

## **CHAPTER 109-02-04 INSTRUCTOR AND TRAINING COURSE CERTIFICATION**

### Section

109-02-04-01	Certification of Instructors
109-02-04-02	Requirements for Certification of Law Enforcement Instructors
109-02-04-03	Certification Duration
109-02-04-04	Application for Instructor Certification
109-02-04-05	Requirements for Weapons Instructor Certification
109-02-04-06	Weapons Instructor Requirements
109-02-04-07	Certification of Training Providers
109-02-04-07.1	Certified Training Provider and Certified Instructor Denial, Suspension, Revocation, or Imposition of Probationary Terms
109-02-04-08	Basic Full-Time Peace Officer Training Course Requirements
109-02-04-08.1	Basic Part-Time Law Enforcement Training Course Requirements
109-02-04-08.2	Basic Reserve Law Enforcement Training Course Requirements
109-02-04-09	Application for Course Certification
109-02-04-10	Notice of Suspension, Revocation, Denial, or Denial of Renewal - Hearing [Repealed]

### **109-02-04-01. Certification of instructors.**

The board shall certify law enforcement instructors who the board has determined are qualified, based on the instructor's education, training, and experience, to teach one or more law enforcement subjects in accordance with the requirements of this chapter.

1. The board may deny, deny renewal of, or suspend an instructor's certification if it determines that the instructor fails to meet the requirements of this chapter to teach one or more law enforcement subjects.
2. The board may deny, deny renewal of, suspend, or revoke an instructor's certification if the board finds that false information was willfully submitted to the board for purposes of obtaining instructor certification or renewal of certification.
3. The board shall maintain a record of certified instructors, certified training courses, and certified shooting courses.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

### **109-02-04-02. Requirements for certification of law enforcement instructors.**

1. A North Dakota licensed officer applying for certification as a law enforcement instructor to teach general police subjects or the use of weapons, must have:
  - a. Two years' experience as a licensed or certified officer;
  - b. Verified training or documented experience in each subject to be taught;
  - c. Compliance with all board requirements, including successful completion of a course of instructor development training or its equivalent approved by the board; and
  - d. A recommendation by the applicant's agency administrator or training officer.
2. The board may waive any part of the requirements of this section if it finds that a person who does not satisfy all requirements of this section is otherwise qualified to be an instructor.

**History:** Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

**General Authority:** NDCC 12-63-02.3(5), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.3, 12-63-04(1)(a)(b)(c)

#### **109-02-04-03. Certification duration.**

A law enforcement instructor's certification is effective for no more than the instructor's officer license period. The law enforcement instructor's initial certification period will expire the same date as the instructor's officer license. Subsequent instructor certification periods will run concurrently with the instructor's three-year license period. At the end of the instructor's officer license period, the board may renew the instructor's certification provided that:

1. The instructor has completed a certified instructor refresher course at least once during the certification period;
2. The instructor is recommended by the agency administrator or training officer; and
3. A law enforcement instructor who has not completed a certified instructor refresher course during the instructor's officer license period may not apply for renewal. If the instructor completes the methods of instruction refresher long course and pays the late instructor renewal fee within six months of instructor certification expiration, the instructor certification is reinstated. Individuals not completing these requirements within six months of the expiration date must retake the entire methods of instruction training to obtain their instructor certification.

**History:** Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

**General Authority:** NDCC 12-63-02.3(5), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.3, 12-63-04(1)(a)(b)(c)

#### **109-02-04-04. Application for instructor certification.**

1. Applications for instructor certification must be made on a board-approved form.
2. The board shall review all applications for certification. The board may issue an instructor's certificate, issue an instructor's certificate subject to conditions, or deny issuance of the certificate.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

#### **109-02-04-05. Requirements for weapons instructor certification.**

1. In order to be certified as a weapons instructor, an officer shall successfully complete North Dakota peace officer standards and training board-approved instructor development and weapons instructor development courses. In order to waive any of those requirements the applicant shall make a personal appearance before the peace officer standards and training board.
2. If the officer is only going to conduct sidearm qualification testing on a certified shooting course, the officer only needs to successfully complete a North Dakota peace officer standards and training board-approved weapons instructor course.
3. Each instructor shall successfully complete a certified weapons instructor refresher course at least once during the instructor's certification period in order to be eligible for recertification.

4. The initial weapons instructor certification period will expire the same date as the instructor's officer license. Subsequent weapons instructor certification periods will run concurrent with the three-year license period.

**History:** Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

**General Authority:** NDCC 12-63-02.3(5), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.3, 12-63-04(1)(a)(b)(c)

#### **109-02-04-06. Weapons instructor requirements.**

1. Within thirty days after an officer or applicant has completed a certified shooting course, the weapons instructor shall forward a completed sidearm qualification form to the board.
2. The board may suspend a weapons instructor's certification if the weapons instructor fails to submit an officer's or applicant's sidearm qualification form to the board within thirty days after the officer has completed the sidearm qualification on a certified shooting course.
3. The board shall notify a weapons instructor in writing if it suspends the instructor's certification. The notice must specify the basis of the suspension.

**History:** Effective October 1, 2004; amended effective April 1, 2014; April 1, 2022.

**General Authority:** NDCC 12-63-02.3(5), 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-02.3, 12-63-04(1)(a)(b)(c)

#### **109-02-04-07. Certification of training providers.**

Training providers must be certified by the board prior to the commencement of training. Certification may not exceed four years.

