

Regulatory Analysis Form (Completed by Promulgating Agency)		INDEPENDENT REGULATORY REVIEW COMMISSION	
(All Comments submitted on this regulation will appear on IRRC's website)		<div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED OCT -'8 2020 Independent Regulatory Review Commission </div>	
(1) Agency: Municipal Police Officers' Education and Training Commission			
(2) Agency Number: 17 Identification Number: 17-80		IRRC Number: 3270	
(3) PA Code Cite: 37 Pa. Code Chapter 203			
(4) Short Title: Administration of the Program for the Municipal Police Education and Training Act (Act)			
(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Sergeant Leslie Barr, Regulatory Coordinator, Legislative Affairs Office, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, PH: 717-705-0843, lesbarr@pa.gov Secondary Contact: John J. Herman, Assistant Counsel, Governor's Office of General Counsel, 1800 Elmerton Avenue, Harrisburg, Pennsylvania 17110, PH 717-772-1094, johnherman@pa.gov			
(6) Type of Rulemaking (check applicable box):		<input type="checkbox"/> Emergency Certification Regulation; <input type="checkbox"/> Certification by the Governor <input type="checkbox"/> Certification by the Attorney General	
<input checked="" type="checkbox"/> Proposed Regulation <input type="checkbox"/> Final Regulation <input type="checkbox"/> Final Omitted Regulation			
(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)			
<p>The Municipal Police Education and Training Act (Act) requires the Municipal Police Officers' Education and Training Commission (MPOETC) to set training and minimum eligibility requirements for prospective and current police officers. To accomplish this, MPOETC regulates and certifies police officers, police academies and police training instructors, in accordance with 37 Pa. Code Chapter 203. Due to the extensive changes in this omnibus revision, Chapter 203 has been reserved and the content will be listed under new Chapter 203a. Although each section is renumbered in this conversion (i.e. § 203.1 becomes 203a.1), in general the topic of each section remains consistent.</p>			
(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.			
<p>These regulations are authorized under the Act, 53 Pa. C.S. § 2164(14). These regulations are an <u>update and revision of an existing regulatory enactment.</u></p>			
(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.			

The regulations are not mandated by federal law or court decision.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The changes are needed to update and modernize the existing regulations which have become antiquated and in need of comprehensive revision, since many of the regulations date from 1996. The revisions are necessary to ensure that Pennsylvania's municipal police officers are properly trained with a modern curriculum within modern facilities, and to ensure that MPOETC has adequate mechanisms with which to exercise its statutory oversight authority. This regulatory change will benefit the over 1,100 police departments in Pennsylvania, the approximately 23,000 MPOETC certified police officers, police training academies and staff, as well as MPOETC itself. The updated regulations include more comprehensive and modern standardized requirements for all aspects of the regulated community, enhancing the quality of training. The regulatory change also clarifies and expounds upon MPOETC's oversight authority, ensuring that members of the regulated community understand their obligations under MPOETC and how MPOETC will hold them accountable.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

N/A - The Act is a state enactment for police training and education and is not subject to direct federal regulation.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

While all 50 states have some codified form of police training and education requirements (often referred to generally as Peace Officer Standards and Training, or "POST" requirements), the laws of each state are distinct, and a comparative analysis is not feasible. These regulations will have no impact on the ability of Pennsylvania to compete with other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No other laws or regulations are known to be impacted or affected.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

This regulatory submission was drafted by members of the MPOETC staff. During the course of the 18-month drafting period, input was sought from the Pennsylvania Chiefs of Police Association, the Pennsylvania Fraternal Order of Police and the police academy directors via their association. These groups represent essentially the entire regulated community. Specifically, all were provided with a preliminary, but comprehensive, draft of the regulatory changes and their input was sought on all changes. Their input was reviewed by MPOETC staff and, where appropriate, their suggested changes or recommendations were incorporated into the proposed regulations.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Police officer applicants, police academies and their staffs, and police officers and their employing departments constitute the regulated community affected by these proposed regulations. While many provisions and requirements remain largely the same, police officer applicants and certified police officers must complete the updated curriculum requirements. Moreover, employing municipalities must comply with additional requirements, such as enhanced background checks and medical screenings. Furthermore, police academies and their instructional staff will be required to follow new requirements, which may require them to obtain some new equipment, update their training curricula and facilities, and comply with other new oversight requirements. All parties will continue to be subject to MPOETC oversight, but this oversight is specified and clarified for the benefit of the regulated community.

All substantive changes to the existing regulations are detailed in the Preamble.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

As noted above, the regulated community, which is required to comply with the existing and proposed updated regulations, consists of the 24 police academies (and their staffs), approximately 23,000 police officers, and over 1,100 police departments (and their respective governing bodies). No small businesses are believed to be impacted by this regulation, except to the extent that a

police academy may be considered such.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The proposed updated regulations will benefit the regulated community by providing them with greater clarity regarding their respective obligations under MPOETC, and by establishing uniform requirements which will improve police officer training and implementation. The proposed regulations impose some additional, but limited, testing costs on applicants of police academies (see below for detail). Police academies were afforded the opportunity to increase tuition with the new basic training curriculum released in January 2018. All tuition increases were vetted and approved through the Commission. Furthermore, it is anticipated that updates to provisions related to required equipment and facilities, and streamlined processes established by the regulations, will create cost-saving opportunities to the schools, which may allow them to hold tuition steady.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The Pennsylvania Chiefs of Police Association, the Pennsylvania Fraternal Order of Police and the police academy directors (via their association) largely agree that a comprehensive update is needed to these regulations. The regulated community itself will benefit from uniform, modern and comprehensive requirements for compliance, and will benefit from the more flexible regulations which allow them to modernize their business practices and interfaces with MPOETC. Additionally, MPOETC will have enhanced oversight tools which will improve accountability within the regulated community. Potential new costs are not significant, as detailed below.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The below are potential areas of savings and expenses which this regulatory proposal may generate upon promulgation:

a. The granting of partial waiver of training to former federal law enforcement officers will require members of this specific regulated community to complete significantly fewer instructional hours than students without similar requisite training, saving each of those applicants approximately \$2000 (based upon previous tuition rates and the anticipated reduction in training hours required). Current tuition has increased, but due to the variability of the number required hours for each partial waiver applicant, prior tuition rates were used as a means to more conservatively predict savings outcomes.

b. Individuals applying for acceptance into a police academy may be required to complete an evaluation with an optometrist or ophthalmologist to assure compliance with the visual acuity standards. The estimated cost for this examination is estimated to be \$114.00 (based on a mid-range estimate of a wide range of costs quoted for the complete package of such services). It is uncertain whether a hiring police department or municipality will absorb such a cost or whether it will require the applicant to pay for the service.

c. Decibel testing replaces the whisper test as the hearing standard for admission to a police academy. Therefore, individuals applying to the police academy must complete an audiological examination to assure compliance with the new audio acuity standard. The cost for this examination is estimated to be \$75.00 (based upon an averaging of costs provided by service providers located in various geographic areas of the Commonwealth). It is uncertain whether a hiring police department or municipality will absorb such a cost or whether it will require the applicant to pay for the service.

d. Individuals applying for acceptance into the police academy, to assure that they are free of any criminal convictions that disqualify them from possessing a firearm, will be required to undergo a criminal history check at their own expense. The current cost for a criminal history check, which includes a search of the Pennsylvania criminal history database and the federal criminal history databases, is \$23.85. If an identifier-based Pennsylvania Access to Criminal History check is required for any reason, an additional fee of \$22.00 would be incurred.

e. Individuals applying for acceptance into the police academy, to assure that they possess current driving privileges, will be required to obtain a driving history for the ten-year period preceding their application, at their own expense. The cost for the driving history in PA for each student is \$11.00. This exact cost is undeterminable as applicants are required to have a driving record from each state they have previously held a license from for the last 10 years. States vary in cost from \$2-\$25.

f. Individuals applying for acceptance into the police academy will be required to undergo a Five-Panel Drug Screening to assure that they are free from the addictive or excessive use of illegal controlled substances, drugs, or alcohol. The cost for this screening is estimated to be approximately \$70.00. It is uncertain whether a hiring police department or municipality will absorb such a cost or whether it will require the applicant to pay for the service.

g. Officers will be required to have professional rescuer certification, at a cost of approximately \$90.00 (likely paid by the employing municipality), and police academy instructor(s) may need to receive training as an instructor for the professional rescuer certification, at a cost of approximately \$300.00. All instructors will also be required to complete an instructor development course at a cost of approximately \$200.00. (Instr. Development not required for Professional Rescuer)

h. Police academies having satellite locations may be required to hire an on-site coordinator at those satellite locations, though most schools with a satellite campus already have such coordinators at those satellite locations. The annual salary for such a position is estimated to be approximately \$50,000.00.

