

1 12 NCAC 09B .0209 is amended, with changes, as published in 37:19 NCR 1927-1940

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3 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

4 (a) The Instructor Training course required for General Instructor certification shall consist of a minimum of ~~40~~ 38
5 hours of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post
6 ~~testing~~ testing. The Instructor Training course shall be presented during a period of no more than 15 business days. If
7 the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice
8 Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing
9 so is necessary based on consideration of the following factors:

- 10 (1) ~~Whether~~ whether instruction has begun in the course or whether course initiation may be postponed;
11 (2) ~~The the~~ risk of harm to students that may be caused by continuation of the course;
12 (3) ~~Whether~~ whether those enrolled in the course have been or will likely be called ~~on~~ into action to
13 help address the State of Emergency;
14 (4) ~~The the~~ specific need for the waiver; and
15 (5) ~~The the~~ degree of benefit to the public in allowing a break in instruction.

16 Notice of waivers granted pursuant to the Section shall be posted on the CJETS ~~website~~ website:
17 <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section
18 shall only apply to courses that began during the effective period of the State of Emergency.

19 ~~(b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform~~
20 ~~the functions of a criminal justice instructor.~~

21 ~~(e)~~ (b) Each Instructor Training course shall include the following identified topic areas and minimum instructional
22 hours for each area:

- | | | |
|---------|---|----------------------|
| 23 (1) | Orientation and Pre-Test | 4 2 Hour |
| 24 (2) | Instructional Systems Design (ISD) | 5 3 Hours |
| 25 (3) | Law Enforcement Instructor Liabilities and Legal Responsibilities | 2 Hours |
| 26 (4) | Criminal Justice Instructional Leadership | 4 Hours |
| 27 (5) | Lesson Plan Preparation: Professional Resources | 2 Hours |
| 28 (6) | Lesson Plan Development and Formatting | 3 Hours |
| 29 (7) | Adult Learning | 2 Hours |
| 30 (8) | Instructional Styles and Platform Skills | 5 Hours |
| 31 (9) | Classroom Management | 3 Hours |
| 32 (10) | Active Learning: Demonstration and Practical Exercises | 3 Hours |
| 33 (11) | The Evaluation Process of Learning | 4 3 Hours |
| 34 (12) | Audio Visual Aids | 5 Hours |
| 35 (13) | Course Closing and Post-test | 1 Hour |
| 36 (14) | Completion of tasks associated with practical exercises, student presentations, and post testing ; | |
| 37 | <u>testing. The Instructor Training School Director shall determine</u> the number of hours required to | |

1 complete this portion of the ~~curriculum~~ curriculum. This decision shall be based on the number of
2 enrolled students, available facilities, and number of instructors.

3 (d) (c) The most current version of the "Instructor Training" manual published by the North Carolina Justice Academy
4 shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

5 Criminal Justice Standards Division
6 North Carolina Department of Justice
7 1700 Tryon Park Drive
8 Post Office Drawer 149
9 Raleigh, North Carolina 27602

10 and may be purchased ~~at the cost of printing and postage~~ by cash, money order, or credit card, from the Academy
11 bookstore at the following address:

12 North Carolina Justice Academy
13 Post Office Drawer 99
14 Salemburg, North Carolina 28385

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16 *History Note: Authority G.S. 17C-6;*
17 *Eff. January 1, 1981;*
18 *Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;*
19 *August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,*
20 *1985;*
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
22 *2019;*
23 *Amended Eff: December 1, 2023; April 1, 2022; July 1, 2021; January 1, 2021.*

1 12 NCAC 09B .0403 is amended, with changes, as published in 37:19 NCR 1927-1940

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3 12 NCAC 09B .0403 EVALUATION FOR TRAINING WAIVER

4 (a) The Standards Division staff shall evaluate each law enforcement officer's training and experience to determine if
5 equivalent training has been completed as specified in Rule .0402(a) of this Section. Applicants for certification with
6 prior law enforcement experience shall have been employed in a full-time, sworn law enforcement position in order
7 to be considered for training evaluation under this Rule. Applicants for certification with a combination of full-time
8 and part-time experience shall be evaluated on the basis of the full-time experience only. The determination of full
9 time or part time is determined by the employing agency who submits the applicant's certification documents. For the
10 purposes of this Rule, equivalent training is the topics of instruction successfully completed at a federal, military or
11 out of state law enforcement training academy. The following criteria shall be used by Standards Division staff in
12 evaluating a law enforcement officer's training and experience to determine eligibility for a waiver of training
13 requirements:

14 (1) Persons having completed a Commission-accredited ~~basic training program~~ Basic Law Enforcement
15 Training Course and not having been duly appointed and sworn as a law enforcement officer within
16 one year of completion of the ~~program course~~ shall complete a subsequent Commission-accredited
17 ~~basic training program~~, Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of
18 this Section, and shall achieve a passing score on the State Comprehensive Examination prior to
19 obtaining probationary law enforcement certification, unless the Director determines that a delay in
20 applying for certification was not due to ~~neglect~~ inaction or fault on the part of the applicant, in
21 which case the Director shall accept a Commission-accredited ~~basic training program~~ Basic Law
22 Enforcement Training Course that is over one year old. The appointing agency shall request in
23 writing the extension of the one year period, which shall not exceed 30 days from the first year
24 anniversary of the passing of the State Comprehensive Examination;

