

NOTICE OF PROPOSED CHANGES IN POLICE, PROBATION, PAROLE, CORRECTIONS,
AND MUNICIPAL CORRECTIONS OFFICER STANDARDS IN THE REGULATIONS OF
THE ALASKA POLICE STANDARDS COUNCIL

Pursuant to the authority in AS 18.65.220 (1) & (2), the Alaska Police Standards Council proposes to adopt regulation changes in Title 13 of the Alaska Administrative Code, dealing with the consolidation of training program certification and training instructor certification programs; implementation of training mandated by the legislature, inclusion of pretrial services officers in the definition of probation officers, and minor administrative corrections, including the following:

- (1) 13 AAC 85.050 and 060, 13 AAC 87.060, 13 AAC 87.080, and 13 AAC 89.040 are proposed to be changed to include disability awareness training for police, corrections, probation/parole, municipal corrections, and village police officers in compliance with changes in AS 18.65.220 made by the legislature in *Chapter 8 SLA 17*
- (2) 13 AAC 85.900 is proposed to be changed to include pretrial services officers in the regulatory definition of probation officers, mandated by legislative enactment of AS 33.07 in *Chapter 36, SLA 2016*
- (3) 13 AAC 87.010 and 020 are proposed to be changed to reconcile and consolidate police, corrections, municipal corrections probation and parole officer training program certification into one program certification for law enforcement training; this allows the repeal of 13 AAC 87.050 and 13 AAC 87.075.
- (4) 13 AAC 85.230 and 235 are proposed to be changed to conform to new language mandated by changes made in item (3).
- (5) 13 AAC 87.040 is proposed to be changed to reconcile and consolidate police, corrections probation and parole, and general instructor certification programs into one "Law Enforcement Instructor" certification program, allowing the repeal of 13 AAC 87.070 and 13 AAC 87.085.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Wendy Menze at P.O. Box 111200, Juneau, AK 99811. Additionally, the Alaska Police Standards Council will accept comments by facsimile at 907-465-3263 and by electronic mail at wendy.menze@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the "comment" link. The comments must be received no later than 4:29 pm on August 31, 2017.

You may submit written questions relevant to the proposed action to Sarah Hieb at sarah.hieb@alaska.gov or P.O. Box 111200, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Alaska Police Standards Council will aggregate its response to substantially similar questions and make the questions and response available the Alaska Police Standards Council website <http://www.dps.state.ak.us/apsc/> and on the Alaska Online Public Notice System. The Alaska Police Standards Council may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Wendy Menze at 907-465-4378 no later than August 11, 2017 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Wendy Menze at 907-465-4378, wendy.menze@alaska.gov or P.O. Box 111200, Juneau, AK 99811.

After the public comment period ends, the Alaska Police Standards Council will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further

notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.**

Statutory Authority: AS 18.65.220(1 thru 4)

Statutes Being Implemented, Interpreted, or Made Specific: AS 18.65.220, 230, 240, 248, & 290

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: June 27, 2017



Executive Director

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adoption agency: Alaska Police Standards Council
2. General subject of regulation: Criminal justice training programs, pre-trial service officers, and certification of criminal justice trainers.
3. Citation of regulation (may be grouped): 13 AAC 85 through 89.
4. Department of Law file number: Pending
5. Reason for the proposed action:
 - () Compliance with federal law or action (identify):
 - (X) Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify):
 - (X) Development of program standards
 - () Other (identify):
6. Appropriation/Allocation: Zero.
7. Estimated annual cost to comply with the proposed action to:
 - A private person: No impact.
 - Another state agency: No impact
 - A municipality: No impact
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY 2018	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$0
1004 General fund	\$ 0	\$ 0
1005 General fund/program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0

9. The name of the contact person for the regulation:

Name: Bob Griffiths

Title: Executive Director

Address: APSC, PO Box 111200, Juneau, AK 99811

Telephone: (907)465-5523

E-mail address: bob.griffiths@alaska.gov

10. The origin of the proposed action:

Staff of state agency

Federal government

General public

Petition for regulation change

X Other (identify): Council members recognized the need for regulation update.

11. Date: June 27, 2017

Prepared by:



Name: Bob Griffiths

Title: Executive Director

Telephone: (907)465-5523

13 AAC 85.050(b) is amended to read:

(b) The basic police officer academy must include the following topics of instruction:

(1) **disability awareness in compliance with the requirements of AS 18.65.220**

[THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
TRANSPORTATION SECURITY ADMINISTRATION, LAW ENFORCEMENT OFFICER
FLYING ARMED TRAINING COURSE];

(2) bloodborne pathogens;

(3) ethics;

(4) constitutional law[,]
and civil rights[, AND DISABILITY AWARENESS]; ...

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 85.060(a)(4)(K) is amended to read:

(K) recognizing and working with disabled persons **in compliance with the requirements in AS 18.65.220.**

13 AAC 85.060(b) is amended to read:

(b) The council may enter into reciprocity agreements with states that regulate or supervise the quality of police training and that require a minimum of 650 [400] hours of classroom and practical training for police officers. [THE COUNCIL WILL NOT ENTER INTO A RECIPROCITY AGREEMENT UNDER THIS SUBSECTION AFTER DECEMBER 31, 2016.]

