CHAPTER 203. ADMINISTRATION OF THE PROGRAM

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Authority

The provisions of this Chapter 203 issued under section 5(15) of the act of June 18, 1974 (P. L. 359, No. 120) (53 P. S. § 744(15)), unless otherwise noted.

Source

The provisions of this Chapter 203 adopted December 20, 1996, effective December 21, 1996, 26 Pa.B. 6076, unless otherwise noted.

Subchapter A. GENERAL

Sec.
203.1. Definitions.

§ 203.1. 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 evidencing 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.

Certified police officer—A police officer who is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code), moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and carry a firearm.

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

Commission—The Municipal Police Officers Education and Training Commission.

Conviction—An adjudication of guilt including the imposition of a sentence.

Disqualifying criminal offense—A criminal offense for which more than 1 year in prison can be imposed as punishment.

Executive Director—The Commission elected head of staff responsible for administration. See section 5(10) of the act (53 P. S. § 744(10)).

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

School—A training school or academy which provides a basic police training course. The term includes an organization which provides such a course within the functional organization of a police department or any educational entity within this Commonwealth which provides such a course at its base facility and at other locations approved by the Commission. Each separate geographical location shall be considered a school.

Authority

The provisions of this § 203.1 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.1 amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial pages (301369) to (301370).

Subchapter B. POLICE OFFICER CERTIFICATION REQUIREMENTS

Sec.
203.11. Qualifications.
203.12. Waiver of training.
203.13. Certification as a municipal police officer.
203.14. Revocation of certification.
203.15. Application of packet submission.

§ 203.11. Qualifications.

(a) Except as provided in subsection (b), persons who are to be employed as police officers by police departments within this Commonwealth from December 21, 1996, shall:

(1) Be 18 years of age or older.

(2) Possess a high school diploma or GED Equivalency.

(3) Be citizens of the United States.

(4) Be free from convictions of disqualifying criminal offenses.

(5) Be able to read at no less than the ninth grade level, as established through the administration of the Nelson-Denny Reading Test.

(6) Be personally examined by a physician, physician's assistant, or certified nurse practitioner who is licensed in this Commonwealth. The examination must include the following:

(i) Applicants shall be free from the addictive or excessive use of either alcohol or drugs which shall be determined using current laboratory testing procedures.

(ii) Applicants shall be free from the use of illegal controlled substances which shall be determined using current laboratory testing procedures.

(iii) Applicants physical condition shall be such that applicants could reasonably be expected to withstand significant cardiovascular stress.

(iv) Applicants shall be free from any debilitating conditions such as tremor, incoordination, convulsion, fainting episodes or other neurological conditions which may affect the applicants' ability to perform as police officers.

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(v) Applicants shall 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.

(vi) Applicants shall have audio acuity sufficient to distinguish a normal whisper at a distance of 15 feet. The test shall be independently conducted for each ear while the tested ear is facing away from the speaker and the other ear is firmly covered with the palm of the hand. The applicant may not use a hearing aid or other aid to perform the test. If the applicant fails this test, the applicant shall be required to take and pass a decibel audio test.

(vii) Applicants may not be missing any extremities, including digits, which would prevent performance of required police duties or meeting minimum training requirements.

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

(7) Be personally examined by a Pennsylvania licensed psychologist and found to be psychologically capable to exercise appropriate judgment or restraint in performing the duties 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 (MMPI).

(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 duties of a police officer including the handling of a lethal weapon, the psychologist shall employ whatever 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 and the results of the tests.

(8) Be evaluated to determine physical fitness using the standards developed by the Cooper Institute for Aerobics Research in Dallas, Texas. 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 each of the required evaluations to be eligible for employment. A person will not be enrolled in a recruit training program 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 each of the required evaluations. The required evaluations are as follows:

(i) 1.5 mile run.

(ii) 300 meter run.

(iii) One repetition bench press.

(iv) One minute sit ups.

(9) Certify whether they have taken a physical examination or psychological evaluation conducted in conjunction with an application for police employment within the previous year and the outcome of the examination or evaluation.

(10) Be subject to a thorough background investigation conducted by the applicant's employing police department. The investigation shall include the following:

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

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

(iii) Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.

(iv) Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.

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

(11) Successfully complete a basic police training course given at a Commission-certified school or obtain a waiver of training as enumerated in § 203.12 (relating to waiver of training).

