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CR 88-97

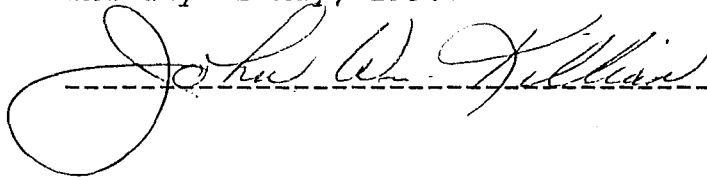
MAY 2 1990
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Revisor of Statutes
Bureau

STATE OF WISCONSIN
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT STANDARDS BOARD

I, John Killian, Secretary of the Law Enforcement Standards Board and custodian of the official records, certify that the annexed rules, relating to comprehensive requirements for certifications of law enforcement instructors, were duly approved and adopted by this board on December 6, 1989.

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 East Washington Avenue in the city of Madison, this 2nd day of May, 1990.



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ORDER OF THE LAW ENFORCEMENT STANDARDS BOARD

The Law Enforcement Standards Board proposes an order to repeal and recreate LES 4.01 (1)(b); and to create LES 4.02 through LES 4.10 relating to certification of instructors of law enforcement and jail officer training.

Analysis prepared by the Wisconsin Department of Justice,
Training and Standards Bureau:

Statutory Authority: 165.85 (3)(a)

Statutes Interpreted: 165.85 (5)(a)

The following proposed rules establish comprehensive requirements for certifications of instructors who train law enforcement and jail officers at schools approved by the Law Enforcement Standards Board or the Wisconsin Department of Justice.

They create three classifications of instructors: general, specific skills and professional. They specify periods of certification, teaching requirements and retraining standards.

SECTION 1. LES 4.01(1)(b) is repealed and recreated to read:

LES 4.01(1)(b) Instructors. 1. Any person who participates as an instructor in training which has been approved by the board or bureau or for which reimbursement is sought from the bureau, shall be certified by the board.

2. Any existing instructor certificates which have been approved or authorized by the board are extended to December 31, 1993. Existing certifications are declared to be terminated and void after that date. On and after the effective date of LES 4.01(1)(b), all persons applying for instructor certification shall meet the requirements of LES 4.01(1)(b).

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

4. The board may deny, suspend, or revoke an instructor's certification when the board finds that the person:

a. Has failed to meet the board's requirements for certification;

b. Has failed to remain knowledgeable in the person's area of expertise;

c. Has failed to meet instructional standards.

5. Upon a written request a person aggrieved by the determination of the board relative to non-certification, or

revocation of certification as a certified instructor, shall be entitled to a hearing as provided in ch. 227, Stats.

SECTION 2. LES 4.02(1) to (3) are created to read:

LES 4.02(1) GENERAL INSTRUCTOR CERTIFICATION. Certificates issued in this category on or after January 1, 1990, shall be limited to those topics which have not been incorporated by the board 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. To qualify for general 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 instructor certification:

(a) Any person who has been certified as an instructor by the Wisconsin state board of vocational, technical and adult education under Chapter VTAE 3, administrative rules of the Wisconsin state board of vocational, technical and adult education shall be certified by the board. Complete copies of records which have been submitted to the state board of vocational, technical and adult education in compliance with requirements of Chapter VTAE 3, in addition to copies of any certificates issued by the state board of vocational, technical, and adult education 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 shall present documentary evidence showing that the applicant:

1. Is a high school graduate or has obtained a high school equivalency diploma from the state of Wisconsin or its equivalent from another state and has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the subject for which he or she requests certification to teach; or,

2. Has been awarded an associate degree and has acquired three years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the subject for which he or she requests certification to teach; or,

3. Has been awarded a baccalaureate degree and has acquired two years of practical experience as a criminal justice officer or an administrator or specialist in a field directly related to the subject for which he or she requests certification.

LES 4.02(2) EVIDENCE OF INSTRUCTION PROFICIENCY FOR NEW APPLICANTS FOR GENERAL INSTRUCTOR CERTIFICATION. An applicant for general instructor certification shall present evidence of instructional proficiency obtained by completion of relevant training, education, or experience which would qualify an applicant for consideration by the board as an instructor.

LES 4.02(3) EVIDENCE OF INSTRUCTIONAL PROFICIENCY FOR PREVIOUSLY CERTIFIED GENERAL INSTRUCTORS. Where an applicant was previously certified by the board, the applicant may present evidence verifying that the instructor successfully taught in a bureau or board approved course within the five year period prior to termination of certification as specified in LES 4.01(2).