(20) Provide a specific estimate of the costs and/or savings to the local governments associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

a. Hiring police departments and/or municipalities will be required to complete a more extensive background investigation for new hires. With the change in regulation, municipalities can expect to spend an additional 12 hours to complete the background check at an approximate cost of \$33.00/hr.

b. As noted above, it is uncertain whether a hiring police department or municipality will absorb the costs of the visual examination, audiological examination, or drug screenings, or pass such costs (described above) onto the applicants.

d. Additional medical review – the cost associated with the medical review of the various examinations cannot be determined at this time as each instance will be highly fact-specific. Cost(s) will depend on the medical condition under review and the medical specialty or specialties required in performing an independent evaluation.

e. As noted above, officers will be required to have professional rescuer certification for approximately \$90.00, which would likely be paid by the hiring police department or municipality.

f. Police Departments may realize a one-time savings of approximately \$300.00 for every new officer as they will be able to use their academy firearm qualification for purposes of certification within their first year of employment.

(21) Provide a specific estimate of the costs and/or savings to the state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

No significant Commonwealth costs or savings are expected to be realized from the proposed changes.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork,

including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

For items 19-21, the procedures used to identify the amounts are noted therein. Other recordkeeping will vary based upon the identity of the person or entity within the regulated community.

Please note that for the cost numbers in item 23, below, for the "Current Fiscal Year," MPOETC aggregated the costs multiplied by 1,205, representing the average annual number of applications processed for the previous four fiscal years. Some costs, like instructor training and rescuer certification, were excluded due to their variability (*i.e. not all will be needed with any consistency*).

For the "Fiscal Year +1," 100 additional applications were added to the 1,205, representing MPOETC's reasonable projection of the possible increase in hiring of new individuals for police officer positions. This number was carried through as a reasonable projection through "Fiscal Year + 5," as too many factors make a reasonable prediction for officer hiring beyond that first year highly subjective.

MPOETC would note that while some additional equipment and personnel (an on-site coordinator) may be required for some academies, as well as possible recordkeeping system upgrades, this is a variable which is hard to estimate, as it is unique to each academy. For purposes of the Preamble, \$1,000.00 was generally estimated as reasonable for equipment upgrades and \$1,500.00 for record retention requirements. These estimates were not included in the "Fiscal Year + 5" projections due to their highly variable nature. Also, as noted above in item 19, similar data issues prevent a reasonable projection of any tuition increase.

(22a) Are forms required for implementation of the regulation?

Yes

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

The following forms are required and attached:

- Physical Examination
- Psychological Examination
- Application for Certification Under the Municipal Police Officers' Education and Training Program or Waiver of Training
- Application for School Certification
- Recruit Class Roster
- Act 120 Instructor Application

- Request for Reimbursement Under Act 120, 1974 Continuing Law Enforcement Education Reimbursement (CLEE) and Mandatory In-Service Training (MIST)
- Request for Reimbursement Under Act 120, 1974 Tuition and Salary
- MPOETC Fingerprint Card

• **FBI Fingerprint Card**

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community*	\$122,000	\$122,000	\$122,000	\$122,000	\$122,000	\$122,000
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community**	\$861,575	\$933,075	\$933,075	\$933,075	\$933,075	\$933,075
Local Government						
State Government						
Total Costs	\$861,575	\$933,075	\$933,075	\$933,075	\$933,075	\$933,075
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(* Applicants enrolled into a basic police academy course with a partial waiver of training will complete approximately 50% fewer instructional hours and pay approximately \$2,000.00 less in tuition; these savings are derived from reasonable projections of the overall tuition decrease experienced by an average of 61 applicants per year which have received a training waiver over the past 4 fiscal years).

(** Depending upon circumstances, it is possible that some or all of these costs may be borne by local government as opposed to the individual, but this will vary by police department, and since both parties are part of the regulated community the costs are included as one sum. The amount is derived by the approximate total costs of \$715 (criminal history check-\$45.85 + driving history-\$10.00 + drug screening-\$70.00 + enhanced background check-\$400.00 + decibel audio testing-\$75.00 + eye exam by specialist-\$114.00) in item 19, for each applicant, multiplied by a projected number of officers per year statewide, 1,205 for the current FY, 1,305 for each following FY).

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
General Fund-	(2015-2016)	(2016-2017)	(2017-2018)	

Municipal Police Training	\$1,256,000	\$1,744,000	\$1,828,000	\$1,832,000
Motor License Fund-Municipal Police Training	\$1,256,000	\$1,744,000	\$1,828,000	\$1,832,000

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

N/A (except to the extent that a police academy may be considered a small business; any potential financial implications are noted above).

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

N/A- Special provisions were not developed due to these regulatory changes not affecting groups or persons.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

Not applicable, except to the extent that MPOETC has worked with the regulated community to ensure that modern, flexible, and often less burdensome regulations are put in place.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;

- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

None were considered as this regulatory enactment does not impact small businesses (except to the extent that police academies could be considered such and their input was solicited for the proposed regulations).

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not used as a basis for this regulation. Past historical information may have been consulted (i.e.-how many officers were certified in the past five years, etc.), but data was not formulated for, or formed based on any regulation. However, some of the existing regulations were modified in part based upon a Job Task Analysis completed by a recognized expert in training needs surveys, Dr. Valdis A. Lubans, as detailed in the Preamble. These revisions were linked mainly to results in the job task analysis which suggested it was appropriate to increase the required reading level of an officer, implement improved audio testing standards and fitness requirements and setting a limitation on how long MPOETC will recognize prior police training for purposes of waiving training standards, due to ongoing changes in curriculum.

(29) Include a schedule for review of the regulation including:

- | | |
|---|----------------------------|
| A. The date by which the agency must receive public comments: | Winter/Spring 2021 |
| B. The date or dates on which public meetings or hearings will be held: | None |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Summer/Fall 2021 |
| D. The expected effective date of the final-form regulation: | Upon publication as |

<p>E. The date by which compliance with the final-form regulation will be required:</p> <p>F. The date by which required permits, licenses or other approvals must be obtained:</p>	<p>final rulemaking</p> <p>Upon publication as final rulemaking</p> <p>Not applicable</p>
<p>(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.</p> <p>After implementation, the MPOETC staff will internally review the regulations, on an ongoing basis, maintain frequent contact with the regulated community, and gather feedback to ensure the regulations remain current.</p>	

Many of the forms listed on the Regulatory Analysis Form for Package #17-80 are completed electronically. As a result, several of the following are descriptions of the electronic data required to be completed.

PHYSICAL EXAMINATION



MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

8002 Bratz Drive
Harrisburg, Pennsylvania 17112-9748
<http://www.psp.pa.gov/MPOETC>

PHYSICAL EXAMINATION

This form is to be used by both municipal police officer applicants and police academy cadet applicants.

NOTICE AND INSTRUCTIONS TO EXAMINING PHYSICIAN

THIS EXAMINATION MUST BE ADMINISTERED BY A LICENSED PHYSICIAN, PHYSICIAN'S ASSISTANT, OR CERTIFIED NURSE PRACTITIONER WHO IS LICENSED IN PENNSYLVANIA. THE APPLICANT IS APPLYING FOR TRAINING OR CERTIFICATION AS A POLICE OFFICER IN PENNSYLVANIA AND WILL BE EXPECTED TO BE PHYSICALLY CAPABLE OF PERFORMING THE VARIOUS TASKS ASSOCIATED WITH THIS PROFESSION. MORE INFORMATION ABOUT THE SPECIFIC JOB TASKS IS CONTAINED ON THE BACK OF THIS FORM.

