

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules.

**DEADLINE FOR RECEIPT: November 19, 2024**

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

*Please review the [style guide](#) for the appropriate use of capitalizations.*

*The formatting is frequently off. Please review 26 NCAC 02C .0405 and look for where .0405(b)(2)(D) is applicable.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Generally, to the Rule: While 12 NCAC 09C .0211 and .0212 address Pre-Delivery Report of Training Course Delivery and Post-Delivery Report of Training Course Delivery respectively, the Commission uses different formal names (capitalized) throughout the Rule. If, for instance, the Pre-Delivery Report of Speed Measuring Instrument Course Presentation (Page 4, Line 6) is different than the form described in 12 NCAC 09C .0211, then it must have a separate rule describing the substantive requirements of that form. If the Pre-Delivery Report of Speed Measuring Instrument Course Presentation form is the same as described in 12 NCAC 09C .0211, do not call it by a different name.*

*Page 1, Line 8: Consider adding a reference to the certification rule.*

*Page 1, Line 14: What is the procedure for submission of lesson plans and to whom? What criteria is used in determining whether to grant approval? Is there a rule which addresses this?*

*Page 1, Line 15: Strike or define "appropriate."*

*Page 1, Lines 17-23: It is unclear whether the school director is required to "adopt" "supplemental rules," which have particular meaning within Chapter 150B or whether the school director is required to create the rule of the school. (i.e. no chewing gum during course instruction.) In the former, the school director nor the school has authority to "adopt" "rules."*

*Page 1, Line 24: Define "appropriate." If the Commission can take away someone's certification to be a school director or school based upon this requirement, what is required must be clear. Further, how does this fall within the authority of the Commission as this does not appear to be a training standard?*

*Page 1, Line 25: "Approved" how? Pursuant to what rule?*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 4, 2024

*Page 1, Lines 29-30: The rule is regulating school directors. These lines seem misplaced.*

*Page 1, Line 32: Which forms? Is there a rule or rules which specify the substantive requirements of each form?*

*Page 2, Lines 33-37: Explain why these lines are necessary. They appear to be redundant to 12 NCAC 09C .0211.*

*Page 3, Lines 1-3: This sentence should be their own Subparagraph.*

*Page 3, Line 8: By what rule is the Instructional System Design Model required?*

*Page 3, Line 8: What is the Instructional System Design Model? This is an undefined term. Has this standard been incorporated by reference anywhere?*

*Page 3, Line 9: Which rule sets forth the process for approving lesson plans?*

*Page 3, Line 13 and 16: Which rules sets forth the substantive requirements of the Form F-16?*

*Page 3, Lines 31-37: Here the Commission has a form which includes other forms. Which rule or rules set forth the substantive requirements of each form?*

*Page 4, Line 8: Is “an international model with applications in education, military training, and private enterprise” a description of “Instructional System Design” model?*

*Page 4, Line 10: How shall they “document” successful participation?*

*Page 4, Line 28: What criteria is the School Director using to determine competency?*

*Page 4, Line 35 and Page 5, Lines 1 and 3: If the Commission requires forms to be used it must set forth the substantive requirements of the forms in a rule.*

*Page 4, Line 6: What rule sets forth the substantive requirements of the “Pre-Delivery Report of Speed Measuring Instrument Course Presentation” form?*

*Page 4, Line 11: What criteria will the Director use in determining whether the request is approved or denied?*

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: November 4, 2024

12 NCAC 09B .0202 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0202      RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

(a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the School Director shall:

- (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established in this Subchapter;
- (2) Select and schedule instructors who are certified by the Commission;
- ~~(3) Provide each instructor with a current Commission course outline and all necessary additional information concerning the instructor's duties and responsibilities;~~
- ~~(4) Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course Management Guide and provide him or her access to the most current version of the Course Management Guide;~~
- ~~(5)~~ (3) Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
- ~~(6)~~ (4) Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities, and equipment for training in all topic areas;
- ~~(7)~~ (5) Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by the school to be necessary or appropriate for:
  - (A) effective course delivery;
  - (B) establishing responsibilities and obligations of agencies or departments employing or sponsoring course trainees; and
  - (C) regulating trainee participation and demeanor, ensuring trainee attendance, and maintaining performance records;
- ~~(8)~~ (6) If appropriate, recommend housing and dining facilities for trainees;
- ~~(9)~~ (7) Administer the course delivery in accordance with Commission approved lesson plans; ~~plans and course management guides~~;
- ~~(10)~~ (8) Maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation, or administration of a course has been delegated. The State comprehensive ~~final~~ examination shall be administered by the Criminal Justice Education and Training Standards ~~Commission~~; Commission (CJETS); and
- ~~(11)~~ (9) Report the completion of each presentation of a Commission-certified criminal justice training course to the Commission, utilizing forms required for submission, which are located on the Agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>.