25 (2) Out-of-state transferees shall be evaluated to determine the amount and quality of their training and
26 experience. Out-of-state transferees shall not have a break in service exceeding three years. At a
27 minimum, out-of-state transferees shall have two years' full-time, sworn law enforcement
28 experience and have completed a basic law enforcement training course accredited by the
29 transferring state. An individual's attendance at his or her basic law enforcement class shall not count
30 towards the two years' full-time sworn law enforcement experience. Prior to employment as a
31 certified law enforcement officer, out-of-state transferees shall complete with a passing score the
32 employing agency's in-service firearms training and qualification program as prescribed in 12
33 NCAC 09E .0106. In addition, out-of-state transferees shall complete the Legal Unit in a
34 Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1)
35 of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within
36 the 12 month probationary period;

1 (3) Persons who have completed a 369-hour ~~basic law enforcement training program~~ Commission-
2 accredited Basic Law Enforcement Training Course ~~accredited by the Commission~~ under guidelines
3 administered beginning October 1, 1984, have been separated from a sworn position for over one
4 year but less than three years, and who have had a minimum of two years' experience as a full-time,
5 sworn law enforcement officer in North Carolina shall complete the Legal Unit in a
6 Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1)
7 of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within
8 the 12 month probationary period. Prior to employment as a certified law enforcement officer, these
9 persons shall complete with a passing score the employing agency's in-service firearms training and
10 qualification program as prescribed in 12 NCAC ~~09E; 09E .0106;~~

11 (4) Persons who have completed a 396-hour ~~basic law enforcement training program accredited by the~~
12 ~~Commission~~ Commission-accredited Basic Law Enforcement Training Course under guidelines
13 administered beginning October 1, 1984, have been separated from a sworn position more than one
14 year but less than five years and who have a minimum of two years' experience as a full-time, sworn
15 law enforcement officer in North Carolina, who have not committed, as defined in 12 NCAC 09A
16 .0103(5), or been convicted of a disqualifying criminal offense as listed in Rule ~~.0111(1)~~ .0111(a)
17 of this Subchapter, and who have successfully completed the mandatory in-service training
18 requirements pursuant to 12 NCAC 09E .0105 or 12 NCAC 10B .2005, with the exception of
19 Firearms Training and Requalification, during each year the person was separated from a sworn
20 position prior to employment as a certified law enforcement officer shall complete the topic areas
21 within the following time frames:

22 (A) Prior to employment as a certified law enforcement officer, the person shall complete the
23 appointing agency's in-service firearms training and qualification program as prescribed in
24 12 NCAC ~~09E; 09E .0106;~~

25 (B) Prior to employment as a certified law enforcement officer, the person shall achieve a
26 passing score on the practical skills testing for the First Responder, Law Enforcement
27 Driver Training, and Subject Control Arrest Techniques topics set forth in Rule .0205(b)(5)
28 of this Subchapter. The person shall also successfully complete the Police Officer Physical
29 Abilities Test. The practical skills testing and the Police Officer Physical Abilities Test
30 may be completed either in a Commission-accredited Basic Law Enforcement Training
31 ~~course~~ Course or under the instruction of a Commission-certified instructor for that
32 particular skill. The person shall also meet the requirements per Rule .0101 of this
33 Subchapter; and

34 (C) Within 12 months of being issued probationary certification, the person shall complete the
35 remaining topics in the legal unit of instruction in the ~~Commission-accredited~~ Basic Law
36 Enforcement Training ~~course~~ Course as set forth in Rule .0205(b)(1) of this Subchapter.
37 The person shall achieve a passing score on the appropriate topic tests for each course. The

1 person may undertake each of these legal unit topics of instruction either in a Commission-
2 accredited Basic Law Enforcement Training ~~course~~ Course or under the instruction of a
3 Commission-certified instructor for that particular topic of instruction.

4 An individual's attendance at his or her basic law enforcement class shall not count towards the two
5 years' full-time sworn law enforcement experience. Persons who meet the criteria of this Part shall
6 be processed as a probationary certification and shall serve a one-year probationary period as
7 defined in 12 NCAC 09C .0303;

8 (5) Persons ~~out of the law enforcement profession who have been separated from a sworn position~~ for
9 over one year but less than three years who have had less than two years' experience as a full-time,
10 sworn law enforcement officer in North Carolina shall complete a Commission-accredited ~~basic~~
11 ~~training program,~~ Basic Law Enforcement Training Course, as prescribed in Rule .0405(a) of this
12 Section, and achieve a passing score on the State Comprehensive Examination;

13 (6) Persons ~~who have been separated for a sworn position out of the law enforcement profession~~ for over
14 three years who do not meet the criteria of Subparagraph (4) of this Paragraph shall complete a
15 Commission-accredited ~~basic training program,~~ Basic Law Enforcement Training Course, ~~basic~~
16 ~~training program,~~ as prescribed in Rule .0405(a) of this Section, regardless of prior training or
17 experience, and shall achieve a passing score on the State Comprehensive Examination;

