

SPECIFICATION S-16

S-16

TITLE: CERTIFICATION OF INSTRUCTORS

The following requirements are intended to assure the Commission that instructors in approved law enforcement training meet minimal qualifications as to training and experience as authorized in Section 1016 of the Regulations. The actual evaluation and selection of instructors will remain the responsibility of the School Director (or Coordinator) that is ultimately responsible for the quality of the instruction provided.

TYPES OF CERTIFICATION

For purposes of certification of instructors, all approved law enforcement training will be designated as follows:

PROFESSIONAL – Professional subjects will be those subjects which are clearly law enforcement in nature.

REQUIREMENTS

1. LAW ENFORCEMENT EXPERIENCE

- (a) A minimum of three years of law enforcement experience is required for personnel instructing law enforcement subjects.
- (b) The Commission may grant an individual with specialized skills or knowledge the authority to teach professional courses when the individual lacks law enforcement experience and the Commission believes the best interests of law enforcement will be served.

2. EDUCATION

The minimum education background as recognized by the Commission will be required for personnel instructing law enforcement subjects. (See 1002(3) (f) and Specification S-4)

3. **TRAINING**

- (a) New applicants for instructor certification must have completed an Instructor Development Training Course consisting of a minimum of 32 hours of Commission approved classroom instruction or the equivalent including, but not limited to, the following topics:

Communications
Psychology of Learning
Techniques of Instruction
Use of Instructional Aids
Preparing and Using Lesson Plans
Evaluation of Training
Preparing and Administering Tests
Teaching Resources
Planning for Instruction and Learning
Trainee Motivation and Counseling
Practical Exercises in the Application of Instructional Principles Presented in the Course

- (b) An Instructor's Certificate may be issued without completion of the required Instructor Development Course if an individual has documented expertise in the area of instruction. Documented expertise may include the completion of specialized and advanced education or training, acceptance as expert by court, association or society or other recognizing body, and/or experience in the subject area. The Commission retains the right to accept or reject submitted documentation as evidence of expertise. Any certificate issued shall only entitle the individual to teach the subject(s) specified in Commission approved courses.
- (c) **FIREARMS** – Firearms training is a professional subject, therefore, a Firearm Instructor Certificate will be issued only to those officers who have successfully met Requirements 1, 2, & 3 of this specification and have successfully completed a Firearms Instructor Course approved by the Commission.
- (d) **GENERAL** – General subjects will be those subjects which are clearly **NOT** law enforcement in nature, i.e., Criminal Law, Human Relations, Management subjects, etc.

REQUIREMENTS

1. At least three years of experience in the subject area to be instructed.
2. Recommendation of school director.
3. A Baccalaureate Degree with a major or concentration of courses in the discipline or an area to be taught or as required by the Commission; or
4. An associate degree with course work in the discipline or area to be taught or as required by the Commission and three (3) years' experience in a Criminal Justice occupation or a related occupation; or
5. The equivalent of 3 and 4 above as determined by the Commission.
6. Usual formalities of certification may be waived by the Commission for those teaching general subjects.

CERTIFICATION OF INSTRUCTORS

1. Applications for instructor certification, both professional and general, will be made on Commission Form F-8, Application for Instructor Certification. Once a person has been certified as an instructor and has a Form F-8 on file with the Commission, Form F-8 need not to be completed and filed a second time except to report changes or requests for certification to instruct in additional subject areas.
2. ~~Initial certification will be for five (5) years or sixty (60) consecutive months. At the expiration of the initial certificate and every sixty (60) months thereafter, the certificate shall be renewable upon submission of an F-8 form within one (1) year of expiration of the latest certification.~~

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Commission on Law Enforcement Standards and Training
DIVISION Office of Law Enforcement Standards
DIVISION DIRECTOR Jami Cook
CONTACT PERSON Jami Cook
ADDRESS 4 State Police Plaza Drive Little Rock, AR 72209
PHONE NO. 5016822260 **FAX NO.** 5016821582 **E-MAIL** jami.l.cook@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Jami Cook
PRESENTER E-MAIL jami.l.cook@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Specification S-16, Certification of Instructors
2. What is the subject of the proposed rule? Requirements for law enforcement instructor certification
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. _____

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. _____

Is this an amendment to an existing rule?

Yes ☒ No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 12-9-104

7. What is the purpose of this proposed rule? Why is it necessary? Deletes the five year expiration of law enforcement instructor certification

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). CLEST.org

9. Will a public hearing be held on this proposed rule? Yes ☒ No ☐

If yes, please complete the following:

Date: January 14, 2016

Time: 10:00am

Place: ALETA East Camden

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

January 13, 2016

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

February 1, 2016

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Commission on Law Enforcement Standards and Training
DIVISION Office of Law Enforcement Standards
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. 501-682-2260 **FAX NO.** 501-682-1582 **EMAIL:** jami.l.cook@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Specification S-16, Certification of Instructors

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____

Next Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____

Total _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

Next Fiscal Year

General Revenue	0
Federal Funds	
Cash Funds	
Special Revenue	
Other (Identify)	
Total	0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.