13 AAC 85.060 (d) is Repealed:

(d) Repealed __/__/__[ON OR AFTER JANUARY 1, 2017, THE COUNCIL MAY ENTER INTO RECIPROCITY AGREEMENTS WITH STATES THAT REGULATE OR SUPERVISE THE QUALITY OF POLICE TRAINING AND THAT REQUIRE A MINIMUM OF 650 HOURS OF CLASSROOM AND PRACTICAL TRAINING FOR POLICE OFFICERS.]

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 10/24/92, Register 124; am 8/5/95, Register 135; am 8/16/2000, Register 155; am 3/31/2005, Register 173; am 9/24/2016, Register 219; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240

13 AAC 85.230(b) is amended to read:

(b) To be eligible for the award of a basic correctional officer certificate, an applicant must successfully complete the Department of Corrections basic correctional officer training program meeting the standards set out in **13 AAC 87.010** [13 AAC 87.050] and field training required by 13 AAC 85.210; ...

13 AAC 85.230(c) is amended to read:

(c) To be eligible for the award of a basic probation or parole officer certificate, an applicant must successfully complete the Department of Corrections basic probation and parole officer training program meeting the standards set out in **13 AAC 87.010** [13 AAC 87.050] and field training required by 13 AAC 85.210; ...

13 AAC 85.230(e) is amended to read:

(e) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under 13 AAC 87.060 (a), if

(1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.060 that is substantially equivalent to a training program that has received certification under **13 AAC 87.010** [13 AAC 87.050]; and ...

(Eff. 8/8/90, Register 115; am 6/13/2002, Register 162; am 9/24/2016, Register 219; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

13 AAC 85.235(b) is amended to read:

(b) To be eligible for the award of a basic municipal correctional officer certificate, an applicant must

(1) successfully complete the Department of Corrections basic municipal correctional officer training program meeting the standards set out in **13 AAC 87.010** [13 AAC 87.075] and field training required by 13 AAC 85.215; ...

13 AAC 85.235(d) is amended to read:

(d) The council will recognize college credits or degrees awarded by an institution of higher learning towards satisfaction, in whole or in part, of the minimum number of hours required under 13 AAC 87.080 (a), if

(1) those credits or degrees are shown, to the council's satisfaction, to provide instruction in subject areas described in 13 AAC 87.080 that is substantially equivalent to the instruction required as part of a municipal correctional officer training program that has received certification under **13 AAC 87.010** [13 AAC 87.075]; and ...

(Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 9/24/2016, Register 219; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.248 AS 18.65.285
AS 18.65.242

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The definition in 13 AAC 85.900 (14) is amended to read:

(14) "probation officer" has the meaning given in AS 18.65.290 **or is a person who performs the duties of a pretrial services officer under AS 33.07;**

(Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 9/6/96, Register 139; am 7/15/98, Register 147; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am _____/_____/_____, Register _____)

Authority:	AS 18.65.220	AS 18.65.242	AS 18.65.290
	AS 18.65.240	AS 18.65.285	

Chapter 87 heading is changed to read:

Certification of Law Enforcement [POLICE, PROBATION, PAROLE, CORRECTIONAL, AND MUNICIPAL CORRECTIONAL OFFICER] Training Programs and Instructors.

Chapter 87 Article 1 heading is changed to read:

Certification of [POLICE] Training Programs.

The section heading of 13 AAC 87.010 is changed to read:

13 AAC 87.010. Certification of basic [POLICE] training programs.

13 AAC 87.010(a) is amended to read:

(a) An institution **or agency** which offers a program of instruction in basic law enforcement subjects which meets the requirements of the classroom phase of the basic program provided for in 13 AAC 85.050(a) and (b), [OR] 13 AAC 89.040, **13 AAC 87.060, or 13 AAC 87.080** and to qualify students for a police officer basic certificate under 13 AAC 85.040(b), [OR] a village police officer certificate under 13 AAC 89.030, **a probation, parole, or correctional officer certificate under 13 AAC 85.230, or a municipal correctional officer certificate under 13 AAC 85.235** shall apply for certification by the council and shall comply with the requirements of this chapter.

13 AAC 87.010(b) is amended to read:

(b) An application for certification under this section shall be submitted on a form prescribed by the council and must be accompanied by the following information, where applicable:

- (1) the name of the institution **or agency**, its governing body and its instructors;
- (2) institution **or agency** policy and regulations with respect to leave, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance;

(3) institution **or agency** policy and regulations with respect to standards of progress required of students, including the policy or regulation setting out the grading system of the institution **or agency**, the minimum grades considered satisfactory, conditions **requiring** [FOR] interruption **of training** for unsatisfactory grades or progress, the probationary period, if any, allowed by the institution **or agency**, and conditions of re-entrance for those students dismissed for unsatisfactory progress; **and**

(4) institution **or agency** policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct; ...