(i) Successful completion of a basic police training course shall be determined by the training school, based upon Commission standards.

(ii) To qualify for this certification, an applicant shall:

(A) Achieve a minimum qualifying firearms score of 75%.

(B) Receive certification for First Aid and CPR from the American Red Cross, the Department of Health, the American Heart Association or other agencies approved by the Department of Health.

(C) Comply with Commission and school rules and regulations.

(D) Pass the same certification exam administered to those seeking waiver of training as set forth in § 203.12(4).

(I) Applicants who are not employed as a police officer by a police department within this Commonwealth or do not have a condi-

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tional offer of that employment shall pay an examination fee equal to the actual cost of administering the test.

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

(E) Attend 100% of all classes.

(I) Excused absences shall be mutually agreed upon by the police officer's department head and school director. School directors shall determine excused absences for applicants not employed as police officers.

(II) Excused absentees shall include personal illness or injury, illness in the immediate family requiring the applicant's attention or death in the immediate family.

(F) Complete the basic training course approved by the Commission with a minimum grade as established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum grade on each tested area of examination changes.

(I) Applicants not achieving the minimum grade in any tested area shall repeat the failed training in that area before being eligible to take the examination in that tested area at a Commission-certified school. If the applicant fails to achieve the minimum grade on the applicant's second attempt, the applicant shall be required to successfully 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 one basic police training course shall be required to retake and pass the entire basic police training course in order to qualify for certification.

(b) Subsection (a) does not apply to persons who meet one of the following conditions:

(1) Previously held valid certification issued by the Commission within 2 years prior to the date of employment on the application. Persons who received a certification prior to 1988 and who did not have a psychological evaluation shall obtain a psychological evaluation to obtain certification.

(2) Were sworn and full duty members honorably discharged from the Pennsylvania State Police within 2 years prior to the date of employment on the application for certification. A past member who enlisted in the Pennsylvania State Police prior to May 1998 and who did not have a psychological evaluation shall obtain a psychological evaluation to obtain certification.

Authority

The provisions of this § 203.11 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.11 amended October 12, 2001, effective October 13, 2001, 31 Pa.B. 5706; amended December 12, 2003, effective December 13, 2003, 33 Pa.B. 6046; amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871; amended December 7, 2007, effective December 8, 2007, 37 Pa.B. 6401. Immediately preceding text appears at serial pages (322726) to (322730).

Cross References

This section cited in 37 Pa. Code § 203.15 (relating to application packet submission).

§ 203.12. 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.

(2) Satisfy one of the following conditions:

(i) Successfully completed a Pennsylvania basic police training course approved by the Commission.

(ii) Previously was a Commission-certified police officer and left this position in good standing.

(iii) Previously was employed as a full-time police officer in this Commonwealth before June 18, 1974, who was not required to obtain certification from the Commission, and worked as a full-time police officer for at least 5 years.

(iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, provided that certification had been based on the completion of an approved basic police course comparable to that of the act.

(3) Undergo proficiency testing in the following three areas. Documentary proof of each qualification shall accompany the waiver of training application.

(i) *Firearms*. Applicants shall qualify on a police firearms course conducted by a certified police firearms instructor with the weapons the applicant will use in the performance of his police duties. The Commission will publish the requirements for a police firearms course in the Commission newsletter on an annual basis.

(ii) *First Aid/CPR*. Applicants shall have valid certification in first aid and adult, child and infant CPR, from the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(iii) *Patrol vehicle operation*. Applicants shall successfully pass the patrol vehicle operation test required in the basic police training course at a certified school or by a certified instructor.

(4) Take a certification examination administered by the Commission at a location and time designated by the Commission. The schedule for the examinations may be obtained by writing the Commission office.

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(i) The minimum passing score will be established by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum passing score.

(ii) An applicant for a waiver of training shall be permitted to take the certification examination a maximum of three times and only once in any day.

(iii) Applicants will not be certified without obtaining a passing score on the certification examination. Failure to pass the certification examination after three attempts shall result in the applicant being required to take and pass the entire basic training course to qualify for certification.

(iv) Previously or currently employed as a full-time police officer of another state and met the certification standards of that state, provided that certification had been based on the completion of an approved basic police course comparable to that of the act.

Authority

The provisions of this § 203.12 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.12 amended December 12, 2003, effective December 13, 2003, 33 Pa.B. 6046; amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial pages (301373) to (301375).