18 (7) Persons who ~~have been~~ separated from ~~law enforcement employment~~ a sworn law enforcement
19 position during their probationary period after having completed a Commission-accredited ~~basic~~
20 ~~training program~~ Basic Law Enforcement Training Course and who have ~~been~~ separated from a
21 sworn law enforcement position for more than one year shall complete a subsequent Commission-
22 accredited ~~basic training program~~ Commission-accredited Basic Law Enforcement Training Course
23 and shall achieve a passing score on the State Comprehensive Examination;

24 (8) Upon reappointment to the same agency or appointment to another agency, persons ~~Persons who~~
25 have been separated from a sworn law enforcement position during their probationary period after
26 having completed a Commission-accredited ~~basic training program~~ Basic Law Enforcement
27 Training course Course shall be charged with the cumulative amount of time served during his initial
28 or subsequent appointments and allowed the remainder of the probationary period to complete
29 Commission requirements, but shall not be required to complete an additional Commission-
30 accredited Basic Law Enforcement Training Course; ~~and who have separated from a sworn law~~
31 ~~enforcement position for less than one year shall serve a new 12 month probationary period as~~
32 ~~prescribed in Rule .0401(a) of this Section, but shall not be required to complete an additional~~
33 ~~training program;~~

34 (9) Persons who have completed a minimum 160-hour basic law enforcement training program
35 accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines
36 administered beginning on July 1, 1973, and continuing through September 30, 1978, and who have
37 ~~been~~ separated from a sworn law enforcement position for over one year but less than two years

1 shall complete the Legal Unit and the topical area entitled "Law Enforcement Driver Training" of a
2 Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1)
3 and .0205(b)(5)(C) of this Subchapter and shall achieve a passing score on the State Comprehensive
4 Examination within the 12 month probationary period;

5 (10) Persons who have completed a minimum 160-hour basic law enforcement training program
6 accredited by the North Carolina Criminal Justice Training and Standards Council under guidelines
7 administered beginning on July 1, 1973, and continuing through September 30, 1978, and have been
8 separated from a sworn law enforcement position for two or more years shall complete a
9 Commission-accredited basic training program, as prescribed in Rule .0405 of this Section,
10 regardless of training and experience, and shall achieve a passing score on the State Comprehensive
11 Examination;

12 (11) Persons who have completed a minimum 240-hour Commission-accredited Basic Law Enforcement
13 Training Course ~~accredited by the Commission~~ under guidelines administered beginning October 1,
14 1978, and continuing through September 30, 1984, and have been separated from a sworn position
15 over one year but less than three years shall complete the Legal Unit in a Commission-accredited
16 Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and
17 shall achieve a passing score on the State Comprehensive Examination within the 12 month
18 probationary period;

19 (12) Persons previously holding law enforcement certification in accordance with G.S. 17C-10(a) who
20 have been separated from a sworn law enforcement position for over one year and who have not
21 previously completed a minimum basic training program accredited by either the North Carolina
22 Criminal Justice Training and Standards Council or the Commission shall complete a Commission-
23 accredited ~~basic training program,~~ Basic Law Enforcement Training Course, as prescribed in Rule
24 .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination
25 prior to employment;

26 (13) Individuals seeking certification with the Commission who have been appointed performed duties
27 for the Federal Government as a Criminal Investigator (GS 1811) [~~as defined in 5 U.S.C. 5541(3)~~
28 ~~and as defined in the Office of Personnel Management [GS 1811 series in the] General Schedule~~
29 ~~[Classification system,]~~ Qualification Standards ([https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1800/criminal-](https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1800/criminal-investigation-series-1811/)
30 [investigation-series-1811/](https://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1800/criminal-investigation-series-1811/)), Special Agents with the Federal Bureau of Investigation; United States
31 Secret Service; Bureau of Alcohol, Tobacco and Firearms; and Drug Enforcement Administration;
32 as well as United States Marshals and Deputy United States Marshals, who have not had a break in
33 service exceeding three years, shall be evaluated to determine the amount and quality of their
34 training and experience. For the purposes of this Rule, equivalent training is the topics of instruction
35 successfully completed at a federal, military, or out of state law enforcement training academy. The
36 following criteria shall be used by Standards Division staff in Division staff in evaluating a law
37

enforcement officer's training and experience to determine eligibility for a waiver of training requirements.

At a minimum, federal law enforcement officers individuals shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, these individuals shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. These individuals shall complete the Basic Law Enforcement Training topics pursuant to 12 NCAC 09B .0205(b)(1)(A), (b)(1)(C), (b)(1)(D), (b)(1)(F), (b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), (b)(6)(C), and shall achieve a passing score on the State Comprehensive Examination pursuant to 12 NCAC 09B .0406 within the 12 month probationary period. Individuals who submit to the Commission documentation of completion of training equivalent to the topics set forth in 12 NCAC 09B .0205(b)(2)(A), (b)(2)(C), (b)(2)(E), (b)(2)(F), (b)(2)(I), (b)(3)(B), (b)(3)(D), (b)(4)(E), (b)(5)(A), (b)(6)(A), (b)(6)(B), and (b)(6)(C) shall not be required to complete those topics;

