the application and inspection reports of the committee and certify those schools which meet the minimum standards of the act and this subchapter, and which promote the policy in § 203a.31(a)(1)–(3).

(3) The Commission may limit the number of schools it will certify to only those necessary and best qualified to support the police population within the geographic area.

(d) Certification of approved schools, facilities and training courses will be as follows:

(1) If the Commission determines that the application of the school and course complies with the act and this subchapter, the Executive Director, in the name of the Commission, will affix a certification number to the approved application and the corresponding approval.

This certification number will have the prefix MPS, for municipal police school. The certification number will be issued Statewide in numerical sequence, starting with 0001.

(2) If the Commission determines that the school does not meet the requirements of the act and this subchapter, the Executive Director will notify the school by first class and certified mail, return receipt requested, of the reasons upon which the determination is based under Subchapter G (relating to notice and hearings). The school may request a hearing regarding the determination in accordance with Subchapter G.

§ 203a.33. Minimum school standards and requirements.

(a) A school shall meet and maintain the following standards:

(1) A school shall comply with applicable Federal, State or local statutes, ordinances, rules and regulations.

(2) A school shall have a school director approved by the Commission, or identify an interim school director, who meets all of the following criteria:

(i) The school director shall meet either of the following:

(A) Possess a bachelor's or higher degree in criminal justice, public administration, education or related field.

(B) Be a graduate of the Federal Bureau of Investigation National Academy, the Southern Police Institute Administrative Officers Course, the Law Enforcement Instructor Training Course of the Federal Law Enforcement Training Center, the Northwestern University Staff and Command School, or another law enforcement training program approved by the Commission. A list of any other Commission approved training programs will be published in the *Pennsylvania Bulletin*.

(ii) A school director shall have either of the following:

(A) Ten years law enforcement experience including 5 years at a command level directly supervising police officers.

(B) Other law enforcement related experience as deemed appropriate by the Commission on a case specific basis.

(iii) School directors shall possess at least 2 years of experience as a police or adult education instructor.

(iv) A school director shall be free from conviction of, or being subject to, a disqualifying offense.

(v) A school director approved by the Commission prior to the effective date of this regulation shall not be subject to provisions of subparagraphs (i)–(iii), but shall be subject to the conditions of subparagraph (iv).

(3) School buildings shall meet all applicable public safety standards in the Uniform Construction Code as well as all applicable Federal, State and local laws or ordinances.

(4) A comfortable temperature and proper ventilation shall be maintained in all classrooms.

(5) Noise shall be controlled so that each student can hear all instruction.

(6) Smoking shall be prohibited in any training facility authorized, approved or funded by the Commission, except in Commission-approved outdoor smoking areas.

(7) Artificial lighting facilities shall provide an adequate light intensity in all rooms used for instructional purposes, dormitory or study facilities.

(8) The drinking water facilities shall conform to all applicable Federal, State and local laws, regulations and ordinances.

(9) There shall be separate, properly ventilated toilet and lavatory facilities for males and females. There shall be a sufficient number of flush toilets for females and a sufficient number of urinals and flush toilets for males. Each bathroom shall have at least one sink.

(10) Accommodations shall be made for separate male and female changing or shower facilities, or both, as required by the Commission.

(11) The furniture, equipment and supplies of the school shall be of a type, quality and amount necessary for the training required by this Chapter and meet with the approval of the Commission.

(12) Sufficient space for each student and the completion of all learning objectives shall be available in the classrooms.

(13) Dining facilities, kitchens, dormitory facilities and recreational facilities shall comply with the construction and maintenance requirements prescribed for the facilities by the governmental authority having jurisdiction.

(14) Each school shall have and use suitable areas approved by the Commission for conducting physical conditioning and defensive tactics in a safe manner. Physical conditioning shall not be conducted in the same area designated for classroom instruction. The school may, with approval of the Commission, conduct physical conditioning and defensive tactics training at an approved offsite facility, which must be the nearest available facility. At a minimum, the school, offsite facility, or both, shall contain the following:

(i) An Isokinetic weight machine or sufficient free weights to conduct strength training.

(ii) A Commission-approved measured running course for conducting assessments and testing.

(iii) A minimum of 1 baton for every 2 students.

(iv) A minimum of 1 pair of handcuffs for every 2 students.

(v) A stopwatch or chronograph.

(vi) Sufficient protective equipment and mats to facilitate defensive tactics and ground fighting, as required by the basic police training curriculum.

(vii) Additional exercise equipment related to physical conditioning training which may include stationary bicycles, treadmills, elliptical machines and rowing machines.

(viii) Other equipment required by the curriculum.

(15) A Commission-approved firing range shall be available to the school and used for firearms training. The range does not have to be a part of the school facilities, but shall be within a reasonable traveling distance from the school. The range shall be able to accommodate the requirements of the firearms training curriculum. The range shall present no apparent danger to the public as determined by the Commission inspector when considering, without limitation, factors such as location, size, proximity to population, construction, de-

sign and use of the proposed range. The firing range must also comply with all applicable State, Federal and local laws and regulations.

(i) The school shall ensure that weapons utilized in this portion of training are safe. A minimum of .38 caliber or 9mm auto caliber with a capacity of at least 6 rounds of ammunition shall be required for firing.