LAST NAME		FIRST NAME		MIDDLE INITIAL
STREET ADDRESS			CITY/BORO	STATE
SOCIAL SECURITY NUMBER		DATE OF BIRTH	GENDER	DATE OF EXAM
ZIP CODE				

OVERALL FITNESS

- A. Is the applicant's physical condition such that they can reasonably be expected to withstand significant cardiovascular stress required to perform the essential functions of a police officer or safely participate in required training? YES NO
- B. Is the applicant free from debilitating conditions such as tremor, incoordination, convulsion, fainting episodes, or other neurological conditions which would limit their ability to perform the essential functions of a police officer or safely participate in required training? YES NO
- C. Is the applicant free from any other significant physical limitations or disability which would, in the physician's opinion, impair their ability to perform the essential functions of a police officer or safely participate in required training? YES NO
- D. Is the applicant free from the use of medications which would impair their ability to perform the essential functions of a police officer or safely participate in required training? YES NO
- E. Does the applicant have all extremities, including digits, required to perform the essential functions of a police officer or safely participate in required training? YES NO

THE APPLICANT SHOULD BE MARKED "CAPABLE" ON THE BACK OF THE FORM ONLY IF ALL QUESTIONS ABOVE ARE MARKED "YES"

DRUG SCREENING: The applicant must be free from the excessive, addictive, or illegal use of controlled substances as determined using a five-panel drug screen. The results of the drug screen must be attached to this form and reviewed by the examining practitioner who may provide comments related to any positive results. The detection of illegal or unprescribed controlled substances renders the applicant "UNFIT" to participate in training or be employed as a police officer.

DATE TESTED _____ TEST RESULTS ATTACHED YES NO

THE APPLICANT SHOULD BE MARKED "CAPABLE" ON THE BACK OF THE FORM ONLY IF SUPPORTED BY THE RESULTS OF THE DRUG SCREEN

HEARING: The applicant must be able to distinguish a normal whisper at 15 feet. The test shall be independently conducted for each ear, with the tested ear facing away from the speaker and the other ear firmly covered with the palm of the hand. If the applicant fails the whisper test, they must take and pass a decibel audio test using an audiometer with an average loss not to exceed 25 or more decibels at the 500Hz, 1000Hz, 2000Hz, and 3000Hz levels in either ear, with no single frequency loss in excess of 40 decibels. The applicant is prohibited from using a hearing aid during the testing.

RIGHT EAR NORMAL ABNORMAL

LEFT EAR NORMAL ABNORMAL

THE APPLICANT SHOULD BE MARKED "CAPABLE" ON THE BACK OF THE FORM ONLY IF HEARING IS NORMAL IN BOTH EARS

VISION: The applicant must have vision of at least 20/70, uncorrected, in the stronger eye, correctable to 20/20; and at least 20/200, uncorrected, in the weaker eye, correctable to at least 20/40; have normal depth perception, normal color vision, and must be free of any significant visual abnormality. If this section is not completed during the physical, a separate vision exam must be completed using a Form MPO-211 (Vision Examination).

RIGHT EYE UNCORRECTED 20/____ LEFT EYE UNCORRECTED 20/____

CORRECTED 20/____ CORRECTED 20/____

- Does the applicant have normal depth perception? (Stereopsis >48% or Arc Seconds <100) YES NO
- Does the applicant have normal color perception? (Farnsworth or Ishihara) YES NO
- Is the applicant free from any other significant visual abnormalities? YES NO

THE APPLICANT SHOULD BE MARKED "CAPABLE" ON THE BACK OF THE FORM ONLY IF VISION MEETS ALL STATED REQUIREMENTS

VISION EXAMINATION

PSYCHOLOGICAL EXAMINATION

ADDITIONAL TESTING METHODS

If the licensed psychologist is unable to determine the applicant's psychological capability to exercise appropriate judgment and restraint as a certified police officer after conducting the required interview and personality test, the psychologist is directed to employ whatever other psychological measuring instrument(s) and/or technique(s) are deemed necessary to form his/her professional opinion.

The use of any such instrument(s) and/or technique(s) requires a full and complete typed explanation. Please complete any additional testing prior to submitting results.

PROFESSIONAL OPINION

PSYCHOLOGICALLY CAPABLE - I have examined the applicant, and it is my professional opinion that this person is **psychologically capable** of exercising appropriate judgment and restraint as a certified police officer in Pennsylvania.

PSYCHOLOGICALLY UNFIT - I have examined the applicant, and it is my professional opinion that this person is **psychologically unfit** to exercise appropriate judgment and restraint as a certified police officer in Pennsylvania.

I hereby certify that the information and statements contained in the tables above and in the attached examination report are true and correct, and that I am signing this document with the full understanding that any false information or statement will subject me to criminal penalties of Title 18, Crimes code, Section 4904, relating to unsworn falsification to authorities.

This examination form must be forwarded to the employing police department or certified Act 120 police academy by the examining psychologist, **regardless of the results of the examination**, pursuant to 37 Pa. Code § 203.15(b)(4)(ii).

SIGNATURE – PENNSYLVANIA LICENSED EXAMINING PSYCHOLOGIST

DATE

PSYCHOLOGIST PRINTED NAME

LICENSE NO.

TELEPHONE NO.

STREET ADDRESS

CITY/BORO

STATE

ZIP CODE

RELEASE OF PSYCHOLOGICAL INFORMATION

Having applied for certification/training as a police officer in Pennsylvania and having subjected myself to a psychological examination by a licensed psychologist, as required by the Act, I reserve the right to have the data and conclusions of the psychologist remain confidential except to those whom I designate. Accordingly, I hereby authorize the psychologist named above to release all information related to my psychological examination to the Municipal Police Officer's Education and Training Commission (MPOETC), or official designee, AND to any additional police departments and/or academies listed below, for purposes consistent with the application process pursuant to this Act. No other release of this information, explicit or implied, is granted at this time.

NAME OF MUNICIPAL POLICE DEPARTMENT AND/OR CERTIFIED ACT 120 ACADEMY (Print)

ADDRESS

CITY

STATE

ZIP CODE

FAX

EMAIL

SIGNATURE – APPLICANT

DATE

**APPLICATION FOR CERTIFICATION UNDER THE MUNICIPAL
POLICE OFFICERS' EDUCATION AND TRAINING PROGRAM
OR WAIVER OF TRAINING**

MUNICIPAL POLICE OFFICER BASIC TRAINING APPLICATION

Personal Information

- Last Name
- First Name
- Middle Name
- Suffix
- Gender
- Date of Birth
- Age
- Social Security Number
- US Citizenship
- Pennsylvania Resident
- Pennsylvania Driver's License/ State ID
- Pennsylvania Driver's License/ State ID Number
- Method of Communication
- Email
- Education

Police Department Details

- Police Department
- Address
- Phone Number
- Municipality
- Chief/ OIC Name and Email Address
- Employed Date
- Employment Status
- Beginning Hourly Rate

Police Academy Details

- Academy Name
- Phone number
- Email Address
- Address

Pre-Qualification for Academy

- Bench Press percentile
- 300 Meter Run percentile
- 1.5 Mile Run
- Sit Ups
- Reading Grade Level

Criminal History

- Fingerprints
- Fingerprint Date
- PSP Fingerprints
- FBI Fingerprints
- Upload fingerprints
- Have you ever been arrested or charged with a violation of the law (Regardless of the disposition. If yes, describe all arrests and file dispositions. Do not include traffic citations or parking tickets)?
- Are you prohibited by Title 18 § 6105(b) or 6105(c) from possessing a firearm?
- Are you prohibited by 18 U.S. Code § 922(d) from possessing a firearm?
- A criminal history check including the submission of fingerprints to the central repository for the Commonwealth and to the Federal Bureau of Investigation.
- A check of the applicant's credit history.
- Personal interviews conducted with at least 3 people that have personal knowledge of the applicant but are not related to the applicant.
- Interviews of the applicant's employers, if any, for the past 5 years to determine the applicant's work history.
- A check of the applicant's driving record verifying that the applicant has a valid driver's license.

