

**1. Subdivision (b) of section 6018.1 of 9 NYCRR is amended to read as follows:**

(b) The term course director shall mean the director or co-director of [a] an organization that administers the basic course for correction officers[.]who is responsible for the administration of the course and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Part.

2. A new subdivision (e) is added to section 6018.3 of 9 NYCRR to read as follows:

(e) Only course directors as defined in section 6018.1(b) of this Part may administer a basic course for corrections officers.

3. Paragraphs (2) and (3) of subdivision (a) of section 6018.4 of 9 NYCRR are amended to read as follows:

(2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; [and]

(3) the names of instructors and the type of instructor certification held by each instructor[.] ;and

4. A new paragraph (4) is added to subdivision (a) of 6018.4 of 9 NYCRR to read as follows:

(4) the name of the course director as defined in section 6018.1(b) of this Part.

**5. Section 6018.5 of 9 NYCRR is amended to read as follows:**

(a) Within 10 days after conclusion of a basic course, the course director shall forward the course roster to the commissioner, on a form prescribed by the commissioner, listing the names and other information contained in the form and required by the council for all enrollees denoting the performance of respective trainees.

(b) The course director shall make written notification, to the commissioner, of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

(c) The course director shall ensure that the basic course is conducted in accordance with all applicable standards, policies, and procedures. The course director shall establish written directives for the administration of the basic course including, but not limited to, attendance, counseling, remediation, and retesting. The directives shall define the minimum period of time set for remediation and for one or more opportunities for retesting.

(d) The course director [or] and sponsoring agency shall be responsible for maintaining accurate records for each basic course. These records must be retained as required by the appropriate schedule for records retention and disposition promulgated by the commissioner of the New York State Education Department. Such records must be available for inspection by members of the council or the commissioner. They include, but are not limited to, lesson plans for each topic inclusive of objectives, officer attendance and performance records, a copy of the curriculum approved for use, and a record of any changes in the curriculum after such approval.

**6. Subdivisions (b), (c), (d) and (e) of section 6018.6 of 9 NYCRR are amended to read as follows:**

(b) Attendance is required of each correction officer at all sessions of the basic course except for valid reasons. The course director is authorized to determine the validity of and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the course director. However, no correction officer may be issued a certificate of completion without receiving the full program of instruction in firearms, or the defense of justification (use of physical force/deadly physical force).

(c) Each correction officer enrolled in a basic course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as, content, organization, regularity of entries, accuracy and legibility.

(d) The taking and passing of written examination(s) is required of each correction officer prior to issuance of a certificate of completion. If a series of examinations is required by the course director, the candidate must achieve a total passing average for the series. The course director shall assemble examination material, give and supervise the examination(s), and grade the examination(s). The course director [or] and sponsoring agency shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the commissioner of the New York State Education Department. Such records must be available for inspection by members of the council or the commissioner.

(e) Upon certification by a course director stating that a correction officer has satisfactorily completed all basic course requirements, the commissioner shall issue a certificate of completion to such correction officer.

**7. Subdivision (e) of section 6019.1 of 9 NYCRR is amended to read as follows:**

(e) The term course director shall mean the director or co-director of an organization that administers an approved pre-employment correction training school, or his or her designee[.] who is responsible for the administration of the school's courses and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Part.

**8. Subdivision (e) of section 6019.3 of 9 NYCRR is re-lettered to be subdivision (f) and a new subdivision (e) is added to read as follows:**

(e) Only course directors as defined in section 6019.1(e) of this Part may administer a pre-employment corrections basic training course.

**9. Subdivision (a) of section 6019.4 of 9 NYCRR is amended to read as follows:**

(a) A pre-employment correction training school must be approved by the commissioner pursuant to this Part prior to conducting a pre-employment correction basic training course. An entity shall not be designated as an approved pre-employment correction training school by the commissioner unless it satisfies all requirements prescribed by the commissioner which shall include, but not be limited to, the certification of the instructors pursuant to Parts 6023 and/or 6024 of this Title and/or the certification of the course directors pursuant to Part 6023 of this Title, and any other requirements deemed necessary by the commissioner.

**10. Subdivision (d) of section 6019.4 of 9 NYCRR is amended to read as follows:**

(d) The [school] course director shall file a copy of the school qualifications with the commissioner at least 45 days prior to commencement of a pre-employment correction basic training course. The qualifications shall be in a form and manner prescribed by the commissioner. The commissioner may require any additional information deemed necessary for the purposes of approving a pre-employment correction training school.

**11. Subdivision (f) of section 6019.4 of 9 NYCRR is amended to read as follows:**

(f) The school shall give written notification to the commissioner as soon as possible if a [school] course director ceases to be employed by the pre-employment correction training school and shall, within 30 days of the course director's termination of employment, appoint a new [school] course director. The school shall provide written notification to the commissioner of the name of the newly appointed [school] course director as soon as possible.

**12. Subdivision (a) of section 6019.7 of 9 NYCRR is amended to read as follows:**

(a) The course director shall ensure that a pre-employment correction basic training course is conducted in accordance with this Part and all applicable standards, policies and procedures.

**13. Subdivision (c) of section 6019.7 of 9 NYCRR is amended to read as follows:**

(c) The course director shall make written notification to the commissioner of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content

**14. Subdivisions (b), (c), (d) and (e) of section 6019.8 of 9 NYCRR are amended to read as follows:**

(b) Attendance is required at all sessions of the pre-employment correction basic training course except for valid reasons. The course director is authorized to decide the validity of excuses and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session will make up such absence as required by the course director.

