

# State of Wisconsin



GARY R. GEORGE  
SENATOR

## MEMORANDUM

TO: Members, Senate Committee on Judiciary and Consumer Affairs

FROM: Dan Rossmiller, Committee Clerk  
Senate Committee on Judiciary and Consumer Affairs

DATE: October 20, 1999

RE: Green Bay Hearing Location and  
Clearinghouse Rule Recently Referred to the  
Senate Committee on Judiciary and Consumer Affairs

The Senate Committee on Judiciary and Consumer Affairs will hold a public hearing in Green Bay on Monday, November 1, 1999. The hearing will be held in the afternoon with a tentative starting time of 1:00 p.m. The hearing will be held in:

Room 200, Northern Building  
305 N. Walnut Street  
Green Bay, Wisconsin 54301

The Northern Building is located directly across the street from the Brown County Courthouse in downtown Green Bay. A detailed hearing notice will be published and distributed on Monday, October 25<sup>th</sup> detailing the exact time. We will also try to provide detailed maps and directions.

Attached please find a copy of Clearinghouse Rule 99-093, relating to certification of instructors for law enforcement training. This rule was recently referred to the Senate Committee on Judiciary and Consumer Affairs.

Please feel free to contact our office if you have any questions.



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

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ATTORNEY GENERAL

Burneatta L. Bridge  
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Training and Standards Bureau

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September 23, 1999

Honorable Fred Risser  
President, State of Wisconsin Senate  
Room 220, South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Senator Risser:

Enclosed for your assignment for committee review are proposed administrative rules of the Law Enforcement Standards Board.

Should you need further information, please contact me at the following address:

Dennis Hanson, Director  
Training and Standards Bureau  
Wisconsin Department of Justice  
123 West Washington Avenue  
P.O. Box 7070  
Madison, WI 53707-7070

Telephone: 608/266-7864

Sincerely,

Dennis Hanson, Director  
Training and Standards Bureau

## PROPOSED 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)

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.

### Explanation Of Need For Proposed Rules:

The Law Enforcement Standards Board establishes minimum training standards for admission to employment as a law enforcement, jail or secure detention officer. It also establishes minimum curriculum requirements for preparatory courses and programs. Proposed rules improve certification standards for instructors of preparatory courses, improve the ability of the Standards Board to enforce standards for instructors and improve the administration of standards.

Proposed Rule Modification Resulting From Testimony Received At Public Hearings and Identification Of Persons Who Appeared Or Registered At Public Hearings

The Law Enforcement Standards Board commenced promulgation of its proposed rules with a 30 day notice in the Mid-June Wisconsin Administrative Register. It did not receive a request for a public hearing.

Response To Legislative Council Staff Recommendations

Recommendations of the Rules Clearinghouse of the Legislative Council to the Standards Board were contained in Clearinghouse Rule 99-093 dated July 2, 1999. All recommendations of the Clearinghouse have been followed.

**FISCAL ESTIMATE FORM**

1999 Session

ORIGINAL

UPDATED

LRB #

CORRECTED

SUPPLEMENTAL

INTRODUCTION #

Admin. Rule #

**Subject**

Law Enforcement Standards Board rules relating to certification of instructors of law enforcement, jail, and secure detention training.

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget  Yes  No

Increase Existing Appropriation

Increase Existing Revenues

Decrease Existing Appropriation

Decrease Existing Revenues

Decrease Costs

Create New Appropriation

Local:  No local government costs

1.  Increase Costs

Permissive  Mandatory

3.  Increase Revenues

Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities

2.  Decrease Costs

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

**Assumptions Used in Arriving at Fiscal Estimate:**

This rule makes numerous updates in the administrative rule relating to the certification of instructors for law enforcement training. This proposed rule makes procedural changes, which should not require additional burden on local law enforcement agencies or the Department of Justice.

Instructor certification by the Law Enforcement Standards Board is awarded to persons, not to their employers. The expense of applying for certification and for attending training to qualify for certification is therefore the responsibility of applicants for certification unless their employers voluntarily pay expenses.

The Department of Justice provides staff services for the Law Enforcement Standards Board under s. 165.86 Stats. The current expense of those services will neither increase nor decrease as a result of proposed changes to administrative rules for instructor certification.

**Long-Range Fiscal Implications:**

Prepared By: / Phone # / Agency Name  
Dennis Hanson/266-7864/DOJ

Authorized Signature / Telephone No.

*W. Anne M. Richard*

7-1932

Date  
May 6, 1999

**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~~ 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.~~ 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~~ 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~~ 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~~ 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~~ 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.