(ii) A weapon may not be utilized during the training program that is not normally carried by police officers while on duty. At the discretion of the firearms instructor, students working for departments that utilize unconventional weapons shall utilize a more conventional weapon for training purposes. If the student is employed by a police department during basic police training, and qualifies with the weapon he will use upon assuming the duties of a police officer, no further qualification is required during the calendar year for certification purposes. Otherwise, upon the student's successful completion of the training program, the student's employing police department shall also qualify the student with his duty weapons prior to assuming duties as a police officer.

(iii) The school may refuse to allow the use of a weapon that the firearms instructor determines to be altered, modified, unsafe, inadequate or not appropriate for police training.

(iv) The school shall maintain adequate supplies of common ammunition utilized in law enforcement handguns, shotguns and rifles for training programs.

(v) The school may not permit any participation or activity in firearms training that violates the Pennsylvania Uniform Firearms Act of 1995, 18 Pa.C.S. Chapter 61, Subchapter A (relating to Pennsylvania Uniform Firearms Act of 1995) or any applicable Federal, State or local laws.

(vi) The school may not utilize students in a training program to reclaim lead from impact areas at any police firearms course, nor may students be involved in any range construction projects whereby they may be exposed to lead or other toxic substances.

(16) A sufficient number of parking spaces shall be available to accommodate the students, staff and visitors of the school whether at the firing range, classroom facilities, physical fitness facilities or any other location used to conduct Commission-certified training.

(17) Audio/visual equipment shall be available to present the curriculum prepared by the Commission. The equipment shall include:

(i) Multimedia equipment.

(ii) Projection screens or another appropriate projection surface.

(iii) An audio visual system capable of playing all media associated with the basic training or in-service training curriculum.

(iv) Television monitors allowing all classroom participants to sufficiently view any training video from any seat in the classroom.

(v) A chalk board, or equivalent.

(18) Equipment, facilities, supplies, books, and the like, shall be maintained in a clean, safe and proper working condition.

(19) The school shall only teach the Commission-approved curricula and courses as provided for under this Chapter.

(20) The school shall only admit students to the basic police training course who are identified as being eligible for attendance under § 203a.11 (relating to qualifications for attending basic police training at Commission-certified schools).

(21) The school shall conduct a check of the student's driving record and verify that the student has a valid driver's license.

(22) The school shall report any injury requiring professional medical attention to the Commission within 48 hours on a form prescribed by the Commission.

(23) The school shall utilize a Commission-approved location for conducting emergency vehicle operation training, utilizing the nearest available facility. Travel to and from this location shall not count towards the number of hours required by the curriculum.

(b) In addition to subsection (a), the school shall comply with the following requirements:

(1) Conduct at least one basic police training course every 3 years the school is certified.

(2) Submit a training calendar to the Commission, in a form and manner prescribed by the Commission, containing dates and class size for each basic training course to be conducted during the fiscal year. The calendar shall be received by the Commission by June 1st of each year. The school shall submit any changes to the calendar to the Commission within 5 business days of making the changes.

(3) Receive, acknowledge and update curriculum and training policies as directed by the Commission.

(4) Prepare and update all class schedules.

(5) Establish a records management system for all Commission records which shall include admittance applications, criminal history checks, class rosters, attendance, academic grades, physical fitness assessments, firearms skills checklists, firearms scores, student misconduct reports, student critiques of course content and a list of instructors.

(6) Develop and submit to the Commission, rules, including discipline, for student conduct, school operation and instructor standards. The school shall enforce these rules uniformly.

(7) Develop and update detailed written standards for application procedures, including a statement about the maximum enrollment the school can accommodate.

(8) Prepare a current list of tuition charges for all students attending the basic training program.

(9) Utilize only certified instructors as described in Subchapter E (relating to instructor certifications).

(10) Prepare and update, quarterly, the roster of certified instructors and the areas of their certification.

(11) Prohibit instructors from teaching more than 25% of the total hours of any one Basic Police Training Course.

(12) Provide to the Commission, in a form and manner prescribed by the Commission, a student roster, a copy of tentative weekly class schedules, including dates, times, locations, instructors, subjects, by the first day of a basic training program. Changes to the schedule provided shall be submitted to the Commission within 5 business days of making the changes.

(13) Comply with testing procedures prescribed by the Commission. The Commission will publish a notice on the Commission's public web site of the testing procedures and any updates.

(14) Obtain the required textbooks, supplemental textbooks, movies, videos or any other educational aids that are listed as necessary in the curricula prepared by the Commission.

(15) Have instructors inform students taking an examination of the Commission policy and requirements under § 203a.54 (relating to Commission cheating policy) prior to administering a written examination.

(16) Retain the following records for a minimum of 75 years:

(i) Class rosters.

(ii) Attendance.

(iii) Academic grades.

(iv) Firearms scores.

(v) Firearms skills checklists.

(vi) Physical fitness assessments and test scores.

(vii) Course content.

(viii) Class schedule with assigned instructor.

(ix) Any other records deemed appropriate by the Commission.

(17) Comply with the Commission's written directives concerning documents authorized for release under subpoena or a Right-to-Know Law request under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104).

(18) Submit to a physical inspection of records by any Commission inspector. Facilities, areas, items and documents identified within this subchapter may be inspected at any time by any Commission inspector. Records required by this subchapter may be inspected, viewed and copied at any time. The Commission may require originals or copies of these documents be provided upon prior notice to the school.

(c) At the beginning of the basic police training course, the school must submit, in a form and manner determined by the Commission, a roster to the Commission containing the names of the students enrolled, the results of their initial physical fitness assessment, and the beginning and ending dates of training. Within 5 business days of the conclusion of the basic police training course, the school must submit a roster to the Commission indicating whether each student successfully completed the course and listing each student's grades in each block of instruction. For any student who did not successfully complete the course, the school shall provide the Commission with a detailed explanation.

