

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0402

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: Explain the Commission's authority to make this rule applicable to justice officers appointed prior to July 1, 1983. See G.S. 17E-7(a).*

*Lines 7-8: "Basic Law Enforcement Training" is not a defined term. Either define it or add citation(s) to the rules. 12 NCAC 10B .0502?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0402 is amended with changes as published in 37:02 NCR 176 as follows:

2

3 **12 NCAC 10B .0402 PROBATIONARY CERTIFICATION**

4 All justice officers, except those transferred or reinstated pursuant to Rule .0406 of this Section shall serve a  
5 probationary certification period of one year; provided that the one year probationary period has not been extended  
6 for cause pursuant to 12 NCAC 10B .0303(c); .0503(a); ~~or .0602(a)~~ .0602(a); or .1303(a). For certification as a deputy  
7 sheriff the probationary period begins on the date the officer took the Oath of ~~Office.~~ Office after completion of Basic  
8 Law Enforcement Training. For certification as a detention officer or telecommunicator, the probationary period  
9 begins on the date the person was appointed. ~~[appointed after the completion of the Detention Officer Certification~~  
10 ~~Course or Telecommunicator Certification Course, as applicable.]~~

11

12 *History Note: Authority G.S. 17E-4; 17E-7;*  
13 *Eff. January 1, 1989;*  
14 *Amended Eff. ; January 1, 1996; January 1, 1994; January 1, 1991;*  
15 *Temporary Amendment Eff. March 1, 1998;*  
16 *Amended Eff. August 1, 1998;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*  
19 *Amended Eff. ~~[July 1, 2023]~~ July 1, 2024.*

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21

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0403

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 4-5: "Basic Law Enforcement Training" is not a defined term. Either define it or add citation(s) to the rules. 12 NCAC 10B .0502?*

*Line 5, 10, 12 and 13: The Commission requires the use of a "Report of Appointment (Form F-4)". There does not appear to be a rule that defines the "contents or substantive requirements" of the form as required by G.S. 150B-2(8a)(d).*

*Line 26: By "not authorized to carry a firearm" does the Commission mean in the performance of duty? Are they prohibited from carrying a firearm on duty?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0403 is amended with changes as published in 37:02 NCR 176 as follows:

2  
3 **12 NCAC 10B .0403 PROBATIONARY CERTIFICATION REQUIREMENT**

4 (a) For certification as a ~~justice officer, deputy sheriff,~~ the applicant must successfully complete Basic Law  
5 Enforcement Training, and a Report of Appointment (Form F-4T) (Form F-4) must be submitted to the Division.  
6 ~~Report of Appointment forms must be submitted to the Division by the sheriff's office no later than 10 days after the~~  
7 ~~deputy sheriff has taken the Oath of Office, or the detention officer or telecommunicator has been appointed. The~~  
8 ~~Division shall forward the justice officer's certification to the appointing agency.~~

9 (b) For certification as a detention officer, ~~[the applicant must successfully complete the Detention Officer~~  
10 ~~Certification Course, and]~~ a Report of Appointment (Form F-4T) (Form F-4) must be submitted to the Division.

11 (c) For certification as a telecommunication officer, ~~[the applicant must successfully complete the Telecommunicator~~  
12 ~~Certification Course, and]~~ a Report of Appointment (Form F-4T) must be submitted to the Division.

13 (d) Report of Appointment forms must be submitted to the Division by the employing agency no later than 10 days  
14 after the deputy sheriff has taken the Oath of Office, or the detention officer or the telecommunicator has been  
15 appointed.

16 (e) The Division shall forward the justice officer's certification to the appointing agency.

17 ~~(b)(f)~~ (f) No deputy sheriff or detention officer probationary certification shall be issued by the Division prior to the  
18 applicant meeting the conditions set forth in this Paragraph. As an additional requirement for probationary  
19 certification, the applicant shall meet the following requirements:

20 (1) If the applicant for probationary certification is authorized to carry a firearm pursuant to the  
21 provisions of 12 NCAC 10B .2104, the employing agency shall submit evidence of satisfactory  
22 completion of the employing agency's in-service firearms training and requalification program  
23 pursuant to 12 NCAC 10B .2000 and .2100; or

24 (2) If the applicant for probationary certification is not authorized to carry a firearm pursuant to the  
25 provisions of 12 NCAC 10B .2104, the employing agency shall notify the Division, in writing, that  
26 the applicant is not authorized to carry a firearm.

27  
28 *History Note: Authority G.S. 17E-4; 17E-7;*  
29 *Eff. January 1, 1989;*  
30 *Amended Eff. February 1, 1998, January 1, 1996; January 1, 1994; January 1, 1991;*  
31 *Temporary Amendment Eff. March 1, 1998;*  
32 *Amended Eff. August 1, 1998;*  
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
34 *2018.*  
35 *Amended Eff. [July 1, 2023] July 1, 2024.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0404

**DEADLINE FOR RECEIPT: August 11, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 8: "Chapter" should be subchapter or section.*

*Lines 15: Consider: "... as a justice officer within one year from the date of separation, and..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0404 is amended with changes as published in 37:02 NCR 176 as follows:

2

3 **12 NCAC 10B .0404 GENERAL CERTIFICATION**

4 (a) The Commission shall grant an officer general certification if evidence is received by the Division that the officer  
5 has:

6 (1) complied with all of the requirements of 12 NCAC 10B .0300; **and**

7 (2) successfully completed the required ~~training within the probationary period.~~ period pursuant to Rule  
8 .0402 of this Chapter; and

9 **(3) detention officers and telecommunicators have completed the required training within the**  
10 **probationary period.**

11 (b) General certification is continuous from the date of issuance if:

12 (1) The certified officer remains continuously employed or appointed as an officer in good standing  
13 with an agency and the certification has not been terminated for cause; or

14 (2) The certified officer, having separated in good standing from an agency, is reemployed or  
15 reappointed as a justice officer within one year, and the certification has not been terminated for  
16 cause.