13 AAC 87.010(c) is amended to read:

(c) The council will, in its discretion, approve an **institution or agency's** [INSTITUTION'S] application for certification of a program of instruction as meeting the requirements of the [CLASSROOM PHASE OF THE] basic program provided for in 13 AAC 85.050(a) and (b), [OR] 13 AAC 89.040, **13 AAC 87.060, or 13 AAC 87.080** if the institution **or agency** and program meet the following criteria, **where applicable**:

(1) the courses, curriculum, and instruction are adequate in content, quality, and length to provide students with the education and training necessary to become successful, knowledgeable, and effective [POLICE] officers;

(2) the program of instruction meets the requirements of 13 AAC 85.050(a) and (b), [OR] 13 AAC 89.040, **13 AAC 87.060, or 13 AAC 87.080**;

- (3) the institution **or agency** has adequate space, equipment, instructional materials, and instructor personnel to provide training of good quality;
- (4) the directors and administrators have adequate training and experience, and the instructors are certified under 13 AAC 87.040;
- (5) a copy of the program outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct are furnished to students upon enrollment;
- (6) adequate records are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced;
- (7) written examinations are required of each student in those courses for which written examinations are appropriate, and practical tests are required in those courses such as firearms training where practical tests are appropriate;
- (8) the institution **or agency** gives its students, upon successful completion of the program, a certificate indicating that the program of instruction was satisfactorily completed;
- (9) a certificate of successful completion is not awarded by the institution except in compliance with 13 AAC 85.050(c), **13 AAC 89.040(b), 13 AAC 87.060(c), or 13 AAC 87.080(b)**;
- (10) the institution **or agency** is financially sound and capable of fulfilling its commitments for training; and
- (11) the institution **or agency** furnishes the council, within seven days after the completion of each program, a roster of those students who attended [AT LEAST 90 PERCENT

OF THE CLASSES OFFERED (IN CLASS-HOURS)] and the roster must show the full name, rank, department, and examination scores for each student **who attended** [COMPLETING] the program, and must be signed by the institution director or coordinator.

13 AAC 87.010(d) is amended to read:

(d) An institution **or agency** is subject to periodic inspection by the council or its representatives to assure compliance with this section. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80; am 8/8/90, Register 115; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.240 AS 18.65.260

The section heading of 13 AAC 87.020 is changed to read:

13 AAC 87.020. Certification of other [POLICE] training programs

13 AAC 87.020(a) is amended to read:

(a) The council will, in its discretion, certify programs of instruction designed to provide [POLICE] officers with continuing education and training in supervisory, mid-management, executive, specialized and in-service subjects.

13 AAC 87.020(b) is amended to read:

(b) An application by an institution **or agency** for certification of a program of instruction under this section must be submitted on a form prescribed by the council and must be accompanied by the information specified in 13 AAC 87.010(b)(1) - (b)(7).

(Eff. 8/10/73, Register 47; am 10/18/81, Register 80; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

13 AAC 87.030(a) is amended to read:

(a) No agency or institution will receive financial assistance from the council for a [POLICE] training program unless the program is certified by the council under this chapter **or the program is certified by a nationally recognized certifying body.**

13 AAC 87.030(b) is amended to read:

(b) No agency or institution will receive financial assistance from the council for a [POLICE] training program unless it is made available to all qualified [POLICE] officers, except that the agency or institution may limit class size. An agency or institution of the state or a municipality which maintains a [POLICE] training program primarily for training its own [POLICE] officers may give preference to its own officers in enrollment. (Eff. 8/10/73, Register 47; am 10/18/81, Register 80, am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.260

The section heading of 13 AAC 87.040 is changed to read:

13 AAC 87.040. Certification of [POLICE] instructors

13 AAC 87.040(b) is amended to read:

(b) Instructors are eligible for certification if they meet the following minimum qualifications in the areas of education, training, and experience:

(1) A person applying for certification to teach **law enforcement** [POLICE] subjects, including patrol, investigation, **corrections**, or the use of firearms must have

(A) a high school diploma or its equivalent;

(B) three years' experience **in a public safety related field** [AS A POLICE OFFICER];

(C) 40 hours of verified training **or verified instructor training** in each subject to be taught;

(D) 40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation; and

(E) a recommendation by the director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020, or by the applicant's **agency** [POLICE DEPARTMENT] head;

(2) A person applying for certification to teach general subjects, including management, human relations, or administration, must have

(A) a baccalaureate degree;

(B) three years' experience in the subject to be taught; and

(C) a recommendation by the **agency head or** director of a training program certified by the council under 13 AAC 87.010 or 13 AAC 87.020.

13 AAC 87.040(c) is amended to read:

(c) The council will, in its discretion **upon written application**, waive any part of the requirements of (b) of this section if it finds that a person, although not meeting all of the eligibility requirements, is otherwise qualified to be an instructor.

13 AAC 87.040(e) is amended by adding a new sub section to read:

(4) The executive director of the council may initiate proceedings under the Administrative Procedure Act for the revocation of a certificate issued by the council when the revocation complies with AS 18.65.130 – AS 18.65.290 and 13 AAC 85.005 – 13 AAC 89.150.

13 AAC 87.040(g) is amended to read:

(g) A person who is currently certified or licensed by the State of Alaska or a nationally recognized certifying body need not be certified by the council to teach [POLICE OFFICERS IN] the subject for which the person is certified or licensed.