(b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each ~~Commission-certified~~ Commission-accredited Basic Law Enforcement Training Course, the School Director shall:

- (1) ~~Deliver training in accordance with the most current version of the Basic Law Enforcement Training Course Management Guide as published by the North Carolina Justice Academy;~~
- (2)(1) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar weeks, except that there may be as many as ~~three~~ six one-week breaks until course requirements are completed. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:
- (A) Whether instruction has begun in the course or whether course initiation may be postponed;
  - (B) The risk of harm to students that may be caused by continuation of the course;
  - (C) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
  - (D) The specific need for the waiver; and
  - (E) The degree of benefit to the public in allowing a break in instruction.
- Notice of waivers granted pursuant to the Section shall be posted on the CJETS website <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency;
- (3)(2) Schedule only specialized instructors certified by the Commission to teach those high-liability areas as specified in Rule .0304(a) of this Subchapter as either the lead instructor or as assistant instructors or role players;
- (4)(3) With the exception of the First Responder, ~~Physical Fitness~~, Officer Health and Wellness, Explosives and Hazardous Materials, Materials Emergencies, and topical areas outlined in Rule .0304(a) of this Subchapter, schedule one specialized instructor certified by the Commission for every six trainees while engaged in a practical performance exercise;
- (5)(4) Schedule one specialized instructor certified by the Commission for every eight trainees while engaged in a practical performance exercise in the topical ~~areas~~ areas "Subject Control Arrest Techniques"; Techniques" or Compliance and Control Tactics;
- (6)(5) Schedule no single individual to instruct more than 35 percent of the total hours of the 640-hour curriculum or 25 percent of the total hours of the 868-hour curriculum during any one delivery of the Basic Law Enforcement Training Course presentation;
- (7)(6) Not less than 30 days before commencing delivery of the Basic Law Enforcement Training Course, submit to the Commission a Pre-Delivery Report of Training Course Presentation pursuant to 12 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) shall indicate a requested date and location for the administration of the State comprehensive exam, and include the following attachments:
- (A) a course schedule showing the arrangement of topical presentations and proposed instructional assignments; and

- (B) a copy of any rules and requirements for the school. A copy of those rules shall also be given to each trainee and to the executive officer of each trainee's employing or sponsoring agency or department at the time the trainee enrolls in the course;
- ~~(8)~~(7) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each instructor once during each three year certification period in each topic taught by the instructor and prepare a written evaluation on the instructor's performance and suitability for subsequent instructional assignments. The observations shall be of sufficient duration to ensure that the instructor is using the Instructional System Design model, and that the delivery is objective-based, documented by, and consistent with a Commission-approved lesson plan. For each topic area, the School Director's evaluation shall be based upon the course delivery observations, the instructor's use of the approved lesson plan, and the results of the student evaluations of the instructor. For probationary instructors, the evaluations conducted by another instructor shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on this evaluation, the School Director shall recommend approval or denial of requests for General Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, and shall be made available for inspection by a representative of the Commission upon request. In the event the evaluation of an instructor indicates that his or her performance was less than acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any instructor who is evaluating the instructional presentation of another instructor shall hold certification in the same instructional topic area as that for which the instructor is being evaluated;
- ~~(9)~~(8) Administer or designate a ~~staff person~~ Qualified Assistant to administer course specific tests during course delivery:
- (A) to determine and record the level of trainee comprehension and retention of instructional subject matter;
- (B) to provide a basis for a final determination or recommendation regarding the minimum degree of knowledge and skill of each trainee to function as an inexperienced law enforcement officer; and
- (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of this Subchapter; and
- ~~(10)~~(9) Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement Training, ensure all student test scores and class documents have been uploaded to the Acadis platform, and submit to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) that shall include:
- (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
- (B) a "Certification and Test Score Release" form; and
- (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" ~~final form; and final~~.