17

18 *History Note: Authority G.S. 17E-4; 17E-7;*

19 *Eff. January 1, 1989;*

20 *Amended Eff. January 1, 1993;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
22 *2018.*

23 *Amended Eff. [~~July 1, 2023.~~] July 1, 2024.*

24

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0503

**DEADLINE FOR RECEIPT: August 11, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: The Rule is not formatted correctly in that the lines are not enumerated.*

*Paragraph (a): Explain the Commission's authority to make this rule applicable to justice officers appointed prior to July 1, 1983. See G.S. 17E-7(a).*

*Paragraph (b): The criteria which the Director will use in granting the waiver is unclear and ambiguous.*

*Paragraph (b): "State Comprehensive Examination" does not appear to be a define term. Either define it or make a citation to a rule which set forth the requirements of the examination. See G.S. 150B-19(6).*

*Paragraph (b): As written, the Director "shall waive the requirement" if the person intentionally delayed appointment and certification. Is that what the Commission intended? If not, please beware of any substantial change pursuant to GS 150B-21.2(g). An agency may not adopt a rule to allow the agency, or its employees, to waive or modify a requirement unless a rule establishes specific guideline for the agency to follow in determining whether to waive a rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

12 NCAC 10B .0503 is amended with changes as published in 37:02 NCR 176-177 as follows:

**12 NCAC 10B .0503 TIME REQ/COMPLETION/BASIC LAW ENFORCEMENT TRAINING COURSE**

(a) Each deputy sheriff ~~shall have completed with passing scores the accredited basic training course as prescribed in 12 NCAC 09B .0205 prior to obtaining probationary certification. holding temporary or probationary certification shall complete a Commission certified basic training course pursuant to 12 NCAC 09B .0405, within one year from the date of his or her Oath of Office.~~ Any deputy sheriff who does not comply with this Rule or other training provisions of this Chapter shall not exercise the powers of a deputy sheriff, including the power of arrest. ~~If, however, an officer has enrolled in a Commission certified basic law enforcement training program that concludes later than the end of the officer's probationary period, the Commission may extend the probationary period for a period not to exceed 12 months. In determining whether to grant an extension, the Commission shall consider the circumstances that created the need for the extension.~~

(b) Any person who has completed a Commission-certified basic law enforcement training program, but has not been duly appointed and certified in a sworn law enforcement position within one year of completion of the course, shall complete a subsequent Commission-certified basic recruit training program and pass the State Comprehensive Examination within the 12 month probationary period. The Director shall waive this requirement and accept a course that was completed outside of the one year time period as set forth in Paragraph (a) of this Rule unless he or she determines that a delay in applying for certification was due to negligence on the part of the applicant or employing agency. The extension of the one year period shall not exceed 30 days from the expiration date of a commission-certified basic training program.

*History Note: Authority G.S. 17E-4; 17E-7;*

*Eff. January 1, 1989;*

*Amended Eff. January 1, 2006; January 1, 1996; January 1, 1994; January 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018;*

*Amended Eff. [July 1, 2023;] July 1, 2024; June 1, 2019.*



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0604

**DEADLINE FOR RECEIPT: August 11, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Generally, to the Rule: Explain the commission's authority to empower a school director, who is not an employee of the commission or government, to waive a commission rule.*

*Line 4-5: The first sentence of paragraph (a) is either redundant or ambiguous. Either the "required class sessions" are listed and required in another rule, in which case the sentence unnecessary, or they are not listed anywhere, in which case the requirement is ambiguous. Or does the commission intend that a trainee must attend all class sessions of required classes, in which case what is a "required class"?*

*Lines 4-6: Adding "required" into this paragraph appears to limit the applicability of attendance to certain "sessions". Was the commissions intention? If so, identify the sessions.*

*Line 5: Which classes are "required"? What rule lists "required" classes? Are there classes which are not required?*

*Line 5-6: What is a "required session"?*

*Line 6: Explain the commission's authority to hold the sheriff responsible? How would the commission hold a sheriff, an elected official, responsible?*

*Line 7: Define "valid reasons".*

*Lines 7-9: An agency may not adopt a rule to allow the agency, or its employees, to waive or modify a requirement unless a rule establishes specific guideline for the agency to follow in determining whether to waive a rule.*

William W. Peaslee  
Commission Counsel  
Date submitted to agency: July 31, 2023

*Line 7: What criteria will the School Director apply? What is a “valid reason” See G.S. 150B-19(6). It is unclear whether the excused absence must be based on a “valid reason.”*

*Line 8: Define “specific class sessions”. Which sessions?*

*Line 8: Either define “required class” or add a citation to another rule. “...pursuant to rule 12 NCAC 10 B \_\_\_.”*

*Line 8 and 15: Which class hours are “required”? What rule lists the required hours? Are there hours which are not required?*

*Line 10: Define “appropriate make-up work”.*

*Line 13: “State Comprehensive Examination” does not appear to be a define term. Either define it or make a citation to a rule which set forth the requirements of the examination. See G.S. 150B-19(6).*

*Line 14: How does makeup work become “accepted”? Add reference to Subchapter (c) if that is what makeup work the Commission intends.*

*Line 15: “Expediently” is ambiguous. Define or delete it.*

*Line 16: Explain the commission’s authority to regulate an employee, to wit: the school director.*

*Lines 17-19: What is the commission’s authority to empower a third party, to wit: the school, or a third party’s employee, to wit: the school director, to waive a commission rule.*

*Lines 17-19: The standard by which a school director can terminate participation is unclear and ambiguous. If the Commission intends for the school director to have discretion by using “may”, what criteria will be used?*

*Lines 17-19: It is unclear whether this paragraph is limiting the circumstance upon which the school can terminate its contractual relationship with the trainee.*

*Lines 17-19: If a trainee is wrongfully “terminated” by the school director pursuant to the rule, to whom does the trainee appeal? The school director is an employee of a third party.*

*Line 18: What does “habitually tardy” mean? Define or delete.*

*Line 18: What does “regularly departs” mean? Define or delete.*

*Line 18: Is a “class meeting” different than a class session? If so, how? The Commission should try to be consistent with its terms when the terms mean the same thing.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

*Line 18: By what rule is the trainee required to attend “field exercises”?*

*Line 20-21: Is Paragraph (f) notwithstanding Paragraphs (b) and (c)? Paragraphs (b), (c), and (f) appear to conflict.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0604 is amended with changes as published in 37:02 NCR 180:

2  
3 **12 NCAC 10B .0604 TRAINEE ATTENDANCE**

4 (a) Each trainee enrolled in ~~an any~~ accredited "~~Detention- Detention~~ Officer Certification ~~Course~~" Course shall  
5 attend all required class sessions. The sheriff shall be responsible for the trainee's regular attendance at all required  
6 sessions of the detention officer training course.

7 (b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at  
8 specific class sessions. However, in no case may excused absences exceed **ten 10** percent of the total required class  
9 hours for the course offering.

10 (c) If the school director grants an excused absence from a class session, he shall schedule appropriate make-up  
11 work and ensure the satisfactory completion of such work during the current course presentation or in a subsequent  
12 course delivery as is permissible under 12 NCAC 10B .0605.

13 (d) A trainee shall not be eligible for administration of the State Comprehensive Examination nor certification for  
14 successful course completion if the cumulative total of class absences, with accepted make-up work, exceeds 10  
15 percent of the total required class hours of the accredited course offering and shall be expediently terminated from  
16 further course participation by the school director at the time of such occurrence.

17 (e) The school director may terminate a trainee from course participation or may deny certification of successful  
18 course completion where the trainee is habitually tardy to, or regularly departs early from, class meetings or field  
19 exercises.