Cross References

This section cited in 37 Pa. Code § 203.11 (relating to qualifications).

§ 203.13. Certification as a municipal police officer.

(a) *General.*

(1) The Commission will supply written verification to the applicant's employing police department upon the applicant's completion of the Commission's requirements for certification as a police officer.

(2) Verification shall be valid only in the department identified on thedocument provided by the applicant. Upon termination of employment in a department, certification for that department shall be void and shall be returned to the Commission by the department.

(3) If the certification document has been lost or destroyed, a notarized statement shall be provided to the Commission concerning the certification.

(b) *Initial certification.*

(1) Initial certification is valid for 2 years from the date of issuance. The document provided by the Commission shall contain the dates of issuance and expiration in addition to a certification number for identification purposes.

(2) Upon receipt of certification a police officer is authorized to enforce 18 Pa.C.S. (relating to the Crimes Code) and moving violations of 75 Pa.C.S. (relating to the Vehicle Code), and to carry a firearm.

(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 § 203.52 (relating to mandatory in-service training courses). Mandatory in-service training schools shall provide written notice to the Commission of all police officers who have successfully completed the mandatory in-service training course.

(2) Certification shall be renewed every 2 years.

§ 203.14. Revocation of certification.

(a) The Commission maintains the right to revoke 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 maintain first aid or CPR certification.

(3) Failure to qualify with firearms as specified in the Commission newsletter.

(4) Failure to successfully complete annual mandatory in-service training as specified in the Commission newsletter.

(5) Physical or psychological impairment which renders the officer permanently unable to perform his duties.

(6) Conviction for a disqualifying criminal offense.

(7) Submission to the Commission of a document that the police officer knows contains false information including fraudulent application.

(8) A certification issued in error.

(9) Cheating.

(b) Under subsection (a)(1),(5) and (6), it shall be the responsibility of the head of the applicant's employing police department to provide written notice to the Commission of the following:

(1) An officer's termination of employment.

(2) An officer who has been determined to have a permanent physical or psychological condition which renders the officer unable to perform his duties.

(3) An officer's arrest for a disqualifying offense within 15 days from the date of arrest.

(c) Municipalities may request additional time for police officers to complete in-service training requirements by filing a show cause document with the Commission requesting additional time. These requests shall be filed on a form supplied by the Commission and considered by the Commission on a case-by-case basis.

Cross References

This section cited in 37 Pa. Code § 261.6 (relating to duties of Commision).

§ 203.15. Application packet submission.

(a) *General.*

(1) Forms shall be original.

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(2) Forms shall be typewritten.

(3) Signatures shall be original.

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

(1) One application form for certification. All questions shall be answered and the appropriate sections completed.

(2) Two fingerprint cards—one State Police Applicant Fingerprint Card and one FBI Applicant Fingerprint Card.

(i) Only fingerprint cards obtained from the Commission may be submitted with the application for certification.

(ii) The fingerprints of the applicant shall be affixed on the fingerprint cards.

(iii) 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.

(i) Physical examinations shall be performed by a licensed physician or osteopath as described in § 203.11(4) (relating to qualifications).

(ii) The physical examination form shall be submitted regardless of the results of the examination.

(iii) At the discretion of the hiring authority, a physical examination conducted in conjunction with police employment may be valid for 6 months 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.

(4) One psychological evaluation form.

(i) Psychological evaluations shall be performed by a licensed psychologist as described in § 203.11(5).

(ii) The psychological evaluation form shall be submitted regardless of the results of the evaluation.

(iii) At the discretion of the hiring authority, a psychological evaluation specifically conducted in conjunction with police employment may be valid for 6 months 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.

(c) *Submission of packets.* Application packets shall be submitted by the head of the applicant's employing police department when an officer must attend basic police training or when a waiver of training is requested.

Subchapter C. SCHOOL REQUIREMENTS

Sec.
203.31. Eligibility for school certification.
203.32. Initial school certification procedure.
203.33. Minimum school standards and requirements.
203.34. School inspections.
203.35. Emergency suspension of school certification.
203.36. Revocation of school certification.
203.37. Minimum standards for school directors.

§ 203.31. Eligibility for school certification.

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

(b) Until the Commission determines that additional schools are required, only those schools in existence and Commission-certified on or before January 1, 1994, shall be eligible for Commission certification.