13 AAC 87.040(i) is amended to read:

(i) An instructor certificate becomes inactive if the holder of the certificate does not instruct at least one course certified by the council under 13 AAC 87.010 or 13 AAC 87.020 during a period of three consecutive years. **Course instruction must be documented and submitted to the council within 30 days after the date of the last day of the course instruction on a form provided the council.**

13 AAC 87.040(j) is amended to read:

(j) An inactive instructor certificate may be reactivated upon written request of the director of a training program certified under 13 AAC 87.010 or 13 AAC 87.020, or of the applicant's **agency** [POLICE DEPARTMENT] head, **if** [FOLLOWING] the **applicant instructs** [APPLICANT'S INSTRUCTION OF] at least one course certified by the council under 13 AAC 87.010 or 13 AAC 87.020 under direct supervision of a currently certified instructor. ...

(Eff. 11/25/77, Register 64; am 10/18/81, Register 80; am 8/8/90, Register 115, am

_____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

Chapter 87 Article 2 heading is changed to read:

Basic Requirements [CERTIFICATION] of Probation, Parole, and Correctional Officer Training Programs.

13 AAC 87.050 is repealed:

13 AAC 87.050. Repealed. __/__/__ [CERTIFICATION OF BASIC PROBATION, PAROLE, AND CORRECTIONAL OFFICER TRAINING PROGRAMS.]

(A) THE DEPARTMENT OF CORRECTIONS SHALL

(1) ESTABLISH A PROGRAM OF INSTRUCTION TO QUALIFY STUDENTS FOR PROBATION, PAROLE, AND CORRECTIONAL OFFICER CERTIFICATES UNDER 13 AAC 85.230;

(2) APPLY FOR CERTIFICATION OF THE PROGRAM OF INSTRUCTION BY THE COUNCIL;

(3) PROVIDE INFORMATION TO THE COUNCIL SHOWING THAT THE REQUIREMENTS FOR CERTIFICATION OF THE PROGRAM HAVE BEEN MET; AND

(4) COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER.

(B) THE COUNCIL WILL APPROVE THE DEPARTMENT OF CORRECTIONS' APPLICATION FOR CERTIFICATION OF A PROGRAM OF INSTRUCTION AS MEETING THE REQUIREMENTS OF THE TRAINING PROGRAM PROVIDED FOR IN 13 AAC 85.230, UPON A SHOWING THAT THE PROGRAM MEETS THE FOLLOWING MINIMUM STANDARDS:

(1) THE PROGRAM OF INSTRUCTION MEETS THE REQUIREMENTS OF 13 AAC 87.060, AND THE COURSES, CURRICULUM, AND INSTRUCTION ARE ADEQUATE IN CONTENT, QUALITY, AND LENGTH TO PROVIDE STUDENTS WITH THE EDUCATION AND TRAINING NECESSARY TO BECOME SUCCESSFUL, KNOWLEDGEABLE, AND EFFECTIVE PROBATION, PAROLE, OR CORRECTIONAL OFFICERS;

(2) THE DIRECTORS AND ADMINISTRATORS HAVE ADEQUATE TRAINING AND EXPERIENCE, AND ALL FULL-TIME INSTRUCTORS HAVE BEEN CERTIFIED UNDER 13 AAC 87.070;

(3) A COPY OF THE RULES OF OPERATION, PROGRAM OUTLINE, AND POLICIES PERTAINING TO ABSENCES, GRADING, CONDUCT, AND CONDITIONS FOR DISMISSAL FOR UNSATISFACTORY CONDUCT, IS PROVIDED TO EACH STUDENT UPON ENROLLMENT;

(4) ADEQUATE RECORDS ARE KEPT TO SHOW ATTENDANCE AND GRADES, AND SATISFACTORY STANDARDS RELATING TO ATTENDANCE, PROGRESS, AND CONDUCT ARE ENFORCED IN ACCORDANCE WITH THE REQUIREMENTS OF 13 AAC 87.060;

(5) WRITTEN EXAMINATIONS ARE REQUIRED OF EACH STUDENT IN THOSE COURSES FOR WHICH WRITTEN EXAMINATIONS ARE APPROPRIATE, AND PRACTICAL TESTS ARE REQUIRED IN THOSE COURSES SUCH AS FIREARMS TRAINING WHERE PRACTICAL TESTS ARE APPROPRIATE; AND

(6) THE DEPARTMENT OF CORRECTIONS GIVES STUDENTS, UPON SUCCESSFUL COMPLETION OF THE PROGRAM, A CERTIFICATE INDICATING THAT THE PROGRAM OF INSTRUCTION WAS SATISFACTORILY COMPLETED.

(C) WITHIN 10 WORKING DAYS AFTER THE COMPLETION OF EACH PROGRAM, THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE THE COUNCIL WITH A ROSTER OF THOSE STUDENTS WHO ATTENDED AT LEAST 90 PERCENT OF THE CLASSES OFFERED (IN CLASS HOURS), AND THE ROSTER MUST SHOW THE FULL NAME, RANK, AND EXAMINATION SCORES FOR EACH STUDENT COMPLETING THE PROGRAM.

(D) THE PROGRAM OF INSTRUCTION FOR PROBATION, PAROLE, AND CORRECTIONAL OFFICERS IS SUBJECT TO PERIODIC INSPECTION BY THE COUNCIL OR ITS REPRESENTATIVES TO ASSURE COMPLIANCE WITH THIS SECTION.