20 (f) Where a trainee is enrolled in a program as required in 12 NCAC 10B .0601, attendance shall be 100 percent in  
21 order to receive a successful course completion.

22  
23 *History Note: Authority G.S. 17E-4; 17E-7;*  
24 *Eff. January 1, 1989;*  
25 *Amended Eff. January 1, 1996; January 1, 1992;*  
26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
27 *2018.*  
28 *Amended Eff. [November 1, 2022]November 1, 2023.*  
29  
30

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0605

**DEADLINE FOR RECEIPT: August 11, 2023**

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In reviewing this Rule, the staff recommends the following changes be made:

*Line 7: Explain the authority of the commission to delegate its rulemaking authority to the school director.*

*Line7-9: Explain the commission's authority to allow an employee of the school to dictate the managerial prerogative of the school's owners.*

*Lines 10-11: This line does not appear to be reasonably necessary pursuant to G.S. 150B-21.9(a)(3).*

*Line 11: The commission employs the use of the word "may" which gives the Director discretion. What criteria will the Director consider in exercising this discretion? If the commission means "shall", use "shall".*

*Line 11: "Prior" to what?*

*Lines 14-24: If the school director fails to "provide evidence", what is the trainees recourse or due process?*

*Line 25 : Change "may" to "shall".*

*Line 27: What justification is acceptable? Or is any written explanation acceptable?*

*Line 29: "director" should be "Director".*

*Line 34: What does the commission mean by "active course participation"?*

*Line 35: The colon should be a period, or these needs to be additional language added to connect Paragraph (c) to (1)-(3).*

*Page 2, Line 5: Define or delete "active".*

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

*Page 2, Line 5: What constitutes “satisfactory achievement”?*

*Page 2, Line 12: What does the commission mean by “subsequent program”? Is that the same as “an entire delivery of the Detention Officer Certification Course” from lines 9-10. Use consistent terms where applicable.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0605 is amended with changes as published in 37:02 NCR 181:

2  
3 **12 NCAC 10B .0605 COMPLETION OF DETENTION OFFICER CERTIFICATION COURSE**

4 (a) Each trainee shall attend and satisfactorily complete a full course during a single scheduled delivery as set forth  
5 in Rule .0601 of this Section unless a waiver has been granted as set forth in Rule .0603 or .1901 of this Subchapter.  
6 Satisfactory completion is achieved by completion of the required topics, passing the end of block tests and passing  
7 the state examination as set out in Rule .0606 of this Section. The school director may develop supplemental rules as  
8 set forth in Rule .0704(a)(6) of this Subchapter, but may not add substantive courses, or change or expand the  
9 substance of the courses set forth in Rule .0601 of this ~~Section~~ Section, except as provided by Rule .0603 of this  
10 Section. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall  
11 not be considered or endorsed by the Commission for purposes of certification. The Director may issue prior written  
12 authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the school  
13 director provides evidence that:

- 14 (1) The trainee attended and satisfactorily completed specified class hours and topics of the applicable  
15 "~~Detention~~ Detention Officer Certification Course" Course but through extended absence  
16 occasioned by illness, accident, or emergency was absent for more than 10 percent of the total class  
17 hours of the course offering;
- 18 (2) The trainee was granted excused absences by the school director that did not exceed **ten 10** percent  
19 of the total class hours for the course offering and the school director could not schedule appropriate  
20 make-up work during the current course offering as specified in Rule .0604(c) of this Section; or
- 21 (3) The trainee participated in an offering of the any "~~Detention~~ Detention Officer Certification Course"  
22 Course but had an identified deficiency in essential knowledge or skill in no more than three of the  
23 specified topic areas incorporated in the course content as set forth in Rule .0601(b) or .0603 of this  
24 Section.

25 (b) An authorization of limited enrollment in a subsequent course delivery may not be granted by the Director unless  
26 in addition to the evidence required by Paragraph (a) of this Rule:

- 27 (1) The trainee submits a written request to the Director, justifying the limited enrollment and certifying  
28 that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this Rule; and
- 29 (2) The school director of the previous school offering submits to the director a certification of the  
30 particular topics and class hours attended and satisfactorily completed by the trainee during the  
31 original enrollment.

32 (c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of  
33 ~~the any~~ "Detention Officer Certification Course" commencing within 180 calendar days from the last date of trainee  
34 participation in prior course delivery, but only if the trainee's enrollment with active course participation can be  
35 accomplished within the period of the trainee's probationary certification:

1 (1) The trainee need attend and satisfactorily complete only those portions of the course which were  
2 missed or identified by the school director as areas of trainee deficiency in the initial course  
3 participation.

4 (2) Following authorized enrollment in the subsequent course offering, scheduled class attendance and  
5 active participation with satisfactory achievement in the course, the trainee shall be eligible for  
6 administration of the State Comprehensive Examination by the Commission.

7 (3) A trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the  
8 180 calendar days from the last date of trainee participation in prior course delivery. A trainee who  
9 fails to complete those limited portions of the course after one retest shall enroll in an entire delivery  
10 of the Detention Officer Certification Course.

11 (d) A trainee who is deficient in four or more subject-matter or topical areas at the conclusion of the course delivery  
12 shall complete a subsequent program in its entirety.

13  
14 *History Note: Authority G.S. 17E-4; 17E-7;*

15 *Eff. January 1, 1989;*

16 *Amended Eff. February 1, 2014; August 1, 1998; January 1, 1996; January 1, 1993; January 1,*  
17 *1992; January 1, 1991;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
19 *2018.*

20 *Amended Eff. [~~November 1, 2022~~ November 1, 2023.*  
21



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0606

**DEADLINE FOR RECEIPT: August 11, 2023**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 6: Define of delete "satisfactorily".*

*Line 7: Define of delete "successfully".*

*Lines 8-9: The second sentence is unnecessary.*

*Line 10: What if there is not a "school director"?*

*Line 14: Define "fully participated in a scheduled delivery"?*

*Line 15: It is unclear how a trainee is required to demonstrate "satisfactory competence".*

*Line 15: What is "satisfactory competence"?*

*Line 28: What is "successful course completion"?*

*Lines 27-30: This subparagraph is unclear. What happens if the trainee does not take the course again within 180 days?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0606 is amended with changes as published in 37:02 NCR 181-182:

2  
3 **12 NCAC 10B .0606 COMP WRITTEN EXAM – DETENTION OFFICER CERTIFICATION COURSE**

4 (a) At the conclusion of a school's offering of ~~the any "Detention~~ Detention Officer Certification ~~Course", Course,~~  
5 an authorized representative of the Commission shall administer a comprehensive written examination to each trainee  
6 who has satisfactorily completed all of the required course work. A trainee shall not be administered the  
7 comprehensive written examination until such time as all required course work is successfully completed.

8 (b) The examination shall be comprised of four units as specified in 12 NCAC 10B .0601(b). Each unit is designed  
9 to test the trainees' proficiency in that unit.