(d) A proposed change in the location of an approved school, or any other approved location and or facility, shall be reported to the Executive Director at least 30 days before the move. The Executive Director will schedule an inspection of the school's new location within 30 days after notice of intent to move. Schools shall not conduct operations at the proposed location until after the completion of the inspection and the tentative approval of the Executive Director.

(1) If a fire marshal, an inspector from the Department of Labor and Industry, or other legal authority deems the new location satisfactory, the Executive Director may give tentative approval of the new location.

(2) After the new location has been visited by inspectors from the Commission, and the inspection has determined that the new location meets the standards set forth in this subchapter, final approval for the move shall be voted upon by the Commission.

(3) If final approval is given for the new location, certification to conduct training at the previous location will automatically be rescinded.

§ 203a.34. School inspections.

(a) *Frequency of inspections.*

(1) Commission inspectors will conduct an initial inspection of all schools that have applied for certification to conduct basic police training.

(2) The Commission's inspectors will visit and inspect each approved school at least biennially. A Commission inspector may conduct an inspection of an approved school at any time to ensure and verify compliance with these regulations, the act, and any other applicable law. An inspection may include review of the following:

- (i) records,
- (ii) equipment,
- (iii) facilities owned or contracted,
- (iv) vehicles,
- (v) ranges,
- (vi) driving tracks.

(3) The school shall meet the minimum school standards in § 203a.33 (relating to minimum school standards and requirements).

(b) *Commission inspectors.* For the purpose of school inspections, the following may be a Commission inspector:

- (1) A Commission member.
- (2) A full-time staff employee, designated by the Executive Director.
- (3) Other contractual personnel employed by the Commission to conduct school inspections.

(4) Any other person, as approved by the Executive Director, whose subject matter expertise may be required to evaluate the school.

§ 203a.35. Emergency suspension of school certification.

(a) If a Commission inspector determines that one or more of the following conditions exist at a school, the Executive Director, on behalf of the Commission, may immediately suspend the school's certification:

- (1) The condition presents a clear and present danger to the public, students or staff of the school.
- (2) The condition would cause the students not to receive training required by the act and this chapter.

(3) The school director does not meet the requirements in § 203a.33(a)(2) (relating to minimum school standards and requirements).

(4) An instructor is subject to suspension or revocation under § 203a.73 (relating to suspension or revocation of instructor certification).

(5) Failure to admit Commission inspectors to a certified school, or other site where Commission-sponsored training is being conducted.

(6) Failure to cooperate with an administrative investigation being conducted on behalf of the Commission. Failure to comply with § 203a.33(b)(18) shall be deemed as a failure to cooperate with an administrative investigation.

(b) The Executive Director shall provide the school with the reason for emergency suspension as soon as

possible, but in no event later than 15 business days from the date of the emergency suspension. Within 30 business days of an emergency suspension, the Executive Director will provide the school with an opportunity to be heard. At the time as the conditions leading to emergency suspension are remedied, the certification shall be immediately restored.

(c) Nothing in this section shall prevent the Commission from also seeking suspension or revocation of a school's certification under § 203a.36 (relating to suspension or revocation of school certification).

§ 203a.36. Suspension or revocation of school certification.

The Commission may, after notice and hearings in compliance with Subchapter G (relating to notice and hearings), suspend or revoke the certification of a school for any of the following reasons:

(1) Failure to comply with minimum school standards or any other standard or requirement of this subchapter.

(2) Submission of a known false or fraudulent document or information or allowing the submission of known false or fraudulent documents or information to the Commission.

(3) Subcontracting of police training to another non-certified entity.

(4) Failure to comply with any settlement agreement entered into under § 203a.37 (relating to authority of the Executive Director).

(5) Failure to conduct one basic police training course every 3 years the school is certified.

(6) Failure to correct deficiencies discovered during school inspections required by § 203a.34 (relating to school inspections), after proper identification and notification to the school director by the Executive Director.

(7) Failure to properly administer a course or maintain the confidentiality of all examinations.

(8) Failure to cooperate with an administrative investigation being conducted by the Commission.

(9) Failure to admit Commission inspectors to the school or other site where Commission sponsored training is being conducted.

(10) Any other action or omission which constitutes a violation of the act or regulations, or any other applicable Federal, State or local law.

§ 203a.37. Authority of the Executive Director.

At any time prior to or following the commencement of a suspension or revocation action, but prior to the issuance of the hearing officer's recommendation, the Executive Director is authorized to, on behalf of the Commission, enter into a voluntary settlement agreement with a certified school under the conditions and requirements as the parties deem appropriate.

Subchapter D. COURSE REQUIREMENTS

Sec.

- 203a.51. Basic police training course curriculum.
- 203a.52. Mandatory in-service training courses.
- 203a.53. Nonmandatory in-service training courses.
- 203a.54. Commission cheating policy.

§ 203a.51. Basic police training course curriculum.

(a) The Commission will set the number of hours required in the basic police training course.