(E) THE COUNCIL WILL, IN ITS DISCRETION, CERTIFY ADDITIONAL TRAINING COURSES FOR PROBATION, PAROLE, AND CORRECTIONAL OFFICERS, OFFERED BY THE DEPARTMENT OF CORRECTIONS, DESIGNED TO PROVIDE FOR CONTINUING EDUCATION, AND SUPERVISORY, MID-MANAGEMENT, EXECUTIVE,

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SPECIALIZED, AND IN-SERVICE TRAINING.] (Eff. 8/8/90, Register 115; am
_____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

The section heading of 13 AAC 87.060 is changed to read:

13 AAC 87.060. **Basic training program** [PROBATION, PAROLE, AND
CORRECTIONAL OFFICER TRAINING PROGRAM REQUIREMENTS]

13 AAC 87.060(a)(2)(E) is amended to read:

(E) diversity and disability awareness **in compliance with the
requirements of AS 18.65.220; ...**

13 AAC 87.060(b)(2)(H) is amended to read:

(H) diversity and disability awareness **in compliance with the
requirements of AS 18.65.220; ...**

(Eff. 8/8/90, Register 115; am 9/24/2016, Register 219; am ____/____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

13 AAC 87.070 is repealed:

13 AAC 87.070. Repealed. __/__/__ [CERTIFICATION OF PROBATION, PAROLE, AND CORRECTIONAL INSTRUCTORS.

(A) EXCEPT AS PROVIDED IN (D) OF THIS SECTION, AN INSTRUCTOR IN THE PROBATION, PAROLE, OR CORRECTIONAL OFFICER TRAINING PROGRAM MUST BE CERTIFIED BY THE COUNCIL AS QUALIFIED TO PROVIDE INSTRUCTION TO PROBATION, PAROLE, OR CORRECTIONAL CANDIDATES FOR CERTIFICATION UNDER 13 AAC 85.230.

(B) THE COUNCIL WILL CERTIFY AN INSTRUCTOR WHO MEETS THE FOLLOWING MINIMUM QUALIFICATIONS IN THE FOLLOWING AREAS OF EDUCATION, TRAINING, AND EXPERIENCE:

(1) A PERSON APPLYING FOR CERTIFICATION TO TEACH PROBATION, PAROLE, OR CORRECTIONAL SUBJECTS MUST MEET THE FOLLOWING MINIMUM CRITERIA:

(A) A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT IF SEEKING TO TEACH CORRECTIONAL SUBJECTS, OR A BACCALAUREATE DEGREE IF SEEKING TO TEACH PROBATION OR PAROLE SUBJECTS;

(B) THREE YEARS OF EXPERIENCE IN PROBATION, PAROLE, OR CORRECTIONS;

(C) 40 HOURS OF VERIFIED TRAINING IN EACH SUBJECT TO BE TAUGHT;

(D) AT LEAST 40 HOURS OF INSTRUCTOR DEVELOPMENT TRAINING APPROVED BY THE COUNCIL, INCLUDING TRAINING IN THE AREAS OF COMMUNICATION, PSYCHOLOGY OF LEARNING, TECHNIQUES OF INSTRUCTION, USE OF INSTRUCTIONAL AIDS, PREPARATION AND USE OF LESSON PLANS, PREPARING AND ADMINISTERING TESTS, TEACHING RESOURCES, AND MOTIVATION; AND

(E) THE RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TRAINING PROGRAM ESTABLISHED UNDER 13 AAC 87.050.

(2) A PERSON APPLYING FOR CERTIFICATION TO TEACH GENERAL SUBJECTS, INCLUDING MANAGEMENT, ADMINISTRATION, OR HUMAN RELATIONS MUST HAVE

(A) A BACCALAUREATE DEGREE;

(B) AT LEAST THREE YEARS OF EXPERIENCE IN THE SUBJECT TO BE TAUGHT;

(C) 40 HOURS OF VERIFIED TRAINING IN EACH SUBJECT TO BE TAUGHT; AND

(D) THE RECOMMENDATION OF THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS' TRAINING PROGRAM ESTABLISHED UNDER 13 AAC 87.050.

(C) THE COUNCIL WILL, IN ITS DISCRETION, WAIVE ANY PART OF THE REQUIREMENTS OF (B) OF THIS SECTION IF IT FINDS THAT A PERSON IS QUALIFIED TO BE AN INSTRUCTOR BASED UPON EDUCATION, TRAINING, OR EXPERIENCE, DESPITE THE PERSON'S INABILITY TO MEET THE SPECIFIC REQUIREMENTS OF (B) OF THIS SECTION.

(D) AN INSTRUCTOR USED ON A ONE-TIME BASIS FOR A SPECIALIZED SUBJECT AREA OF A TRAINING PROGRAM MAY BE CLASSIFIED AS A GUEST LECTURER. REQUIREMENTS FOR APPLICATION AND CERTIFICATION AS AN INSTRUCTOR DO NOT APPLY TO A GUEST LECTURER. A GUEST LECTURER IS DEFINED AS A PERSON WHO, BY REASON OF POSITION OR EXPERIENCE, CAN MAKE A WORTHWHILE CONTRIBUTION TO A TRAINING PROGRAM. A GUEST LECTURER MUST BE EXPERIENCED IN A SPECIALIZED AREA, AND THE INSTRUCTION LIMITED TO THAT AREA OF EXPERIENCE.