10 (c) The Commission's representative shall submit to the school director within 10 days of the administration of the  
11 examination a report of the results of the test for each trainee examined.

12 (d) A trainee shall successfully complete the comprehensive written examination upon achieving a minimum of 70  
13 percent correct answers on each of the four units as prescribed in 12 NCAC 10B .0601(b).

14 (e) A trainee who has fully participated in a scheduled delivery of ~~a certified training course~~ any Detention Officer  
15 Certification Course and has demonstrated satisfactory competence in each required motor-skill or performance area  
16 of the course curriculum but has failed to achieve the minimum score of 70 percent on any of the four units of the  
17 Commission's comprehensive written examination may request the Director to authorize a re-examination of the  
18 trainee in those units for which he or she has failed to make a passing score of 70 percent as follows:

- 19 (1) A trainee's request for re-examination shall be made in writing on the Commission's form within 30  
20 days after the original examination and shall be received by the Division before the expiration of  
21 the trainee's probationary certification as a detention officer.
- 22 (2) The trainee's request for re-examination shall include the favorable recommendation of the school  
23 director who administered the trainee's ~~"Detention~~ Detention Officer Certification ~~Course", Course.~~
- 24 (3) A trainee shall have only one opportunity for re-examination and shall satisfactorily complete the  
25 subsequent unit examination in its entirety within 90 days after the original examination.
- 26 (4) A trainee shall be assigned in writing by the Division a place, time, and date for re-examination.
- 27 (5) Should the trainee on re-examination not achieve the prescribed minimum score of 70 on the unit  
28 re-examination, the trainee shall not be given successful course completion and must enroll and  
29 successfully complete the unit(s) he or she failed upon re-examination in a subsequent course  
30 offering within 180 days of the second failure before further examination may be permitted.

31  
32 *History Note: Authority G.S. 17E-4; 17E-7;*  
33 *Eff. January 1, 1989;*  
34 *Amended Eff. August 1, 2011; August 1, 2002; January 1, 1996; January 1, 1994; January 1, 1992;*  
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
36 *2018.*  
37 *Amended Eff. [November 1, 2022]November 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0607

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 10: What is the minimum degree of general attributes required?*

*Line 10: What is the minimum degree of knowledge required?*

*Line 10: What is the minimum degree of skill required?*

*Line 10: Define or delete "inexperienced detention officer".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0607 is amended with changes as published in 37:02 NCR 182:

2

3 **12 NCAC 10B .0607 SATISFACTION OF MINIMUM TRAINING REQUIREMENTS**

4 In order to satisfy the minimum training requirements for certification as a detention officer, a trainee shall:

- 5 (1) achieve a score of 70 percent correct answers on the Commission-administered comprehensive
- 6 written examination;
- 7 (2) demonstrate successful completion of an accredited offering of ~~the any "Detention~~ Detention Officer
- 8 Certification Course" Course as shown by the certification of the school director; and
- 9 (3) obtain the recommendation of the trainee's school director that the trainee possesses at least the
- 10 minimum degree of general attributes, knowledge, and skill to function as an inexperienced
- 11 detention officer.

12

13 *History Note: Authority G.S. 17E-4; 17E-7;*  
 14 *Eff. January 1, 1989; June 21, 2022*  
 15 *Amended Eff. January 1, 1996; January 1, 1992;*  
 16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
 17 *2018.*  
 18 *Amended Eff. ~~November 1, 2022~~ November 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0702

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 8-9: It is unclear whether the Commission is exempting any certification courses from the Title 12, Subchapter 9B rules or only whether the rules are applicable but later amendments and editions are not automatically adopted. If the former, consider: "This rule is not applicable to any Detention Officer Certification Course or Telecommunicator Certification Course."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0702 is amended with changes as published in 37:02 NCR 182:

2

3 **12 NCAC 10B .0702 ADMINISTRATION OF JUSTICE OFFICER SCHOOLS**

4 The rules covering the administration of Criminal Justice Schools and training programs or courses of instruction,  
5 codified as Title 12, Subchapter 9B, Section .0200 of the North Carolina Administrative Code, effective and previously  
6 adopted by the North Carolina Criminal Justice Education And Training Standards Commission are hereby  
7 incorporated by reference and shall automatically include any later amendments and editions of the incorporated  
8 material to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission with the  
9 exception of ~~the~~ any Detention Officer Certification Course and the Telecommunicator Certification Course. Copies  
10 of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina  
11 Department of Justice, 1700 Tryon Park Drive, Post Office Drawer 149, Raleigh, North Carolina 27692, or at  
12 [http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-  
Standards/Training-Certification-Programs.aspx](http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-<br/>Standards/Training-Certification-Programs.aspx).

14

15 *History Note: Authority G.S. 17E-4;*

16 *Eff. January 1, 1989;*

17 *Amended Eff. January 1, 1996; January 1, 1990;*

18 *Temporary Amendment Eff. March 1, 1998;*

19 *Amended Eff. November 1, 2013; August 1, 1998;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
21 *2018.*

22 *Amended Eff. [~~November 1, 2022~~]November 1, 2023.*

23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0704

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 1: This is not an amendment. This is an adoption.*

*Line 33: What rule requires the school to submit an outline? If one does not exist, this portion needs to be deleted. If one does exist, add a citation. i.e., ...pursuant to 12 NCAC 10B \_\_\_\_."*

*Line 24, Page 4: Delete "Amended".*

*Line 37: "Chapter" should be "Subchapter" should it not? If not, cite the rules not in 10B.*

*Page 2, Line 1: Define or delete "timely".*

*Page 2, Lines 2-3, Lines 8-13: Explain the agencies' authority to require adherence to and incorporate by reference another agencies' document unless that agency has adopted the document pursuant to the Administrative Procedures Act. Please identify the rule where the North Carolina Justice Academy adopted the Detention Officer Certification Course Management Guide.*

*Page 2, Line 11: Explain the Commission's authority to manage employees of the school providing the instruction.*

*Page 2, Line 13: Explain the Commission's authority to manage employees of the school providing the instruction.*

*Page 2, Line 13: Explain the Commission's authority over the Justice Academy.*

*Page 2, Line 19 and 27: Identify the rule which sets forth the requirements of the Pre-Delivery Report of Training Course Presentation (Form F-7A). See G.S. 150B-2(8a)d.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

*Page 3, Lines 11 and 22: What is the “Instructional Systems Design model”? It is not set forth in the 12 NCAC 09B .0209.*

*Page 3, Lines 11-13: Consider re-writing these lines.*

*Page 3, Line 13: Identify the rule which requires lesson plans to be approved by the Commission.*

*Page 3, Lines 26-29: Consider making these lines a separate subparagraph. As written, it is unclear whether the lines are applicable to just subparagraph (9) or not.*