SECTION 3. LES 4.02(4) is created to read:

LES 4.02(4) TERMS AND CONDITIONS OF GENERAL 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 year periods. The application for renewal shall contain, in addition to the requirements listed in LES 4.01, documentary evidence indicating the applicant has remained active as an instructional or occupational practitioner or both during the previous 5 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.

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 five year period of general instructor certification.

SECTION 4. LES 4.03(1) is created to read:

LES 4.03(1) SPECIFIC SKILLS INSTRUCTOR CERTIFICATION. Certain training tasks shall be designated by the board as requiring specific instructional skills and shall not be presented by instructors who have not received specific instructor certification from the board. The board shall designate the training tasks and the hours of specific skills instruction necessary for certification in that subject. The board shall publish a list of the specific skills and required hours of training in its policies and procedures manual. To qualify for certification as a specific skills instructor, an applicant, must meet the following minimum requirements:

(a) Hold general instructor certification; and within the three year period of his or her certification, meet special training requirements approved by the board and published in its policy and procedure manual. The specific curriculum for such instruction shall be as approved by the bureau.

SECTION 5. LES 4.03(2) is created to read:

LES 4.03(2) TERMS AND CONDITIONS OF SPECIFIC SKILLS INSTRUCTOR CERTIFICATION. The term of certification as a

specific skills instructor is three years from the date the board issues a certificate. A certificate may subsequently be renewed by the board for three year periods. In addition to the requirements listed in LES 4.01(1), the application for renewal shall contain documentary evidence indicating the applicant has remained active as an instructional or occupational practitioner or both during the previous three year period. Evidence shall include, at a minimum, the following:

(a) Proof the applicant has, within the 3 year period preceding application for renewal, instructed a minimum of 8 hours in a board or bureau approved training course; and proof the applicant has, within the 3 year period of his or her certification, successfully completed special retraining requirements as set forth in LES 4.03(1) above; and a favorable written recommendation from a school director or chief administrative officer of a law enforcement agency for whom the instructor has conducted training; or a favorable evaluation by a board or bureau member based on on-site evaluation of a presentation by the instructor during the three year period of specific skills instructor certification.

SECTION 6. LES 4.04(1) is created to read:

LES 4.01(1) PROFESSIONAL INSTRUCTOR CERTIFICATION. The board may certify persons to be professional instructors when such persons are required to be licensed by the State of Wisconsin or to hold an equivalent license in other states and are currently in good standing, and hold a valid license. To be

eligible for professional certification, a qualified person must receive:

(a) 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.

SECTION 7. LES 4.04(2) is created to read:

LES 4.04(2) TERMS AND CONDITIONS OF PROFESSIONAL CERTIFICATION. The term of certification 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.

SECTION 8. LES 4.05 is created to read:

LES 4.05 AUTHORITY OF BOARD TO MODIFY REQUIREMENTS FOR CERTIFICATION. The board shall have authority to hear the request of any agency or instructor on a case-by-case basis and to waive or to modify instructor certification requirements.

SECTION 9. LES 4.06 is created to read:

LES 4.06 NEED FOR CERTIFIED PRIMARY INSTRUCTOR. There may be more than one instructor in a course however only one instructor need be certified. Other instructors assisting the certified instructor shall be determined by the law enforcement coordinator or law enforcement administrator to be sufficiently qualified to contribute to the class. No class shall be conducted without the certified instructor in the classroom or location where classes are held.

SECTION 10. LES 4.07 is created to read:

LES 4.07 MINIMUM TEACHING REQUIREMENTS FOR CERTIFIED INSTRUCTORS. All certified instructors shall remain active during their period of certification. If an instructor does not teach a minimum of 8 hours during the period of certification, the certification shall not be renewed. A person whose certificate has not been renewed shall not be prohibited from subsequently requesting new certification by the board.

SECTION 11. LES 4.08 is created to read:

LES 4.08 GUEST INSTRUCTORS. 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.

SECTION 12. LES 4.09 is created to read:

LES 4.09 SUBSTITUTE INSTRUCTORS. 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.

SECTION 13 LES 4.10 is created to read:

LES 4.10 EMERGENCY MEDICAL CERTIFICATES. 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.

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(2) (Intro.), Stats.

Dated: May 2, 1990

Agency: John Killian

John Killian, Secretary
Law Enforcement Standards Board