Cross References

This section cited in 37 Pa. Code § 203.32 (relating to initial school certification procedure).

§ 203.32. Initial school certification procedure.

(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.

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

(1) File an application for approval with the Commission on a form supplied by the Commission, which shall be signed by the school's director.

(2) Meet the requirements in § 203.33 (relating to minimum school standards and requirements).

(c) Commission approval will be as follows:

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

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the act and this subchapter, and which promote the policy in § 203.31 (relating to eligibility for school certification).

(d) Certification of approved school and training course will be as follows:

(1) If the Commission determines that the application of the school and course complies with the act and this chapter, 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 chapter, the Executive Director will notify the school by certified mail, return receipt requested, of the reasons upon which the adverse 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.

§ 203.33. Minimum school standards and requirements.

(a) Schools shall initially meet and subsequently main-tain the following standards:

(1) Comply with applicable Federal, State or local statutes, and rules and regulations pertaining to the statutes and ordinances.

(2) Have a school director who meets the standards in § 203.37 (relating to minimum standards for school directors).

(3) School buildings shall comply with public safety standards in sections 1—14 of the act of April 27, 1927 (P. L. 465, No. 299)(35 P. S. §§ 1221—1235), known as the Fire and Panic Act.

(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 the requirements prescribed for the facilities by the governmental authority having jurisdiction.

(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 toilet room shall have at least one lavatory.

(10) Provisions shall be made for separate mens' and womens' locker and shower facilities.

(11) The furniture, equipment and supplies of the school shall be of a type, quality and amount to meet with the approval of the Commission.

(12) Sufficient space shall be available in the classrooms.

(13) Dining facilities, cafeterias, 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 a suitable area adequate for conducting physical conditioning and defensive tactics in a safe manner. At a minimum, the facilities shall contain the following:

(i) An Isokinetic weight machine.

(ii) A measured running course.

(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) A sit and reach flexibility evaluation station.

(vii) Skinfold calipers or cloth tape to determine body fat.

(viii) Additional exercise equipment related to physical conditioning training which may include free weights, an exercycle, a rowing machine and boxing equipment.

(ix) Other equipment required by the curriculum.

(15) An 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.

(i) The school shall ensure that weapons utilized in this portion of training are safe. A minimum of .38 caliber or .380 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 ''exotic'' or ''unusual'' weapons shall utilize a more conventional weapon for training purposes. Upon the student's successful completion of the training program, the student's employing police department shall also qualify the student with the weapon prior to assuming duties as a police officer.

(iii) The school can refuse to allow the use of a weapon that the firearms instructor determines to be 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.

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(v) Schools may not permit participation in firearms training that violates 18 Pa.C.S. Chapter 61, Subchapter A (relating to Pennsylvania Uniform Firearms Act).

(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 or physical fitness facilities.

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

(i) A 16 mm movie projector.

(ii) A 35 mm slide projector.

(iii) Overhead transparency projector or Opaque overhead projector.

(iv) Projection screens or another appropriate projection surface.

(v) A video cassette player.

(vi) Nineteen inch or larger color television monitors.

(vii) A chalk board or equivalent.

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

(b) In addition to subsection (a), schools 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 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.

(3) Develop course outlines and update as changes occur.

(4) Prepare and update class schedules.

(5) Establish a records management system as needed for the Commission records which shall consist of class rosters, attendance, academic grades, firearms scores, student critiques of course content and a list of instructors.

(6) Develop rules, including discipline, for student conduct, school operation and instructor standards.

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

(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 the roster of certified instructors and the areas of their certification.

(11) Prohibit instructors from teaching more than 180 hours of any one Basic Police Training Course.

(12) Prepare lesson plans and course outlines for each area of the curriculum using the basic training manuals provided by the Commission as source material. Lesson plans and course outlines shall be accessible in the classrooms to Commission inspectors and official visitors.

(13) Provide to the Commission a copy of tentative weekly class schedules, including dates, times, locations, instructors, subjects, and the like, by the first day of a basic training program. Changes to the schedule provided shall be submitted to the Commission as necessary.

(14) Comply with testing procedures prescribed by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter of the testing procedures and whenever they change.

(15) Obtain the required textbooks, supplemental textbooks, movies, videos, overhead transparencies, and the like, that are listed as necessary in the curriculum prepared by the Commission.