Required Documentation

- Physical Exam file upload and examination date
- Vision Exam file upload and examination date

- Drug Test file upload
- Psychological Exam file upload and examination date
- Proof of beginning hourly rate file upload
- Proof of Payment file upload
- Upload of any form of documentation that supports the application

Certification

- Certification that the information provided contains no misrepresentation or falsification, omission or concealment of material fact and that the information given is true and correct to the best of my knowledge and belief and that I am submitting the documents with the full understanding that any false information or statement will subject me to the criminal penalties of 35 Pa.C.S. § 4904, relating to unsworn falsification to authorities, will result in permanent disqualification of the police department or police officer to possess a municipal police certification by the Municipal Police Officers' Education and Training Commission.
- Official Signature and date certifying the accuracy of information provided.
- Applicant Signature and date certifying the accuracy of information provided.

PRE-SERVICE ACADEMY CADET APPLICATION

Personal Information

- Last Name
- First Name
- Middle Name
- Suffix
- Gender
- Date of Birth
- Age
- Social Security Number
- US Citizenship
- Pennsylvania Resident
- Pennsylvania Driver's License/ State ID
- Pennsylvania Driver's License/ State ID Number
- Method of Communication
- Email
- Education
- Academy Name
- Academy Phone Number
- Academy Email Address
- Academy Address

Qualifications

- Bench Press percentile
- 300 Meter Run percentile
- 1.5 Mile Run
- Sit Ups
- Reading Grade Level

Criminal History

- Fingerprints
- Fingerprint Date
- PSP Fingerprints
- FBI Fingerprints
- Upload fingerprints

- Have you ever been arrested or charged with a violation of the law (Regardless of the disposition. If yes, describe all arrests and file dispositions. Do not include traffic citations or parking tickets)?
 - Date, location, charges and disposition of charges.
- Are you prohibited by Title 18 § 6105(b) or 6105(c) from possessing a firearm?
- Are you prohibited by 18 U.S. Code § 922(d) from possessing a firearm?

Required Documentation

- Physical Exam file upload and examination date
- Vision Exam file upload and examination date
- Drug Test file upload
- Psychological Exam file upload and examination date
- Upload of any forms or documentation that support the application

Certification

- Certification that the information provided contains no misrepresentation or falsification, omission or concealment of material fact and that the information given is true and correct to the best of my knowledge and belief and that I am submitting the documents with the full understanding that any false information or statement will subject me to the criminal penalties of 35 Pa.C.S. § 4904, relating to unsworn falsification to authorities, will result in permanent disqualification of the police department or police officer to possess a municipal police certification by the Municipal Police Officers' Education and Training Commission.
- Official Signature and date certifying the accuracy of information provided.
- Applicant Signature and date certifying the accuracy of information provided.

CERTIFICATION EXAM APPLICATION

Personal Information

- Last Name
- First Name
- Middle Name
- Suffix
- Date of Birth
- Social Security Number
- Pennsylvania Driver's License/ State ID Number
- Email
- Academy Name
- Attended From (date)
- Attended To (date)
- Police Department (completed only if hired or have a contingent offer of employment from an Act 120 Police Department)
- Police Department Federal ID Number
- Police Department Address
- Hire Date
- Test Exam Date
- Test Attempt Number

Criminal History

- Have you ever been arrested or charges with a violation of the law (Regardless of the disposition. If yes, describe all arrests and file dispositions. Do not include traffic citations or parking tickets)?
- Are you prohibited by Title 18 § 6105(b) or 6105(c) from possessing a firearm?
- Are you prohibited by 18 U.S. Code § 922(d) from possessing a firearm?

Required Documents

- EVOC upload, if completed basic training academy prior to 1989.
- Upload of any forms or documentation that support the application

Certification

- Certification that the information provided contains no misrepresentation or falsification, omission or concealment of material fact and that the information given is true and correct to the best of my knowledge and belief and that I am submitting the documents with the full understanding that any false information or statement will subject me to the criminal penalties of 35 Pa.C.S. § 4904, relating to unsworn falsification to authorities, will result in permanent disqualification of the police department or police officer to possess a municipal police certification by the Municipal Police Officers' Education and Training Commission.
- Official Signature
- Application Date

MUNICIPAL POLICE OFFICER WAIVER APPLICATION

Personal Information

- Last Name
- First Name
- Middle Name
- Suffix
- Gender
- Date of Birth
- Age
- Social Security Number
- US Citizenship
- Pennsylvania Resident
- Pennsylvania Driver's License/ State ID
- Pennsylvania Driver's License/ State ID Number
- Method of Communication
- Email
- Education
- Police Department
- Police Department Phone Number
- Chief/ OIC Name
- Chief/ OIC Email
- Police Department Federal ID Number
- Police Department Address
- Hire Date
- Employment Status

Qualifications

- Duty Weapon Qualification Date
- Agency Instructor Certified by (name)
- Instructor name
- Firearm Make
- Firearm Model
- Firearm Caliber
- Firearm Year

- Attended Academy
- Attended from (date)
- Attended to (date)

Criminal History

- Fingerprints Type
- Fingerprints Date
- PSP Fingerprints and upload
- FBI Fingerprints and upload
- Have you ever been arrested or charges with a violation of the law (Regardless of the disposition. If yes, describe all arrests and file dispositions. Do not include traffic citations or parking tickets)?
- Are you prohibited by Title 18 § 6105(b) or 6105(c) from possessing a firearm?
- Are you prohibited by 18 U.S. Code § 922(d) from possessing a firearm?
- The Municipal Police Officers' Education and Training Commission requires a thorough background investigation including:
 - A criminal history check including the submission of fingerprints to the central repository for the Commonwealth and the Federal Bureau of Investigation.
 - A check of the applicant's credit history
 - Personal interviews were conducted with at least three people that have personal knowledge of the applicant but are not related to the applicant.
 - Interviews of the applicant's employers, if any, for the past five year to determine the applicant's work history.
 - A check of the applicant's driver record verifying the applicant has a valid driver's license.

Required Documents

- Academy diploma upload
- CPR certification upload
- CPR start date and end date
- Drug test upload
- First aid certification upload

- First aid certification start date and end date
- Physical Exam upload
- Physical examination date
- Psychological exam upload
- Psychological examination date

Certification

- Certification that the information provided contains no misrepresentation or falsification, omission or concealment of material fact and that the information given is true and correct to the best of my knowledge and belief and that I am submitting the documents with the full understanding that any false information or statement will subject me to the criminal penalties of 35 Pa.C.S. § 4904, relating to unsworn falsification to authorities, will result in permanent disqualification of the police department or police officer to possess a municipal police certification by the Municipal Police Officers' Education and Training Commission.
- Official Signature
- Application Date
- Applicant Signature
- Applicant Confirmation Date

APPLICATION FOR SCHOOL CERTIFICATION



MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

8002 Bretz Drive
Harrisburg, Pennsylvania 17112-9748
<http://www.psp.pa.gov/MPOETC>

MUNICIPAL POLICE ACADEMY APPLICATION

This form is to be used by businesses and institutions applying for certification of a municipal police academy.

NOTICE

TITLE 37 CHAPTER 203 ESTABLISHES THE AUTHORITY OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION TO DETERMINE THE NEED FOR MUNICIPAL POLICE ACADEMIES AND TO ACCEPT APPLICATIONS FROM ALL POTENTIAL SCHOOLS. BY REGULATION, THE COMMISSION ACCEPTS APPLICATIONS ONLY WHEN THERE IS A DEMONSTRATED NEED FOR ADDITIONAL SCHOOLS.