(c) Each individual enrolled in a pre-employment correction basic training course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as, content, organization, regularity of entries, accuracy and legibility.

(d) The taking and passing of written examination(s) with at least a grade of C (70 percent) is required of each individual before a pre-employment correction basic training course for correction officers is successfully completed. The course director will assemble examination

material, give and supervise examination(s), and grade the examination(s). The college, twoyear college, or university shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by the commissioner.

(e) Within 10 days after conclusion of a basic course, the course director shall forward the course roster to the commissioner denoting the performance of respective trainees.

**15. Subdivision (b) of section 6020.1 of 9 NYCRR is amended to read as follows:**

(b) The term course director shall mean the director or co-director of a basic course for police officers[.]who is responsible for the administration of the course and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Title.

**16. 6020.3 of 9 NYCRR is amended to read as follows:**

(a) No basic course shall be approved by the commissioner that does not follow the minimum curriculum as prescribed by the council.

(b) Specific curriculum categories, respective titles/topics, and time allotments shall be established by the council and published by the commissioner.

(c)

(1) Training regarding the investigation and intervention of crimes involving sexual assault shall be conducted in accordance with the policies and procedures, and minimum standards as established by the council. The investigation and enforcement of crimes involving sexual assault under New York State law, shall include, but not be limited to:

(i) techniques for interviewing sexual assault victims;

(ii) fair treatment standards for crime victims pursuant to article 23 of the Executive Law;

(iii) evidence gathering and evidence preservation; and

(iv) dissemination of information concerning availability of local services for the victims of such crimes.

(2) This training course and curriculum shall be reviewed regularly by the council and modified as need may require.

(d) Supervised field training review and orientation shall be conducted in accordance with the policies and minimum standards as established by the council. Performance of field training shall be documented on a form prescribed or approved by the commissioner.

(e) Training regarding the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.

(f) Only instructors qualified/certified in accordance with the provisions of Parts 6023 and/or 6024 of this Title may provide instruction in a basic course.

(g) Only course directors as defined in section 6020.1(b) of this Part may administer a basic course for police officers.

**17. Subdivision (a) of section 6020.4 of 9 NYCRR is amended to read as follows:**

(a) No later than 45 days prior to commencement of a basic course, the course director shall file a copy of the proposed curriculum with the commissioner. This curriculum shall be in a form prescribed by the commissioner and shall include:

(1) course location and sponsor;

(2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; [and]

(3) the names of instructors and the type of instructor certification held by each instructor[.] ; and

(4) The name of the course director as defined in section 6020.1(b) of this Part.

**18. Subdivisions (a), (b), (c), (d) and (e) of section 6020.5 of 9 NYCRR are amended to read as follows:**

(a) Within 10 days after commencement of a basic course, the course director shall forward the course roster to the commissioner, on a form prescribed commissioner, listing the names and other information contained in the form and required by the council for all enrollees. At that time, a completed "Certification of Employment" form (DCJS 2214-A) or other form approved by the commissioner shall be forwarded by the course director to the commissioner for each police officer enrolled in the course.

(b) The course director shall make written notification, to the commissioner, of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

(c) If an officer resigns from a basic course, the course director shall complete a "Notification of Termination/Resignation" on a form prescribed by the commissioner and forward it to the commissioner within five days after said resignation. If an officer is terminated from a basic course, the course director shall complete a "Notification of Termination/Resignation" on a form prescribed by the commissioner and forward it to the commissioner at least five days in advance of said termination. Since exigent circumstances may not allow for submission of



forms prior to termination, in such cases forms shall be forwarded within five days after such occurrence. Any failure relating to academic or physical standards which results in removal from a basic course shall be considered a termination.

(d) The course director shall ensure that the basic course is conducted in accordance with applicable standards, policies, and procedures. The course director shall establish written directives for the administration of the basic course including, but not limited to, attendance, counseling, remediation, and retesting. The directives shall define the minimum period of time set for remediation and provide for one or more opportunities for retesting.

(e) The course director [or] and the sponsoring agency shall be responsible for maintaining accurate records for each basic course. These records shall be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner. They shall include, but not be limited to, lesson plans for each topic inclusive of objectives, officer attendance and performance records, a copy of the curriculum approved for use, a record of any changes in the curriculum after such approval, and completed "Supervised Field Training and Orientation Guides".

**19. Subdivisions (b), (c), (d), (e) and (f) of section 6020.6 of 9 NYCRR are amended to read as follows:**

(b) Attendance shall be required of each police officer at all sessions of the basic course except for valid reasons. The course director is authorized to determine the validity of and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the course director. However, no police officer may be issued a certificate of completion without receiving the full program of instruction in firearms, the defense

of justification (use of physical force/deadly physical force), and physical agility/arrest techniques.

(c) A police officer who is unable to satisfactorily complete the full curriculum of a basic course due to excessive absence may apply for authorization to complete the requirements of that curriculum in an alternately approved basic course. Such applications shall be subject to the approval of the course director. If the course director approves the application, it shall be forwarded to the commissioner by the course director. The commissioner may authorize such officer to make up required hours at another basic course in satisfaction of the requirements for a certificate of completion. Such determination shall be subject to review and approval by the council at its next scheduled meeting subsequent to such determination.

(d) Each police officer enrolled in a basic course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as, content, organization, regularity of entries, accuracy and legibility.