(14) Federal law enforcement transferees other than those listed in Paragraph (13) of this Rule who have not had a break in service exceeding three years shall be evaluated to determine the amount and quality of their training and experience. At a minimum, federal law enforcement officers shall have two years' full-time, sworn law enforcement experience and have completed a basic law enforcement training course as required by their appointing federal agency. Prior to employment as a certified law enforcement officer, transferees shall complete with a passing score the employing agency's in-service firearms training and qualification program as prescribed in 12 NCAC 09E .0106. At a minimum, transferees shall complete the Legal Unit in a Commission-accredited Basic Law Enforcement Training Course as prescribed in Rule .0205(b)(1) of this Subchapter and shall achieve a passing score on the State Comprehensive Examination within 12 month probationary period;

(15) Applicants with part-time experience who have a break in service in excess of one year shall complete a Commission-accredited basic training program, Commission-accredited Basic Law Enforcement Training Course, as prescribed in Rule .0405 of this Section, and shall achieve a passing score on the State Comprehensive Examination prior to employment;

(16) Applicants who hold or previously held certification issued by the North Carolina Sheriffs' Education and Training Standards Commission (Sheriffs' Commission) shall be subject to evaluation based on the applicant's active or inactive certification status with the Sheriffs' Commission. Commission and the standards contained in Parts (A) through (D) of this Subparagraph. A deputy sheriff certified with the Sheriffs' Commission shall be considered active if he or she has been employed in a full-time, sworn law enforcement position performed any law enforcement function during the previous 12 months. A deputy sheriff certified with the Sheriffs'

1 Commission shall be considered inactive if he or she has not been employed in a full-time, sworn
2 law enforcement position ~~performed a law enforcement function~~ during the previous 12 months.

3 (A) The Standards Division shall issue certification to an applicant holding active general
4 certification with the Sheriffs' Commission provided that the applicant:

- 5 (i) Does not have a break in service of greater than 12 months;
- 6 (ii) Has completed the mandatory in-service training requirements pursuant to 12
7 NCAC 10B .2005 for each year certification was held; and
- 8 (iii) Held active status with the Sheriffs' Commission within 12 months of the date the
9 applicant achieved a passing score on the Basic Law Enforcement Training State
10 Comprehensive Examination.

11 (B) The Standards Division shall issue certification to an applicant holding inactive
12 certification with the Sheriffs' Commission provided that the applicant:

- 13 (i) Holds inactive probationary or general certification with the Sheriffs'
14 Commission;
- 15 (ii) Has served a minimum of 24 months of full time sworn service or does not have
16 a break in service of greater than 12 months;
- 17 (iii) Has completed the mandatory in-service training requirements pursuant to 12
18 NCAC 10B .2005, with the exception of Firearms Training and Requalification,
19 ~~during each year certification was held~~; and
- 20 (iv) Held active status with the Sheriffs' Commission within 12 months of the date the
21 applicant achieved a passing score on the Basic Law Enforcement Training State
22 Comprehensive Examination.

23 (C) An applicant awarded certification with the Sheriffs' Commission by means of the Sheriffs'
24 Standards BLET Challenge as prescribed in 12 NCAC 10B .0505(6)(b) shall meet the
25 following requirements in order to obtain probationary certification from the Commission:

- 26 (i) Have a minimum of 24 months of sworn, full-time law enforcement service;
- 27 (ii) Not have a break in service of greater than 12 months; and
- 28 (iii) Have completed all mandatory in-service requirements pursuant to 12 NCAC 10B
29 .0505 .2005 during the previous two years.

30 (D) An applicant who is a criminal justice officer, as defined in G.S. 17C-2(3), and who is
31 elected Sheriff shall be reinstated by the Commission upon the conclusion of the period of
32 service as Sheriff and in conformance with 12 NCAC 09C .0303;

33 (17) Alcohol law enforcement agents who received basic alcohol law enforcement training prior to
34 November 1, 1993, and transfer to another law enforcement agency in a sworn capacity shall be
35 subject to evaluation of their prior training and experience on an individual basis. The Standards
36 Division staff shall determine the amount of training required of these applicants, based upon the

1 type of certification held by the applicant and the length of any break in the applicant's sworn, full-
2 time service;

3 (18) Wildlife enforcement officers who separate from employment with the Wildlife Enforcement
4 Division and transfer to another law enforcement agency in a sworn capacity shall be subject to
5 evaluation of their prior training and experience on an individual basis. The Standards Division staff
6 shall determine the amount of training required of these applicants, based upon the type of
7 certification held by the applicant and the length of any break in the applicant's sworn, full-time
8 service;

9 (19) Active duty, guard, or reserve military members failing to complete all of the required annual in-
10 service training topics, as defined in 12 NCAC 09E .0105 of this Chapter, due to military obligations
11 are subject to the following training requirements as a condition for return to active criminal justice
12 status. The agency head shall verify the person's completion of the appropriate training by
13 submitting a statement, on Form F-9C, Return to Duty Request form. This form is located on the
14 agency's website: [https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/)
15 [publications/](https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/);

16 (A) Active duty members of the armed forces eligible for probationary certification pursuant
17 to this Paragraph and active duty, guard, or reserve military members holding probationary
18 or general certification as a criminal justice officer who fail to complete all of the required
19 annual in-service training topics due to military obligations for up to a period of three years
20 shall complete the previous year's required in-service training topics, the current year's
21 required in-service training topics, and complete with a passing score the appointing
22 agency's in-service firearms training and qualification program as prescribed in 12 NCAC
23 09E prior to their return to active criminal justice status;