1. The training provider shall file satisfactory proof of adequate training equipment, facilities, and qualified instructors with the board prior to certification. Adequate training equipment and facilities include sufficient supplies and safety assurances. The training provider's instructors must have experience, training, and education in law enforcement subjects or basic correctional officer training courses before the board may certify the instructor.
2. Upon review of the training provider's request for certification and after determination the training provider has met the requirements of the board, the board may grant provisional certification until the board completes additional evaluation and inspection.
3. The training provider's certification is subject to periodic review by the board.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-44.1-01(1), 12-44.1-04(4), 12-63-04(1)(a)(b)(c)

#### **109-02-04-07.1. Certified training provider and certified instructor denial, suspension, revocation, or imposition of probationary terms.**

1. The board may deny, suspend, revoke, or place conditions upon a training provider's or certified instructor's certification, or impose probationary conditions on the training provider or certified instructor, or suspend or revoke certification of a training course if the training provider or certified instructor:
  - a. Fails to provide instruction consistent with the prescribed performance objectives in the subject areas for which the training provider or training course was certified;
  - b. Fails to comply with or cooperate in a board investigation of the training provider or training course, including an investigation of misconduct by students, faculty, or staff. For

purposes of this requirement, the term "misconduct" includes cheating on a licensing examination or tests required by the training provider or the board, helping another individual to cheat on a licensing examination or tests required by the training provider or the board, filing a false report or information with the board, or obstructing a board investigation; or

- c. Fails to comply with North Dakota Century Code chapter 12-63 or the rules of the board.
2. Failure to comply with board requirements may result in one or more of the following:
  - a. A letter of censure to the certified training provider or certified instructor;
  - b. Formal or informal probation for the certified training provider or certified instructor; or
  - c. Denial, denial of renewal, suspension, or revocation of certification of the certified training provider, certified instructor, or certified training course.
3. The board shall notify in writing any certified training provider or certified instructor when the board denies, denies renewal of, suspends, revokes, or places conditions upon certification. The notice must specify the basis of the denial, denial of renewal, suspension, or revocation of the certification. The certified training provider or certified instructor may request a hearing in accordance with North Dakota Century Code chapter 28-32.

**History:** Effective April 1, 2014; amended effective April 1, 2022.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

#### **109-02-04-08. Basic full-time peace officer training course requirements.**

1. The basic full-time peace officer training course must include training based on performance objectives essential for law enforcement in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic full-time peace officer training course must include testing on the performance objectives. The training provider conducting the basic full-time peace officer training course shall maintain records of tests and testing procedures.
3. Before a certified training provider offers any course from the basic full-time peace officer training courses at another site not included in the original certification, the training provider shall notify the board in writing.

**History:** Effective October 1, 2004; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

#### **109-02-04-08.1. Basic part-time law enforcement training course requirements.**

1. The basic part-time law enforcement training course must include training based on performance objectives essential to part-time peace officers in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic part-time peace officer training course must include testing on the performance objectives. The school or agency conducting the basic part-time peace officer training course shall maintain records of tests and testing procedures.
3. An applicant for a part-time peace officer license must successfully complete the basic part-time peace officer training course within two years after the applicant started the basic part-time peace officer training course.

4. The school or agency conducting the basic part-time peace officer training course shall notify the board if the applicant for a part-time peace officer license fails to complete or pass any part of the basic part-time peace officer training course.

**History:** Effective July 1, 2006; amended effective April 1, 2014.

**General Authority:** NDCC 12-63-02.1(7)

**Law Implemented:** NDCC 12-63-02.1

**109-02-04-08.2. Basic reserve law enforcement training course requirements.**

1. The basic reserve law enforcement training course must include training based on performance objectives essential to reserve peace officers in the state of North Dakota, and must include classroom training, field training, and firearms training.
2. The basic reserve peace officer training course must include testing on the performance objectives. The school or agency conducting the basic reserve peace officer training course shall maintain records of tests and testing procedures.
3. An applicant for a reserve peace officer license must successfully complete the basic reserve peace officer training course within one year after the applicant started the basic reserve peace officer training course.
4. The school or agency conducting the basic reserve peace officer training course shall notify the board if the applicant for a reserve peace officer license fails to complete or pass any part of the basic reserve peace officer training course.

**History:** Effective April 1, 2022.

**General Authority:** NDCC 12-63-02.3(5)

**Law Implemented:** NDCC 12-63-02.3

**109-02-04-09. Application for course certification.**

The following procedures apply to all training courses for which certification is requested:

1. The individual or training provider seeking course certification shall submit an application and course description for program certification to the board on a form provided by the board at least fifteen days before the training is to commence.
2. The application must include:
  - a. A course description showing the title of course, a detailed course outline, name of person or agency preparing the training program, course objective, testing methods if applicable, course content, estimated length of course, and references; and
  - b. Information concerning the instructors' education and experience if the instructors have not been certified by the board.
3. Within thirty days after the completion of a training program, the training coordinator shall submit to the board a completed student roster on a form provided by the board. The completed form must include each officer's name, license number, employing agency, hours attended, course name, subject matter, training location, and the dates and times of training.
4. Course certification will not be granted unless the course meets the following criteria:
  - a. Meets a law enforcement educational need;
  - b. Is law enforcement or law enforcement administrative function related;

- c. Is based on knowledge, skills, or abilities needed to be an officer; and
- d. Is a minimum of one hour in length and is offered in one-hour increments.

**History:** Effective October 1, 2004; amended effective July 1, 2006; April 1, 2014; April 1, 2022.

**General Authority:** NDCC 12-63-04(2)(d)

**Law Implemented:** NDCC 12-63-04(1)(a)(b)(c)

**109-02-04-10. Notice of suspension, revocation, denial, or denial of renewal - Hearing.**

Repealed effective April 1, 2022.