

## POST Board Worksheet for Variance Request

**Date of Board meeting:** April 21, 2022

**Requestor:** Gail O’Kane, Vice-President of Academic Affairs, Minneapolis College

**Basis for Variance Request:** A PPOE coordinator must be full-time, and is required to have three years of experience with a criminal justice agency, and a bachelor’s degree in law enforcement, criminal justice, education, social or behavioral science, or related field.

**Rule Citations:** 6700.0300, Subp 6, D

**6700.0100 DEFINITIONS. Subp. 10. Coordinator.** "Coordinator" means a person who is employed full-time by a certified school, and designated by a certified school, to manage the day-to-day activities of the professional peace officer education program.

**6700.0300 PROFESSIONAL PEACE OFFICER EDUCATION. Subp. 6. Certified school's responsibilities.** The certified school's responsibilities include the following:

D. When a coordinator leaves a certified school, the chief executive officer of the certified school must notify the board no later than 20 days after the coordinator has left the position, and provide the board with the name of the new coordinator. The signature facsimile of the new coordinator must accompany this notification. Any person appointed as a coordinator after January 1, 1990, must have a bachelor's degree in law enforcement, criminal justice, education, social or behavioral science, or related field and at least three years of experience with a criminal justice agency.

**Summary of Request** (see the attached complete request)

The PPOE program at Minneapolis College is closing and beginning a teach-out period for current students. By Fall 2022, only 10 credits of PPOE coursework will be offered, and no further PPOE coursework will be offered after that semester. During the teach-out period, the remaining course credits offered through the program will be insufficient to maintain the position of the current PPOE coordinator. The college requests a variance to allow Dean Ann Deiman-Thornton, the academic dean who oversees the Law Enforcement program to serve as the PPOE coordinator from now through the end of the PPOE program teach-out. Dean Deiman-Thorton holds a master’s degree English, is nearing completion of a doctorate degree in Education-Leadership, and has experience as the Education Director at Stillwater Correctional Facility, and oversaw the Second Chance Pell program with the Department of Corrections for four years.

**Previous Board Action on Similar Requests**

In October, 2020, the board granted a conditional variance to allow Riverland College to appoint a PPOE coordinator who had not yet completed a bachelor’s degree (allowing a specified number of months to complete the degree).

**Board Review of Variance Request**

- may ask questions or request additional information from petitioner
- can’t waive statutory requirements

***1. Does the application of the rule, as applied to the circumstances of the petitioner, serve any of the purposes of the rule?***

If yes, go to Step. 2.

If no, this is a **mandatory** variance and must be granted. To grant the variance:

- a. identify any conditions needed to that ensure the variance protects the public health, safety and the environment.
- b. determine how long should the variance be in effect.
- c. make a motion

**Sample motion to grant a mandatory variance:**

*“The Board approves \_\_\_\_\_’s request for a variance of Minnesota Rule \_\_\_\_\_ because application of the rule in this instance does not serve any of the purposes of the rule. The variance is granted for/until \_\_\_\_\_(with these conditions....)”*

**2.** If this is a **discretionary** variance, the board may grant it *only* if the board determines that *all* three are true:

- a. Application of the rule would result in hardship or injustice to name of requestor;
- b. It would be consistent with public interest; and
- c. It would not negatively impact the legal or economic rights of others.

**To grant** a discretionary variance if all 3 conditions are true:

- a. identify any conditions needed to that ensure the variance protects the public health, safety and the environment.
- b. determine how long should the variance be in effect.
- c. make a motion:

**Sample motion to grant a discretionary variance:**

*“The Board approves \_\_\_\_\_’s request for a discretionary variance of Minnesota Rule 6700. \_\_\_\_\_. This variance is granted because:*

- a. Application of the rule would result in hardship or injustice to the petitioner;*
- b. It would be consistent with public interest; and*
- c. It would not negatively impact the legal or economic rights of others and ensures the protection of public health, safety, and the environment.*

*The variance is granted for/until \_\_\_\_\_ (with these conditions.....)”*

**To deny** a discretionary variance:

**Sample motion to deny a discretionary variance:**

*“The Board denies \_\_\_\_\_’s request for a variance of Minnesota Rule \_\_\_\_\_ because*

*(List each of the following that are true – at least one must be true to deny the variance)*

- a. Application of the rule would not result in hardship or injustice to the petitioner;*
- b. It would not be consistent with public interest;*
- c. It would negatively impact the legal or economic rights of others.*



**MINNESOTA BOARD OF  
PEACE OFFICER STANDARDS AND TRAINING (POST Board)  
1600 UNIVERSITY AVENUE, SUITE 200  
SAINT PAUL, MINNESOTA 55104-3825**

(651) 643-3060  
FAX: (651) 643-3072  
[www.post.state.mn.us](http://www.post.state.mn.us)

## Request for a Variance of a Minnesota Rule

*A person or entity may petition the POST Board for a variance from a board-adopted Rule as applied to the particular circumstances of the petition per Minn. Stat. 14.055.*

To request a variance complete this form and submit it to the POST Board along with the supporting documentation by mail or fax, or by email to [Postboard.agency.docs@state.mn.us](mailto:Postboard.agency.docs@state.mn.us).