24 (B) Active duty, guard, or reserve military members holding probationary or general
25 certification as a criminal justice officer who fail to complete all of the required annual in-
26 service training topics due to military obligations for a period greater than three years shall
27 complete the following topic areas within the following time frames:

28 (i) The person shall complete the previous year's required in-service training topics,
29 the current year's required in-service training topics, and complete the appointing
30 agency's in-service firearms training and qualification program as prescribed in
31 12 NCAC ~~09E~~ 09E .0106 prior to their return to active criminal justice status;

32 (ii) The person shall achieve a passing score on the practical skills testing for the First
33 Responder, Law Enforcement Driver Training, and Subject Control Arrest
34 Techniques topics enumerated in Rule .0205(b)(5) of this Subchapter prior to
35 returning to active criminal justice status. This practical skills testing may be
36 completed either in a Commission-accredited Basic Law Enforcement Training
37 course Course or under the instruction of a Commission-certified instructor for

1 that particular skill. The person shall complete one physical fitness assessment in
2 lieu of the Fitness Assessment and Testing topic. The person shall also be
3 examined by a physician per Rule .0104(b) of this Subchapter; and

- 4 (iii) The person shall complete ~~required topics~~ ~~some of the~~ ~~topics~~ in the legal unit of
5 instruction in the Commission-accredited Basic Law Enforcement Training
6 ~~course~~ Course as set forth in Rule .0205(b)(1) of this Subchapter. The required
7 topics include Motor Vehicle Law; Juvenile Laws and Procedures; Arrest, Search
8 and Seizure/Constitutional Law; and ABC Laws and Procedures. The person shall
9 achieve a passing score on the ~~appropriate~~ topic tests for each course. The person
10 may undertake each of these legal unit topics of instruction either in a
11 Commission-accredited Basic Law Enforcement Training ~~course~~ Course or under
12 the instruction of a Commission-certified instructor for that particular topic of
13 instruction. The person shall complete each of the enumerated topics of
14 instruction within 12 months from the beginning of his or her return to active
15 criminal justice status; and

- 16 (20) An active duty member of the armed forces who completes ~~the basic training course~~ Commission-
17 accredited Basic Law Enforcement Training Course in its entirety as prescribed in Rule .0405 of
18 this Subchapter, annually completes the mandatory in-service training topics as prescribed in 12
19 NCAC 09E .0105, with the exception of the Firearms and Qualification testing requirements
20 contained in 12 NCAC 09E .0105(a)(3) for each year subsequent to the completion of the ~~basic~~
21 ~~training course,~~ Commission-accredited Basic Law Enforcement Training Course, and achieves a
22 passing score on the State Comprehensive Examination as prescribed in Rule .0406 of this
23 Subchapter within five years of separating from active duty status shall be eligible for probationary
24 certification as prescribed in 12 NCAC 09C .0303 for a period of 12 months from the date he or she
25 separates from active duty status in the armed forces. All mandatory in-service training topics as
26 prescribed in 12 NCAC 09E .0105 shall be completed by the individual prior to receiving
27 probationary certification.

28 ~~(b) In the event the applicant's prior training is not equivalent to the Commission's standards, the Commission shall~~
29 ~~prescribe as a condition of certification supplementary or remedial training to equate previous training with current~~
30 ~~standards.~~

31 ~~(c) If certifications issued by the Commission require satisfactory performance on a written examination as part of~~
32 ~~the training, the Commission shall require the examinations for the certification.~~

33 ~~(d) (b) If an~~ evaluation ~~evaluation, conducted by Standards Division staff,~~ of the applicant's prior training and
34 experience determines that required attendance in the entire Commission-accredited Basic Law Enforcement Training
35 Course is unnecessary, the Director of the Standards Division shall determine the amount of training the individual
36 shall complete during his or her probationary period.

1 ~~(e)~~ (c) The following criteria shall be used by Standards Division staff in evaluating prior training and experience of
2 local confinement personnel to determine eligibility for a waiver of training requirements:

3 (1) Persons who hold probationary, general, or grandfather certification as local confinement personnel
4 and separate after having completed a Commission-accredited **basic training** course as prescribed in
5 Rule .0224 or .0225 of this Subchapter and have been separated for one year or more shall complete
6 a subsequent Commission-accredited **basic** training course and achieve a passing score on the State
7 Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this
8 ~~Section;~~ **Subchapter.**

9 ~~Upon reappointment to the same agency or appointment to another agency, persons~~ **Persons who**
10 ~~have been separated from a local confinement personnel position during their probationary period~~
11 ~~after having completed a Commission-accredited basic training program course shall be charged~~
12 ~~with the cumulative amount of time served during his initial or subsequent appointments and~~
13 ~~allowed the remainder of the probationary period to complete Commission requirements, but shall~~
14 ~~not be required to complete an additional Commission-accredited basic training course.~~ **Persons**
15 ~~who separated from a local confinement personnel position after having completed a Commission-~~
16 ~~accredited training course as prescribed in Rule .0224 or .0225 of this Subchapter and who have~~
17 ~~been separated for less than one year shall serve a new 12-month probationary period, but shall not~~
18 ~~be required to complete an additional training program;~~