(E) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TRAINING PROGRAM SHALL SUPERVISE ALL INSTRUCTORS TO ENSURE INSTRUCTIONAL EXCELLENCE IS MAINTAINED.

(F) INSTRUCTOR CERTIFICATION WILL, IN THE COUNCIL'S DISCRETION, BE REVOKED IF AN INSTRUCTOR IS FOUND BY THE COUNCIL TO BE NO LONGER QUALIFIED. REVOCATION OF INSTRUCTOR CERTIFICATION WILL BE CONSIDERED BY THE COUNCIL IF

(1) THE INSTRUCTOR IS TERMINATED, IS ASKED TO RESIGN, OR RESIGNS INSTEAD OF DISCHARGE FOR CAUSE BY THE DEPARTMENT OF CORRECTIONS;

(2) THERE IS A RECOMMENDATION TO REVOKE CERTIFICATION BY THE DEPARTMENT OF CORRECTIONS FOR FAILURE OF THE INSTRUCTOR TO PROVIDE ADEQUATE INSTRUCTION; OR

(3) THE HOLDER OF THE INSTRUCTOR CERTIFICATE FALSIFIED OR OMITTED REQUIRED INFORMATION ON ANY APPLICATION FOR CERTIFICATION OR ON SUPPORTING DOCUMENTS.

(G) A PERSON WHO IS CURRENTLY CERTIFIED OR LICENSED BY THE STATE OF ALASKA OR A NATIONALLY RECOGNIZED CERTIFYING BODY NEED NOT BE CERTIFIED BY THE COUNCIL TO TEACH PROBATION, PAROLE, OR CORRECTIONAL OFFICER CANDIDATES IN THE SUBJECT FOR WHICH THE PERSON IS CERTIFIED OR LICENSED.

(H) THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS TRAINING PROGRAM MUST FURNISH THE COUNCIL DOCUMENTARY VERIFICATION OF THE CERTIFICATION OR LICENSURE OF A PERSON DESCRIBED IN (G) OF THIS SECTION BEFORE COUNCIL APPROVAL AS AN INSTRUCTOR WILL BE CONSIDERED.

(I) AN INSTRUCTOR CERTIFICATE BECOMES INACTIVE IF THE HOLDER OF THE CERTIFICATE DOES NOT INSTRUCT AT LEAST ONE COURSE CERTIFIED BY THE COUNCIL DURING AN INTERVAL OF THREE CONSECUTIVE YEARS.

(J) AN INACTIVE INSTRUCTOR CERTIFICATE MAY BE REACTIVATED UPON WRITTEN REQUEST OF THE DEPARTMENT OF CORRECTIONS FOLLOWING THE APPLICANT'S INSTRUCTION OF AT LEAST ONE COURSE, CERTIFIED BY THE COUNCIL, UNDER DIRECT SUPERVISION OF A CURRENTLY CERTIFIED INSTRUCTOR.] (Eff. 8/8/90, Register 115; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

Chapter 87 Article 3 heading is changed to read:

**[CERTIFICATION OF] Basic Municipal Correctional Officer Academy
[TRAINING PROGRAMS] Requirements.**

13 AAC 87.075 is repealed.

13 AAC 87.075. Repealed. ____ / ____ / ____ [CERTIFICATION OF MUNICIPAL CORRECTIONAL OFFICER TRAINING PROGRAM.

(A) THE COUNCIL WILL ISSUE CERTIFICATION FOR A PROGRAM OF INSTRUCTION TO QUALIFY STUDENTS FOR MUNICIPAL CORRECTIONAL OFFICER CERTIFICATES UNDER 13 AAC 85.235 IF THE DEPARTMENT OF CORRECTIONS

(1) DEVELOPS THE PROGRAM AND APPLIES FOR CERTIFICATION;

AND

(2) PROVIDES INFORMATION TO THE COUNCIL SHOWING THAT THE MINIMUM STANDARDS SET OUT IN (B) OF THIS SECTION HAVE BEEN MET.

(B) THE COUNCIL WILL APPROVE THE DEPARTMENT OF CORRECTIONS' APPLICATION FOR CERTIFICATION OF A PROGRAM OF INSTRUCTION AS MEETING THE REQUIREMENTS OF THE TRAINING PROGRAM PROVIDED FOR IN 13 AAC 85.235, UPON A SHOWING THAT THE PROGRAM MEETS THE FOLLOWING MINIMUM STANDARDS:

(1) THE PROGRAM OF INSTRUCTION MEETS THE REQUIREMENTS OF 13 AAC 87.080 AND THE COURSES, CURRICULUM, AND INSTRUCTION ARE ADEQUATE IN CONTENT, QUALITY, AND LENGTH TO PROVIDE STUDENTS WITH THE EDUCATION AND TRAINING NECESSARY TO BECOME SUCCESSFUL, KNOWLEDGEABLE, AND EFFECTIVE MUNICIPAL CORRECTIONAL OFFICERS;

(2) THE DIRECTORS AND ADMINISTRATORS HAVE ADEQUATE TRAINING AND EXPERIENCE, AND EACH FULL-TIME INSTRUCTOR HAS BEEN CERTIFIED UNDER 13 AAC 87.085;

