

STATE OF NORTH DAKOTA
PRIVATE INVESTIGATIVE AND SECURITY BOARD

Proposed Rule

July 21, 2020

NDPISB

CHAPTER 93-02-04
ARMED FIRST RESPONDER IN SCHOOL TRAINING PROGRAM

93-02-04-01. Certified Training Course Application.

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

1. An instructor or agency seeking course certification shall submit an application to conduct a training course and certification to the Board on a form provided by the Board.
2. All application forms shall be submitted to the Board at least thirty days before training commences.
3. Each application shall include the following:
 - a. A course description showing the title of the course, the name of the person or agency preparing the training course, the course objective, testing methods if applicable, course content, estimated length of course, and references;
 - b. Payment to the Board of any fees established for certification of the course and instructors.
4. The training course shall consist of at least eighty (80) hours of training and must include the following curriculum and subject areas:
 - a. Firearms proficiency, including fulfillment of the equivalent requirements for firearm training as is required for North Dakota peace officers;
 - b. Use of force and deadly force;
 - c. Application of North Dakota law;
 - d. Legal Aspects;
 - e. Defensive tactics and weapons retention;
 - f. Weapons storage;

- g. Concealed carry of firearms tactics;
 - h. Identifying protocol for identifying armed first responder in school;
 - i. Solo and team tactics;
 - j. Mind Set;
 - k. Active Threat Overview.
6. All certified courses are subject to periodic review by the Board.
 7. Certified instructors shall notify the Board, in writing at least 30 days prior to the commencement of any certified course the course dates and curriculum and permit the Board to monitor course content and instructor development.
 8. A certified instructor will complete rosters for all courses on a form approved by the Board. All rosters will be submitted to the Board within fifteen days of completion of the course.
 9. Upon approval by the Board, instructors and agencies shall receive a letter of course approval. Any change to the certified course curriculum or instructors shall require submission of a new application and recertification from the Board.

History: Effective October 1, 2020

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-02. Approved Basic Training Instructors.

The Board shall certify instructors for the North Dakota Armed First Responder in School Training Course and shall approve all course topics and curriculum prior to instruction. Instructors shall meet the following requirements:

1. Instructors shall possess education, training, and experience in the assigned subject area of instruction, and shall possess board-instructor certifications or North Dakota Peace Officer Standards and Training Board Instructor certifications or specialized academic preparation in the course subject areas.
2. Instructors shall submit to a criminal history records search in state and federal databases and shall provide a copy of the instructor-applicant's fingerprints. Instructors shall pay the fees associated with the searches directly to the Board.
3. Instructors shall meet the same requirements for individuals providing private security services found in NDAC 93-02-02.1-01.
4. Instructors shall pay any annual licensing fee set by the Board.
5. Instructors shall maintain course records for a period of no less than three years after the date of the completion of the course.

History: Effective October 1, 2020

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-03. Surety Requirements.

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1. Before a course certification to provide armed first responder in schools training can be issued to any individual or agency, the individual or agency must file with the board a certificate of insurance executed by the applicant and by an insurance company in the sum of three hundred thousand dollars (\$300,000.00) of general liability with errors and omissions insurance.
 2. The certificate of insurance must be conditioned on the faithful and honest conduct of the business of the applicant and the applicant's agents, employees, and independent contractors, and for the full protection of any person who deals with the applicant or the applicant's agents, employees, and independent contractors.
 3. The certificate of insurance must provide that any person injured by the breach of the conditions of the insurance policy may bring an action on that insurance policy in the name of the state of North Dakota for the use of the person so injured to recover legal damages suffered by reason of breach of the conditions; provided, however, that the aggregate liability of the insurance policy for all damages may, in no event, exceed the sum of the insurance policy. The insurance underwriter may cancel the policy upon giving thirty days' notice in writing to the board and thereafter is relieved of liability for any breach of condition occurring after the effective date of the cancellation.
 4. The surety requirements in this section do not apply to instructors employed with a North Dakota public entity, or agencies that are a public entity in North Dakota while performing the duties of that entity.

History: Effective October 1, 2020

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-04. Successful Completion of Training Course.