(e) The taking and passing of written examination(s) is required of each police officer prior to issuance of a certificate of completion. If a series of examinations is required by the course director, the candidate must achieve a total passing average for the series. The course director shall assemble examination material, give and supervise the examination(s) and grade the examination(s). The course director [or] and sponsoring agency shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner.

(f) Upon certification by a course director stating that a police officer has satisfactorily completed all basic course requirements, the commissioner shall issue a certificate of completion to such police officer.

**20. Subdivision (b) of section 6021.1 of 9 NYCRR is amended to read as follows:**

(b) The term course director shall mean the director or co-director of a course in police supervision[.]who is responsible for the administration of the course and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Title.

**21. A new subdivision (c) is added to section 6021.3 of 9 NYCRR to read as follows:**

(c) Only course directors as defined in section 6021.1(b) of this Part may administer a course in police supervision.

**22. Subdivision (a) of section 6021.4 is amended to read as follows:**

(a) No later than 45 days prior to commencement of a supervisory course, the course director shall file a copy of the proposed curriculum with the commissioner. This copy shall be in a form approved or prescribed by the commissioner and shall include:

(1) course location and sponsor;

(2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; [and]

(3) the names of instructors and the type of instructor certification held by each instructor[.] ; and

(4) The name of the course director as defined in section 6021.1(b) of this Part.

**23. Subdivisions (a)-(f) of section 6021.5 of 9 NYCRR are amended to read as follows:**

(a) Within 10 days after commencement of a supervisory course, the course director shall forward the course roster to the commissioner on a form prescribed by the commissioner, listing the names and other information contained in the form and required by the council for all enrollees. At that time, a completed "Certification of Employment" on a form prescribed by the commissioner shall be forwarded by the course director to the commissioner for each person enrolled in the course.

(b) Within 10 days after the conclusion of a supervisory course, the course director shall forward the course roster to the commissioner, as listed in subdivision (a) of this section, denoting the performance of respective trainees. Also within the 10-day period, a completed "Certification of Training" on a form prescribed by the commissioner shall be forwarded by the course director for each officer satisfactorily completing the course to the officers' respective civil service/personnel agency.

(c) The course director shall make written notification to the commissioner of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

(d) If an officer resigns from a supervisory course, the course director shall complete a "Notification of Termination/Resignation" on a form prescribed by the commissioner and forward it to the commissioner within five days after said resignation. If an officer is terminated from a supervisory course, the course director shall complete a "Notification of

Termination/Resignation” on a form prescribed by the commissioner and forward it to the commissioner at least five days in advance of said termination. Since exigent circumstances may not allow for submission of forms prior to termination, in such cases forms shall be forwarded within five days after such occurrence. Any failure relating to academic or physical standards which results in removal from a supervisory course shall be considered a termination.

(e) The course director shall assure that the supervisory course is conducted in accordance with applicable standards, policies, and procedures.

(f) The course director [or] and sponsoring agency shall be responsible for maintaining accurate records for each supervisory course. These records shall be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner. They shall include, but not be limited to lesson plans for each topic, officer attendance and performance records, a copy of the curriculum approved for use and a record of any changes in the curriculum after such approval.

**24. Subdivisions (b), (c), (d), (e) and (f) of section 6021.6 of 9 NYCRR are amended to read as follows:**

(b) Attendance shall be required of each police officer at all sessions of the supervisory course except for valid reasons. The course director is authorized to determine the validity of and excuse absences of not more than 10 percent of the hours of instruction as provided from the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the course director.

(c) A police officer who is unable to satisfactorily complete the full curriculum of a supervisory course due to excessive absence may apply for authorization to complete the requirements of that curriculum in an alternately approved supervisory course. Such

applications shall be subject to the approval of the course director. If the course director approves the application, it shall be forwarded to the commissioner by the course director. The commissioner may authorize the officer to make up required hours at another supervisory course in satisfaction of the requirements for a certificate of completion. Such a determination shall be subject to review and approval by the council at its next scheduled meeting subsequent to such determination.

(d) Each police officer enrolled in a supervisory course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as content, organization, regularity of entries, accuracy and legibility.

(e) The taking and passing of a written examination(s) is required of each police officer prior to issuance of a certificate of completion. If a series of examinations is required by the course director, the candidate must achieve a total passing average for the series. The course director shall assemble examination material, give and supervise the examination(s), and grade the examination(s). The course director [or] and sponsoring agency shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner.

(f) Upon certification by a course director stating that a police officer has satisfactorily completed all supervisory course requirements, the commissioner may issue a certificate of completion to such police officer.

**25. Subdivision (b) of section 6022.1 of 9 NYCRR is amended to read as follows:**

(b) The term course director shall mean the director or co-director of a police in-service training course[.] who is responsible for the administration of the course and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Part.

**26. Two new subdivisions (h) and (i) are added to section 6022.1 of 9 NYCRR to read as follows:**

(h) The term non-MPTC certificate of attendance shall mean a document issued by a course director evidencing that a candidate has satisfactorily completed all course requirements and any pre-requisite training for a non-MPTC certified course.

(i) The term MPTC certificate of completion shall mean a document issued by the commissioner evidencing that a candidate has satisfactorily completed all course requirements and any pre-requisite training for a MPTC certified course.

**27. Section 6022.3 of 9 NYCRR is amended to read as follows:**

(a) [If minimum standards for an in-service training course have been established by the council, an] A MPTC-certified in-service training course shall minimally contain required topics and meet required time allotments as established by the council for approval of [certification] a MPTC certificate of completion to be granted.