BUSINESS NAME		FEIN	
BUSINESS ADDRESS	CITY/BORO	STATE	ZIP CODE
POINT OF CONTACT NAME	TELEPHONE	EMAIL	

BACKGROUND INFORMATION

AS ATTACHMENT "A", PROVIDE A DESCRIPTION OF THE BUSINESS/INSTITUTION APPLYING FOR CERTIFICATION OF A MUNICIPAL POLICE ACADEMY. PROVIDE HISTORICAL INFORMATION ABOUT THE BUSINESS/INSTITUTION INCLUDING:

- CURRENT SCOPE OF OPERATIONS/ACTIVITIES
- AVAILABLE RESOURCES/CAPABILITIES
- EXPERIENCE DEVELOPING AND DELIVERING LAW ENFORCEMENT TRAINING.

ACADEMY PROPOSAL

ACADEMY NAME	ACADEMY DIRECTOR NAME		
ACADEMY ADDRESS	CITY/BORO	STATE	ZIP CODE

AS ATTACHMENT "B", DESCRIBE THE PROPOSED ACADEMY OPERATION. PROVIDE DETAILS REGARDING:

- QUALIFICATIONS OF THE ACADEMY DIRECTOR (REFERENCE 37 § 203.37 FOR REQUIREMENTS FOR SCHOOL DIRECTORS)
- LOCATION/FACILITIES/EQUIPMENT AVAILABLE TO CONDUCT TRAINING ACTIVITIES (REFERENCE TITLE 37 § 203.33 FOR SCHOOL REQUIREMENTS)
- AVAILABILITY OF STAFF AND INSTRUCTOR CADRE (REFERENCE 37 § 203.72 FOR REQUIREMENTS FOR INSTRUCTORS)
- ESTIMATED CAPACITY (NUMBER OF CLASSES AND/OR CADETS TO BE TRAINED PER YEAR)
- ESTIMATED TIMELINE (HOW LONG FROM APPROVAL TO BE ABLE TO PROVIDE TRAINING)
- OTHER DETAILS PERTINENT TO THE PROPOSED ACADEMY.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS FORM AND THE REQUIRED ATTACHMENTS IS TRUE AND CORRECT, AND THAT I AM SIGNING THIS DOCUMENT WITH THE FULL UNDERSTANDING THAT ANY FALSE INFORMATION OR STATEMENT WILL SUBJECT ME TO CRIMINAL PENALTIES OF TITLE 18, CRIMES CODE, SECTION 4904, RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

PRINTED NAME	SIGNATURE	TELEPHONE
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RECRUIT CLASS ROSTER

ACT 120 INSTRUCTOR APPLICATION

ACT 120 INSTRUCTOR APPLICATION

Personal Information

- Certification Number
- Last Name
- First Name
- Middle Name
- Suffix
- Gender
- Date of Birth
- Age
- Social Security Number
- US Citizenship
- Pennsylvania Resident
- Pennsylvania Driver's License/ State ID
- Pennsylvania Driver's License/ State ID Number
- Phone Number
- Method of Communication
- Email
- Academy Name
- Academy Address
- Instructor Type
 - Application of Force
 - CPR/First Aid
 - Emergency Patrol Vehicle
 - Criminal
 - Physical Conditioning

Qualification

- Name of employer
- Address of employer
- Job title
- Employed from
- Employed to
- Reason for leaving

Education

- Name of college/ university
- Address of college/ university
- Attended from (date)
- Attended to (date)
- Major
- Credit hours
- Degree

Instructor Development

- School name
- Location
- Course title
- Course length
Attended from (date)
- Attended to (date)

Criminal History

- PSP Fingerprints and upload
- FBI Fingerprints and upload
- Have you ever been arrested or charges with a violation of the law (Regardless of the disposition. If yes, describe all arrests and file dispositions. Do not include traffic citations or parking tickets)?
- Are you prohibited by Title 18 § 6105(b) or 6105(c) from possessing a firearm?
- Are you prohibited by 18 U.S. Code § 922(d) from possessing a firearm?

Required Documentation

- Bar card upload
- Instructor Development certificate upload
- Transcript upload
- Upload of any forms or documents that support the application

Certification

- I certify that the application form contains no misrepresentation or falsifications, omissions, or concealment of material fact and that the

declaration given is true and complete to the best of my knowledge and belief.

- Official Signature
- Application Date
- I have interviewed the applicant for instructor certification and reviewed all supporting documentation and to the best of my knowledge and believe, the applicant whose name appears above, is qualified to teach in the Municipal Police Officers' Education and Training Course.
- Applicant Signature
- Application Date

**REQUEST FOR REIMBURSEMENT UNDER ACT 120, 1974
CONTINUING LAW ENFORCEMENT EDUCATION
REIMBURSEMENT (CLEE) AND MANDATORY IN-SERVICE
TRAINING (MIST)**

	<p style="text-align: center;">Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission 8002 Bretz Drive Harrisburg, Pennsylvania 17112-9748</p>	<p>Telephone (717) 346-4086 PA Only (800) 342-0858</p>
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SAP Processing

Invoice Number

Police Academy Information

Police Academy SAP Name	Contact Name	Federal Id #	SAP Vendor #
Police Academy Phone Number	Police Academy Email	Police Academy Address	

Course Information

Course Title	Course Amount (\$)	Number of Officers	Cost of Course (\$)

Certification Acceptance

I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT, AND THAT I AM SIGNING THIS DOCUMENT WITH THE FULL UNDERSTANDING THAT ANY FALSE INFORMATION OR STATEMENT WILL SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 PA.C.S. §4904, RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Official Signature	Application Date

**REQUEST FOR REIMBURSEMENT UNDER ACT 120, 1974
TUITION AND SALARY**

	<p style="text-align: center;">Commonwealth of Pennsylvania Municipal Police Officers' Education and Training Commission 8002 Bretz Drive Harrisburg, Pennsylvania 17112-9748</p>	<p>Telephone (717) 346-4086 PA Only (800) 342-0858</p>
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SAP Processing

Invoice Number

Police Department Information

Department Name	Chief Name	Federal Id	SAP Vendor #
Police Department Phone Number	Police Department Email	Police Department Address	

Police Officer's Information

Officer's Name	Suffix	Last four SSN	Date of Hire	Employment Status

Academy Information

Name	Training Start Date	Training End Date

Tuition

Tuition Amount (\$)	Reimbursement Amount (%)	Tuition Reimbursement Amount Requested

Salary

Basic Tuition Hours	Reimbursement Hours (%)	Reimbursement Salary (\$/Hr)	Salary Reimbursement Amount Requested
Grant Details		Total	Total Reimbursement Amount Requested

Certification Acceptance

I HEREBY CERTIFY THAT THE INFORMATION AND STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT, AND THAT I AM SIGNING THIS DOCUMENT WITH THE FULL UNDERSTANDING THAT ANY FALSE INFORMATION OR STATEMENT WILL SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 PA.C.S. §4904, RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

Official Signature	Application Date

MPOETC FINGERPRINT CARD

LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK			FBI LEAVE BLANK	
		LAST NAME <u>NAM</u>	FIRST NAME	MIDDLE NAME		
SIGNATURE OF PERSON FINGERPRINTED		ALIASES <u>AKA</u>	O R I PAPSP0100 MPOETC HARRISBURG PA	AGE		DATE OF BIRTH <u>DOB</u>
RESIDENCE OF PERSON FINGERPRINTED				SEX	RACE	HGT.
DATE	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		EYES	HAIR	PLACE OF BIRTH <u>POB</u>	
EMPLOYER AND ADDRESS		LEAVE BLANK				
		APPLICANT				
REASON FINGERPRINTED		SOCIAL SECURITY NO. <u>SOC</u>				
		MISCELLANEOUS NO. <u>MNU</u>				

1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE	
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE	
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB	R. THUMB	RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

FBI FINGERPRINT CARD

APPLICANT

See Fingerprint Section

FD-258 (Rev. 9-9-13) (1110 0040)

SIGNATURE OF PERSON FINGERPRINTED

RESIDENCE OF PERSON FINGERPRINTED

DATE

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

EMPLOYER AND ADDRESS

PERSON FINGERPRINTED

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK
LAST NAME FIRST NAME MIDDLE NAME

