

WISCONSIN LEGISLATIVE COUNCIL STAFF

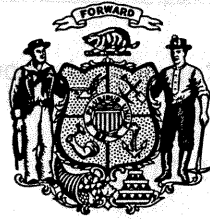
LCRC
FORM 2

JUL 12 1999

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 99-093

AN ORDER to repeal LES 4.02 (1) (b) 3. and (3), 4.03 and 4.07; to renumber LES 4.05 and 4.06; to renumber and amend LES 4.02 (4) (intro.) and (a) and (b), 4.04, 4.08, 4.09 and 4.10; to amend LES 4.01 (intro.) and (2) (a), (c) and (d) and 4.02 (title) and (1) (intro.), (a) and (b) 1. and 2.; to repeal and recreate LES 4.01 (2) (b) and 4.02 (2); and to create LES 4.02 (3) (c), relating to the certification of instructors for law enforcement training.

Submitted by **DEPARTMENT OF JUSTICE**

06-04-99 RECEIVED BY LEGISLATIVE COUNCIL.

07-02-99 REPORT SENT TO AGENCY.

RS:DLS:jal;rv

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

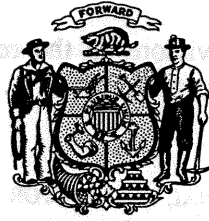
Comment Attached YES NO

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CLEARINGHOUSE RULE 99-093

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. In s. LES 4.01 (2) (d) 3., the period after the word "standards" should be deleted.

b. In s. LES 4.02 (1) (b) (intro.), the phrase "In addition:" should be inserted after the period so that the introduction grammatically leads into the following subunits. Also, when the revisions to subd. 2. are completed, the provision should read:

Any applicant requesting certification to teach any portion of the board-approved law enforcement and tribal law enforcement preparatory course or instructor course or to teach from board-approved training guides shall show evidence of being awarded an associate degree of 60 college credits and as having acquired 3 years of occupational experience as a certified law enforcement officer or as an administrator or specialist in a field directly related to the subject for which he or she requests certification.

c. In s. LES 4.02 (2), since the section deals with new instructor certification, it appears that the reference to an "instructor" should be replaced by a reference to a "new instructor." Also, in the second sentence, the word "will" should be replaced by the word "shall."

d. In s. LES 4.02 (3) (intro.), the phrase "in the field(s)" should be replaced by the phrase "in any of the fields." Similarly, in sub. (3) (c), the phrase "the subject(s)" should be replaced by the phrase "any subjects."

e. Because of the extensive revisions to the renumbered s. LES 4.03, current s. LES 4.03 simply should be repealed and recreated. Then, s. LES 4.04 should be repealed. The new s. LES 4.03 (1) should read as follows:

LES 4.03 (1) PROFESSIONAL INSTRUCTOR CERTIFICATION. A person holding a valid license issued by the state of Wisconsin or, if approved by the board, a comparable license issued by another state, may instruct in subjects in the general professional area covered by the license. The board shall determine which subjects shall be taught by a licensed professional instructor.

f. In s. LES 4.06, the notation "s." should be inserted before the reference to "LES 4.03."

g. In s. LES 4.08, the phrase "currently meeting Wisconsin Technical College System" should be replaced by the phrase "who meets Wisconsin technical college system."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The third sentence of the analysis should read: "They restrict certification to qualified persons who instruct in basic training or in instructor training or who employ training guides approved by the Board." The use of this grammatical structure should be reviewed in ss. LES 4.01 (2) (a), 4.02 (1) (intro.) and 4.08.

b. In s. LES 4.01 (2) (a), does the phrase "approved by the board or bureau" apply to all of the preceding items in the series? See, also, s. LES 4.02 (1) (intro.). In the latter provision, should a reference to the bureau be made?

c. In s. LES 4.01 (2) (b), what is the meaning of the phrase "on the month of first certification"? Also, if the date "September 1, 1999" is a reference to the effective date of Clearinghouse Rule 99-093, it will have to be amended.

d. In s. LES 4.02 (1) (b) 1., the phrase "to teach instruct" should be replaced by "teach to instruct."

e. Section LES 4.03 (1) provides that the board shall determine which subjects shall be taught by a licensed professional instructor. This determination should be included in the administrative code.

SECTION 1. LES 4.01 (intro.), (2)(a), (c) and (d) are amended to read:

LES 4.01 **Certifications.** The following certifications shall be made by the board on the basis of information to be acquired on forms designed by the bureau and approved by the board. Where necessary or deemed advisable, additional information may be acquired through personal inquiry, ~~at the direction of the board.~~ All board decisions are subject to appeal by any interested party.