1                   (D) ~~the orientation class enrollment roster.~~

2       (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-  
3       certified "Criminal Justice Instructor Training Course," the School Director shall:

4           (1)     Schedule course presentation pursuant to Rule .0209 of this Subchapter;

5           (2)     Schedule evaluators as follows:

6               (A)     each evaluator, as well as the instructors, shall have completed a Commission-certified  
7                       instructor training course or an equivalent instructor training course utilizing the  
8                       Instructional Systems Design model, an international model with applications in education,  
9                       military training, and private enterprise; and

10            (B)     each instructor and evaluator shall document successful participation in a program  
11                   presented by the North Carolina Justice Academy for purposes of familiarization and  
12                   supplementation relevant to delivery of the instructor training course and trainee  
13                   evaluation;

14           (3)     Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-  
15                   Delivery Report of Training Course ~~Presentation [Form F-10A(ITC)]~~ Presentation, Form F-10A,  
16                   with the following attachments:

17               (A)     a course schedule showing the arrangement of topical presentations and proposed  
18                       instructional assignments;

19               (B)     the names and ~~last four digits of the social security~~ Acadis identification numbers of all  
20                       instructors and evaluators; and

21               (C)     a copy of any rules and requirements for the school; and

22           (4)     Not more than 10 days after course completion, submit to the Commission a Post-Delivery Report  
23                   ~~[Form F-10B(ITC)]~~ Report, Form F-10B, containing the following:

24               (A)     class enrollment roster;

25               (B)     a course schedule with the designation of instructors and evaluators utilized in delivery;

26               (C)     scores recorded for each trainee on the 70 minute skill presentation; and

27               (D)     designation of trainees who completed the course in its entirety and whom the School  
28                       Director finds to be competent to instruct.

29       (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-  
30       certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training  
31       course or re-certification course, the School Director shall:

32           (1)     select and schedule speed measurement instrument instructors who are certified by the Commission  
33                   as instructors for the specific speed measurement instruments in which the trainees are to receive  
34                   instruction as follows:

35               (A)     provide to the instructor the Commission form(s) for motor skill examination on each  
36                       trainee;

- (B) require the instructor to complete the motor skill examination form on each trainee indicating the level of proficiency obtained on each specific instrument; and
- (C) require each instructor to sign each individual form and submit the original to the School Director;
- (2) not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards Division a Pre-Delivery Report of Speed Measuring Instrument Course ~~Presentation [Form F-10A (SMI)]~~ Presentation, Form F-10A(SMI), that shall contain a period of course delivery including the proposed starting date, course location, requested date and location for the administration of the State exam, and the number of trainees to be trained on each type of approved speed measurement instrument. The Director of the Standards Division shall review the request and notify the School Director within thirty business days if the request is approved or denied; and
- (3) upon completing delivery of the Commission-certified course, and not more than 10 days after the conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training course or re-certification course, the School Director shall notify the Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery Report of Training Course ~~Presentation [Form F-10B (SMI)]~~ Presentation, Form F-10B(SMI). This report shall include the original motor-skill examination form(s) completed and signed by the certified instructor responsible for administering the motor-skill examination to the respective trainee.

*History Note:* Authority G.S. 17C-6;  
Eff. January 1, 1981;  
Amended Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;  
May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;  
Amended Eff. January, 1, 2025; April 1, 2022; July 1, 2021; January 1, 2021; July 1, 2020.



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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0203

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Page 1, Lines 6-7: Explain the difference between a non-academic training course and an academic training course.*

*Page 1, Lines 13-16: This is confusing. Don't trainees need to have already been admitted and have completed the instructor training course prior taking the comprehensive examination?*

*Page 1, Line 17: Define "partial;" and "limited" enrollees.*

*Page 1, Line 17: What is the difference between an enrollee and a trainee?*

*Page 1, Line 34: Can the physicians be licensed to practice anywhere?*

*Page 1, Line 36: Isn't it a prerequisite or requirement rather than a "standard" for which the exception is being made?*

*Page 2, Lines 31-37: Shouldn't this be its own paragraph?*

*Page 3, Lines 1-2: The rule only requires "local and state records." This seems to imply that there needs to be a foreign record check. Where is this required?*

*Page 3, Lines 1-2: Shouldn't this be its own paragraph?*

*Page 3, Line 5: "Review" for what? Paragraph (j)?*

*Page 3, Line 5: It would appear that the Standards Division has some discretion. What criteria will the Division use in the exercise of its discretion?*

*Page 3, Lines 18-31: Since the agency appears to be considering foreign and other states' criminal records, is the agency using North Carolina standards for its classifications or the standards from where the record comes?*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 4, 2024

*Page 3, Line 32: “May” implies discretion. State the authority exercising the discretion and the criteria to be used. Or is this gratuitous permissive language where there is no bar?*

*Page 3, Lines 36-37, Page 4, Lines 1-5: Consider making this its own paragraph.*

*All of Paragraph (k): Consider breaking Paragraph (k).*

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: November 4, 2024

12 NCAC 09B .0203 is being submitted for amendment as follows:

**12 NCAC 09B .0203      ADMISSION OF TRAINEES**

(a) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course who is not a citizen of the United States.