(b)[ If minimum standards for an in-service training course have not been established by the council, an in-service training course may be reviewed for content against generally accepted standards and noncertified approval granted at the commissioner's discretion.

(c)]

(1) Training regarding the investigation and intervention of crimes involving sexual assault shall be conducted in accordance with the policies and procedures, and minimum standards as established by the council. The investigation and enforcement of crimes involving sexual assault under New York State law, shall include, but not be limited to:

(i) techniques for interviewing sexual assault victims;

(ii) fair treatment standards for crime victims pursuant to article 23 of the Executive Law;

(iii) evidence gathering and evidence preservation; and

(iv) dissemination of information concerning availability of local services for the victims of such crimes.

(2) It is preferred that this training course and curriculum be completed at intervals prescribed by the council.

(3) This training course and curriculum shall be reviewed regularly by the council and modified as need may require.

(c) Training regarding the handling of emergency situations involving individuals with autism spectrum disorder and other developmental disabilities shall be conducted in accordance with the policies and procedures, and minimum standards as established by the Council.

(d) Only course directors or instructors qualified/certified in accordance with the provisions of Part 6023 and/or 6024 of this Title may administer or conduct training which is certified pursuant to this Part.

**28. Subdivision (a) of section 6022.4 of 9 NYCRR is amended to read as follows:**



(a) No later than 45 days prior to commencement of an in-service training course, the course director shall file a copy of the proposed curriculum with the commissioner. This curriculum shall be in a form prescribed by the commissioner and shall include:

(1) course location and sponsor;

(2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; [and]

(3) the names of instructors, and the type of instructor certification held by each instructor[.] ; and

(4) The name of the course director as defined in section 6022.1(b) of this Part.

**29. Subdivision (c) of section 6022.4 of 9 NYCRR is amended to read as follows:**

(c) The commissioner [shall] may make an individual written certification for each in-service training course conducted, when in his or her judgement the information furnished warrants such action.

**30. Section 6022.5 of 9 NYCRR is amended to read as follows:**

Section 6022.5. Requirements for conducting a [police] MPTC-certified in-service training course

(a) Within 10 days after conclusion of an in-service training course, the course director shall forward the course roster to the commissioner on a form prescribed by the commissioner, listing the names and other information contained in the form and required by the council for all enrollees.

(b) The course director shall make written notification to the commissioner of any changes in the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

(c) The course director shall assure that the in-service training course is conducted in accordance with applicable standards, policies, and procedures.

(d) The course director or sponsoring agency shall be responsible for maintaining accurate records for each in-service training course. These records shall be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner. They shall include, but not be limited to, lesson plans for each topic, officer attendance and performance records, a copy of the proposed curriculum [approved for use], a record of any changes in the curriculum after [such] issuance of curriculum approval.

**31. A new section 6022.5-a is added to Part 6022 of 9 NYCRR to read as follows:**

6022.5-a Requirements for conducting a non MPTC-certified in-service training course.

(a) Within 10 days after conclusion of a non MPTC-certified in-service training course, the course director shall forward the course roster to the commissioner on a form prescribed by the commissioner, listing the names and other information contained in the form for all enrollees.

(b) The course director and sponsoring agency shall be responsible for maintaining accurate records for each in-service training course. These records shall be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the

council or the commissioner. They shall include, but are not be limited to, lesson plans for each topic, officer attendance and performance records, and the curriculum.

**32. Section 6022.6 of 9 NYCRR is amended to read as follows:**

Section 6022.6. Requirements for issuance of a MPTC certificate of completion [certificate of attendance] for a MPTC in-service training course

(a) Attendance shall be required of each candidate at all sessions of the MPTC-certified in-service training course except for valid reasons. The course director is authorized to determine the validity of and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the course director.

(b) If the taking of examination(s) is required prior to the issuance of MPTC certificate(s) of completion, candidates must receive a passing score. If a series of examinations is required, candidates must achieve a total passing average for the series prior to the issuance of MPTC certificate(s) of completion. The course director shall assemble examination material, give and supervise the examination(s), and grade the examination(s). The course director [or] and sponsoring agency shall retain the examination papers as required by the appropriate schedule of records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner.

(c) [If minimum standards for an in-service course have been established by the council, upon] Upon certification by a course director stating that a candidate has satisfactorily completed all course requirements and any pre-requisite training as determined by the council, the commissioner may issue a MPTC certificate of completion.

(d) [If minimum standards for an in-service training course have not been established by the council, upon certification by a director that a candidate has satisfactorily completed all

course requirements and any pre-requisite training as determined by the commissioner, the commissioner may issue a certificate of attendance.

(e) If the candidate is a police or peace officer, the candidate must be employed as such at the time of certification and have successfully completed a basic training program approved by the commissioner.

[(f)] (e) If the candidate is not a police or peace officer, the candidate must be sponsored by his or her employing police or peace officer agency.

**33. A new section 6022.7 is added to Part 6022 of 9 NYCRR to read as follows:**

6022.7 Requirements for self-issuance of a non-MPTC certificate of attendance for a non- MPTC-certified in-service training course.

(a) Attendance shall be required of each candidate at all sessions of the non-MPTC-certified in-service training course except for valid reasons. The course director is authorized to determine the validity of and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such absence as required by the course director.

