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#### 4 MCAR 13.024 Certification of Schools

The statutory authority for adopting rules with respect to certification of schools is found in Minn. Stat. 626.843. The proposed rule change would require coordinators of law enforcement programs to file with the board a semiannual affirmative action plan. Documentation of the plan must include a statement of objectives for the recruitment and retention of minority students and women in the law enforcement program.

Law enforcement has traditionally been a field in which few minorities and women have been members. The societal implications associated with becoming a police officer tended to discourage those groups from entering the profession. Recognizing that there is no rational basis for such an exclusion, and that it is necessary to remedy the problem, this rule proposes a reasonable solution.

The rule will require, for some institutions, the introduction of recruitment programs which have heretofore been nonexistent, and would place special emphasis on the recruitment of minorities and women.

4 MCAR § 13.026

The rule which is now in effect allows the applicant to take the licensing examination only three times; if the applicant fails each of the three examinations, his or her only alternative is to complete the academic, skills, part-time peace officer or constable training program in its entirety. This alternative is clearly inappropriate when it is considered that the applicant may be deficient in only one area of the program.

Other professional licensing boards have set a precedent in the area of examination procedures. At the time the present rule was adopted, most boards had similar rules in effect; if a student failed the examination more than the number of times allowed, the student's only recourse was to complete the required education once again. In recent staff research, it was discovered that all of those licensing boards have amended their rules to provide for a system such as the one proposed here.

The proposed rule would allow, as does the present one, for two retakes of the examination without restriction. When the student fails these three examinations, he or she will be required to submit to the executive director a remedial training plan. The training plan would be specifically aimed at deficiencies indicated in the previous examinations. The plan must propose appropriate training activities to be completed, the evaluation process by which successful completion of those activities will be measured, and the date of completion of the activities. Upon approval and completion of the training program, the student would be allowed to retake the examination, provided he or she makes application and pays the appropriate fee.

This rule allows for a reasonable means of dealing with students who have demonstrated inadequate preparation through repeated failures of the licensing examinations. It also sets forth for the student a much more palatable alternative to a second completion of the learning objectives, since it is specific to his or her demonstrated problems and is significantly less time-consuming. Implementation of the rule may also serve to alleviate some of the anxieties a student is certain to feel in retaking the examination.

The statutory authority for establishing examination procedures is found in Minn. Stat. §§ 626.843 and 626.845. It is necessary to provide for a procedure which allows students such an alternative. At the same time, after three failures of a licensing examination the Board becomes decidedly more concerned about the individual's competence to practice law enforcement. It is reasonable to charge the Board with a greater level of supervision over these students.