(b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment as trainees in a presentation of the Commission-accredited Basic Law Enforcement Training Course with prior written approval from the Director of the Standards Division. The Director shall approve early enrollment if the individual will be 20 years of age prior to the date of the State Comprehensive Examination for the course.

(c) The school shall give priority admission in certified criminal justice training courses to individuals holding full-time employment with criminal justice agencies.

(d) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Criminal Justice Instructor Training Course "~~Criminal Justice Instructor Training Course~~" who does not meet the education and experience requirements for instructor certification under Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State Comprehensive Examination.

(e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual, within one year prior to admission to the Commission-accredited Basic Law Enforcement Training Course, scores at or above mastery level on the NROC Edready™ Skills Inventory for English or places into course DRE 098 or above at a North Carolina Community College as a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as approved by the State Board of Community Colleges on October 17, 2014, (<http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the reading component of a nationally standardized test and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

(1) Partial or limited enrollee does not include enrollees who hold or have held within 12 months prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

(2) A "nationally standardized test" means a test that:

(A) reports scores as national percentiles, stanines, or grade equivalents; and

(B) compares student test results to a national norm.

(f) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual has provided to the School Director a medical examination report, completed by a ~~physician licensed to practice medicine in North Carolina~~, physician, a physician's assistant, or a nurse practitioner, who holds a current license to practice medicine, to determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of the Standards Division shall grant an exception to this standard for a period of time not to exceed the commencement of the physical fitness topical area when failure to receive the medical examination report is not due to neglect on the part of the trainee.

(g) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual is a high school, college, or university graduate or has received a high school equivalency credential recognized by the issuing state. High school diplomas earned through correspondence enrollment in an entity that charges a fee and requires the individual to complete little or no education or coursework to obtain a high diploma shall not be recognized toward the educational requirements.

(h) The school shall not admit any individual trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course unless the individual has provided the School Director one of the following types of record checks in the manner set forth in Paragraph (i) of this Rule:

- (1) a written notification, known as a "Criminal Record Conviction History for B.L.E.T. Enrollment," Form F-25, located at <https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>, from a department head stating that a criminal record check for local and state records has been conducted and no criminal convictions as listed in Paragraph (j) of this Rule were found that prohibit the individual trainee's enrollment in a presentation of the Commission-accredited Basic Law Enforcement Training Course. The hiring agency or the individual trainee shall also provide certified court documentation for each criminal conviction;
- (2) a certified criminal record check for local and state records, and certified court documentation for each criminal conviction. For the purpose of this Rule "Certified court documentation" and "record check" mean a document with either a raised seal or other visible verification that the document is authentic as a copy of the court's official record as authorized by law;
- (3) if the individual trainee has only resided in North Carolina since obtaining the age of majority, provide a fingerprint-based criminal history background check known as a "Right to Review" performed by the North Carolina State Bureau of Investigation. For the purpose of this Rule "Resided in" means any place the trainee has lived, worked, attended school, or participated in an internship. The individual shall also provide certified court documentation for each criminal conviction;
- (4) a fingerprint-based criminal history background check known as a "Right to Review" performed by a federal agency including all locations where the trainee has lived since obtaining the age of majority. The individual shall also provide certified court documentation for each criminal conviction; or
- (5) trainees who have served in the United States Armed Forces, in addition to one of the types of criminal records checks listed in Subparagraphs (1) through (4) of this Paragraph shall provide a copy of their Certificate of Discharge, DD Form 214, that shows their "Character of Service" and "Narrative Reason for Separation." Individuals showing a "Character of Service" as "Bad Conduct" or "Dishonorable" shall provide certified copies of their court-martial proceedings to include the final disposition. Trainees shall also provide documentation to show that they have requested their official military personnel file, which shall be provided upon receipt.