FBI

LEAVE BLANK

ALIASES AKA

**PAPSP0100
SPOL-MPOETC
HARRISBURG, PA**

CITIZENSHIP CTZ

SEX

RACE

HGT

WGT

EYES

HAIR

DATE OF BIRTH DOB
Month Day Year

PLACE OF BIRTH POB

YOUR NO. OCA

FOI NO. FBI

ARMED FORCES NO. MNU

SOCIAL SECURITY NO. SOC

MISCELLANEOUS NO. MNU

LEAVE BLANK

CLASS

REF

1. F. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

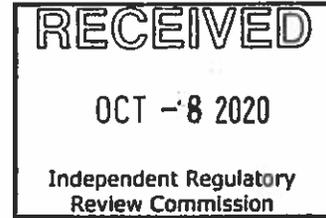
L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)



DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: Amy M. Elliott (DEPUTY ATTORNEY GENERAL)</p> <p><small>Digitally signed by Amy M. Elliott DN: cn=Amy M. Elliott, o=Pennsylvania Office of Attorney General, ou=Chief Deputy Attorney General, email=ae Elliott@attorneygeneral.gov, c=US Date: 2020.08.05 15:03:50 -0400</small></p> <p>DATE OF APPROVAL _____</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is here by certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>Municipal Police Officers' Education and Training Commission</p> <p>_____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>17-80</u></p> <p>DATE OF ADOPTION: _____</p> <p>BY: Lieutenant Colonel Robert Evanchick</p> <p>Chairman</p> <p>TITLE _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: </p> <p>OCT 09 2019</p> <p>DATE OF APPROVAL _____</p> <p>Deputy General Counsel (Chief Counsel, Independent Agency) (Strike Inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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NOTICE OF PROPOSED RULEMAKING

TITLE 37. LAW

PART IV. MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

CHAPTER 203. ADMINISTRATION OF THE PROGRAM (Rescind and Reserve)

CHAPTER 203a, ADMINISTRATION OF THE PROGRAM (Replacement)

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 proposes to revise the regulations in 37 Pa. Code Chapter 203 (relating to administration of the Program), 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 will be rescinded and the content will be listed under new 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 training and education).

Background and Need for the Amendment

The Municipal Police Officers' Education and Training Commission (MPOETC) was established in 1974. MPOETC 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 MPOETC.

MPOETC'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, MPOETC regulates and certifies police academies and police training instructors, who teach MPOETC-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 MPOETC 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 37 Pa. Code Chapter 203, Subchapter B (relating to police officer certification requirements). 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). MPOETC 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. MPOETC also regulates police academies, curriculum and instructors (37 Pa. Code Chapter 203, Subchapters C—E), and handles grant allocations as well (37 Pa. Code Chapter 203, Subchapter F (relating to reimbursement of expenses)).

Currently, 37 Pa. Code Chapter 203 governs the administration of MPOETC. The last major revision to these MPOETC regulations occurred in 1996. After conducting an exhaustive review and analysis of the current regulations, MPOETC 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 MPOETC-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 MPOETC’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. MPOETC 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 MPOETC 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 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), 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.” See § 203a.1 (relating to definitions). The significance of these new terms is explained as follows in the corresponding applicable subchapters.

Subchapter B—Police Officer Certification Requirements

Subchapter B, which governs Police Officer Certification, is significantly restructured and modified by MPOETC. First, § 203.11 relating to qualifications for police officers seeking MPOETC certification is revised. The section now relates to all persons applying for entry to a MPOETC-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 ninth to eleventh grade, and while the Nelson-Denny Reading Test is retained as the standard, the regulation is amended to allow MPOETC 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

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

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 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 passing 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 deleted in favor of two new subsections. The first subsection requires that the applicant possess a valid driver’s license. See § 203a.11(9). The second 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 amended § 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 MPOETC 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

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.

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 deleted and is renamed and integrated more appropriately into corresponding § 203a.12 (relating to training requirements).

Section 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 amended 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 MPOETC-certified school or obtain a waiver of training from MPOETC. See § 203a.12(a). Successful completion of the course will continue to be determined by the MPOETC-certified school, in accordance with MPOETC 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 amended, clarifying that they must be mutually agreed upon by the police officer’s chief (as defined in § 203a.1) and the school director, and that 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 removed, 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 MPOETC 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 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 MPOETC and published in the *Pennsylvania Bulletin*. While the 75% standard is contained within the previous regulations, the additional language provides MPOETC 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), § 203a.12(b)(4)(ii) mandates that applicants receive certifications in CPR for the Professional Rescuer (first responder), with an Automated External Defibrillator (AED), and first aid through an approved regulatory agency.

New § 203a.12(c) contains the provisions related to 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 MPOETC-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). MPOETC 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. MPOETC 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. MPOETC 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 added that allows MPOETC 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 with first responders and readily located within public venues, so this training is now mandated by MPOETC.

The regulation is also amended to allow former Federal law enforcement officers and military police officers to apply for a partial waiver of training. These 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. MPOETC is required to notify applicants in writing of its decision regarding which portions of the basic police training which may be waived. See § 203a.12(d)(3). MPOETC 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 removed, given that training and on-the-job experience may be recognized by MPOETC instead of taking the patrol vehicle operations test. In all instances, MPOETC 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, related to certification as a municipal police officer, is replaced 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); 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 MPOETC. The certification test is currently required under existing regulations in §§ 203.11 regarding applicants and 203.12 regarding waiver applicants, but it is moved to § 203a.13 to apply to both types of applicants for certification. Several new provisions are added with respect to the certification examination.

The examination schedule will be posted on MPOETC'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). Individuals 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 MPOETC. See § 203a.13(a)(4)(ii) and (iii).

For the sake of 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). MPOETC 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 new provision is added that allows MPOETC 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, MPOETC 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). MPOETC 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 MPOETC'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).

MPOETC also adds a new 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 modified in § 203a.14 (relating to suspension or revocation of certification) to reflect MPOETC statutory and policy changes in such matters. Most significantly, the section is 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 the sake of 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 MPOETC to approve additional time to allow the officer to comply with this requirement, consistent with existing § 203.14(c), 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 MPOETC may suspend or revoke certification, a provision is added allowing MPOETC 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 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 the regulations. See § 203a.14(a)(10) and (11).

The existing § 203.14(b), regarding a police department's duty to provide documentation to MPOETC 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 MPOETC when the applicant meets any of the criteria listed in § 203a.14(a) regarding suspension or revocation of certification.

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

The existing § 203.15, related to application packet submission, is amended. Forms must be submitted in a manner determined by MPOETC, 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 amended as follows:

- Existing § 203.15(b)(2) is amended by removing 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 amended § 203a.1). See § 203a.15(b)(2).

- Existing § 203.15(b)(3) is amended by removing an unnecessary subsection (the term “physician” is already defined in § 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 MPOETC 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).
- New § 203a.15(b)(4) and (5) are added, requiring that a physician’s documentation related to the applicant’s audio decibel test and visual acuity test are submitted to MPOETC, 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 subsections, and is amended to be consistent as noted previously.
- Section 203a.15(b)(7) is added 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.

The existing § 203.15(c) is 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 added to Subchapter B. This section allows MPOETC 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 MPOETC 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

This subchapter addresses requirements for those schools that are authorized to train police officers under the auspices of MPOETC.

Currently existing § 203.31, related to eligibility for school certification, is amended. A new subsection is added to § 203a.31(a) which affords MPOETC 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 MPOETC-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 new provisions are 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 MPOETC, to oversee the daily operation of the site in the absence of the school director. Existing § 203.31(b) is renumbered as § 203a.31(d) and is amended by resetting the base year from 1994 to 2014 for MPOETC to determine whether new schools are necessary.

The title of existing § 203.32 is truncated from “Initial school certification procedure” to “School certification” to more accurately reflect the content of the section. See § 203a.32 (relating to school certification). Subsection 203a.32(a) is amended by adding a provision that if MPOETC 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. Subsection 203a.32(c)(3) is amended by adding a provision that MPOETC 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 significantly amended by updating antiquated provisions and making them current with existing MPOETC policy. Only technical amendments are made to § 203a.33(a)(1).