(b) If the taking of examination(s) is required prior to the issuance of non-MPTC certificate(s) of attendance, candidates must receive a passing score. If a series of examinations is required, candidates must achieve a total passing average for the series prior to the issuance of non-MPTC certificate(s) of attendance. The course director shall assemble examination material, give and supervise the examination(s), and grade the examination(s). The course director and sponsoring agency shall retain the examination papers as required by the appropriate schedule of records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner.

(c) Upon certification by a course director stating that a candidate has satisfactorily completed all course requirements and any pre-requisite training, the course director may issue a non-MPTC certificate of attendance. The non-MPTC certificate of attendance shall be in a form prescribed by the commissioner.

(d) If the candidate is a police or peace officer, the candidate must be employed as such at the time of certification and have successfully completed a basic training program approved by the commissioner.

(e) If the candidate is not a police or peace officer, the candidate must be sponsored by his or her employing police or peace officer agency.

**34. Subdivision (d) of section 6023.1 of 9 NYCRR is re-lettered to be subdivision (f) and two new subdivisions (d) and (e) are added to read as follows:**

(d) The term course director shall mean the director or co-director of an organization that administers approved police or peace officer training courses which have been approved by the commissioner, including but not limited to, courses which meet the minimum standards as set forth in Parts 6018, 6019, 6020, 6021, 6022, 6025 or 6026 of this Title

(e) The term instructor shall mean an instructor of an approved police or peace officer training course which have been approved by the commissioner, including but not limited to, courses which meet the minimum standards as set forth in Parts 6018, 6019, 6020, 6021, 6022, 6025 or 6026 of this Title.

**35. Two new subdivisions (g) and (h) are added to section 6023.1 of 9 NYCRR to read as follows:**

(g) The term course director certification shall mean any certification made by the commissioner to an individual whose qualifications meet or exceed the requirements established by section 6023.3-a of this Part.

(h) The term approved police or peace officer training course(s) shall mean courses conducted with the required approvals and in compliance with minimum standards as established by the Municipal Police Training Council.

**36. Subdivision (b) of section 6023.2 of 9 NYCRR is re-lettered to be subdivision (c) and a new subdivision (b) is amended to read as follows:**

(b) Course director certification may be granted by the commissioner in accordance with the minimum requirements established by section 6023.3-a of this Part.

**37. Newly re-lettered subdivision (c) of section 6023.2 of 9 NYCRR is amended to read as follows**

(c) A standard list of special topics for which instructor certification or course director certification may be granted may be established and maintained by the commissioner.

**38. A new section 6023.3-a is added to Part 6023 of 9 NYCRR to read as follows:**

6023.3-a Requirements for course director certification.

Each applicant requesting course director certification must:

(a) possess a high school diploma or its equivalent;

(b) if a police or peace officer, be employed as such at the time such officer requests a course director certification and have successfully completed a Municipal Police Training

Council approved Basic Course for Police Officers or Basic Course for Peace Officers, as appropriate;

(c) if not a police or peace officer, be sponsored by his or her employing police or peace officer agency, or be appointed by a pre-employment police officer training school, municipality, governing board or organization that administers approved police or peace officer training courses; and

(d) have successfully completed an instructor development course (IDC) and a course director orientation course (CDOC) approved by the commissioner.

**39. Section 6023.5 of 9 NYCRR is amended to read as follows:**

An instructor certification will be valid from the date of issuance and shall remain valid during the holder's continuous services as a police officer or peace officer, or while the holder is employed by a sponsoring police officer or peace officer agency, unless revoked or suspended by the commissioner.

**40. A new section 6023.5-a is added to Part 6023 of NYCRR to read as follows:**

A course director certification will be valid from the date of issuance and shall remain valid during the holder's continuous services as a police officer or peace officer, or while the holder is employed by a sponsoring police officer or peace officer agency, unless revoked or suspended by the commissioner.

**41. Section 6023.7 of 9 NYCRR is repealed and new section 6023.7 is added to read as follows:**

6023.7 Suspension and revocation of certification.

(a) The commissioner may move to suspend or revoke the instructor or course director certification pursuant to this Part at any time. Upon the suspension of the instructor or course director certification, the commissioner shall either:

(1) proceed under the provisions of subdivision (c) of this section to revoke the instructor or director certification; or

(2) hold the revocation of the instructor or course director certification in abeyance pending the resolution of the concerns raised by the commissioner.

(b) Suspension.

(1) The certification of an instructor or course director may be suspended for causes including, but not be limited to:

(i) the violation of any of the provisions and/or applicable rules and regulations as set forth in this Part;

(ii) the commissioner determines that there are defects in the instruction or administration of a course provided by an instructor or course director;

(iii) the instructor or course director is charged with a felony or misdemeanor and the conduct constituting the offense was performed in the name of or on behalf of an approved pre-employment police training school, during the administration of an approved police or peace officer training course, or, in the discretion of the commissioner, the conduct of the instructor or course director bears on the integrity of the division;

(iv) the instructor or course director submitted documents to the Division for approval which contained a material false statement or omission;

(v) the commissioner determines that the instructor or course director was and/or is professionally affiliated with an instructor, course director, pre-employment police training school



or an organization that administers approved police or peace officer training courses that has been and/or is presently suspended or revoked;

(vi) any other cause for which the commissioner deems the suspension necessary.

(2) The commissioner may, but is not required to, send the instructor or course director, via certified mail, a written notice to cure in response to paragraph (1) of this subdivision. Upon receipt of such notice, the certification of the instructor or course director shall be suspended and such instructor shall not instruct or administer any approved police or peace officer training course or program.