- (6) A trainee who has been naturalized as a United States Citizen is exempt from providing the criminal record checks for locations where they resided outside of the United States prior to naturalization.
- (7) A trainee who has resided outside the United States, other than those described in Subparagraph (5) and (6), who cannot obtain a criminal record check from any location outside the United States shall document the following, to be forwarded to the Standards Division for review on a case by case basis:
- (A) the name of the agencies contacted,
  - (B) the date the agencies were contacted,
  - (C) the contact information for the agencies contacted, and
  - (D) the reason the information cannot be provided.
- (i) Documents obtained in accordance with Paragraph (h) of this Rule shall meet the following requirements:
- (1) any records provided shall fall within the time period beginning when the trainee obtains the age of majority and continuing through the date of application;
  - (2) any records provided shall include all locations where the trainee has resided since obtaining the age of majority; and
  - (3) any records provided shall include all legal names utilized by the trainee since obtaining the age of majority.
- (j) The school shall not admit any individual as a trainee in a presentation of the Commission-accredited Basic Law Enforcement Training Course who has been convicted of the following:
- (1) a felony;
  - (2) a crime for which the punishment could have been imprisonment for more than two years;
  - (3) a crime or unlawful act defined as a Class B Misdemeanor within the five year period prior to the date of application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;
  - (4) four or more crimes or unlawful acts defined as Class B Misdemeanors, regardless of the date of conviction;
  - (5) four or more crimes or unlawful acts defined as Class A Misdemeanors, except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of enrollment; or
  - (6) a combination of four or more Class A Misdemeanors or Class B Misdemeanors regardless of the date of conviction, unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.
- (k) Individuals charged with crimes specified in Paragraph (j) of this Rule may be admitted into the Commission-accredited Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of the Commission-accredited Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses the trainee is arrested

1 for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Protective  
2 Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides an opportunity for both parties to  
3 be present. This includes all criminal offenses except minor traffic offenses and includes any offense of Driving Under  
4 the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this  
5 Paragraph, as an offense where the maximum punishment allowable by law is 60 days or fewer. Other offenses under  
6 G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall be reported to the School Director are G.S.  
7 20-138.1 (driving while under the influence), G.S. 20-28 (driving while license permanently revoked or permanently  
8 suspended), G.S. 20-30(5)(fictitious name or address in application for license or learner's permit), G.S. 20-37.8  
9 (fraudulent use of a fictitious name for a special identification card), G.S. 20-102.1 (false report of theft or conversion  
10 of a motor vehicle), G.S. 20-111(5)(fictitious name or address in application for registration), G.S. 20-130.1 (unlawful  
11 use of red or blue lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3  
12 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in  
13 event of accident). The notifications required under this Paragraph shall be in writing and specify the nature of the  
14 offense, the court where the case was handled, the date of the arrest or criminal charge, the date of issuance of the  
15 Domestic Violence Protective Order (50B), and the final disposition and the date thereof. The notifications required  
16 under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in  
17 court. The requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic  
18 Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required  
19 under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

20 (l) The school shall not admit any individual as a trainee in the presentation of the Commission-accredited Basic Law  
21 Enforcement Training Course unless the individual has provided to the School Director:

- 22 (1) copies of all active Domestic Violence Orders of Protection and Civil Non-Contact Orders issued  
23 to the individual; or  
24 (2) a signed and dated written statement from the individual certifying that no such active Orders exist  
25 related to the individual.

26 (m) The school shall not admit any individual as a trainee in the presentation of the Basic Law Enforcement Training  
27 Course unless the individual has provided to the School Director a copy of their valid driver's license.

28  
29 *History Note: Authority G.S. 17C-6; 17C-10; 93B-9;*  
30 *Eff. January 1, 1981;*  
31 *Amended Eff. January 1, 2019; April 1, 2018; January 1, 2017; February 1, 2016; November 1,*  
32 *2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December*  
33 *1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1,*  
34 *1989; January 1, 1985;*  
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
36 *2019;*  
37 *Amended Eff. January 1, 2025; July 1, 2020.*  
38

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0204

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Page 1, Line 4: Is 10 the minimum or maximum or both?*

*Page 1, Lines 8-9: Does the Division Director have any discretion regarding the reasons?*

*Page 1, Line 14: Replace "may" with "shall."*

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

1 **12 NCAC 09B .0204 is being submitted for amendment as follows:**

2  
3 **12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT**

4 (a) Any school offering a Commission-accredited Basic Law Enforcement Training Course shall have enrolled 10  
5 trainees in the offering.

6 (b) Any school may make written request to the Director of the Standards Division to deliver the Commission-  
7 accredited Basic Law Enforcement Training Course with no fewer than eight enrolled trainees. The Director shall  
8 approve the request if it includes a summary of the efforts the school has made to notify its respective community of  
9 the availability of the course and the reasons supporting the school's need to enroll fewer than 10 trainees.