**Petitioner** (person or e Minneapolis College

**Petitioner Contact N** Gail O'Kane, Vice President of Academic Affairs

Street Address: 1501 Hennepin Ave

Email address: [gail.okane@minneapolis.edu](mailto:gail.okane@minneapolis.edu)

City, State, Zip Code: Minneapolis, MN 55403

Phone: 612-659-6299

**Variance Request**

1. Cite the Minn. Rule that is the subject of the request: MN Rules 6700.0300 Subp. 6D
2. Briefly and clearly describe the specific variance from Rule being requested. *Do not included details here.*  
Subsitute degree requirement and years of experience with a criminal justice agency
3. State the period of time for which the variance is requested: Spring 2022 - Spring 2026

**Details** - Along with this form submit your answers to the following questions. List the question # with the response.

Submitted with Form?  
Yes    No    Don't Know/Not Applic.

- |  |                                     |                                     |                                     |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| 1. What are the reasons and circumstances that make this request necessary? Include why the petitioner cannot comply with the Rule as stated, and what alternate equivalent measures the petitioner will follow to comply with the intent of the rule. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            |
| 2. Does this request involve other Minn. Rules? If so, cite the other Rules.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 3. Has the POST Board taken action related to this variance request before? If so explain.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Do you know of past POST Board action taken in cases similar to this request? If so, explain what you know about these past cases and actions.  | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 5. Do you know of any person or entity that would be adversely affected if the POST Board granted this variance request? If so, explain.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

**Affirmation and signature:**

I affirm that the information submitted within this application is true and correct and, that I have read and understand the Tennessen Warning on page 2 of this form. Note: The warning applies to individuals but not organizations.

<u>Gail O'Kane</u>	<u>3/16/22</u>	<u>Gail O'Kane, Vice President, Academic Affairs</u>
Signature	Date	Printed Name/title

## **Tennesen Warning**

I understand this variance request to the Minnesota Peace Officers Standards and Training Board ("Board") will be discussed at a public board meeting. I acknowledge that the Board may discuss any of my pertinent licensing history, as well as any of the information within, during the public Board meeting. I understand that under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, some data in this request and in relevant Board records may be classified as private data and would not normally be accessible to the public. I hereby authorize the Board to discuss this request and any corresponding materials, records, or data within any license application(s) or other Board records, and any issues related to this request at the Board meeting. The purpose of this authorization is to provide information to assist the Board's review of the request. This authorization expires one year after the date provided below. I understand that I can withdraw this authorization at any time by notifying the Board in writing before the one year period expires, but the withdrawal will not be retroactive. I understand that I am not legally required to sign this form and am doing so on my own accord. However, I also understand that if I restrict the release of certain information, the Board will not discuss my variance request. I understand that if my request pertains to a licensure application, the application will be approved or denied based solely on the application and information submitted within. I agree that I will not bring any legal claim or action against the Board alleging a violation of the Minnesota Government Data Practices Act or the Minnesota Open Meeting Law.

## **Minneapolis College Variance Request:**

We would like to request a variance to Minnesota Rules Chapter 6700.0300 Subp 6 D. and 6700.0100 Subp. 10. These rules include provisions that outline the educational and experience requirements of a PPOE coordinator. We would like to request that the Academic Dean who oversees the Law Enforcement program at our college serve as the PPOE coordinator from now through the end of the PPOE program teach-out. Dean Ann Deiman-Thornton is a full-time, year-round employee of Minneapolis College. She holds a Master of Arts in English. Additionally, she is near completion of her Doctorate of Education: Leadership, as she has successfully completed all required coursework for the degree and is now in the process of writing her doctoral dissertation. Dean Deiman-Thornton also served as the Education Director at Stillwater Correctional Facility from 2018-2020. Additionally, Dean Deiman-Thornton oversaw a federally approved Second Chance Pell program with the Department of Corrections for four years during her time as an academic dean at Inver Hills Community College. We believe Dean Deiman-Thornton is well positioned to serve as the PPOE coordinator for the duration of the PPOE program teach-out.

## **Reasons and Circumstances for this Request**

Currently, Minneapolis College's PPOE coordinator is a full-time Law Enforcement faculty member. However, during the teach-out period, there will not be enough PPOE classes to maintain him as a college employee at a full-time workload. To keep a faculty member employed full-time, per the Minnesota State college faculty contract, we would need 16 credits worth of teaching load for him. However, in Fall 2022, we will only be offering 10 credits of Law Enforcement courses, and in subsequent semesters of the teach-out process, we will no longer be offering any Law Enforcement courses at Minneapolis College -- our remaining Law Enforcement associate degree students will either be taking PPOE courses at Hennepin Technical College or general education courses at our college, in accordance with the program teach-out plan, which has now been approved by the Minnesota State system office and our

Institutional accrediting body, the Higher Learning Commission.