(3) No later than 15 days of the receipt of said notice, the instructor or course director may address the concerns raised. The instructor or course director shall notify the division in writing of the actions taken. If the actions do not satisfactorily address the concerns of the division, the division may proceed with the revocation of the instructor or course director certification.

(4) Where the instructor has been charged with a felony or misdemeanor, the commissioner shall send the instructor or course director, via certified mail, a written notice of suspension pending the disposition of the case. Upon receipt of such notice, the certification of the instructor or course director shall be suspended and such instructor or course director shall not instruct or administer any approved police or peace officer training course or program.

(c) Revocation.

(1) The certification of an instructor or course director may be revoked for causes including, but not be limited to:

(i) the violation of any of the provisions and/or applicable rules and regulations as set forth in this Part;

(ii) the commissioner determines that there are defects in the instruction or administration of a course provided by an instructor or course director;

(iii) the instructor or course director is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or on behalf of an approved pre-employment police training school, during the administration of an approved police or peace officer training course, or, in the discretion of the commissioner, the conduct of the instructor or course director bears on the integrity of the division;

(iv) the instructor or course director submitted documents to the Division for approval which contained a material false statement or omission;

(v) the commissioner determines that the instructor or course director was and/or is professionally affiliated with an instructor, course director, pre-employment police training school or an organization that administers approved police or peace officer training courses that has been and/or is presently suspended or revoked;

(vi) an instructor or course director, after receipt of a notice of suspension, continues to conduct or administer police or peace officer training courses;

(vii) any other cause for which the commissioner deems the revocation necessary.

(2) The commissioner shall send the instructor or course director, via certified mail, a written notice of his or her intent to revoke the certification and the reasons for such action. Upon receipt of such notice, the certification of the instructor or course director shall be suspended, or will remain suspended, and such instructor or course director shall not instruct nor administer any approved police or peace officer training course or program.

(3) Within 15 days of the receipt of said notice, the instructor or course director may forward a written request to the commissioner for a hearing to be held by the council to consider

the revocation of the instructor or course director certification. The commissioner shall forward the request to the council. The failure of the individual to timely request a hearing shall not preclude the commissioner from revoking the certification.

(4) Such hearing shall be held at the next meeting of the council or subsequent meeting or special meeting of the council. At least 15 days before the next meeting, the council shall give to the instructor or course director written notice by mail of the time and place of said meeting, wherein a hearing shall be held to consider the revocation of the instructor or course director certification. The instructor or course director may be represented at the hearing by counsel and may produce any evidence to support his or her position.

(5) The hearing shall be conducted in accordance with the provisions of the State Administrative Procedure Act. Following deliberation, and in accordance with the open meetings law established by article 7 of the Public Officers Law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the individual the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(6) The commissioner shall consider additional factors including, but not limited to:

(i) whether the instructor or course director has submitted documents to the Division for approval which were denied;

(ii) whether the instructor or course director is at an approved pre-employment police training school or an organization that administers approved police or peace officer training courses which has submitted documents to the Division for approval which were denied, and the date and nature of such denial;

(iii) whether the instructor or course director has had an instructor certification, firearms instructor certification, course director certification or pre-employment police training school approval suspended or revoked, or is the instructor or course director at an approved pre-employment police training school where the approval of such school has ever been or is suspended or revoked, and the date and nature of such suspension or revocation;

(iv) whether the instructor or course director has ever been convicted of a crime, and the date and nature of the offense;

(v) whether there are any criminal charges pending against the instructor or course director.

**42. A new section 6023.8 is added to 9 NYCRR to read as follows:**

6023.8 Conducting a police or peace officer training course.

(a) No police or peace officer training course shall be conducted which does not meet the minimum standards as set forth in Parts 6018, 6019, 6020, 6021, 6022, 6025 or 6026 of this Title.

(b) Only instructors certified pursuant to the provisions of this Part are allowed to instruct a police or peace officer training course.

(c) Only course directors certified pursuant to the provisions of this Part are allowed to administer a police or peace officer training course or program at the school.

(d) The certified instructor and certified course director shall ensure that the police or peace officer training course is compliant with applicable laws, rules and regulations, division requirements, and Municipal Police Training Council policies and procedures created pursuant to section 840 (1) of the Executive Law.

(e) The certified instructor and certified course director shall adhere to and engage in proper business practices.

(f) Attendance shall be required of each individual student for all sections of a police or peace officer training course. No student shall be issued a certificate of completion who does not successfully complete an approved police or peace officer training course.

(g) The council or the commissioner may conduct periodic unscheduled inspections to monitor compliance with applicable laws, rules and regulations, division requirements, and policies and procedures.

(h) The course director and sponsoring agency shall be responsible for maintaining accurate records for each approved police or peace officer training course. These records shall be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records shall be available for inspection by members of the council or the commissioner. They shall include, but not be limited to, lesson plans for each topic, officer attendance and performance records, a copy of the proposed curriculum, a record of any changes in the curriculum after issuance of curriculum approval.

**43. Section 6024.5 of 9 NYCRR is repealed and a new section 6024.5 is added to read as follows:**

6024.5 Suspension and revocation of firearms instructor certification.

(a) The commissioner may move to suspend or revoke a firearms instructor certification pursuant to this Part at any time. Upon the suspension of the firearms instructor certification, the commissioner shall either:

(1) proceed under the provisions of subdivision (c) of this section to revoke the firearms instructor certification; or

(2) hold the revocation of the firearms instructor certification in abeyance pending the resolution of the concerns raised by the commissioner.