19 (3) Applicants who hold or previously held "Detention Officer Certification" issued by the North
20 Carolina Sheriffs' Education and Training Standards Commission shall be subject to evaluation of
21 their prior training and experience on an individual basis. No additional training shall be required
22 where the applicant obtained certification and successfully completed the required 120 hour training
23 course and has not had a break in service in excess of one year; and

24 (4) Persons holding certification for local confinement facilities who transfer to a district or county
25 confinement facility shall complete the course for district and county confinement facility personnel,
26 as adopted by reference in Rule .0224 of this Subchapter, and achieve a passing score on the State
27 Comprehensive Examination during the probationary period as prescribed in Rule .0401(a) of this
28 ~~Section;~~ **Subchapter.**

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1
2 **12 NCAC 09B. 0501 is amended, with changes, as published in 37:19 NCR 1927-1940**

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4 **12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS**

5 (a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation
6 of a Commission-certified criminal justice training course shall be and continuously remain certified by the
7 Commission as a school director.

8 (b) To qualify for initial certification as a School Director, an applicant shall:

9 (1) ~~Attend and complete a Commission-certified instructor training course or an equivalent instructor~~
10 ~~training program as determined by the Commission (if certified after July 1, 2004);~~ **[Hold] hold**
11 ~~current General Instructor certification as issued by the North Carolina Criminal Justice Education~~
12 ~~and Training Standards Commission;~~

13 (2) **furnish documentary evidence to the Standards Division of high school, college, or university**
14 **graduation as outlined in 12 NCAC 09B .0106. Present documentary evidence showing that the**
15 **applicant:**

16 (A) ~~is a high school, college, or university graduate or has received a high school equivalency~~
17 ~~credential as [awarded from colleges or universities accredited by the Department of~~
18 ~~Education of the state in which the institution is located, from an accredited body~~
19 ~~recognized by either the U.S. Department of Education or the Council for Higher Education~~
20 ~~Accreditation, or from the state university of the state in which the institution is located]~~
21 ~~recognized by the issuing state and has acquired five years of practical experience as a~~
22 ~~criminal justice officer or as an administrator or specialist in a field directly related to the~~
23 ~~criminal justice system. At least one year of the required five years experience must have~~
24 ~~been while actively participating in criminal justice training as a Commission-certified~~
25 ~~instructor; or~~

26 (B) ~~has been awarded an associate degree and has acquired four years of practical experience~~
27 ~~as a criminal justice officer or as an administrator or specialist in a field directly related to~~
28 ~~the criminal justice system. At least one year of the required four years experience must~~
29 ~~have been while directly participating in criminal justice training as a Commission-certified~~
30 ~~instructor; or~~

31 (C) ~~has been awarded a baccalaureate degree from a regionally accredited institution of higher~~
32 ~~learning;~~

33 (3) attend or must have attended the most current offering of the School Director's orientation as
34 developed and presented by the Commission staff, otherwise an individual orientation with a staff
35 member shall be required; and

36 (4) **submit a Form F-10 School Director/Qualified Assistant Application to the Commission for the**
37 **issuance of such certification. This application shall be** ~~Submit a written request for the issuance of~~

1 such certification executed by the executive officer of the institution or agency currently certified,
2 or which may be seeking certification, by the Commission to make presentation of certified training
3 programs and for whom the applicant will be the designated School Director. The F-10 School
4 Director/Qualified Assistant Application shall contain:

5 (A) the name of the appointing institution or agency;

6 (B) the name, date of birth, social security number (last 4 numbers), phone number, email,
7 instructor certification number, location, and the date the applicant completed orientation
8 training;

9 (C) the applicant's educational background, specifically, the dates of attendance, the institution
10 attended, and the degree or diploma attained from each institution;

11 (D) the applicant's criminal justice experience, specifically, the agency for which the applicant
12 worked, the applicant's duties in each position, and the dates of employment. The applicant
13 shall have acquired four years of practical experience as a criminal justice officer or as an
14 administrator or specialist in a field directly related to the criminal justice system. At least
15 one year of the required four years experience must have been while actively participating
16 in criminal justice training as a Commission certified instructor;

17 (E) the signature of the applicant certifying the accuracy of the contents of the application, and

18 (F) the signature of the appointing institution's executive officer signifying recommendation
19 of an applicant to be a School Director; or

20 (G) the signature of the School Director signifying recommendation of an applicant to be a
21 Qualified Assistant.

22 (c) In addition to the requirements identified in Subparagraph (b) of this Rule, to ~~To~~ qualify for certification as a
23 School Director in the presentation of the Criminal Justice Instructor Training Course, an applicant shall ~~shall~~ shall
24 document completion of the Instructor Training Orientation presented by the North Carolina Justice Academy on
25 delivery of instructor training course and student evaluations.