(2) INSTRUCTORS. (a) Any person who participates as an instructor in ~~training which has been a preparatory course, instructor course or who employs a training guide approved by~~ the board or bureau ~~or for which reimbursement is sought from the bureau,~~ shall be certified by the board. *apply to all*

(c) The board shall certify persons to be ~~general~~ new instructors as outlined in s. LES 4.02. ~~It shall certify persons to be specific skills instructors as outlined in s. LES 4.03. It shall certify~~ authorize persons to be professional instructors as outlined in s. LES 4.04. Instructor certifications shall be granted on the basis of documented qualifications of experience, education, ^e and training in accord with the requirements of this section.

(d) (intro.) The board may deny, suspend, ^e or revoke an instructor's certification or authorization when the board finds that the person:

1. Has failed to meet the board's requirements for certification or professional authorization;
2. Has failed to remain knowledgeable and current in the person's instructional area of expertise;
3. Has failed to meet reasonable instructional standards, and practices.

SECTION 2. LES 4.01(2)(b) is repealed and recreated to read:

LES 4.01(2)(b) All existing instructor certificates shall expire on March 1, June 1, September 1, or December 1, 2001 based on the month of first certification. All certifications held by an instructor shall expire on the same date. Rules of recertification adopted as of September 1, 1999 shall apply to instructor recertifications in the year 2001.

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SECTION 3. LES 4.02 (title), (1) (intro.), (a), (b), 1 and 2 are amended to read:

LES 4.02 (title) ~~General~~ **New instructor.** (1) (intro.) ~~GENERAL NEW INSTRUCTOR CERTIFICATION. Certificates~~ Certification issued in this category on or after January 1, 1990, September 1, 1999, shall be limited to those topics which have not been incorporated by the ~~under its specific instructor certifications. Persons certified as general instructors are not authorized to teach subjects which have been identified by the board as specific skills, or as requiring professional certification, approved for qualified persons who instruct a preparatory course, an instructor course or who employ training guides approved by the board.~~ To qualify for general new instructor certification, an applicant shall demonstrate to the satisfaction of the board, a combination of education, occupational experience and proficiency in the instructional process. Applicants shall meet the following minimum qualifications for general new instructor certification:

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(a) Any person who has been certified as an instructor by the Wisconsin technical college system under ch. TCS 3, administrative rules of the Wisconsin technical college system, and has completed an approved teaching methods course and other specialized instructor training designated by the board shall be certified by the board. ~~Complete copies of records which have been submitted to the state technical college system in compliance with requirements of ch. TCS 3, in addition to copies of any~~ A copy of the instructor certificates issued by the state technical college system, along with evidence of completion of an approved teaching methods course and other specialized instructor

training designated by the board, shall be forwarded by the applicant to the board; and upon receipt of the documents, the board shall certify the applicant.

(b) Any applicant who has not been certified as an instructor by the Wisconsin ~~state~~ board of vocational, technical and adult education technical college system shall present documentary evidence showing that the applicant: has successfully completed a teaching methods course approved by the board and any other specialized instructor training designated by the board. *In addition:*

1. ~~Is a high school graduate or has obtained~~ In addition, any applicant requesting certification to teach any portion of the jail or secure detention preparatory course or to employ board approved training guides, shall at a minimum, show evidence of obtaining a high school degree or of obtaining a high school equivalency diploma from the state of Wisconsin or its equivalent from another state and has acquired ^{and evidence of} 4 ^{years of practical} 3 years of ~~practical~~ occupational experience as a ~~criminal justice~~ certified jail officer or as an administrator or specialist in a field directly related to the subject for which he or she requests certification to teach instruct or,

2. ~~Has been~~ Any applicant requesting certification to teach any portion of the board approved law enforcement and tribal law enforcement preparatory course, ^{or} instructor course ^{to teach} or from board approved training ^{sp} guides, shall at a minimum, show evidence of being awarded an associate degree or 60 college credits and ^{training} has acquired 3 years of ~~practical~~ occupational experience as a ~~criminal justice~~ certified law enforcement officer or as an administrator or specialist in a field directly related to the subject for which he or she requests certification.

SECTION 4. LES 4.02(1)(b)3 is repealed.

SECTION 5. LES 4.02(2) is repealed and recreated.

LES 4.02(2) TERM OF CERTIFICATION. The term of certification of ^{a new} an instructor is 3 years from the date of board approval. If a certified ^{new} instructor receives additional board certification, the term of subsequent certification ^{shall} will be for the balance of the initial certification period.

SECTION 6. LES 4.02(3) is repealed.