(3) A COPY OF THE RULES OF OPERATION, PROGRAM OUTLINE, AND POLICIES PERTAINING TO ABSENCES, GRADING, CONDUCT, AND CONDITIONS FOR DISMISSAL FOR UNSATISFACTORY CONDUCT, IS PROVIDED TO EACH UPON ENROLLMENT;

(4) ADEQUATE RECORDS ARE KEPT TO SHOW ATTENDANCE AND GRADES, AND SATISFACTORY STANDARDS RELATING TO ATTENDANCE,

PROGRESS, AND CONDUCT ARE ENFORCED IN ACCORDANCE WITH THE REQUIREMENTS OF 13 AAC 87.080;

(5) WRITTEN EXAMINATIONS ARE REQUIRED FOR EACH STUDENT IN THOSE COURSES FOR WHICH WRITTEN EXAMINATIONS ARE APPROPRIATE, AND PRACTICAL TESTS ARE REQUIRED IN THOSE COURSES WHERE PRACTICAL TESTS ARE APPROPRIATE;

(6) THE DEPARTMENT OF CORRECTIONS GIVES STUDENTS, UPON SUCCESSFUL COMPLETION OF THE PROGRAM, A CERTIFICATE INDICATING THAT THE PROGRAM OF INSTRUCTION WAS SATISFACTORILY COMPLETED.

(C) WITHIN 10 WORKING DAYS AFTER THE COMPLETION OF EACH PROGRAM, THE COUNCIL SHALL BE PROVIDED WITH A ROSTER, EXPRESSED IN CLASS HOURS, OF THOSE STUDENTS WHO ATTENDED AT LEAST 90 PERCENT OF THE CLASSES OFFERED. THE ROSTER MUST SHOW THE FULL NAME, RANK, EMPLOYING AGENCY, AND EXAMINATION SCORES FOR EACH STUDENT COMPLETING THE PROGRAM.

(D) THE PROGRAM OF INSTRUCTION FOR MUNICIPAL CORRECTIONAL OFFICERS IS SUBJECT TO PERIODIC INSPECTION BY THE COUNCIL OR THE COUNCIL'S REPRESENTATIVES TO ASSURE COMPLIANCE WITH THIS SECTION.

(E) THE COUNCIL WILL CERTIFY ANY ADDITIONAL TRAINING COURSES FOR MUNICIPAL CORRECTIONAL OFFICERS THAT ARE

(1) OFFERED BY THE DEPARTMENT OF CORRECTIONS; AND

(2) DESIGNED, TO THE COUNCIL'S SATISFACTION, TO PROVIDE FOR CONTINUING EDUCATION OR SUPERVISORY, MID-MANAGEMENT, EXECUTIVE, SPECIALIZED, OR IN-SERVICE TRAINING.] (Eff. 4/12/2001, Register 158; AM _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

The section heading of 13 AAC 87.080 is changed to read:

13 AAC 87.080. Municipal correctional officer academy [TRAINING PROGRAM] requirements

13 AAC 87.080(a)(4) is amended to read:

(4) diversity and disability awareness **in compliance with the requirements of AS 18.65.220; ...**

(Eff. 4/12/2001, Register 158; am 9/24/2016, Register 219; am _____/_____/_____; Register _____)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.242

13 AAC 87.085 is repealed.

13 AAC 87.085. Repealed / / [CERTIFICATION OF MUNICIPAL CORRECTIONAL INSTRUCTORS.

(A) EXCEPT AS PROVIDED IN (D) OF THIS SECTION, AN INSTRUCTOR IN THE MUNICIPAL CORRECTIONAL OFFICER TRAINING PROGRAM MUST BE CERTIFIED BY THE COUNCIL AS QUALIFIED TO PROVIDE INSTRUCTION TO MUNICIPAL CORRECTIONAL CANDIDATES FOR CERTIFICATION UNDER 13 AAC 85.235.

(B) THE COUNCIL WILL CERTIFY AN INSTRUCTOR WHO MEETS THE FOLLOWING MINIMUM QUALIFICATIONS IN THE FOLLOWING AREAS OF EDUCATION, TRAINING, AND EXPERIENCE:

(1) A PERSON APPLYING FOR CERTIFICATION TO TEACH MUNICIPAL CORRECTIONAL SUBJECTS MUST MEET THE FOLLOWING MINIMUM CRITERIA:

(A) A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

(B) AT LEAST THREE YEARS EXPERIENCE IN CORRECTIONS;

(C) AT LEAST 40 HOURS OF VERIFIED TRAINING IN EACH SUBJECT TO BE TAUGHT;

(D) AT LEAST 40 HOURS OF INSTRUCTOR DEVELOPMENT TRAINING APPROVED BY THE COUNCIL, INCLUDING TRAINING IN THE AREAS OF COMMUNICATION, PSYCHOLOGY OF LEARNING, TECHNIQUES OF INSTRUCTION, USE OF INSTRUCTIONAL AIDS, PREPARATION AND USE OF LESSON PLANS,

PREPARING AND ADMINISTERING TESTS, TEACHING RESOURCES, AND
MOTIVATION; AND

(E) THE RECOMMENDATION OF THE DIRECTOR OF THE
DEPARTMENT OF CORRECTIONS TRAINING PROGRAM CERTIFIED UNDER 13 AAC
87.075.