(b) The Commission reserves the right to determine the course content of each area. The basic police training course curriculum shall include instruction in the following areas:

- (1) Pennsylvania criminal law.
- (2) Pennsylvania Rules of Criminal Procedure.
- (3) Pennsylvania Vehicle Code.
- (4) Special needs, medical and behavioral issues.
- (5) Community policing—problem solving.
- (6) Physical conditioning.
- (7) Human relations skills.
- (8) Application of force.
- (9) Firearms training.
- (10) Patrol procedures and operations.
- (11) Investigations.
- (12) Communications.
- (13) Handling violent and dangerous people.
- (14) Custody.
- (15) First aid and CPR for the professional rescuer with an AED component.
- (16) Operation of patrol vehicle.
- (17) Ethics.
- (18) Diversity and sensitivity training.
- (19) Homeland security.
- (20) Drug law enforcement.
- (21) Electronic crimes.
- (22) Other subjects related to basic police training.

§ 203a.52. Mandatory in-service training courses.

(a) Mandatory in-service training is required of a certified police officer.

(b) Mandatory in-service training shall consist of continuous police skills and academic requirements.

(1) Continuous police skills requirements shall consist of the following:

(i) Annual qualification on a police firearms course, as determined by the Commission. This annual qualification shall be required for all firearms authorized for on-duty use, including personal firearms carried instead of issued firearms or as a second or backup firearm. A firearm shall not be carried on duty for which an officer is not qualified. The Commission will provide notice of the annual qualification requirement.

(ii) Maintenance of first aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation component certifications as determined by the Commission. Any course required herein must be approved by the Department of Health; the Commission will provide notice of the approved certifications.

(2) Academic in-service requirements shall consist of at least 12 credited hours of annual training as determined yearly by the Commission. The Commission will provide notice of the course descriptions and specific hours.

(c) The Commission will evaluate law enforcement training courses to determine equivalency to mandatory in-service training course requirements. The Commission will provide notice of approved training courses, no later

than September 30 of each year. The Commission may require completion of any mandatory in-service training course regardless of the completion of approved equivalency training, during the calendar year, in accordance with 53 Pa.C.S. § 2164(6) (relating to powers and duties of commission).

(d) Noncertified law enforcement officers may, at the request of their employing agency, attend mandatory in-service training sponsored by the Commission at the sole and absolute discretion of the Commission.

(e) The administration of mandatory in-service training shall be governed by the following:

(1) The courses must be taught by an instructor as authorized in § 203a.72 (relating to certification requirements), except for Commission approved online training or equivalent.

(2) Each school shall submit, in a form and manner prescribed by the Commission, a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Course title, dates of training, time of classes, name of instructor and specific location shall be included in the calendar.

(3) Maximum class size for mandatory in-service courses will be established by the Commission and based on course content and teaching methods.

(4) Mandatory in-service training courses are subject to inspection by a Commission inspector.

(5) Acceptance into classes for which reimbursement is to be requested from the Commission shall be limited to currently employed police officers and county detectives. A fee may not be charged to these individuals for any program paid for by the Commission.

(6) Only examinations provided by the Commission will be used to determine successful completion of academic requirements for these courses. Minimum passing scores shall be determined by the Commission for each examination. The Commission will provide notice of the minimum passing score for each examination.

(7) An individual failing to pass the examination at the end of a course shall be given the opportunity for reexamination. The reexamination shall be in the same format as the original examination, but shall be a different version of the examination. If an individual fails the reexamination, a written notice of failure shall immediately be sent by the certified school by means of first class and certified mail, return receipt requested, to the Commission, the employing municipality(ies), and the individual must retake the entire course as directed by the Commission.

(8) Any certified school, and any course instructor or online training provider who administers mandatory in-service training courses, shall be responsible for proper administration of the courses, as well as the security of the examinations. Any certified school or course instructor found in violation of this section may have its certification suspended or revoked in accordance with § 203a.36 (relating to suspension or revocation of school certification) or § 203a.73 (relating to suspension or revocation of instructor certification).

(9) Newly certified police officers may not be required to participate in the mandatory in-service training courses in the year in which they are certified.

(10) A municipality or chief may request extensions of time from the Commission, in accordance with the act, for officers unable to complete in-service training enumerated

within the time frame. The request shall be filed with the Commission and include justification for the extension.

(i) The municipality or chief may apply for a waiver of the time restriction for a line-of-duty connected injury or disability. This waiver application shall include appropriate medical documentation demonstrating the officer's ability to return to full duty status without accommodation. Applications for a waiver must be approved by a majority vote of the Commission. Should a police officer's chief fail to request a waiver, as required under this subsection, the police officer shall not be decertified unless, upon return to service, the officer fails to complete the in-service training requirements deemed appropriate by the Commission.

(ii) The municipality or chief shall provide proof of military deployment or military activation preventing the completion of mandatory in-service requirements for any year within the certification period as provided by 53 Pa.C.S. § 2167(d) (relating to police training) and 51 Pa.C.S. § 7502 (relating to retention of licenses and certifications of persons entering military service), and upon return, individuals must complete all in-service training required by the Commission, unless exempted.

(11) Nothing in this subchapter shall be interpreted to prohibit the Commission from approving online training, or its equivalent, as part of mandatory in-service training.

§ 203a.53. Nonmandatory in-service training courses.

(a) A political subdivision of the Commonwealth may apply for in-service training grants for the actual expenses of providing nonmandatory in-service training programs to police officers. A political subdivision may apply for a nonmandatory in-service training grant by filing an application and resolution with the Commission.

(1) A copy of the application and resolution may be obtained from the Commission.

(2) The Commission will only consider requests for nonmandatory in-service training grants that comply with the following:

(i) All sections of the application shall be completed.