SECTION 7. LES 4.02(4)(intro.) and (a) and (b) are renumbered LES 4.02(3)(intro.) and (a) and (b) and amended to read:

LES 4.02(3)(intro.) ~~TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION. RENEWAL OF INSTRUCTOR CERTIFICATION.~~ The term of certification as a general instructor is 5 years from the date the board issues a certificate.
A certificate may ~~subsequently~~ be renewed by the board for ~~5~~ 3 year periods. The application for renewal shall contain, in addition to the requirements listed in s. LES 4.01, shall provide documentary evidence indicating the applicant has remained active as an instructional or occupational practitioner or both continued occupational or related educational experience in the field(s) of practice for which recertification is sought ^{during the previous 3 yr period} ~~during the previous 5 3 year period.~~ At a minimum such evidence shall include the following:

(a) Proof that the applicant has ~~within the 5 year period preceding application for renewal, instructed a minimum of eight hours in a bureau or board approved training course; and evidence of continued occupational competency as demonstrated by experience or current, relevant coursework.~~ Occupational experience shall be of such recency and relevance as to add to the applicants preparedness for recertification. Occupational experience shall represent current practices. Instructed each course for

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which recertification is sought at least twice within the 3 year period preceding the application for renewal.

(b) A favorable written recommendation from a director of a certified or approved school for whom the applicant has taught or from the chief law enforcement officer of a department for whom the applicant has taught; or a favorable evaluation by a board or bureau member based on on-site classroom evaluation of a presentation by the applicant during the ~~5~~ previous 3 year period of ~~general~~ instructor certification.

SECTION 8. LES 4.02(3)(c) is created to read:

LES 4.02(3)(c) Proof the applicant has completed all specialized training requirements related to the subject(s) for which recertification is sought as required by the board and published in its policy and procedure manual.

SECTION 9. LES 4.03 is repealed.

SECTION 10. LES 4.04 is renumbered LES 4.03 and amended to read:

LES 4.04 **Professional instructor.** (1) PROFESSIONAL INSTRUCTOR CERTIFICATION. ~~The board may certify persons to be professional instructors when such persons~~ Persons holding a ~~are required to be licensed~~ valid license issued by the state of Wisconsin ~~or to hold an equivalent license in other states~~ or, if approved by the board, a comparable license issued by another state and are currently in good standing, and hold a valid license, may shall be authorized to instruct subjects in the general professional area covered by the license. ~~To be eligible for professional certification, a qualified instructor must receive:~~ The board shall determine which subjects shall be taught by a licensed professional instructor.

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board

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~~(a) Submit written The endorsement of a chief administrator of a law enforcement agency,~~

~~(b) The endorsement of the law enforcement coordinator of a board certified school, or~~

~~(c) Approval of the bureau.~~

(2) TERMS AND CONDITIONS OF PROFESSIONAL CERTIFICATION

AUTHORIZATION ~~The term of certification~~ authorization as professional instructor is 5 years from the date of certification. A certification may subsequently be renewed for 5 year periods. For renewal, a person shall receive a favorable recommendation from the director of a certified or approved school or the bureau or a favorable evaluation by a board or bureau member based on on-site classroom evaluation of a presentation by the instructor during the 5 year period of professional authorization valid for the period of the professional state license provided the person is in good standing with the board.

SECTION 11. LES 4.05 and 4.06 are renumbered LES 4.04 and 4.05.

SECTION 12. LES 4.07 is repealed.

SECTION 13. LES 4.08, 4.09 and 4.10 are renumbered LES 4.06, 4.07 and 4.08 and amended to read:

LES 4.06. Schools may use guest instructors with unique qualifications otherwise not available from certified instructors. Those guest instructors shall have generally accepted credentials, statewide or nationally, in the specific subject of their instruction. ~~Schools shall receive prior approval for guest instructors from the bureau.~~ Schools may also use licensed professional instructors, as defined in LES 4.03, for subjects specific to the licensed professional as recognized by the board

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LES 4.07. In an emergency, based on illness or unavailability of the scheduled instructor, schools may substitute instructors they feel to be competent in the area of instruction without prior approval. ~~In the event an instructor is substituted, on an emergency basis, the bureau shall, within 30 days of completion of said instruction, be advised by the school or agency conducting the training of the name and qualifications of the substitute instructor used and the portions of the curriculum the instructor taught.~~

LES 4.08. The board may accept as satisfactory, ~~without further training a current certification in cardiopulmonary resuscitation or emergency medical technician to instruct in courses for which these certifications are appropriate~~ the qualifications of any person ^{who meets} currently meeting Wisconsin Technical College System certification requirements to instruct cardiopulmonary resuscitation or other medical-related subjects in a preparatory course, instructor course or from training guides approved by the board.