*Page 4, Line 1: Identify the rule which sets forth the requirements of the Post-Delivery Report of Training Course Presentation (Form 7-B). See G.S. 150B-2(8a)d.*

*Page 4, Line 3: Identify the rule which sets forth the requirements of the Post-Delivery Report of Training Course Presentation (Form 7-A). See G.S. 150B-2(8a)d.*

*Page 4, Line 9: Identify the rule in which the procedure for certification of the “training delivery site” is set forth.*

*Page 4, Lines 11-15: Explain why a rule requiring a majority vote is reasonably necessary pursuant to G.S. 150B-21.9(a)(3)*

*Page 4, Lines 11-15: Explain the agencies’ authority to require adherence to and incorporate by reference another agencies’ document unless that agency has adopted the document pursuant to the Administrative Procedures Act. Please identify the rule where the North Carolina Justice Academy adopted either the Detention Officer Certification Course Management Guide or the Detention Officer Certification Training Manual.*

*Page 4, Line 24: Delete “Amended.”*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023



1 12 NCAC 10B .0704 is amended with changes as published in 37:13 NCR 933-935:

2  
3 **12 NCAC 10B .0704 RESPONSIBILITIES: ~~SCHOOL~~ SCHOOLS DIRECTORS, AND DETENTION**  
4 **OFFICER COURSE COURSES**

5 (a) In planning, developing, coordinating, and delivering any commission-certified Detention Officer Certification  
6 Courses, the school shall:

7 (1) Formalize and schedule the course curriculum in accordance with the curriculum standards  
8 established by the rules in this Chapter.

9 (A) Any Detention Officer Certification Course shall be presented with a minimum of 40 hours  
10 of instruction each week during consecutive calendar weeks until course requirements are  
11 completed, with the exception of weeks in which there are regularly scheduled holidays  
12 pursuant to G.S. 103-4.

13 (B) Upon written request by the school delivering a class, the Director shall grant a waiver of  
14 the minimum hours requirement to that particular delivery of the class when illness,  
15 adverse weather, staffing shortages at the school or law enforcement agency employing the  
16 students or hosting the course, a declared state of emergency, incident requiring an  
17 emergency response by law enforcement, or riot prevent students from attending class or  
18 the school from staffing instructors for the class for 40 hours of instruction a week.

19 (2) Select and schedule instructors who are certified by the Commission under 12 NCAC 10B .0901  
20 through 12 NCAC 10B .0909. The selecting and scheduling of instructors is subject to special  
21 requirements as follows:

22 (A) No single instructor may be scheduled to instruct more than 35 percent of the total hours  
23 of the curriculum during any Detention Officer Certification Course delivery except as set  
24 forth in Part (a)(2)(B) of this Rule.

25 (B) Where the school submits in writing to the Director of the Division a showing of  
26 exceptional or emergency circumstances, the Director of the Division shall grant written  
27 approval for the expansion of the individual instructional limitation. Emergencies  
28 justifying an instructor to teach more than 35 percent of a Detention Officer Certification  
29 Course are situations when illness, accident, or other exceptional circumstances make it  
30 unfeasible to staff the class with other certified instructors.

31 (C) The appropriate number of instructors for specific topic areas shall be scheduled as required  
32 in 12 NCAC 10B .0703.

33 (3) Provide each instructor with a Commission-approved course outline and inform each instructor of  
34 their duties and responsibilities as specified in the Commissions' regulations and Detention Officer  
35 Certification Course Manual and Course Management Guide.

36 (4) Review each instructor's lesson plans and other instructional materials for conformance to the rules  
37 in this Chapter and to minimize repetition and duplication of subject matter.

1 (5) Arrange for the timely availability of audiovisual aids and materials, publications, facilities and  
2 equipment for training in all topic areas as required in any [Detention] "Detention Officer  
3 Certification Course Management Guide" as published by the North Carolina Justice Academy  
4 which shall be used as the basic curriculum for [the] Detention Officer Certification [Course]  
5 Courses. Copies of this manual may be obtained by contacting the North Carolina Justice Academy,  
6 Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual, CD, indexes  
7 and binder is [fifty one dollars and seventy five cents (\$51.75)] one hundred seven dollars and  
8 seventy cents (\$107.70) at the time this Rule was last amended. The "Detention Officer Certification  
9 Course Management Guide" published by the North Carolina Justice Academy is hereby  
10 incorporated by reference, including subsequent amendments and editions, and shall be used by  
11 school directors in planning, implementing, and delivering basic detention officer training. The  
12 standards and requirements established by the "Detention Officer Certification Course Management  
13 Guide" shall be adhered to by the school director. The Justice Academy shall issue to each certified  
14 school director a copy of the guide at the time of certification at no cost to the certified school.

15 (6) If the [School] school adopts [rules] rules, regulations, and requirements that [exceeds] exceed the  
16 minimum requirements of this Subchapter regarding the delivery of a Detention Officer  
17 Certification [course], Course, the school shall submit the rules, regulations, and requirements to  
18 the Director as an Attachment attachment to the Pre-Delivery Report of Training Course  
19 Presentation, Form F-7A. A copy of such rules shall also be given to each trainee and to the sheriff  
20 of each trainee's employing agency at the time the trainee enrolls in the course.

21 ~~(7) — A copy of such rules, regulations and requirements adopted by the school pursuant to Subparagraph~~  
22 ~~(a)(6) of this Rule shall be submitted to the Director as an attachment to the Pre-Delivery Report of~~  
23 ~~Training Course Presentation, Form F-7A. A copy of such rules shall also be given to each trainee~~  
24 ~~and to the sheriff or agency head of each trainee's employing agency at the time the trainee enrolls~~  
25 ~~in the course.]~~

26 ~~(8)~~(7) Not less than 30 days before commencing delivery of the course, submit to the Commission a  
27 Pre-Delivery Report of Training Course Presentation (Form F-7A) that shall contain information on  
28 the course delivery location, school director, class schedule, anticipated date of the State  
29 Comprehensive Exam, and any planned instructional hours in addition to the minimum requirements  
30 along with the following attachments:

31 (A) A comprehensive course schedule showing the arrangement of topical presentations and  
32 proposed instructional assignments;

33 (B) A copy of any rules, regulations, and requirements for the school and, when appropriate,  
34 completed applications for certification of instructors. The Director shall review the  
35 submitted Pre-Delivery Report together with all attachments to ensure that the school is in  
36 compliance with all Commission rules; if the school's rules are found to be in violation, the

1 Director shall notify the school of any deficiency, and approval shall be withheld until all  
2 matters are in compliance with the Commissions' rules.