(ii) The application shall be accompanied by a certified copy of the resolution. The resolution shall be adopted by the governing body and shall provide that the political subdivision shall adhere to the standards for training established by the Commission while receiving any Commonwealth funds under the act and this subchapter.

(3) Applications and resolutions shall be filed with the Commission and received at least 45 days prior to the commencement of the proposed training program. The Commission, or its Executive Director, has the discretion to waive the 45-day filing limitation for good cause, but only if the grant request was submitted prior to the commencement of the proposed training program.

(b) Limitations for funding of nonmandatory in-service training programs are as follows:

(1) Only courses approved by the Commission will be eligible for nonmandatory in-service training grants. Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available and shall be made on a pro rata basis.

(i) The Commission has the discretion to approve or disapprove any proposed course, based upon law enforcement requirements.

(ii) Approved courses will be published on the Commission's public web site.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. At the discretion of the Executive Director or by a majority vote of the Training Committee, a different minimum or maximum enrollment may be established for a specific course.

(3) Nonmandatory in-service training grant requests will not be approved unless the instructors for the course are approved by the Commission.

(4) The Commission may not approve nonmandatory in-service training grant requests for the following:

(i) Firearms qualification.

(ii) Special Weapons and Tactics (SWAT type training).

(iii) First aid and cardiopulmonary resuscitation for the professional rescuer with an automatic external defibrillation training.

(c) Nonmandatory in-service training grant requests in the amount of \$3,000 or less may be approved by the Executive Director with the concurrence of the Budget Committee.

(1) The Budget Committee chairperson has the authority to convene a Committee meeting for reviewing grant requests. The Committee may not act on any grant request unless at least three Committee members are present at the meeting.

(2) The Budget Committee members will vote to either approve or deny each grant request based on the information presented and the standards established by this chapter. In the case of a tie vote by the Committee, the Commission will make the final determination on the grant request.

(3) The Budget Committee chairperson will formally report actions taken by the Committee at the next regularly scheduled Commission meeting.

(d) Nonmandatory in-service grant requests in excess of \$3,000 may be approved only by the Commission. The Training Committee will review every request and make a recommendation to the Commission.

(1) The chairperson of the Training Committee will formally report the recommendation of the Committee, including any dissenting or minority statements, to the Commission prior to the Commission's final decision on the grant request.

(2) The Commission members will vote to either approve or deny each grant request based on the Training Committee's recommendations, the information presented and the standards established by this chapter.

(e) The Executive Director will notify the political subdivision in writing of the Commission's determination concerning the grant request. Notice will be forwarded to the requesting political subdivision by first class and certified mail, return receipt requested.

§ 203a.54. Commission cheating policy.

(a) The contents of all examinations are confidential. An individual may not cheat.

(b) Prior to administering an examination, the instructor or test administrator shall inform students taking the examination of the Commission's cheating policy. The instructor shall ensure all students taking the examination read and acknowledge, in writing, this policy. All testing materials, including tests, answer sheets and any

similar materials subject to this policy, shall be retained for all basic and in-service testing for a period of no less than 2 years.

(c) Written notice of a cheating allegation shall be sent to the individual and the Commission by the school director within 2 business days of when the instructor or school director becomes aware of the alleged violation.

(d) The Commission will investigate an alleged act of cheating.

(e) The Executive Director may bar an individual not certified by the Commission from further participation in any Commission training or testing for violation of this section.

(f) An individual certified by the Commission who is found to have violated this section shall be subject to a suspension or revocation of the individual's certification after receiving notice and having the opportunity to be heard under Subchapter G (relating to notice and hearings). The hearing officer shall provide findings of facts, conclusions of law, and recommendations regarding the appropriate penalty to the Commission. The Commission will review the hearing officer's findings, conclusions and recommendations, and may accept, reject, or modify the same as appropriate. The Commission will issue a final order in accordance with Subchapter G.

Subchapter E. INSTRUCTOR CERTIFICATIONS

Sec.

203a.71. General.

203a.72. Certification requirements.

203a.73. Suspension or revocation of instructor certification.

§ 203a.71. General.

(a) Certifications will be reviewed and approved by the Commission and issued by the Executive Director.

(b) Instructor certifications issued under this subchapter are for the sole purpose of identifying those qualified to teach in police training courses certified by the Commission. No individual may provide instruction in any Commission-certified course, or portion thereof, unless the individual has received certification in accordance with this subchapter.

(c) The instructor application procedure is as follows:

(1) The Commission will determine the form and manner for application for instructor certification. Application forms may be obtained from the Commission's public web site or by contacting the Commission.

(2) Approved school directors shall submit application packets for instructor certification on behalf of their instructors in a manner determined by the Commission. Only applications for individuals employed by a certified school will be accepted by the Commission.

(3) Documentary proof shall accompany each application verifying satisfaction of the requirements for certification including required degrees contained under § 203a.72 (relating to certification requirements).

(4) Prior to submission of the application, the school director shall interview an applicant, at which time the director shall review the supporting documentation to be submitted with the application. The school director shall certify that the information contained in the application is true and correct to the best of the school director's knowledge and meets the requirements of this subchapter.

(5) An applicant may not have been convicted of, or subject to, a disqualifying offense.

§ 203a.72. Certification requirements.

Police training instructors:

(1) *Types*. The Commission will certify the following two types of police training instructors:

(i) *General instructors*. An instructor eligible to teach any course other than a course as described under subparagraph (ii).

(ii) *Special instructors*. An instructor eligible to teach any of the following courses: first aid, CPR for the professional rescuer with an AED component, firearms, physical conditioning, application of force, patrol vehicle operation or mandatory in-service training.