Before any student attends a Board-certified course the instructors must ensure any students have met the following requirements under N.D.A.C. Section 67-29-01-05. To successfully complete the North Dakota Armed First Responder in School Training Course, applicants must receive a passing score on all written and skills examinations administered by approved instructors or agencies in connection with the course. The executive director, at the discretion of the North Dakota Private Investigative and Security Board, shall establish rules of setting forth the passing score of each examination during the review of the course and instructor applications. Instructors shall, prior to the commencement of the training course, notify applicants of the level of performance that constitutes a passing score for each examination. Upon successful completion of a

Board-certified course, the instructor and/or agency shall issue a certificate of completion to each student, and submit a copy of each certificate of completion along with the required roster to the Board within 15 days.

History: Effective October 1, 2020

General Authority: N.D.C.C. § 62.1-02-14(7).

Law Implemented: N.D.C.C. § 62.1-02-14(7).

93-02-04-05. Application and Course Certification Fees

1. The initial application fee for a certified course, along with instructors is \$400.00. Once a course is certified by the Board the certification is valid for 2 years, expiring on September 30 of each calendar year.
2. Recertification of a certified course and instructors after the 2 year period is \$300.00, and is then valid for an additional 2 years.
3. Once a course is certified, any changes to the course and/or instructors requires a new application and fees.

93-02-04-06. Denial, Revocation, or Cancellation of Course Instructor Certification.

The Board may deny, revoke, or cancel the course instructor's certification. Grounds for denial, revocation, or cancellation include:

1. The course instructor is prohibited from owning, possessing, or having a firearm under North Dakota Century Code section 62.1-02-01 or under federal law;
2. The course instructor has committed any other violation of North Dakota Century Code title 62.1;
3. The course instructor willfully submitted false material information for the purposes of obtaining course instructor certification or renewal;
4. The course instructor has failed to follow the approved procedures for conducting the certified training course;
5. The course instructor has willfully submitted false material information concerning the training or testing conducted for course certification;
6. The course instructor has not filed a completed application for certification as a course instructor or has not met the requirements for certification as a course instructor.

Denial, revocation, suspension, or cancellation of course instructor certification based on self-disclosure of a violation or violations will be determined on a case-by-case basis.

History: Effective October 1, 2020

General Authority: N.D.C.C. § 62.1-02-14(7).

Law **Implemented:** N.D.C.C. § 62.1-02-14(7).

STATE OF NORTH DAKOTA

PRIVATE INVESTIGATIVE AND SECURITY BOARD

Statements on Regulatory Analysis, Small Entity Analysis, and Takings Assessment

07/28/2020

NDPISB

The proposed rule consists of promulgation of Chapter 93-02-04 and related sections to the North Dakota Private Investigative and Security Board's rules concerning the training and certification of armed first responders to schools.

These changes should not have any negative impact, financial or otherwise, on regulated industry, consumers, other stakeholders, the Board, or the public.

Certificate of Completion – N.D. Admin. Code Section 93-02-04-01.

Establishes the North Dakota Armed First Responder in School Training Course certification requirement for armed first responders instructors.

Approved Basic Training Instructors – N.D. Admin. Code Section 93-02-04-02

Establishes certification requirements for instructors of the North Dakota Armed First Responder in School Training Course.

Surety Requirements – N.D. Admin. Code Section 93-02-04-03

Establishes the professional liability insurance requirements for instructors.

Successful Completion of Training Course – N.D. Admin. Code Section 93-02-04-04

Establishes course completion requirements, rules concerning course completion, and ability to retake examinations.

Application and Course Certification Fees – N.D. Admin. Code Sections 93-02-04-05

Sets fee schedule requirements for applicants and instructors.

Statement on Small Entity Analysis and Economic Impact

The proposed rule may impact small entities as defined under Section 28-32-08.1(1) to include “small political subdivision” as participating schools may provide payment of a fee for enrollment in the North Dakota School Sentinel Basic Training Course unless such cost is paid by the applicant. This fee is required to pay for the expense of conducting the course including payment for instruction, supplies, and testing. No alternatives were considered.

Statement on Regulatory Analysis and Takings Assessment

Since the proposal will not impact the regulated community by more than \$50,000, and no one has requested a regulatory analysis, none is being prepared at this time for the proposed rule change.

Since the proposed rule does not constitute a taking of private real property, no Takings Assessment is being prepared.

STATE OF NORTH DAKOTA
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FISCAL NOTE

07/28/2020

NDPISB

Adoption of the proposed rule is not expected to have any impact on state expenditures or revenues.