26 (1) ~~Document that he or she has been awarded a baccalaureate degree from [colleges or universities~~
27 ~~accredited by the Department of Education of the state in which the institution is located, from an~~
28 ~~accredited body recognized by either the U.S. Department of Education or the Council for Higher~~
29 ~~Education Accreditation, or from the state university of the state in which the institution is located;]~~
30 ~~a regionally accredited institution of higher learning;~~

31 (2) ~~Present evidence showing completion of a Commission certified instructor training course or an~~
32 ~~equivalent instructor training course utilizing the Instructional Systems Design model, an~~
33 ~~international model with applications in education, military training, and private enterprise;~~

34 ~~[(3)(2)] Be currently certified as a criminal justice [General Instructor] instructor by the Commission; and~~

35 ~~[(4)(3)] Document completion of a special program the Instructor Training Orientation presented by the~~
36 ~~North Carolina Justice Academy on delivery of the instructor training course and trainee evaluation.~~

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1 *History Note:* *Authority G.S. 17C-6;*
2 *Eff. January 1, 1985;*
3 *Amended Eff. February 1, 2016; November 1, 2015; July 1, 2004;*
4 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
5 *2019;*
6 *Amended Eff. ~~October 1, 2023~~ December 1, 2023.*
7

1 12 NCAC 09B .0502 is amended, with changes, as published in 37:19 NCR 1927-1940

2
3 **12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

4 (a) The term of certification as a School Director is two years from the date the Commission issues the certification,
5 unless earlier terminated by action of the Commission. Upon application, the certification may subsequently be
6 renewed by the Commission for three-year periods. The application for ~~renewal~~ renewal, F-10 School
7 Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC 09B .0501(4). shall
8 contain documentation meeting the requirements of Rule .0501(b)(2) and (3) of this Section

9 (b) To retain certification as a ~~Basic Law Enforcement Training~~ School Director, the School Director shall:

- 10 (1) Participate in annual training conducted by ~~commission~~ Commission staff. This annual training
11 shall be delivered in a conference, classroom, or virtual format and shall contain information
12 relevant to the responsibilities of a School Director, as outlined in 12 NCAC 09B .0202(a);
13 ~~(2) Maintain and comply with the current version of the "Basic Law Enforcement Training Course~~
14 ~~Management Guide";~~
15 ~~(3) Maintain and ensure compliance with the current version of the "Basic Law Enforcement Training~~
16 ~~Instructor Notebook" assigned to each certified school; and mandatory instructional materials;~~
17 ~~(4) (2) Perform the duties and responsibilities of a School Director as specifically required in Rule .0202~~
18 ~~of this Subchapter. Submit a renewal application executed by the executive officer of the institution~~
19 ~~or agency currently certified by the Commission to make presentation of certified training programs~~
20 ~~and for whom the applicant will be the designated School Director; and~~
21 ~~(3) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice~~
22 ~~Education and Training Standards Commission.~~

23 ~~(c) To retain certification as a Speed Measuring Instrument, Instructor Training, or Specialized Instructor [Training,~~
24 ~~School Director, Juvenile Justice, or Diversion Investigator/Supervisor Training School Director,] the school director~~
25 ~~shall:~~

- 26 ~~(1) Participate in annual training conducted by commission staff;~~
27 ~~(2) Maintain and ensure compliance with the current version of the specific speed measuring instrument~~
28 ~~or Instructor Training notebook assigned to each certified school; and~~
29 ~~(3) Perform the duties and responsibilities of a School Director as specifically required in Rule .0202~~
30 ~~of this Subchapter. Subchapter.~~
31 ~~(4) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice~~
32 ~~Education and Training Standards Commission.~~

33 ~~(d)~~ (c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule,
34 just cause means accident, illness, emergency, or other [exceptional] circumstances, which precluded the
35 School Director from attending the scheduled annual training. School Directors who receive a waiver of
36 attendance shall be required to complete a make up training session prior to the end of the calendar year in
37 which the training requirement applies.

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*History Note: Authority G.S. 17C-6;
Eff. January 1, 1985;
Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019;
Amended Eff. December 1, 2023.*

1 12 NCAC 09G .0405 is amended, with changes, as published in 37:19 NCR 1927-1940

2
3 12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS

4 (a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation
5 of a Commission-certified corrections training course shall be and continuously remain certified by the Commission
6 as a School Director.

7 (b) To qualify for initial certification as a corrections School Director, an applicant shall:

8 (1) ~~Attend and successfully complete a Commission-certified instructor training course or an equivalent~~
9 ~~instructor training program as determined by the Commission (if certified after January 1, 2006);~~
10 Hold current General Instructor Certification as issued by the North Carolina Criminal Justice
11 Education and Training Standards Commission;

12 (2) ~~present documentary evidence showing that the applicant:~~ Furnish documentary evidence to the
13 Standards Division of high school, college, or university graduation as outlined in 12 NCAC 09G
14 .0204. (A) is a high school, [college, or university] graduate or has received a high school
15 equivalency credential as [awarded from colleges or universities accredited by the Department of
16 Education of the state in which the institution is located, or from an accredited body recognized by
17 either the U.S. Department of Education or the Council for Higher Education Accreditation,]
18 ~~recognized by the issuing state and has acquired five years of practical as recognized by the issuing~~
19 ~~state and has acquired five years of practical experience as a criminal justice officer, corrections~~
20 ~~officer, or as an administrator or specialist in a field directly related to the corrections system. At~~
21 ~~least one year of the required five years experience must have been while actively participating in~~
22 ~~corrections training as a Commission-certified instructor;~~

23 (B) has been awarded an associate degree [from colleges or universities accredited by the
24 Department of Education of the state in which the institution is located, from an accredited
25 body recognized by either the U.S. Department of Education or the Council for Higher
26 Education Accreditation, or from the state university of the state in which the institution is
27 located] and has acquired four years of practical experience as a criminal justice officer,
28 corrections officer, or as an administrator or specialist in a field directly related to the
29 corrections system. At least one year of the required four years experience must have been
30 while directly participating in corrections training as a Commission-certified instructor; or