(2) *Qualifications*.

(i) To obtain certification as a general instructor, an applicant shall satisfy the following requirements:

(A) Successfully complete a Commission-approved instructor development course, or possess a teaching certificate issued by the Department of Education, or have full-time employment with academic rank at an accredited college or university. A Commission-approved instructor development course must consist of a minimum of 40 hours of instruction. A listing of approved courses will be published in the *Pennsylvania Bulletin*.

(B) Have 5 years police experience, or have an associate's degree and 4 years police experience, or have a bachelor's degree and 3 years police experience. The applicant shall provide transcripts for submission with the application for instructor certification, as verification of degree(s) conferred.

(C) Acknowledge and abide by an Instructor Code of Conduct, as established by the Commission.

(ii) Attorneys licensed to practice law in this Commonwealth do not need to meet the requirements of subparagraph (i)(A) or (B).

(iii) For an instructional area which requires special professional education, certification, licensure or other subject matter expertise, the Executive Director may certify an individual as an instructor for that specific instructional area only. An instructor does not need to meet the requirements of subparagraphs (i)(A) or (i)(B). The Executive Director, in the Executive Director's sole and absolute discretion, may deny or rescind the certification.

(iv) To obtain certification as a special instructor, an applicant shall provide documentation evidencing the special requirements listed for each course or program, and acknowledge and abide by an Instructor Code of Conduct, as established by the Commission:

(A) *First aid and CPR for the professional rescuer with AED component*. An applicant shall possess current instructor certification for:

(I) for CPR for the professional rescuer with an AED component, or its equivalent; and

(II) first aid issued by

(-a-) the American Red Cross,

(-b-) the American Heart Association,

(-c-) the Department of Health, or

(-d-) other agency approved by the Department of Health.

(B) *Firearms*. An applicant shall possess a current Police Firearms Instructor rating from the National Rifle Association, the State Police, the Federal Bureau of

Investigation, Smith and Wesson Academy, the Philadelphia Police Academy, United States Secret Service or other certification approved by the Commission. Firearms instructors shall also provide documentation of their successful completion of a Commission approved instructor development course as described in subparagraph (i)(A).

(C) *Physical conditioning.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and training or education which evidences expertise as a physical conditioning instructor.

(D) *Application of force.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and training or education which evidences expertise as a defensive tactics instructor.

(E) *Patrol vehicle operation.* An applicant shall provide documentation of successful completion of a Commission approved instructor development course, as described in subparagraph (i)(A), and an instructor's course in emergency vehicle operation or police driver proficiency.

(F) *Mandatory in-service training.* To obtain special instructor certification as a mandatory in-service training instructor, an applicant shall:

(1) Be employed by a certified basic training school and be nominated by the certified school's approved school director.

(2) Be certified as a general police training instructor in the area of instruction he will present, or satisfy one of the following:

(I) If not currently a general police training certified instructor, but eligible for certification, an application for instructor certification under § 203a.71(c)(2) (relating to general) shall be submitted to the Commission and a temporary certificate obtained. At the discretion of the Executive Director, a temporary certification may be issued, which shall expire upon the approval of the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, whichever occurs first. Temporary certificates are not renewable.

(II) If a course is offered in mandatory in-service training that is not comparable to a course offered in the basic police curriculum, the Executive Director will determine requirements for selection as an instructor for that course.

(3) Have successfully completed a Commission instructor training workshop for the courses in which certification is sought. Application for certification as a general police training instructor shall be submitted to the Commission and approved by the Commission or its designee prior to attending any instructor training programs. The Executive Director will determine attendance policies for the instructor training workshops and is authorized to reject any nomination for admittance to the workshops.

(4) Mandatory in-service instructor certification is valid only for one calendar year from the date of issuance. The instructor must be re-nominated, in accordance with subparagraph (1), each year for certification as a mandatory in-service training instructor. The Executive Director may temporarily authorize an instructor to teach make-up mandatory in-service training courses.

(3) *Renewal and lapse of police training instructor certification.*

(i) Police training instructor certification, with the exception of mandatory in-service training instructor certification, shall be valid for 2 years and each certificate shall contain an expiration date. An instructor shall not be permitted to teach without a current certificate.

(ii) Police training instructor certification, with the exception of mandatory in-service training instructor certification, will be renewed automatically by the Commission if the certified instructor has satisfied both of the following requirements:

(A) Has taught in either a basic training course or a mandatory in-service training course certified by the Commission at least one time during the 2-year period they are certified, as evidenced by the records of a certified school which shall be submitted to the Commission on an annual basis.

(B) Maintained current qualifications in the main subject areas for which certification has been granted, and provides documentation of these qualifications to the Commission prior to any lapse in certification.

(iii) Failure to satisfy subparagraph (ii) shall prevent renewal of the instructor certification and cause the certification to expire. A lapsed certification may not be renewed and to regain certification, the school shall submit an application on behalf of the individual as a new instructor.

(iv) If the Executive Director has determined that the qualifications for certification have been met, the Executive Director may issue a temporary certification which shall expire upon the approval of the final certification by the Commission or the adjournment of the second Commission meeting following issuance of the temporary certification, or whichever is first. Individuals applying for certification after a revocation shall not receive temporary certification. Certification of a reinstated instructor requires a majority vote by the Commission.

§ 203a.73. Suspension or revocation of instructor certification.