(16) Have instructors inform students taking the examination of the Commission cheating policy, prior to administering a written examination. See § 203.54 (relating to Commission cheating policy).

(c) Upon completion of the basic police training course, the school shall submit a roster of all students, including grades and Social Security numbers, to the Commission within 5 working days of the date of course completion. Under 20 U.S.C.A. § 1232(g) (The Buckley Amendment), personally identifiable information of a student may not be disclosed by the school without the school first obtaining a written waiver from the student.

(d) A proposed change in the location of an approved school shall be reported to the Executive Director at least 30 days before the move.

(1) If a fire marshall or an inspector from the Department of Labor and Industry 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 an inspection committee from the Commission, 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.

Authority

The provisions of this § 203.33 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.33 amended October 12, 2001, effective October 13, 2001, 31 Pa.B. 5706; amended December 12, 2003, effective December 13, 2003, 33 Pa.B. 6046; amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial pages (223390) and (301377) to (301379).

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Cross References

This section cited in 37 Pa. Code § 203.32 (relating to initial school certification procedure); and 37 Pa. Code § 203.304 (relating to school inspections).

§ 203.34. School inspections.

(a) *Frequency of inspections.*

(1) An initial inspection will be made 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 once a year.

(3) Schools shall meet the minimum school standards in § 203.33 (relating to minimum school standards and requirements).

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

(1) Any Commission member.

(2) A full time staff employe so designated by the Executive Director.

(3) Other contractual personnel employed by the Commission to conduct school inspections.

§ 203.35. Emergency suspension of school certification.

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 part.

(3) The school director does not meet the requirements in § 203.37 (relating to minimum standards for school directors).

(4) An instructor is subject to revocation under § 203.73 (relating to revocation of instructor certification).

Authority

The provisions of this § 203.35 amended under 53 Pa.C.S. 2164(1), (8) and (14).

Source

The provisions of this § 203.35 amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial page (301380).

Cross References

This section cited in 37 Pa. Code § 203.36 (relating to revocation of school certification).

§ 203.36. Revocation of school certification.

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

(1) Failure to comply with the minimum school standards in this chapter.

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

(3) Subcontracting of police training to another noncertified entity.

(4) Failure to take corrective action after suspension under § 203.35 (relating to emergency suspension of school certification).

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

(6) The school does not have a school director who meets the standards in § 203.37 (relating to minimum standards for school directors).

Authority

The provisions of this § 203.36 amended under 53 Pa.C.S. Chapter 21, Subchapter D.

Source

The provisions of this § 203.36 amended October 12, 2001, effective October 13, 2001, 31 Pa.B. 5706; amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial page (301380).

§ 203.37. Minimum standards for school directors.

(a) After September 23, 2006, school directors shall meet the minimum standards set forth in this section.

(b) School directors approved by the Commission shall demonstrate compliance with at least one standard set forth in paragraph (1) and at least one standard set forth in paragraph (2).

(1) School directors shall satisfy one of the following requirements:

(i) Possess an associate's or higher degree in criminal justice, public administration, education or related field.

(ii) Be a graduate of one of the following:

(A) The Federal Bureau of Investigation National Academy.

(B) The Southern Police Institute Administrative Officers Course.

(C) The Law Enforcement Instructor Training Course of the Federal Law Enforcement Training Center.

(D) The Northwestern University Staff and Command School.

(E) Other law enforcement training program approved by the Commission.

(2) School directors shall satisfy one of the following minimum professional experience requirements:

(i) Ten years in law enforcement, including 5 years at an administrative level.

(ii) Fifteen years increasingly responsible full-time experience as a Federal, State or municipal police officer with general police powers.

(c) School directors shall be free of convictions for a disqualifying criminal offense.

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

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Authority

The provisions of this § 203.37 issued under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.37 adopted September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871.

Cross References

This section cited in 37 Pa. Code § 203.33 (relating to minimum school standards and requirements); 37 Pa. Code § 203.35 (relating to emergency suspension of school certification); 37 Pa. Code § 203.36 (relating to revocation of school certification).

Subchapter D. COURSE REQUIREMENTS

Sec.
203.51. Basic police training course curriculum.
203.52. Mandatory in-service training courses.
203.53. Nonmandatory in-service training courses.
203.54. Commission cheating policy.

§ 203.51. Basic police training course curriculum.

(a) The Commission will set the number of hours required in the basic police training course. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the number of hours required in the basic police training course changes.