31 (C) has been awarded a baccalaureate degree [from colleges or universities accredited by the
32 Department of Education of the state in which the institution is located, from an accredited
33 body recognized by either the U.S. Department of Education or the Council for Higher
34 Education Accreditation, or from the state university of the state in which the institution is
35 located;] recognized by the issuing state a regionally accredited institution of higher
36 learning;

1 (3) attend or have attended the most current offering of the School Director's orientation as developed
2 and presented by the Commission staff, otherwise an individual orientation with a staff member
3 shall be required; and

4 (4) submit a completed Form ~~F 10(SD), Request for School Director Certification~~ **F-10 School**
5 **Director/Qualified Assistant Application** to the Commission for the issuance of such certification.

6 This request shall be executed by the executive officer of the Office of Staff Development and
7 Training of the North Carolina Department of ~~Public Safety, Division of Adult~~ **Correction**
8 **Correction, and shall contain the requirements as set forth in 12 NCAC 09B .0501(4), and Juvenile**

9 **Justice. The Form F 10(SD) is located on the agency's website:**
10 **[http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10\(SD\)-6-11.aspx](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx).** shall
11 **contain documentation meeting the requirements of 12 NCAC 09G .0405(b)(2) and (b)(3).**

12 (c) **In addition to the requirements identified in Subparagraph (b) of this Rule, to** ~~To~~ qualify for certification as a
13 School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant ~~shall~~ shall
14 document successful **participation in a completion of a special program** **Instructor Training Orientation** presented by
15 the North Carolina Justice Academy on delivery of the instructor training course and trainee evaluation.

16 (1) ~~document that he or she has been awarded a baccalaureate degree from a regionally accredited~~
17 ~~institution of higher learning; has been awarded a baccalaureate degree from~~ **colleges or universities**
18 ~~accredited by the Department of Education of the state in which the institution is located, from an~~
19 ~~accredited body recognized by either the U.S. Department of Education or the Council for Higher~~
20 ~~Education Accreditation, or from the state university of the state in which the institution is located;]~~

21 (2) ~~present evidence showing successful completion of a Commission certified instructor training~~
22 ~~course or an equivalent instructor training program as determined by the Commission; [Hold current~~
23 ~~General Instructor certification; and,]~~

24 (3) ~~be currently certified as a criminal justice instructor by the Commission; and~~

25 ~~[(4)(3)] document successful participation in a special program [successful completion of Instructor~~
26 ~~Training Orientation] presented by the [North Carolina] Justice Academy for purposes of~~
27 ~~familiarization and supplementation relevant to delivery of the instructor training course and trainee~~
28 ~~evaluation.~~

30 *History Note: Authority G.S. 17C-6;*
31 *Temporary Adoption Eff. January 1, 2001;*
32 *Temporary Adoption Expired December 20, 2001;*
33 *Temporary Adoption Eff. April 15, 2003;*
34 *Eff. April 1, 2004;*
35 *Amended Eff. February 1, 2016; January 1, 2006;*
36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
37 *2019.*
38 *Amended Eff. December 1, 2023*
39

1 12 NCAC 09G .0406 is amended, with changes, as published in 37:19 NCR 1927-1940

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3 12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

4 (a) The term of certification as a School Director is two years from the date the Commission issues the certification,
5 unless earlier terminated by action of the Commission. Upon application the certification may subsequently be
6 renewed by the Commission for two-year periods. The application for renewal shall contain documentation meeting
7 the requirements of 12 NCAC 09G .0405(b)(2) and (b)(3). The application for renewal, F-10 School
8 Director/Qualified Assistant Application, shall meet the requirements as outlined in 12 NCAC 09B .0501(4).

9 ~~(b) To retain certification as a School Director, the School Director shall perform the duties and responsibilities of a~~
10 ~~School Director as specifically required in 12 NCAC 09G .0408.~~

11 ~~[(c) To retain certification, School Directors must participate in annual training conducted by commission staff. The~~
12 ~~Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause~~
13 ~~means accidents, illness, emergency, or other [exceptional] circumstances which precluded the School Director from~~
14 ~~attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to~~
15 ~~complete a make up training session prior to the end of the calendar year in which the training requirement applies.]~~

16 (b) To retain certification as School Director, the School Director shall:

17 (1) Participate in annual training conducted by Commission staff. This annual training shall be
18 delivered in a conference, classroom, or virtual format and shall contain information relevant to the
19 responsibilities of a School Director, as outlined in 12 NCAC 09G .0408;

20 (2) Submit a renewal application executed by the executive officer of the institution or agency currently
21 certified by the Commission to make presentation of certified training programs and for whom the
22 applicant will be the designated School Director.

23 (3) Hold current General Instructor Certification as issued by the North Carolina Criminal Justice
24 Education and Training Standards Commission.

25 (c) The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just
26 cause means accident, illness, emergency, or other circumstances, which precluded the School Director from
27 attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required
28 to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

29
30 *History Note: Authority G.S. 17C-6;*
31 *Eff. January 1, 1985;*
32 *Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
34 *2019;*
35 *Amended Eff. December 1, 2023*
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