3 ~~(9)~~(8) ~~[Shall have]~~ ~~Have~~ probationary instructors evaluated by an instructor certified pursuant to 12 NCAC  
4 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If  
5 a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must  
6 designate an instructor certified to instruct the practical portion of the block of instruction to evaluate  
7 the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the Division  
8 at the conclusion of each course delivery. Based on the evaluation referenced in 12 NCAC 10B  
9 .0905(b)(1), the school shall recommend approval or denial of requests for Detention Officer  
10 Instructor Certification, Limited Lecturer Certification, or Professional Lecturer Certification. The  
11 observations shall ensure the instructor is using the Instructional Systems Design model, as taught  
12 in Criminal Justice Instructor Training set out in 12 NCAC 09B .0209, and that the delivery follows  
13 the training objectives in the commission-approved lesson plan. For each topic area, the designee's  
14 evaluation shall be based on the course delivery observations, the instructor's use of the approved  
15 lesson plan, and the results of student evaluations of the instructor.

16 ~~(10)~~(9) ~~[Shall have]~~ ~~Have~~ all other instructors evaluated by an instructor certified pursuant to 12 NCAC  
17 10B .0905 or certified as a general instructor pursuant to 12 NCAC 09B .0301 using Form F-16. If  
18 a Limited Lecturer is evaluated during the practical portion of a block of instruction, the school must  
19 designate an instructor certified to instruct the practical portion of the block of instruction to evaluate  
20 the instructor using Form F-16. These evaluations on Form F-16 shall be submitted to the Division  
21 at the conclusion of each course delivery. The observations shall ensure the instructor is using the  
22 Instructional Systems Design model, as taught in Criminal Justice Instructor Training set out in 12  
23 NCAC 09B .0209, and that the delivery follows the training objectives in the commission-approved  
24 lesson plan. For each topic area, the designee's evaluation shall be based on the course delivery  
25 observations, the instructor's use of the approved lesson plan, and the results of student evaluations  
26 of the instructor. Form F-16 shall contain information on the instructor, evaluator, courses taught  
27 and observed, location and time of delivery, sponsoring agency, and evaluation of instructor  
28 performance based upon instructor ability and use of instructional strategies taught in the Criminal  
29 Justice Instructor Training.

30 ~~(11)~~(10) Ensure that any designated certified instructor who is evaluating the instructional presentation of  
31 another, holds certification in the same instructional topic area as that being taught.

32 ~~(12)~~(11) Administer tests at the end of each topic area as specified in 12 NCAC 10B .0601 during the course  
33 delivery delivery.

34 ~~(13)~~(12) Maintain supervision, direction, and control over the performance of all persons to whom any  
35 portion of the planning, development, presentation, or administration of a course has been assigned.

36 ~~(14)~~(13) Administer all course work pursuant to 12 NCAC 10B .0606.

1 ~~(15)~~(14) Submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B),  
2 which shall contain information on the sponsoring agency, course beginning and end date, and  
3 deviations from the planned course delivery as specified on Form 7-A, within 10 days of receiving  
4 the Commission's Report of Examination Scores.

5 (b) In addition to the requirements in Paragraph (a) of this Rule, the school shall designate a point of contact who  
6 shall be available to students and Division staff at all times during course delivery by telephone or other means.  
7 Available means that the point of contact may be contacted at any time of day or night by students, school personnel,  
8 or division staff and shall return the call or other means of communication within 12 hours of contact if initial contact  
9 is not successful. The means, and applicable numbers, shall be filed with the commission-certified training delivery  
10 site and the Division prior to the beginning of a scheduled course delivery.

11 (c) The Commission shall examine the Detention Officer Certification Course Management Guide and Detention  
12 Officer Certification Course Training Manual developed by the North Carolina Justice Academy and vote by simple  
13 majority on whether to approve them as setting the curriculum and course management requirements for ~~the~~ any  
14 Detention Officer Certification Course. Subsequent substantive changes to either the Training Manual or Course  
15 Management Guide must be approved by a majority vote by the Commission.

16  
17 *History Note: Authority G.S. 17E-4;*

18 *Eff. January 1, 1989;*

19 *Amended Eff. November 1, 2022, January 1, 2009; January 1, 2006; January 1, 2005; August 1,*  
20 *1998; January 1, 1996; January 1, 1994; January 1, 1992;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
22 *2018.*

23 *RRC Objection July 21, 2022 and rule returned to agency on September 27, 2022.*

24 *Amended Eff. ~~August 1, 2023.~~ September 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0705

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 8, 23, 24 and 26: These subparagraphs are not "qualifications".*

*Lines 8, 23, 24 and 26: Explain the Commission's authority to direct employees, including the school director if there is one, of Detention Officer Certification Course providers.*

*Line 21: Define or delete "for cause".*

*Line 23: How can a person perform the "duties and responsibilities of a school director" when by this rule they cannot perform those duties and responsibilities until they qualify?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0705 is amended with changes as published in 37:02 NCR 185-186:

2  
3 **12NCAC 10B .0705 QUALIFICATIONS TO ACT AS SCHOOL DIRECTORS**

4 Any person designated to act as, or who performs the duties of, a school director in the delivery or presentation of a  
5 any commission-accredited Detention Officer Certification Course ~~detention officer training course~~ shall meet the  
6 following qualifications prior to commencing duties as such. Any designated school director will continuously  
7 maintain these qualifications during service as a school director.

- 8 (1) Submit a written designation as school director executed by the executive officer of the institution  
9 or agency currently accredited, or which may be seeking accreditation, by the Commission to make  
10 presentation of accredited training programs;
- 11 (2) Be certified as a criminal justice instructor by the North Carolina Criminal Justice Education and  
12 Training Standards Commission;
- 13 (3) Attend or must have attended the most current offering of the school director's orientation as  
14 developed and presented by the Commission staff;
- 15 (4) Attend or must have attended the most current offering of the school director's conference as  
16 presented by the Commission staff and staff of the North Carolina Criminal Justice Education and  
17 Training Standards Commission and Standards Division;
- 18 (5) Not have had any type of certification issued from this Commission, from the North Carolina  
19 Criminal Justice Education and Training Standards Commission, or from any commission, agency,  
20 or board established to certify pursuant to said commission, agency or boards' standards, which was  
21 revoked, suspended or denied for cause and such period of sanction is still in effect at the time of  
22 designation;
- 23 (6) Perform the duties and responsibilities of a school director as specifically required in Rule .0704;
- 24 (7) Maintain an updated copy of the "Detention Officer Certification Training Manual" assigned to each  
25 accredited school; and
- 26 (8) Ensure compliance with the Commission's accreditation requirements as set forth in 12 NCAC 10B  
27 .0703 and .0802.