(b) Suspension.

(1) The certification of a firearms instructor may be suspended for causes including, but not be limited to:

(i) the violation of any of the provisions and/or applicable rules and regulations as set forth in this Part;

(ii) the commissioner determines that there are defects in the instruction of a course provided by a firearms instructor;

(iii) the firearms instructor is charged with a felony or misdemeanor and the conduct constituting the offense was performed in the name of or on behalf of an approved pre-employment police training school, during an approved police or peace officer training course, or, in the discretion of the commissioner, the conduct of the firearms instructor bears on the integrity of the division;

(iv) the firearms instructor submitted documents to the Division for approval which contained a material false statement or omission;

(v) the commissioner determines that the firearms instructor was and/or is professionally affiliated with an instructor, firearms instructor, course director or an organization that administers approved police or peace officer training courses that has been and/or is presently suspended or revoked;

(vi) any other cause for which the commissioner deems the suspension necessary.

(2) The commissioner may, but is not required to, send the firearms instructor, via certified mail, a written notice to cure in response to paragraph (1) of this subdivision. Upon

receipt of such notice, the certification of the firearms instructor shall be suspended and such firearms instructor shall not instruct any approved police or peace officer training course or program.

(3) No later than 15 days of the receipt of said notice, the firearms instructor may address the concerns raised. The firearms instructor shall notify the division in writing of the actions taken. If the actions do not satisfactorily address the concerns of the division, the division may proceed with the revocation of the firearms instructor certification.

(4) Where the firearms instructor has been charged with a felony or misdemeanor, the commissioner shall send the firearms instructor, via certified mail, a written notice of suspension pending the disposition of the case. Upon receipt of such notice, the certification of the firearms instructor shall be suspended and such firearms instructor shall not instruct any approved police or peace officer training course or program.

(c) Revocation.

(1) The certification of a firearms instructor may be revoked for causes including, but not be limited to:

(i) the violation of any of the provisions and/or applicable rules and regulations as set forth in this Part;

(ii) the commissioner determines that there are defects in the instruction of a course provided by a firearms instructor;

(iii) the firearms instructor is convicted of a felony or misdemeanor and the conduct constituting the offense was performed in the name of or on behalf of an approved pre-employment police training school, during an approved police or peace officer training course,

or, in the discretion of the commissioner, the conduct of the firearms instructor bears on the integrity of the division;

(iv) the firearms instructor submitted documents to the Division for approval which contained a material false statement or omission;

(v) the commissioner determines that the firearms instructor was and/or is professionally affiliated with an instructor, firearms instructor, course director, pre-employment police training school or an organization that administers approved police or peace officer training courses that has been and/or is presently suspended or revoked;

(vi) a firearms instructor after receipt of a notice of suspension, continues to conduct police or peace officer training courses;

(vii) any other cause for which the commissioner deems the revocation necessary.

(2) The commissioner shall send the firearms instructor, via certified mail, a written notice of his or her intent to revoke the certification and the reasons for such action. Upon receipt of such notice, the certification of the firearms instructor shall be suspended, or will remain suspended, and such firearms instructor shall not instruct any approved police or peace officer training course or program.

(3) Within 15 days of the receipt of said notice, the firearms instructor may forward a written request to the commissioner for a hearing to be held by the council to consider the revocation of the firearms instructor certification. The commissioner shall forward the request to the council. The failure of the individual to timely request a hearing shall not preclude the commissioner from revoking the certification.

(4) Such hearing shall be held at the next meeting of the council or subsequent meeting or special meeting of the council. At least 15 days before the next meeting, the council shall give



to the firearms instructor written notice by mail of the time and place of said meeting, wherein a hearing shall be held to consider the revocation of the firearms instructor certification. The firearms instructor may be represented at the hearing by counsel and may produce any evidence to support his or her position.

(5) The hearing shall be conducted in accordance with the provisions of the State Administrative Procedure Act. Following deliberation, and in accordance with the open meetings law established by article 7 of the Public Officers Law, the council shall submit its recommendation to the commissioner. Following receipt of the council's recommendation, and within 90 days of the date of the hearing, the commissioner shall forward to the individual the decision and the reasons given for such decision. The commissioner makes the final decision, notwithstanding the council's recommendation. The commissioner, and not the council, shall be responsible for setting any penalty.

(6) The commissioner shall consider additional factors including, but not limited to:

(i) whether the firearms instructor has submitted documents to the Division for approval which were denied;

(ii) whether the firearms instructor is at an approved pre-employment police training school or an organization that administers approved police or peace officer training courses which has submitted documents to the Division for approval which were denied, and the date and nature of such denial;

(iii) whether the firearms instructor has had an instructor certification, firearms instructor certification, director certification or pre-employment police training school approval suspended or revoked, or is the instructor, firearms instructor or course director at an approved pre-employment police training school where the approval of such school has ever been or is suspended or revoked, and the date and nature of such suspension or revocation;

(iv) whether the firearms instructor has ever been convicted of a crime, and the date and nature of the offense;

(v) and whether there are any criminal charges pending against the firearms instructor.

**44. Subdivision (b) of section 6025.1 of 9 NYCRR is amended to read as follows:**

(b) The term course director shall mean the director or co-director of a basic course for peace officers as set forth in section 6025.1(d) of this Part, who is responsible for the administration of the course and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Part.