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

(1) Pennsylvania criminal law.
(2) Pennsylvania Rules of Criminal Procedure.
(3) Pennsylvania Vehicle Code.
(4) Antisocial behavior.
(5) Professional relations.
(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.
(16) Operation of patrol vehicle.
(17) Other subjects the Commission deems necessary.

Notes of Decisions

Course Curriculum

Through Waterways Conservation Officers (WCOs) are authorized by statute to stop and arrest for any violation of law classified as a felony or misdemeanor, WCOs may not conduct stops for violations of the Motor Vehicle Code unless they have completed the entire course of instruction specified in this section. *Commonwealth v. Himes*, 715 A.2d 1208 (Pa. Super. 1998); vacated and remanded 750 A.2d 304 (Pa. 2000).

§ 203.52. Mandatory in-service training courses.

(a) Mandatory in-service training is required of all police officers.

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

(1) Continuous in-service requirements shall consist of the following:

(i) Annual qualification on a police firearms course with any firearms, shotguns, or rifles authorized for use, including personal weapons carried in lieu of issued weapons or as a second weapon. A weapon may not be carried on duty for which an officer is not qualified.

(ii) Maintenance of a first aid and CPR certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health.

(2) Academic in-service requirements shall consist of at least 12 hours of annual training as determined yearly by the Commission. The Commission will publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter regarding the course content and specific hours.

(c) Mandatory in-service administration shall consist of the following:

(1) An applicant for instructor in the mandatory in-service training program shall meet the requirements of § 203.72(b) (relating to certification requirements).

(2) Each school shall submit a training calendar to the Commission prior to the beginning of each quarter of the calendar year. Included in the calendar shall be: course title, dates of training, time of classes and location.

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

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

(i) Certification of instructors may be withdrawn after notice and an opportunity to be heard under Subchapter G (relating to notice and hearings), for one or more of the following reasons:

(A) Failing to present the full program.

(B) Teaching improper or incorrect material or not presenting the Commission program.

(C) Cheating.

(D) Inadequate preparation for class.

(E) Being intoxicated in class.

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(F) Using inappropriate language.

(ii) Withdrawal of mandatory in-service instructor certification by a Commission inspector shall be reviewed by the Commission and the instructor's certification may be subject to revocation by the Commission under § 203.73 (relating to revocation of instructor certification).

(iii) Classes may be suspended immediately during an inspection by a Commission inspector for cause. Costs for classes suspended during an inspection for cause will not be paid by the Commission.

(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 shall 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 publish a notice in the *Pennsylvania Bulletin* and in the Commission newsletter whenever the minimum passing scores required in the basic training course changes.

(7) An individual failing to pass the examination to be administered at the end of a course shall be given the opportunity for reexamination by the course instructor. The reexamination process shall consist of a review of course objectives, content and course summary, prior to an orally administered reexamination utilizing a different examination from the failed examination. If an individual fails the reexamination, a written notice of failure shall immediately be sent by certified mail, return receipt requested, to the employing municipality. An individual failing both the examination, and the reexamination for a course, shall be permitted to participate in another offering of the course, if the individual continues to be a currently employed police officer.

(8) The certified school, and the course instructors, will be held responsible by the Commission for proper administration of in-service training courses, including maintenance of proper examination security.

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

(10) Municipalities may request extensions of time from the Commission 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.

Cross References

This section cited in 37 Pa. Code § 203.13 (relating to certification as a municipal police officer); and 37 Pa. Code § 203.73 (relating to revocation of instructor certification).

§ 203.53. 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 will 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.

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

(ii) Approved courses will be published in the Commission newsletter.

(2) Courses with less than 12 or more than 40 police officers enrolled will not be approved for nonmandatory in-service training grants. However, at the discretion of the Executive Director or by a majority vote of the In-Service Training Committee (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 or the Committee.

(4) The Commission will 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 CPR training.

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(c) Nonmandatory in-service training grant requests in the amount of $3,000 or less may be approved by the Commission's Committee. The Committee will be appointed by the Commission chairperson and consist of five Commission members including a designated chairperson of the Committee.

(1) The 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 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 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 In-Service Training Committee will review every request and make a recommendation to the Commission.

(1) The chairperson of the 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 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 certified mail, return receipt requested.

§ 203.54. Commission cheating policy.