28  
29 *History Note: Authority G.S. 17E-4;*  
30 *Eff. January 1, 1989;*  
31 *Amended Eff. August 1, 2002; August 1, 1998; January 1, 1996; January 1, 1992; January 1, 1991;*  
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
33 *2018.*  
34 *Amended Eff. November 1, 2022/November 1, 2023.*  
35

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0714

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Please correct the Submission For Permanent Rule form to show that this is an adoption and not an amendment.*

*Line 1: "Amended" should be "adopted".*

*Line 6: What are "pilot offerings"? It is unclear whether "pilot offerings" are subject to the rules governing other courses, whether they are certified or approved, and if so by what process.*

*Line 6-7: It is unclear what this sentence is designed to do. Why is it necessary? What constitutes a "new version of an existing curriculum"?*

*Line 13: Strike "Amended".*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0714 is amended with changes as published in 37:02 NCR 187:

2

3 **12 NCAC 10B .0714 PILOT COURSE PRESENTATION/PARTICIPATION**

4 (a) When the Commission approves the development of a new course or the development of a new version of an  
5 existing course, the Commission shall designate the developer, and such designation shall be deemed by the  
6 Commission as approval for the developer to conduct pilot offerings of the course. A minor or major revision to  
7 existing curriculum does not constitute a new version of an existing curriculum.

8 (b) Individuals who complete such a pilot course offering shall not be required by other rules of this Subchapter to  
9 complete additional training for that specific certification program. Such pilot training courses shall be recognized for  
10 purposes of certification or recertification.

11

12 *History Note: Authority G.S. 17E-7;*

13 *Amended Eff. ~~November 1, 2022~~ November 1, 2023.*

14



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0803

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 7: Strike "director".*

*Line 8: Identify the rule which sets forth the requirements of the Pre-Delivery Report of Training Course Presentation (Form F-7A). See G.S. 150B-2(8a)d.*

*Line 11: Strike "director".*

*Line 13: Identify the rule which sets forth the requirements of the Post-Delivery Report of Training Course Presentation (Form F-7B). See G.S. 150B-2(8a)d.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0803 is amended with changes as published in 37:02 NCR 187-188:

2  
3 **12 NCAC 10B .0803 REPORTS/DETENTION OFFICER CERT COURSE PRESENTATION/**  
4 **COMPLETION**

5 Each presentation of ~~the~~ any Detention Officer Certification Course shall be reported to the Commission as follows:

- 6 (1) After acquiring accreditation for the course and before commencing each delivery of the course, the  
7 school director shall, no less than 30 days prior to the scheduled delivery, notify the Division of the  
8 school's intent to offer the training course by submitting a Pre-Delivery Report of Training Course  
9 Presentation (Form F-7A); and  
10 (2) Upon completing delivery of the accredited course, and not more than ten days after receiving from  
11 the Commission's representative the Report of Examination Scores, the school director shall notify  
12 the Division regarding the progress and achievement of each enrolled trainee by submitting a  
13 Post-Delivery Report of Training Course Presentation (Form F-7B). ~~This report shall also include~~  
14 ~~each trainee's reading grade level as determined by testing required in 12 NCAC 10B .0601(c).~~  
15

16 *History Note: Authority G.S. 17E-4; 17E-7;*  
17 *Eff. January 1, 1989;*  
18 *Amended Eff. January 1, 1996; January 1, 1992;*  
19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
20 *2018.*  
21 *Italicized amendments have previously been published and are effective January 1, 2023.*  
22 *Amended Eff. ~~November 1, 2022~~ November 1, 2023.*  
23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0901

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 8-9: It is unclear whether the Commission is exempting any certification courses from the Title 12, Subchapter 9B rules or only whether the rules are applicable but later amendments and editions are not automatically adopted. If the former, consider: "This rule is not applicable to any Detention Officer Certification Course or Telecommunicator Certification Course."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0901 is amended with changes as published in 37:02 NCR 188:

2  
3 **SECTION .0900- MINIMUM STANDARDS FOR JUSTICE OFFICER INSTRUCTORS**

4  
5 **12 NCAC 10B .0901 CERT/INSTRUCTORS/BASIC LAW ENFORCEMENT TRAINING COURSE**

6 The rules covering the certification of instructors, codified as Title 12, Subchapter 9B, Section .0300 of the North  
7 Carolina Administrative Code, and adopted by the North Carolina Criminal Justice Education and Training Standards  
8 Commission, are hereby incorporated by reference, and shall automatically include any later amendments and editions  
9 of the referenced materials, to apply to actions of the North Carolina Sheriffs' Education and Training Standards  
10 Commission with the exception of instructors for ~~the~~ any Detention Officer Certification Course and  
11 Telecommunicator Certification Course. Copies of the publication may be obtained from the Office of Administrative  
12 Hearings, Rules Division web-site <http://www.ncoah.com/rules>.

13  
14 *History Note: Authority G.S. 17E-4;*  
15 *Eff. January 1, 1989;*  
16 *Amended Eff. January 1, 2013; January 1, 1996; January 1, 1994; June 1, 1992; January 1, 1992;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*  
19 *Amended Eff. ~~November 1, 2022~~/November 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0903

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 5-7: Pursuant to what process? Add a citation to the rule or rules which establish the certification process(es).*

*Line 13: "remain knowledgeable" is unclear and ambiguous.*

*Line 14: It is unclear and ambiguous who the "curriculum developer" is.*

*Line 15: It appears that the Commission is delegating its authority to determine the time within an instructor must complete a curriculum to the curriculum developer. Explain the Commission's authority to do so.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0903 is amended with changes as published in 37:02 NCR 188:

2  
3 **12 NCAC 10B .0903 CERT: INSTRUCTORS FOR DETENTION OFFICER CERTIFICATION**  
4 **COURSE**

5 (a) Any person participating in a any commission-certified Detention Officer Certification Course as an instructor,  
6 teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the  
7 Commission as an instructor.

8 (b) The Commission shall certify Detention Officer Certification Course instructors under the following categories:

9 (1) Detention Officer Instructor Certification;

10 (2) Professional Lecturer Certification; or

11 (3) Limited Lecturer Certification as outlined in Rules .0904, .0906 and .0908 of this Section.

12 (c) In addition to all other requirements of this Section, all instructors certified by the Commission to teach in a any  
13 commission-certified Detention Officer Certification Course shall remain knowledgeable and attend and complete any  
14 instructor training updates related to curriculum content and delivery as may be offered by the curriculum developer  
15 and within the time period as specified by the curriculum developer.

16  
17 *History Note: Authority G.S. 17E-4;*

18 *Eff. January 1, 1989;*

19 *Amended Eff. January 1, 2005; August 1, 1998; January 1, 1996; January 1, 1990;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
21 *2018.*

22 *Amended Eff. ~~November 1, 2022~~ November 1, 2023.*  
23

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0906

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: The Commission use of the word "may" implies that the Commission has criteria other than that listed in the rule which it shall consider in its determination. What are those criteria?*

*Line 9: "Accredited" by whom?*

*Line 10: By what process does the Commission "recognize" a school director?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0906 is amended with changes as published in 37:02 NCR 188:

2

3 **12 NCAC 10B .0906 PROFESSIONAL LECTURER CERTIFICATION**

4 (a) The Commission may issue Professional Lecturer Certification to a licensed attorney-at-law or a person with a  
5 law degree to teach "Legal Aspects of Jail Management and Administration" or other approved Detention Officer  
6 Certification Course legal block in the any Detention Officer Certification Course.

