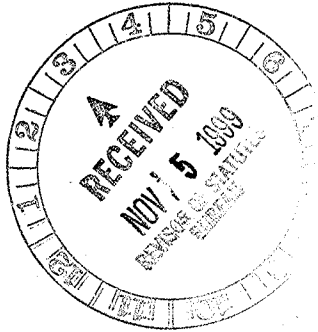


Clearinghouse Rule 99-093

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT STANDARDS BOARD

I, David Steingraber, Secretary of the Law Enforcement Standards Board and the custodian of its official records, certify that the annexed rules, relating to certification of law enforcement, jail and secure detention instructors, were duly approved and adopted by this board on November 5, 1999.

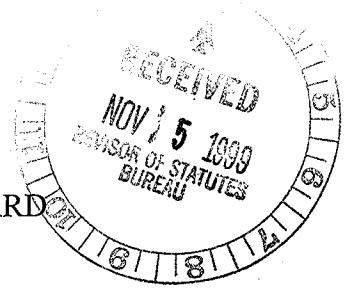
I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.



IN TESTIMONY WHEREOF, I have hereunto set my hand at 123 West Washington Avenue in the City of Madison, this 5th day of November, 1999.

David O. Steingraber

ORDER OF THE LAW ENFORCEMENT STANDARDS BOARD



Repealing, renumbering, renumbering and amending, amending, repealing and recreating and creating administrative rules.

Introduction:

The Law Enforcement Standards Board proposes an order to repeal LES 4.02(1)(b)3. and (3), 4.04 and 4.07; to renumber LES 4.05 and 4.06; to renumber and amend LES 4.02(4)(intro.) and (a) and (b), 4.08, 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), 4.02(2) and 4.03; and to create LES 4.02(3)(c), relating to the certification of instructors for law enforcement, jail and secure detention training.

Analysis:

For proposed rules of the board to repeal, renumber, renumber and amend, amend, repeal and recreate and create administrative rules.

Statutory Authority: 165.85(30)(a)
Statutes Interpreted: 165.85(5)(a)
Analysis Prepared By: Wisconsin Department of Justice
Training and Standards Bureau

The following proposed rules revise certification requirements of the Law Enforcement Standards Board for instructors who teach basic and advanced training for law enforcement, jail and secure detention officers. Revised requirements pertain to new instructors and to experienced instructors who seek to renew their certification. They restrict certification to qualified persons who instruct basic training, instructor training or who employ training guides approved by the Board. They also establish a new, single term of certification and a single anniversary date for multiple certification.

Regulatory Flexibility Analysis:

The proposed rules do not affect small businesses.

Text of Rule:

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 or in an instructor course or who employs a training guide approved by the board or for which reimbursement is sought from the bureau~~, shall be certified by the board.

(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 4.03. Instructor certifications shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this section.

(d) (intro.) The board may deny, suspend, 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 March, June, September or December date of initial certification by the board. All certifications held by an instructor shall expire on the same date. Rules of recertification shall apply to instructor recertifications in the year 2001.

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 9, 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 or 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:

(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~~ 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 4 ~~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~~ to 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 or to teach from board approved training guides, shall show evidence of being awarded an associate degree or 60 college credits and as having 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 to read:

LES 4.02(2) **TERM OF CERTIFICATION.** The term of certification of a new instructor is 3 years from the date of board approval. If a certified instructor receives additional board certification, the term of subsequent certification shall 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 any of the fields of practice for which recertification is sought 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 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 any subjects for which recertification is sought as required by the board.

SECTION 9. LES 4.03 is repealed and recreated to read:

LES 4.03 (1) PROFESSIONAL INSTRUCTOR AUTHORIZATION. 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 an authorized professional instructor.

(a) A legal subject related to constitutional law shall be instructed only by an attorney.

(b) First responder emergency medical training may be instructed only by a medical doctor, a registered nurse, a physician's assistant, an emergency medical technician, a paramedic or a person who meets Wisconsin department of health and family services requirements as a first responder instructor.

(c) Cardio pulmonary resuscitation training shall be instructed by a person authorized to instruct first responder emergency medical training under (b) or by a person who has received instructor certification by the American Red Cross or by the American Heart Association.

SECTION 10. LES 4.04 is repealed.

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.~~

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~~

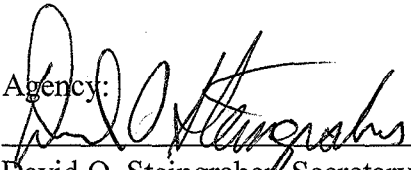
~~advised by the school or agency conducting the training of the name and qualifications of the substitute instructor used and the portions of the curriculum the instructor taught.~~

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 those certifications are appropriate~~ the qualifications of any person who meets Wisconsin Technical College System certification requirements to instruct a cardiopulmonary resuscitation course or other medical-related subjects in a preparatory course or an instructor course or from training guides approved by the board.

EFFECTIVE DATE: This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(intro.), Stats.

Dated: November 5, 1999

Agency:


David O. Steingraber, Secretary
Law Enforcement Standards Board



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

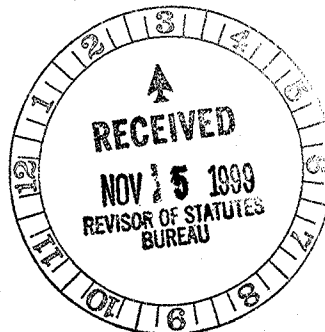
Burneatta L. Bridge
Deputy Attorney General

Division of Law Enforcement Services
Training and Standards Bureau

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November 5, 1999

Mr. Gary Poulson
Assistant Revisor of Statutes
Revisor of Statutes Bureau
Suite 800
131 West Wilson Street
Madison, WI 53703



Dear Gary:

Attached is an order of the Law Enforcement Standards Board adopting administrative rules.

Please call should you need additional information about promulgation of the rules by the Board.

Sincerely,

Dennis Hanson, Director
Training and Standards Bureau
608/266-7864