(a) The contents of all examinations are confidential. An individual may not cheat or tamper in any manner with an official examination either conducted or sponsored by the Commission by obtaining, furnishing, accepting, or attempting to obtain, furnish or accept answers or questions to examinations, or portions thereof. Individuals may not copy, photograph or otherwise remove examination contents; nor may they use any misrepresentation or dishonest method while preparing, administering or participating in examinations. Unauthorized possession of a test, examination, quiz or a questions, answers or answer keys relating to a test, examination or quiz shall constitute cheating. An individual violating this section shall be barred from further participation in any Commission-required training and ineligible for certification. Individuals will receive notice and have an opportunity to be heard under Subchapter G (relating to notice and hearings).

(b) A written notice of the cheating incident shall immediately be sent to the individual's employing municipality by the school, with a copy forwarded to the Commission and the individual.

(c) Prior to administering a written examination, the instructors shall inform the students taking the examination of the Commission cheating policy.

Authority

The provisions of this § 203.54 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.54 amended December 12, 2003, effective December 13, 2003, 33 Pa.B. 6046. Immediately preceding text appears at serial page (223399).

Cross References

This section cited in 37 Pa. Code § 203.33 (relating to minimum school standards and requirements).

Subchapter E. INSTRUCTOR CERTIFICATIONS

Sec.
203.71. General.
203.72. Certification requirements.
203.73. Revocation of instructor certification.

Cross References

This subchapter cited in 37 Pa. Code § 203.33 (relating to minimum school standards and requirements).

§ 203.71. General.

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

(b) Instructor certifications issued under this chapter are for the sole purpose of identifying those qualified to teach in a police training course—basic or mandatory in-service—certified by the Commission.

(c) The instructor application procedure is as follows:

(1) Application for instructor certification shall be made on a form supplied by the Commission. The form may be obtained by writing to the Commission office.

(2) Application for instructor certification shall be submitted by the Director of a school certified by the Commission. Individual instructors may not apply on their own behalf. Applications may be made only for individuals teaching at a certified school.

(3) Documentary proof shall accompany each application verifying satisfaction of the requirements for certification including required degrees contained under § 203.72 (relating to certification requirements).

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(4) Applicants shall be interviewed by the director of the school at which time the director shall review the supporting documentation to be submitted with the application and the director shall so indicate on the application.

(5) The application shall be notarized.

(6) Applicants may not have been convicted of a disqualifying criminal offense.

§ 203.72. Certification requirements.

(a) *Basic police training instructors.*

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

(i) *General instructors.* An instructor eligible to teach any course other than first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(ii) *Special instructors.* An instructor eligible to teach first aid, CPR, firearms, physical conditioning, application of force and patrol vehicle operation.

(2) *Qualifications.*

(i) Attorneys licensed to practice in this Commonwealth or other instructors for topic areas that require professional education or licensure, need not meet the following requirements concerning police experience. 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.

(B) Have 5 years police experience, or have an associate of arts degree and 4 years police experience, or have a bachelor of arts degree and 3 years police experience. Copies of degrees shall be accompanied by transcripts.

(ii) To obtain certification as a special instructor in one of the courses listed in this subparagraph, an applicant shall provide documentation evidencing the special requirements listed for each course:

(A) *First aid and CPR.* Possess a current instructor certification issued by the American Red Cross, the American Heart Association, the Department of Health or other agency approved by the Department of Health (40 hour curriculum).

(B) *Firearms.* 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.

(C) *Physical conditioning.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a physical conditioning instructor.

(D) *Application of force.* Provide documentation of successful completion of an instructor development course and training or education which evidences expertise as a defensive tactics instructor.

(E) *Patrol vehicle operation.* Provide documentation of successful completion of an instructor development course and an instructor's course in emergency vehicle operation or police driver proficiency.

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

(i) Basic police training instructor certification shall be valid for 2 years and each certificate shall contain an expiration date. An instructor may not be permitted to teach without a current certificate.

(ii) Renewal of basic police training instructor certification shall be effected automatically by the Commission if the certified instructor has satisfied 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.

(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.

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

(1) Be employed by a certified basic training school.

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

(i) If not currently a basic police training certified instructor but eligible for certification, an application for certification 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 is valid for 6 months. Temporary certificates are not renewable.

(ii) When courses are offered in mandatory in-service training that are not available in the basic police training course, the Commission will determine requirements for selections as an instructor in the program.