### **Variance Standards**

We believe that this request meets the standards for rule variances outlined in Minnesota Statue 14.055, for the following reasons.

- **Application of the current rules to Minneapolis College would result in hardship** in that beginning on May 13, the end of the current semester, Minneapolis College will no longer have the ability to provide enough workload to maintain a full-time employee who fully meets the statutory requirements during the teach-out program, for the reasons cited above.
- **The proposed variance from the rule would be consistent with public interest.** This variance would allow us to ensure that during the program's teach-out period, the duties of a coordinator and the needs of students are being attended to by the academic dean who has oversight of the degree program. That individual is a highly qualified, full-time employee with (1) knowledge of POST Board requirements, (2) the skills, education and experience required to maintain the college's PPOE certification, and (3) direct access to her supervisor, the vice president of the college, who oversees all accredited programs at the college, and to the college president.
- **The variance would not prejudice the legal or economic rights of any person or entity.**



Minneapolis College is an equal opportunity educator and employer. This document is available in alternative formats to individuals with disabilities by calling Accessibility Resource Center at 612-659-6730 or by emailing [accessibility@minneapolis.edu](mailto:accessibility@minneapolis.edu)

2/24/2022

Ms. Peggy Strand  
Education Coordinator, POST Board  
[peggy.strand@state.mn.us](mailto:peggy.strand@state.mn.us)  
*BY ELECTRONIC MAIL*

Dear Ms. Strand:

As you are aware, in December 2021, Minneapolis College decided that we would move forward with suspending our Law Enforcement Transfer Pathway award. To fulfill the requirements outlined by the Higher Learning Commission and the Minnesota State System Office, we have developed a teach-out plan for the Law Enforcement Transfer Pathway A.S. degree that will provide sufficient time for students currently enrolled in the Law Enforcement Transfer Pathway A.S. program to complete all three components of the degree: the general education courses, the PPOE coursework at Minneapolis College, and the 22-credit Advanced Technical Certificate in Law Enforcement at Hennepin Technical College. This plan will be submitted to the Minnesota State system office for approval as part of the system's required program suspension process.

To date, we have not received any formal notification from the POST Board of the status of our recertification application filed in February 2021. To the extent there are any POST Board concerns with our application, we are requesting the opportunity to address those concerns to maintain our certification throughout our teach-out process.

In order to provide current program students the opportunity to complete the degree through the teach-out process, we would like to ask that the motion from the 1/27/2022 POST Board meeting that sought to end our certification at the end of Spring 2022 be amended to reflect the original language you sent in a 1/13/2022 email communication to Tom Williamson. The proposed language that you provided in your 1/13/2022 email matches the language that was presented in the 1/13/2022 POST Training Committee meeting and that that appears in the [1/27/2022 POST Board meeting minutes](#). Adopting the language in the 1/27/2022 POST Board meeting minutes would allow Minneapolis College to continue to be certified until "students currently in the program are able to complete the program on a 'teach-out' plan approved by the MN State system office."

In addition, we would also like to request a variance to Minnesota Rules Chapter 6700.0300 Subp 6 D. and 6700.0100 Subp. 10. These rules outline the educational and experience requirements of a PPOE coordinator as well as that the position needs to be full-time. We would like to request that the Academic Dean who



oversees the Law Enforcement program at our college serve as the PPOE coordinator from now through the end of the PPOE course teach-out. Dean Ann Deiman-Thornton holds a Master of Arts in English and is close to completing her Doctorate of Education: Leadership. Dean Deiman-Thornton also served as the Education Director at Stillwater Correctional Facility from 2018-2020. Additionally, Dean Deiman-Thornton also oversaw a federally approved Second Chance Pell program with the Department of Corrections for four years during her time as an academic dean at Inver Hills Community College. We believe Dean Deiman-Thornton is well positioned to serve as the PPOE coordinator for the duration of the PPOE course teach-out.

Amending the motion from the 1/27/2022 POST Board meeting and granting the PPOE coordinator variance will allow Minneapolis College to successfully teach-out our A.S. degree in Law Enforcement to existing students. These two actions would provide sufficient time to our Law Enforcement Transfer Pathway students to complete their A.S. degree. We anticipate that no more than 20 to 30 students will choose to participate in the teach-out of the degree program, as some students still listed as Law Enforcement majors are no longer actively pursuing the degree.

Please let me know if any other information is needed.

Sincerely,

Gail O'Kane  
Vice President of Academic Affairs

cc: Erik Misselt, Executive Director, POST Board  
Rebecca Gaspard, Rules and Legislative Coordinator, POST Board  
Sharon Pierce, President, Minneapolis College  
Tom Williamson, Associate Vice President of Academic Operations and Institutional Effectiveness,  
Minneapolis College  
Ann Deiman-Thornton, Academic Dean, Minneapolis College  
Leanne Rogstad, Vice President of Academic Affairs, Hennepin Technical College