7 (b) To be eligible for such certification an applicant shall present documentary evidence demonstrating that the  
8 applicant has:

9 (1) graduated from an accredited law school;

10 (2) obtained the endorsement of a commission recognized school director who shall:

11 (A) recommend the applicant for certification as a professional lecturer; and

12 (B) describe the applicant's expected participation, topical areas, duties and responsibilities.

13

14 *History Note: Authority G.S. 17E-4;*

15 *Eff. January 1, 1989;*

16 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1992;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*

19 *Amended Eff. November 1, 2022/November 1, 2023.*

20



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0910

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 4-5: Consider re-writing this rule. These lines are permissive. Rules do not grant permission (exceptions) in the absence of a restriction. That which is not prohibited is allowed. Consider: "Instructors certified pursuant to 12 NCAC 10B .0908 and .0909 shall be the primary presenter at each class session of every offering of any Detention Officer Certification Course. A guest participant in a class session shall only be used to complement the instructor, and the instructor shall have direct on-sight supervision of the guest participants."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel  
Date submitted to agency: July 31, 2023

1 12 NCAC 10B .0910 is amended with changes as published in 37:02 NCR 188:

2

3 **12 NCAC 10B .0910 USE OF GUEST PARTICIPANTS**

4 The use of guest participants in a delivery of ~~the~~ any Detention Officer Certification Course is permissible with the  
5 exception of those topic areas requiring instructors certified pursuant to 12 NCAC 10B .0908 and .0909. Such guest  
6 participants are subject to the direct on-site supervision of a commission-certified instructor and must be authorized  
7 by the school director. A guest participant shall only be used to complement the primary certified instructor of the  
8 topic area and shall in no way replace the primary instructor.

9

10 *History Note: Authority G.S. 17E-4;*

11 *Eff. January 1, 1992;*

12 *Amended Eff. August 1, 1998; January 1, 1996;*

13 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
14 *2018.*

15 *Amended Eff. ~~November 1, 2022~~ November 1, 2023.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .1302

**DEADLINE FOR RECEIPT: August 11, 2023**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Lines 1: "Adopts" is rule-language. Specifically which rules of the NC Justice Academy is the Commission adopting?*

*Lines 34-35: The Commission does not have the authority to establish "standards and requirements" by incorporating by reference a document which has not been adopted pursuant to the Administrative Procedures Act.*

*Page 2, Line 1: Consider re-writing this paragraph. "May" is permissive language. That which is not restricted is permissible. Consider: "No Telecommunicator Certification Course shall be offered by any persons, agencies, or institutions without the approval of the Commission pursuant to \_\_\_\_\_. (Insert rule establishing process) "Any persons, agencies, or institutions desiring to offer the Telecommunicator Certification Course shall file a Pre-delivery Report (Form F-7A-T) with the Commission. Form F-7A-T shall contain..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: July 31, 2023

1 12 NCAC 10B .1302 is amended with changes as published in 37:13 NCR 935-936;

2

3 **12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE**

4 (a) The Commission hereby ~~accredits~~ adopts as its telecommunicator certification training program, the 47-hour  
5 Telecommunicator Certification Course developed by the North Carolina Justice Academy.

6 (b) Each Telecommunicator Certification Course shall include the following identified topic areas and ~~approximate~~  
7 minimum instructional hours for each area:

8	(1)	Orientation	2 hours
9	(2)	Introductory Topics for the Telecommunicator	<del>2</del> 3 hours
10	(3)	Interpersonal Communication	4 <del>2</del> hours
11	(4)	Civil Liability for the Telecommunicator	4 <del>5</del> hours
12	(5)	Telecommunications Systems and Equipment	<del>2</del> 3 hours
13	(6)	Overview of Emergency Services	<del>9</del> 7 hours
14	<del>(7)</del>	<del>Communications Resources</del>	<del>2</del> hours
15	<del>(8)</del> (7)	<del>Call Reception, Prioritization, and Resource Allocation</del> Reception and Prioritization	<del>6</del> 8 hours
16	<del>(9)</del> (8)	<del>Broadcasting Techniques, Rules, and Procedures</del> <u>Techniques and Resource Allocation</u>	<del>6</del> 7 hours
17	<del>(10)</del> (9)	Telecommunicator Training Practicum	8 hours
18	<del>(11)</del> (10)	State Comprehensive Examination	2 hours
19		TOTAL HOURS	47 hours

20 (c) Consistent with the curriculum development policy of the Commission as published in the "Telecommunicator  
21 Certification Course Management ~~Guide~~", Guide." the Commission shall designate the developer of the  
22 Telecommunicator Certification Course curricula and such designation shall be deemed by the Commission as  
23 approval for the developer to conduct pilot Telecommunicator Certification Courses. Individuals who complete such  
24 a pilot Telecommunicator Certification Course offering shall be deemed to have complied with and satisfied the  
25 minimum training requirement.

26 (d) The "Telecommunicator Certification Training ~~Manual~~" Manual." as published by the North Carolina Justice  
27 ~~Academy~~ Academy, shall be used and shall automatically include any later amendments and editions of the  
28 incorporated matter to apply as the basic curriculum for the Telecommunicator Certification Course. Copies of this  
29 manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North  
30 Carolina 28385-0099.

31 (e) The "Telecommunicator Certification Course Management ~~Guide~~" Guide." as published by the North Carolina  
32 Justice ~~Academy~~ Academy, shall be used and shall automatically include any later amendments, editions of the  
33 incorporated matter to be used by certified ~~school~~ schools ~~directors~~ in planning, implementing and delivering basic  
34 telecommunicator training. The standards and requirements established by the "Telecommunicator Certification  
35 Course Management Guide" must be adhered to by the certified ~~school director~~. school. Each certified school ~~director~~  
36 shall be issued a copy of the guide at the time of certification at no cost to the accredited school.

1 (f) Institutions may offer to deliver the Telecommunicator Certification Course after the Commission has approved  
2 the institution's pre-delivery report documenting who will be teaching the blocks of instruction for each course  
3 offering. The pre-delivery report Form F-7A-T shall contain information on the name of the institution or agency  
4 hosting the course, the name of the school director, location, hours to be taught, schedule, number of students, and  
5 any hours of instruction in addition to those required by this Rule.

6  
7 *History Note: Authority G.S. 17E-4(a);*  
8 *Temporary Adoption Eff. March 1, 1998;*  
9 *Eff. August 1, 1998;*  
10 *Amended Eff. April 1, 2001;*  
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
12 *2018.*  
13 *Amended Eff. [~~August 1, 2023.~~] September 1, 2023.*  
14