**45. A new Subdivision (e) is added to section 6025.3 of 9 NYCRR to read as follows:**

(e) Only course directors as defined in section 6025.1(b) of this Part may administer a basic course for peace officers.

**46. Paragraphs (2) and (3) of subdivision (a) of section 6025.4 of 9 NYCRR are amended to read as follows:**

(2) a chronological listing of topics; including the date, time and number of hours allotted to each topic; [and]

(3) the names of instructors and the type of instructor certification held by each instructor[.] ; and

**47. A new paragraph (4) is added to section 6025.4 of 9 NYCRR to read as follows:**

(4) The name of the course director as defined in section 6025.1(b) of this Part.

**48. Section 6025.5 of 9 NYCRR is amended to read as follows:**

(a) Within 10 days after conclusion of a basic course, the course director shall forward the course roster to the commissioner denoting the performance of respective trainees.

(b) The course director shall make written notification to the commissioner of any departures from the approved curriculum and shall be responsible for assuring that such changes do no materially change course content.

(c) The course director shall ensure that the basic course in accordance with all applicable standards, policies and procedures. The course director shall establish written directives for the administration of the basic course including, but not limited to, attendance, counseling, remediation and retesting. The written directives shall define the minimum period of time for remediation and for one or more opportunities for retesting.

(d) The course director [or] and sponsoring agency shall be responsible for maintaining accurate records for each basic course. These records must be retained as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by members of the council or the commissioner. They include, but are not limited to, lesson plans for each topic inclusive of objectives, officer attendance and performance records, a copy of the curriculum approved for use, a record of any changes in the curriculum after such approval.

**49. Subdivisions (b), (c), (d), (e) and (f) of section 6025.6 of 9 NYCRR are amended to read as follows:**

(b) Attendance is required of each officer at all sessions of the basic course, except for valid reasons. The course director is authorized to determine the validity of, and excuse, absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session shall make up such

absence as required by the course director. However, no officer may be issued a certificate of completion without receiving the full program of instruction in firearms, the defense of justification (use of physical force/deadly physical force), and physical agility/arrest techniques.

(c) A peace officer who is unable to satisfactorily complete the full curriculum of a basic course due to excessive absences may apply for authorization to complete the requirements of that curriculum in an alternately approved basic course. Such applications shall be subject to the approval of the course director. If the course director approves the application, it must be forwarded to the commissioner by the course director. The commissioner may authorize such officer to make up required hours at another basic course in satisfaction of the requirements for a certificate of completion. Such determination shall be subject to review and approval by the counsel at its next scheduled meeting subsequent to such determination.

(d) Each peace officer enrolled in a basic course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as content, organization, regularity of entries, accuracy and legibility.

(e) The taking and passing of written examination(s) is required of each officer prior to issuance of a certificate of completion. If a series of examinations is required by the course director, the candidate must achieve a total passing average for the series. The course director shall assemble examination material, give and supervise examination(s) and grade the examination(s). The course director [or] and sponsoring agency shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by members of the council or the commissioner.

(f) Upon certification by a course director stating that a peace officer has satisfactorily completed all basic course requirements, the commissioner shall issue a certificate of completion to such peace officer.

**50. Paragraph (e) of section 6026.1 is amended to read as follows:**

(e) The term course director shall mean the director or co-director of an organization that administers an approved pre-employment police training school, or his or her designee who is responsible for the administration of the school's courses and is certified by the Commissioner as an individual whose qualifications meet or exceed the requirements set forth in section 6023.3-a of this Title.

**51. Subdivision (e) of section 6026.3 of 9 NYCRR is re-lettered to be subdivision (f) and a new subdivision (e) is added to read as follows:**

(e) Only course directors as defined in section 6026.1(e) may administer a pre-employment police basic training course.

**52. Subdivision (a) section 6026.7 of 9 NYCRR is amended to read as follows:**

(a) The course director shall ensure that a pre-employment police basic training course is conducted in accordance with this Part and all applicable standards, policies and procedures.

**53. Subdivision (c) of section 6026.7 of 9 NYCRR is amended to read as follows:**

(c) The course director shall make written notification to the commissioner of any departures from the approved curriculum and shall be responsible for assuring that such changes do not materially change course content.

**54. Subdivisions (b), (c), (d) and (e) of section 6026.8 of 9 NYCRR are amended as follows:**

(b) Attendance is required at all sessions of the pre-employment police basic training course except for valid reasons. The course director is authorized to decide the validity of excuses and excuse absences of not more than 10 percent of the total hours of instruction as provided for in the curriculum of the course. An absentee from any scheduled class session will make up such absence as required by the course director.

(c) Each individual enrolled in a pre-employment police basic training course shall keep a notebook. The notebook shall contain an outline of major points and pertinent information for each topic presented. The course director will evaluate notebooks based upon criteria such as, content, organization, regularity of entries, accuracy and legibility.

(d) The taking and passing of written examination(s) with at least a grade of C (70 percent) is required of each individual before a pre-employment police basic training course for police officers is successfully completed. The course director will assemble examination material, give and supervise examination(s), and grade the examination(s). The college, two-year college, or university shall retain the examination papers as required by the appropriate schedule for records retention and disposition promulgated by the Commissioner of Education. Such records must be available for inspection by the commissioner.

(e) Within 10 days after conclusion of a basic course, the course director shall forward the course roster to the commissioner denoting the performance of respective trainees.