(a) The Commission may suspend or revoke any instructor certification for any of the following circumstances after notice and opportunity to be heard under Subchapter G (relating to notice and hearings):

(1) Conviction of, or being subject to, a disqualifying offense.

(2) Conduct which violates the Instructor Code of Conduct as required under § 203a.72(2)(C) (relating to certification requirements).

(3) Failing to present the full curriculum or program.

(4) Teaching improper or incorrect material or not presenting the Commission-approved program.

(5) Cheating, failing to report cheating to the Commission, or aiding another instructor or student to cheat as defined in section 203a.1 (relating to definitions).

(6) Inadequate preparation for class which materially affects the instructor's ability to properly present or convey the course material.

(7) Being intoxicated or impaired in class.

(8) Using inappropriate language.

(9) Known falsification of a document submitted to the Commission, or submission to the Commission of a document knowing it to contain false information. Docu-

ments or information may include without limitation: scores on examinations, grades for a course, classroom hours presented, attendance of participants, or other information received directly from the instructor or through a certified school or police department.

(10) Use of instructor certification for an unauthorized purpose.

(11) Termination of the instructor for any reason by a certified school.

(12) Failure to maintain the required qualifications for police training instructor certification.

(13) Any other act or omission that violates the rules and regulations of this subchapter or any other Federal, State or local law.

(b) The Commission shall have the discretion to suspend or revoke an individual's special instructor certification without impacting the individual's general instructor certification. Suspension or revocation of a general instructor certification shall also result in the same penalty to the individual's special instructor certification.

(c) Upon notification that Commission staff is investigating an instructor and reasonably believes the instructor to be in violation of a provision under subsection (a), the instructor may voluntarily surrender his certification instead of suspension or revocation. The Executive Director, on behalf of the Commission, may accept the instructor's voluntary surrender of certification with the terms and conditions he deems appropriate, including length of surrender and conditions of reinstatement. Nothing in this section shall be construed to mean that the Executive Director, on behalf of the Commission, is compelled to accept a voluntary surrender of certification instead of suspension or revocation.

Subchapter F. REIMBURSEMENT OF EXPENSES

Sec.

203a.81. Basic training.

203a.82. Mandatory in-service training.

203a.83. Grants for nonmandatory in-service training programs.

§ 203a.81. Basic training.

(a) The Commission will reimburse each political subdivision for allowable tuition and expenses incurred by their police officers while attending certified basic police training, if the political subdivision adheres to the training standards established by the Commission. Payments made to municipalities under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses) shall be limited to funds available, and shall be made on a pro rata basis. Application for reimbursement shall be made in the following manner:

(1) A political subdivision shall file an application with the Commission on a form supplied by the Commission within 120 days of the completion of the training.

(i) Requests submitted after 120 days shall be accompanied by a justification for late submission. The Commission will not consider requests for reimbursement received more than one year after the completion of the training.

(ii) A separate form shall be submitted for each police officer requesting reimbursement in accordance with this chapter.

(2) Following the political subdivision's annual audit, the head of the political subdivision and the individual performing the audit shall verify the proper expenditure of Commission funds.

(i) Verification shall be provided on a form supplied by the Commission.

(ii) The verification shall be filed with the Commission.

(iii) The political subdivision shall file the form only for fiscal years in which Commission funding was provided.

(b) The political subdivision may request reimbursement for the following:

(1) Sixty percent of the police officer's regular salary while attending a certified basic training course.

(2) Reasonable tuition for the basic police training course.

(i) The Commission must approve the tuition rate prior to reimbursement. Tuition rate approval will require a majority vote of the Commission.

(ii) The Commission will consider the reasonableness of the tuition rate based on the following:

(A) The length of the course.

(B) The instructor salaries.

(C) The facility costs.

(D) The administrative costs.

(E) The supply costs.

(F) The cost-effectiveness of the tuition compared with tuition charged by other institutions.

(iii) The Commission-approved tuition rate is the only amount a certified school may charge a participant in the training program.

(iv) A certified basic police training school may not change its tuition rate for a particular course without prior approval from the Commission.

(A) Requests for tuition increases will not be considered by the Commission more than once every 2 years.

(B) Requests for tuition increases shall enumerate all sources of revenue the institution receives.

(C) The Commission will consider any tuition increase requests in conjunction with program changes mandated by the Commission.

(3) The Commission will reimburse all reasonable subsistence and lodging costs for police officers who are not commuting to and from the basic police training course. A police officer who is commuting to and from the basic police training course will only be reimbursed for the cost of lunch.

(4) Reasonable travel expenses are as follows:

(i) The Commission will reimburse for police officers commuting to the basic police training course for the mileage incurred while attending the course.

(ii) Noncommuters are eligible for mileage of one round trip while attending the course.

(iii) Mileage reimbursement, whether for commuters or noncommuters, will only be allowed to the nearest available certified basic police training school from the police officer's place of employment.

(iv) Travel shall be by the most direct route.

(5) Reasonable living and travel expenses shall be governed by 4 Pa. Code Chapter 40 (relating to travel and subsistence).

(c) Limitations on reimbursement are as follows:

(1) A political subdivision may not be reimbursed for the basic training of a police officer if reimbursement has

previously been made or claimed for the same police officer by a political subdivision.

(2) A police officer who does not successfully complete the certified basic police training course and for whom reimbursement has been claimed or obtained by a political subdivision is not eligible for additional reimbursement while attending a subsequent basic police training course.

(d) If the Commission determines that a request for reimbursement does not meet the requirements of the act and this chapter, the Executive Director will specify in writing and forward to the requesting political subdivision, by certified mail, return receipt requested, the reasons for the Commission's action.