(3) Have attended Commission instructor training programs for the courses in which certification is sought. Application for certification as a basic police

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training instructor shall be submitted to the Commission prior to attending any instructor training programs.

Cross References

This section cited in 37 Pa. Code § 203.52 (relating to mandatory in-service training courses); and 37 Pa. Code § 203.71 (relating to general).

§ 203.73. Revocation of instructor certification.

The Commission may revoke an instructor certification for one or more of the following reasons after notice and opportunity to be heard under Subchapter G (relating to notice and hearings):

(1) Conviction of a disqualifying criminal offense.

(2) Conduct which reflects unfavorably upon a certified school or the Commission.

(3) Evidence of inability to instruct, including the conditions enumerated in § 203.52(c)(4)(i) (relating to mandatory in-service training courses).

(4) Knowing falsification of a document submitted to the Commission or submission to the Commission of a document knowing it to be false. False documents include: 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.

(5) Assisting a student to cheat in a Commission training course.

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

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

Cross References

This section cited in 37 Pa. Code § 203.35 (relating to emergency suspension of school certification); and 37 Pa. Code § 203.52 (relating to mandatory in-service training courses).

Subchapter F. REIMBURSEMENT OF EXPENSES

Sec.
203.81. Basic training.
203.82. Mandatory in-service training.
203.83. Grants for nonmandatory in-service training programs.

§ 203.81. 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. 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 1 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.

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(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 action.

§ 203.82. Mandatory in-service training.

(a) The Commission will reimburse all schools certified by the Commission or other training resources deemed necessary by the Commission only in the form of tuition.

(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 in the Commission newsletter 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.

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

§ 203.83. Grants for nonmandatory in-service training programs.

(a) The Commission will provide grants only for actual expenses 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*. Reasonable expenditures.

(ii) *Services*. Reasonable 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 In-Service Training Committee. This expenditure may not exceed 10% of the total grant amount.

(2) The Commission has the discretion to approve additional expenditures not explicitly provided for in this chapter. 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 has the authority to 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:

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(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 has the discretion to 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. 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.

Authority

The provisions of this § 203.83 amended under 53 Pa.C.S. Chapter 21, Subchapter D.

Source

The provisions of this § 203.83 amended October 12, 2001, effective October 13, 2001, 31 Pa.B. 5706. Immediately preceding text appears at serial pages (223405) to (223406).

Subchapter G. NOTICE AND HEARINGS

Sec.
203.101. Scope.
203.102. Notice.
203.103. Hearing procedures.

Cross References

This subchapter cited in 37 Pa. Code § 203.14 (relating to revocation of certification); 37 Pa. Code § 203.32 (relating to initial school certification procedure); 37 Pa. Code § 203.36 (relating to revocation of school certification); 37 Pa. Code § 203.52 (relating to mandatory in-service training courses); 37 Pa. Code § 203.54 (relating to Commission cheating policy); 37 Pa. Code § 203.73 (relating to revocation of instructor certification); and 37 Pa. Code § 203.82 (relating to mandatory in-service training); 37 Pa. Code § 221.25 (relating to challenge to issue of identification card); and 37 Pa. Code § 261.6 (relating to duties of Commission).

§ 203.101. 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.

Cross References

This section cited in 37 Pa. Code § 221.35 (relating to challenge to issuance of qualification card).

§ 203.102. Notice.

(a) The Commission will forward in writing by certified mail, return receipt requested, the individual or school adversely affected by an action of the Commission, a notice specifying the reasons for the Commission action.

(b) An individual or 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 mails is determinative of a timely request for a hearing.

Authority

The provisions of this § 203.102 amended under 53 Pa.C.S. § 2164(1), (8) and (14).

Source

The provisions of this § 203.102 amended September 22, 2006, effective September 23, 2006, 36 Pa.B. 5871. Immediately preceding text appears at serial page (284329).

Cross References

This section cited in 37 Pa. Code § 221.35 (relating to challenge to issuance of qualification card).

§ 203.103. 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 Hershey, Pennsylvania.

(b) A hearing examiner will be appointed by a majority vote of the Commission to preside at the hearing.

(c) The Commission will review the hearing examiner's recommendation, findings of fact and conclusions of law, 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.

Cross References

This section cited in 37 Pa. Code § 221.35 (relating to challenge to issuance of qualification card).

[Next page is 221-1.]

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