(2) A PERSON APPLYING FOR CERTIFICATION TO TEACH GENERAL
SUBJECTS, INCLUDING MANAGEMENT, ADMINISTRATION, OR HUMAN
RELATIONS MUST HAVE

(A) A BACCALAUREATE DEGREE;

(B) AT LEAST THREE YEARS OF EXPERIENCE IN THE SUBJECT
TO BE TAUGHT;

(C) AT LEAST 40 HOURS OF VERIFIED TRAINING IN EACH
SUBJECT TO BE TAUGHT; AND

(D) THE RECOMMENDATION OF THE DIRECTOR OF THE
DEPARTMENT OF CORRECTIONS' TRAINING PROGRAM CERTIFIED UNDER 13 AAC
87.075.

(C) THE COUNCIL WILL WAIVE ANY PART OF THE REQUIREMENTS OF (B)
OF THIS SECTION IF THE COUNCIL FINDS THAT A PERSON IS QUALIFIED TO BE AN
INSTRUCTOR BASED UPON EDUCATION, TRAINING, OR EXPERIENCE, DESPITE
THE PERSON'S INABILITY TO MEET THE SPECIFIC REQUIREMENTS OF (B) OF THIS
SECTION.

(D) NOTWITHSTANDING (A) AND (B) OF THIS SECTION, AN INSTRUCTOR USED ON A ONE-TIME BASIS FOR A SPECIALIZED SUBJECT AREA OF A TRAINING PROGRAM MAY BE CLASSIFIED AS A GUEST LECTURER IF THAT PERSON

(1) BY REASON OF POSITION OR EXPERIENCE, CAN MAKE A WORTHWHILE CONTRIBUTION TO A TRAINING PROGRAM; AND

(2) IS EXPERIENCED IN A SPECIALIZED AREA, AND THE INSTRUCTION LIMITED TO THAT AREA OF EXPERIENCE.

(E) THE DIRECTOR OF THE TRAINING PROGRAM SHALL SUPERVISE EACH INSTRUCTOR TO ENSURE INSTRUCTIONAL EXCELLENCE IS MAINTAINED.

(F) INSTRUCTOR CERTIFICATION MAY BE REVOKED IF THE COUNCIL FINDS AN INSTRUCTOR TO BE NO LONGER QUALIFIED. THE COUNCIL WILL CONSIDER REVOCATION OF INSTRUCTOR CERTIFICATION IF

(1) THE INSTRUCTOR IS TERMINATED, IS ASKED TO RESIGN, OR RESIGNS UNDER THREAT OF DISCHARGE FOR CAUSE BY THE DEPARTMENT OF CORRECTIONS;

(2) THE DEPARTMENT OF CORRECTIONS RECOMMENDS REVOCATION FOR FAILURE OF THE INSTRUCTOR TO PROVIDE ADEQUATE INSTRUCTION; OR

(3) THE HOLDER OF THE INSTRUCTOR CERTIFICATE FALSIFIED OR OMITTED REQUIRED INFORMATION ON ANY APPLICATION FOR CERTIFICATION OR ON SUPPORTING DOCUMENTS.

(G) A PERSON WHO IS CURRENTLY CERTIFIED OR LICENSED BY THIS STATE OR A NATIONALLY RECOGNIZED CERTIFYING BODY NEED NOT BE CERTIFIED BY THE COUNCIL TO TEACH MUNICIPAL CORRECTIONAL OFFICER CANDIDATES IN THE SUBJECT FOR WHICH THE PERSON IS CERTIFIED OR LICENSED.

(H) DOCUMENTARY VERIFICATION OF THE CERTIFICATION OR LICENSURE OF A PERSON DESCRIBED IN (G) OF THIS SECTION MUST BE PROVIDED TO THE COUNCIL BEFORE COUNCIL APPROVAL AS AN INSTRUCTOR WILL BE CONSIDERED.

(I) AN INSTRUCTOR CERTIFICATE BECOMES INACTIVE IF THE HOLDER OF THE CERTIFICATE DOES NOT INSTRUCT AT LEAST ONE COURSE CERTIFIED BY THE COUNCIL DURING AN INTERVAL OF THREE CONSECUTIVE YEARS.

(J) AN INACTIVE INSTRUCTOR CERTIFICATE MAY BE REACTIVATED UPON WRITTEN REQUEST OF THE DEPARTMENT OF CORRECTIONS FOLLOWING THE APPLICANT'S INSTRUCTION OF AT LEAST ONE COURSE, CERTIFIED BY THE COUNCIL, UNDER DIRECT SUPERVISION OF A CURRENTLY CERTIFIED INSTRUCTOR.] (Eff. 4/12/2001, Register 158; am ____/____/____, Register ____)

Authority: AS 18.65.220 AS 18.65.242
AS 18.65.230 AS 18.65.285

Register _____, _____ 2017, PUBLIC SAFETY

13 AAC 89.040(a) is amended by adding a new subsection to read:

(4) diversity and disability awareness in compliance with the requirements of AS 18.65.220.

(Eff. 10/18/81, Register 80; am _____/_____/_____, Register _____)

Authority: AS 18.65.220 AS 18.65.240