§ 203a.82. Mandatory in-service training.

(a) The Commission will reimburse schools certified by the Commission in the form of tuition as provided in 53 Pa.C.S § 2170(e)(1) and (2) (relating to reimbursement of expenses).

(1) The Commission will establish the tuition for each course considering the following factors: historical training costs, course requirements and course development costs.

(2) The tuition established by the Commission will be published on the Commission's public web site and will remain in effect for the duration of each course.

(3) The tuition established by the Commission for each course shall apply to all schools certified by the Commission and all other training resources deemed necessary by the Commission.

(4) Certified schools or other training resources unable to conduct the required training at the established tuition rate shall have the right to a hearing under Subchapter G (relating to notice and hearings).

(b) The Commission will reimburse schools or other training resources for law enforcement officers authorized by the Commission. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend mandatory in-service training courses after the law enforcement agency pays the tuition to the Commission. Payments made to municipalities under 53 Pa.C.S. § 2170 shall be limited to funds available, and shall be made on a pro rata basis.

(c) The Commission will only reimburse a school for a police officer to attend a course one time. The school shall submit invoices of all police officers who have attended the mandatory in-service training course to the Commission within 30 days of the course's completion.

§ 203a.83. Grants for nonmandatory in-service training programs.

(a) The Commission may provide grants only for actual expenses, in whole or in part, incurred by political subdivisions for providing nonmandatory in-service training programs to police officers within this Commonwealth in accordance with the act and this chapter.

(1) Allowable nonmandatory in-service training expenses shall be limited to the following:

- (i) *Instructors.* Expenditures for necessary items.
- (ii) *Services.* Expenditures for rental and contractual services.
- (iii) *Supplies.* Expenditure for necessary supplies for course instruction not including nonexpendable equipment purchases.

(iv) *Administration.* Reasonable expenditures for developing and implementing the training program. This expenditure will not exceed 5% of the total grant amount unless otherwise approved by the Commission or Budget Committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission may approve additional expenditures not explicitly provided for in this chapter upon request. Expenses which are not approved by the Commission shall be borne by the political subdivision providing the training program. Law enforcement officers employed by a law enforcement agency not eligible for reimbursement under the act may attend nonmandatory in-service training courses after the law enforcement agency pays the tuition established for the course to the Commission.

(b) The Commission may establish the maximum amount of funds which may be granted to each county for providing nonmandatory in-service training to police officers. The allocation will be based on the number of police officers employed in the county.

(c) The Commission will disburse moneys approved for nonmandatory in-service training grants in the following manner:

(1) The Commission will disburse one half of the grant to the political subdivision within 45 days of the Commission's approval, except for good cause.

(2) To receive the remaining grant moneys, the political subdivision shall submit a final audit and course roster to the Commission within 120 days following the conclusion of the training course. Requests for reimbursement will not be considered after 120 days following the conclusion of the training course.

(3) The Commission may request an independent audit of the political subdivision to verify its actual nonmandatory training expenditures prior to disbursing the remaining grant amount.

(d) Nonmandatory in-service training grant funds that have been disbursed to a political subdivision in error or as a result of an unauthorized or improper request for reimbursement shall immediately be returned to the Commission upon discovery. A political subdivision which fails to comply with the Commission's demand for the return of funds in accordance with this section shall be ineligible for further funding from the Commission until the funds are returned.

(e) The allocation of grants for nonmandatory in-service training programs shall be contingent upon the availability of funds appropriated for the programs.

Subchapter G. NOTICE AND HEARINGS

- Sec.
- 203a.101. Scope.
- 203a.102. Notice.
- 203a.103. Hearing procedures.

§ 203a.101. Scope.

Under 1 Pa. Code § 31.1 (relating to scope of part), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) is applicable to the proceedings of the Commission, unless it is inconsistent with this subchapter.

§ 203a.102. Notice.

(a) The Commission will forward in writing by certified mail, return receipt requested, to the certified police officer, certified instructor or certified school adversely

affected by an action of the Commission, a notice specifying the reasons for the Commission's action.

(b) A certified police officer, certified instructor or certified school given notice of an adverse action by Commission staff may file a written request for a hearing within 15 days after receipt of the notice. The date of receipt of the request by the Commission and not the date of deposit in the mail is determinative of a timely request for a hearing.

§ 203a.103. Hearing procedures.

(a) The Commission will schedule a hearing and send notice of the hearing to all parties to the proceedings. Unless another location is designated by the Commission, the Commission will hold hearings at its offices in Harrisburg, Pennsylvania.

(b) A hearing examiner will be appointed to preside at the hearing by:

- (1) the Chairman of the Commission; or

(2) in any other reasonable manner as determined by the Commission.

(c) The Commission will review the hearing officer's findings of fact, conclusions of law, and recommendations, and may accept, reject, or modify the findings of fact, conclusions of law, and recommendations as appropriate, and by a majority vote issue a final order. The Commission will specify in writing and forward to all relevant parties by certified mail, return receipt requested, the final order of the Commission.

(d) Subsections (b) and (c) supplement 1 Pa. Code §§ 35.185—35.190 (relating to presiding officers) and 1 Pa. Code § 35.226 (relating to final orders).

(e) A proposed report will not be deemed a final order if a brief on exceptions is not filed. This subchapter supersedes 1 Pa. Code § 35.213 (relating to effect of failure to except to proposed report) and any references thereto.

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