Subsection 203a.33(a)(2) is significantly amended by adding the standards necessary for school directors, who must be approved by MPOETC. The language is based on, and restructured from, existing § 203.37, which is 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 MPOETC 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 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 MPOETC deems qualified for the key position. Finally, a “grandfathering” provision is added for school directors approved prior to the promulgation of this regulation.

Subsection 203a.33(a)(3) related to compliance with applicable safety standards is updated to add a reference to the Uniform Construction Code and applicable State, Federal and local laws, and remove a reference to an outdated law.

The existing § 203.33(a)(14), requiring that schools have and use a suitable area for physical conditioning and defensive tactics, is modified. The school may now have multiple areas for such purposes, but they must be approved by MPOETC. 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 modified and updated. 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 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 deleted; the list of additional exercise equipment related physical conditioning training which the school may have to meet its obligations is updated to include stationary bicycles, treadmills, elliptical machines and rowing machines. See § 203a.33(a)(14)(vii).

Related to the requirement that schools have a Commission-approved firing range, existing § 203.33(a)(15) is 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 changed to 9mm from .380 caliber. See § 203a.33(a)(15)(i). This change was 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 updated 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 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 MPOETC within 48 hours. See § 203a.33(a)(22).
- The school must use a MPOETC-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 MPOETC within 5 business days. See § 203a.33(b)(2).
- Receive, acknowledge and update curriculum and training policies as directed by MPOETC. See § 203a.33(b)(3).
- Schools must maintain additional specified records in their records management system; MPOETC 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 MPOETC, 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 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 deleted since schools will now be required to use MPOETC's curriculum.
- A new provision is 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 MPOETC. See § 203a.33(b)(16).
- A new provision is added requiring that schools comply with MPOETC's written directives concerning documents to be released under the Right-to-Know Law. See § 203a.33(b)(17).
- A new provision is added requiring that schools submit to a physical inspection of records by MPOETC inspectors upon reasonable notice. See § 203a.33(b)(18).
- The requirement that schools provide to MPOETC a roster of all students completing a basic training police course is 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 MPOETC 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 MPOETC 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 MPOETC, and the inspection has determined that the new location meets the standards set forth in the regulations, final approval shall be voted upon by the Commission.

The existing § 203.34, related to school inspections, is amended to allow MPOETC's inspectors to visit and inspect each approved school at least biennially, rather than the current annual visit. Furthermore, the regulation is amended to allow MPOETC 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, the regulation is amended to allow the Executive Director to approve an individual as a MPOETC inspector who has subject matter expertise required to evaluate the school's operations and personnel. See § 203a.34 (relating to school inspections).

The existing § 203.35, related to emergency suspension of school certification, is amended by adding two additional reasons for emergency suspensions: failure to admit MPOETC 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 MPOETC, see § 203a.35(a)(6).

Further, existing § 203.35 is 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).

The existing § 203.36, related to revocation of school certification, is amended to allow MPOETC 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 MPOETC, 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 MPOETC, see § 203a.36(8), failure to admit MPOETC 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 removed: 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. MPOETC 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 provisions of this section; these changes are designed to ensure voluntary compliance with the regulations, but should the certified school fail to comply, MPOETC may pursue corrective action to gain necessary compliance.

The existing § 203.37, currently entitled “Minimum standards for school directors,” is 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 added language supports the additional basis for suspension and/or revocation by allowing the Executive Director of MPOETC, 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 (relating to course requirements), amendments are made that relate to the basic police training course curriculum and the mandatory and non-mandatory in-service training courses conducted by MPOETC certified schools.

The existing § 203.51 is amended to reflect MPOETC’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 amended in § 203a.52 to reflect MPOETC’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 new provision is added requiring MPOETC to evaluate law enforcement training courses to determine equivalency to mandatory in-service training course requirements, and requiring MPOETC to publish a list of any approved training courses on its web site no later than September 30th of each year. MPOETC 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 new provision is added allowing non-certified law enforcement officers, at the request of their employing agency and at the sole discretion of MPOETC, to attend mandatory in-service trainings. See § 203a.52(d).

The existing provisions related to the administration of mandatory in-service training are renumbered and amended, as outlined in § 203a.52(e). Provisions related to instructor certification requirements were removed from this section, as they are incorporated into § 203a.72 for the sake of consistency and clarity. A provision is added requiring that the courses be taught by an authorized instructor with the exception of MPOETC-approved online training or the equivalent. See § 203a.52(e)(1). The provision setting forth the procedure when an officer fails an examination is replaced 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). Subsection 203a.52(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 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 for 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 MPOETC. 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 MPOETC. 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 MPOETC. 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 section 203a.52(e)(11), a new provision is added allowing MPOETC 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 the regulations.

Under 53 Pa.C.S. § 2170 (relating to reimbursement of expenses), MPOETC is required to, if certain requirements are met and funding is available, reimburse municipalities for the cost of training their officers to MPOETC standards. The existing § 203.53, pertaining to non-mandatory in-service training courses, is 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 added making clear that grant monies will be provided on a pro rata basis and payments will be limited to the funds available to MPOETC for such purposes. See § 203a.53(b)(1). 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, MPOETC's existing cheating policy under § 203.54 is modified 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 MPOETC examination without express authority. Individuals are prohibited from any acts of cheating, as further specified, and may not hinder or obstruct a MPOETC 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 MPOETC within 2 business days of becoming aware of the violation. MPOETC shall investigate all allegations of cheating. The Executive Director may bar an individual not certified by MPOETC who is found to have violated the cheating policy from further participation in any MPOETC 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 MPOETC, which may accept, reject or modify the hearing officer's findings, conclusions and recommendations. MPOETC shall issue a final order in regards to cheating in accordance with Subchapter G.

Subchapter E—Instructor Certifications

Minor amendments are 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 MPOETC-certified course unless they have received instructor certification. Application forms will now be available by means of MPOETC's web site. The requirement that applications be notarized is removed. Applicants cannot be convicted of, or subject to, a disqualifying offense.

The existing § 203.72, related to certification requirements, is also 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). 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 MPOETC 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 MPOETC. 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 updated 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 MPOETC or the adjournment of the second MPOETC 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 MPOETC 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 new provision is 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 changes 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.

The existing § 203.72(a)(3) related to renewal and lapse of police training instructor certification is 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 new provision is 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 MPOETC or the adjournment of the second MPOETC 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 MPOETC.

Currently existing § 203.73, related to revocation of instructor certification, is amended to allow MPOETC 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 deleted and replaced with a significantly modified and expanded list in § 203a.73(a), to fully encompass the grounds upon which MPOETC 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 MPOETC 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 new 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 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 MPOETC for these purposes. The same change is made to § 203a.82 (relating to mandatory in-service training).

Further, in § 203a.83 (relating to grants for non-mandatory 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

The existing § 203.102 is amended to clarify that notice of a MPOETC 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).

The existing § 203.103 regarding hearing procedure is amended to reflect that MPOETC will hold hearings in its Harrisburg office (MPOETC is no longer housed in the Hershey area, as it was previously). Hearing examiners will now be appointed by the Chairman of MPOETC 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, MPOETC 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 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 adds the ability of MPOETC 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 \$6048.63. 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 imposes a few additional costs upon certified police training schools. The regulations now specifically provide 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.

Subchapter D and Subchapter E (relating to instructor certifications) also 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 \$6048.63); 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 will 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.

The proposed amendments will also impact paperwork requirements. Many of the changes to the regulations 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 MPOETC, should be minimal, but is hard to quantify. MPOETC 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 the new regulations. 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. §745.5(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**

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 new 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 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.

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.

(6)

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.

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.

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.

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.

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

203a.14. Suspension or revocation of certification.

203a.15. Application packet submission.

203a.16. Additional medical review.

§ 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 Pennsylvania licensed psychologist 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 in order 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 one 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 in order 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 (a)(2) of this section, 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.

(ii) 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.

(iii) 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 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.
 - (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, design 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 Uniform Firearms Act) 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 noncertified 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) Non-certified 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 clauses (i)(A) or (i)(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 clauses (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: (1) for CPR for the professional rescuer with an AED component, or its equivalent; and (2) first aid issued by (i) the American Red Cross, (ii) the American Heart Association, (iii) the Department of Health or (iv) 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. Documents 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: (i) the Chairman of the Commission; or (ii) 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.



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

October 8, 2020

The Honorable George D. Bedwick
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Dear Chairman Bedwick:

I respectfully submit the attached package of proposed rulemaking, ID Number 17-80, relating to the Municipal Police Officers' Education and Training Commission. Specifically, the proposed rulemaking is necessary to modernize the training and eligibility requirements for prospective and current police officers covered under the responsibilities of the Municipal Police Officers' Education and Training Commission.

The previous submission was withdrawn. Please discard any copies from the faulty delivery dated September 28, 2020.

Should you have any question or concerns regarding this proposed rulemaking, I may be reached by telephone, at 717-705-0843 or by email, at lesbarr@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Sgt. Leslie E. Barr".

Sergeant Leslie E. Barr
Policy & Legislative Affairs
Pennsylvania State Police

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 17-80

SUBJECT: Municipal Police Officers' Education and Training Commission

AGENCY: PENNSYLVANIA STATE POLICE

TYPE OF REGULATION

Proposed Regulation

Final Regulation

Final Regulation with Notice of Proposed Rulemaking Omitted

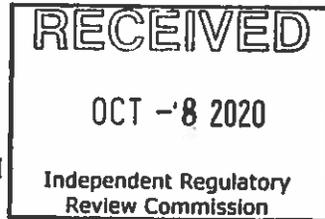
120-day Emergency Certification of the Attorney General

120-day Emergency Certification of the Governor

Delivery of Tolled Regulation

a. With Revisions

b. Without Revisions



FILING OF REGULATION

DATE

SIGNATURE

DESIGNATION

HOUSE COMMITTEE ON JUDICIARY

10/8/20 Elana Maynard

MAJORITY CHAIR Hon. Rob Kauffman

10/8/20 [Signature]

MINORITY CHAIR Hon. Tim Briggs

SENATE COMMITTEE ON LAW AND JUSTICE

MAJORITY CHAIR Hon. Patrick Stefano

MINORITY CHAIR Hon. Jim Brewster

INDEPENDENT REGULATORY REVIEW COMMISSION

ATTORNEY GENERAL (for Final Omitted only)

LEGISLATIVE REFERENCE BUREAU (for Proposed only)

August 8, 2020

Stephen Hoffman

From: Bulletin <bulletin@palrb.us>
Sent: Thursday, October 8, 2020 11:12 AM
To: Barr, Leslie E
Subject: [External] Re: Proposed rulemaking - PSP (17-80)

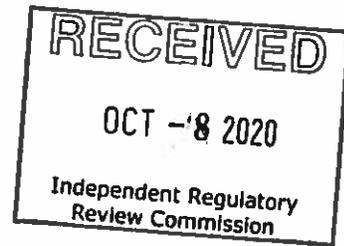
***ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.
Thank you Leslie!*

This proposed rulemaking will be published in the 10/17 issue of the Pennsylvania Bulletin.

I'll send you a new galley and edited word document directly.

Thank you!
Adeline

Adeline Gaydosh
Legal Assistant
Legislative Reference Bureau
Pennsylvania Code & Bulletin Office
647 Main Capitol Building
Harrisburg, PA 17120
(717) 783-3984
agaydosh@palrb.us



From: Barr, Leslie E <lesbarr@pa.gov>
Sent: Thursday, October 8, 2020 10:56 AM
To: Bulletin <bulletin@palrb.us>
Subject: Proposed rulemaking - PSP (17-80)

Good morning-

I respectfully submit the attached package of proposed rulemaking, ID Number 17-80, relating to the Municipal Police Officers' Education and Training Commission. Specifically, the proposed rulemaking is necessary to modernize the training and eligibility requirements for prospective and current police officers covered under the responsibilities of the Municipal Police Officers' Education and Training Commission.

The previous submission of this package was delivered to the incorrect Senate Committee resulting in a faulty delivery dated September 28, 2020. No changes have been made to the documents since that delivery.

Please confirm receipt of the attached documents.

Any questions or concerns may be directed to me, at 717-705-0843 or by email, at lesbarr@pa.gov.

Sergeant Leslie E. Barr | Department Regulatory Coordinator
Pennsylvania State Police | Policy and Legislative Affairs Office
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.0843 | Fax: 717.787.2948
lesbarr@pa.gov

PRIVILEGED AND CONFIDENTIAL COMMUNICATION The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

Stephen Hoffman

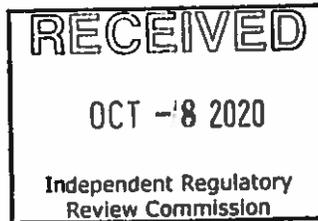
From: Kepp, Lucy <lkepp@pasen.gov>
Sent: Thursday, October 8, 2020 10:43 AM
To: Barr, Leslie E
Subject: RE: Proposed rulemaking - PSP (17-80)

Hello,

I received your email.

Thanks and have a great day.

Lucy Kepp
Executive Secretary
Senator Pat Stefano
Room 187 Main Capitol
Harrisburg, PA 17120
717-787-7175
Email: lkepp@pasen.gov
www.senatorstefano.com



From: Barr, Leslie E <lesbarr@pa.gov>
Sent: Thursday, October 8, 2020 9:10 AM
To: Bulletin <bulletin@palrb.us>
Cc: Bruder, Stephen <sbruder@pasenate.com>; Gery, Jacob <jgery@pasen.gov>; Kepp, Lucy <lkepp@pasen.gov>
Subject: Proposed rulemaking - PSP (17-80)
Importance: High

● CAUTION : External Email ●

Good morning-

I respectfully submit the attached package of proposed rulemaking, ID Number 17-80, relating to the Municipal Police Officers' Education and Training Commission. Specifically, the proposed rulemaking is necessary to modernize the training and eligibility requirements for prospective and current police officers covered under the responsibilities of the Municipal Police Officers' Education and Training Commission.

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Pursuant to SR 318, authorizing the Legislative Reference Bureau to transmit regulations to the appropriate committees for consideration, we are submitting Proposed Rulemaking – Municipal Police Officers' Education and Training Commission (#17-80) to the Senate Law and Justice Committee.

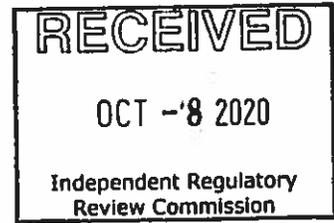
Please provide written (email) confirmation that this rulemaking was received by each of the Committee chairs office's. Any questions or concerns may be directed to me, at 717-705-0843 or by email, at lesbarr@pa.gov.

Sergeant Leslie E. Barr | Department Regulatory Coordinator
Pennsylvania State Police | Policy and Legislative Affairs Office
1800 Elmerton Avenue | Harrisburg, PA 17110
Phone: 717.705.0843 | Fax: 717.787.2948
lesbarr@pa.gov

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Stephen Hoffman

From: Bruder, Stephen <Stephen.Brunder@pasenate.com>
Sent: Thursday, October 8, 2020 9:54 AM
To: Barr, Leslie E
Subject: Re: Proposed rulemaking - PSP (17-80)



Received

From: Barr, Leslie E <lesbarr@pa.gov>
Sent: Thursday, October 8, 2020 9:10:14 AM
To: Bulletin <bulletin@palrb.us>
Cc: Bruder, Stephen <Stephen.Brunder@pasenate.com>; jgery@pasen.gov <jgery@pasen.gov>; Kepp, Lucy <lkepp@pasen.gov>
Subject: Proposed rulemaking - PSP (17-80)

■ EXTERNAL EMAIL ■

Good morning-

I respectfully submit the attached package of proposed rulemaking, ID Number 17-80, relating to the Municipal Police Officers' Education and Training Commission. Specifically, the proposed rulemaking is necessary to modernize the training and eligibility requirements for prospective and current police officers covered under the responsibilities of the Municipal Police Officers' Education and Training Commission.

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