10 (c) The school may not enroll any trainee later than the initial day of delivery of a certified training course unless the  
11 trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405  
12 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of  
13 this Subchapter.

14 (d) The school may not enroll more than 18 trainees in a presentation of the "Criminal Justice Instructor Training  
15 Course" as constituted under Rule .0209 of this Section.

16  
17 *History Note:* *Authority G.S. 17C-6;*  
18 *Eff. January 1, 1981;*  
19 *Amended Eff. April 1, 2018; April 1, 2017; August 1, 2005; August 1, 2000; January 1, 1985;*  
20 *November 1, 1981;*  
21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
22 *2019.*  
23 *Amended Eff. January 1, 2025*  
24



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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0205

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Generally, to the Rule: I have spoken briefly with the agency's counsel about the formatting and have not received a reply suggesting a remedy. Explain why the published version of the Rule did not satisfy the agency's goals?*

*Consider: If the agency wants new standards effective January 1, 2025 while still grandfathering in classes which have been approved but not completed, does the published version not work if you add "This rule will be inapplicable to basic law enforcement training courses approved pursuant to Rule \_\_\_\_ prior to January 1, 2025"? Just a thought.*

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: November 4, 2024

12 NCAC 09B .0205 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING 640 Hour Curriculum**

(a) No Basic Law Enforcement Training 640-Hour Curriculum Pre-Delivery (F-10A) course documents will be approved for course administration on or after January 1, 2025.

(b) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(c) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 640 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

**(1) LEGAL UNIT**

|     |   |                 |
|-----|---|-----------------|
| (A) | Motor Vehicle Laws                                | 20 Hours        |
| (B) | Controlled Substance                              | 12 Hours        |
| (C) | Elements of Criminal Law                          | 24 Hours        |
| (D) | Juvenile Laws and Procedures                      | 8 Hours         |
| (E) | Arrest, Search and Seizure/Constitutional Law     | 28 Hours        |
| (F) | Alcohol Beverage Control (ABC)Laws and Procedures | 4 Hours         |
|     | <b>UNIT TOTAL</b>                                 | <b>96 Hours</b> |

**(2) PATROL DUTIES UNIT**

|     |   |                  |
|-----|---|------------------|
| (A) | Techniques of Traffic Law Enforcement                 | 24 Hours         |
| (B) | Explosives and Hazardous Materials Emergencies        | 12 Hours         |
| (C) | Traffic Crash Investigation                           | 24 Hours         |
| (D) | In-Custody Transportation                             | 8 Hours          |
| (E) | Crowd Management                                      | 12 Hours         |
| (F) | Patrol Techniques                                     | 28 Hours         |
| (G) | Law Enforcement Communication and Information Systems | 8 Hours          |
| (H) | Anti-Terrorism  | 4 Hours          |
| (I) | Rapid Deployment                                      | 8 Hours          |
|     | <b>UNIT TOTAL</b>                                     | <b>128 Hours</b> |

**(3) LAW ENFORCEMENT COMMUNICATION UNIT**

|     |  |          |
|-----|--|----------|
| (A) | Responding to Victims and the Public                           | 10 Hours |
| (B) | Domestic Violence Response                                     | 16 Hours |
| (C) | Ethics for Professional Law Enforcement                        | 4 Hours  |
| (D) | Individuals with Mental Illness and Developmental Disabilities | 24 Hours |
| (E) | Crime Prevention Techniques                                    | 6 Hours  |
| (F) | Communication Skills for Law Enforcement Officers              | 8 Hours  |
| (G) | Preparing for Court and Testifying in Court                    | 12 hours |

|    |   |           |
|----|---|-----------|
| 1  | UNIT TOTAL  | 80 Hours  |
| 2  | (4) INVESTIGATION UNIT                            |           |
| 3  | (A) Fingerprinting and Photographing Arrestee     | 6 Hours   |
| 4  | (B) Field Note-taking and Report Writing          | 12 Hours  |
| 5  | (C) Criminal Investigation                        | 34 Hours  |
| 6  | (D) Interviews                                    | 16 Hours  |
| 7  | (E) Human Trafficking                             | 2 Hours   |
| 8  | UNIT TOTAL  | 70 Hours  |
| 9  | (5) PRACTICAL APPLICATION UNIT                    |           |
| 10 | (A) First Responder                               | 32 Hours  |
| 11 | (B) Firearms                                      | 48 Hours  |
| 12 | (C) Law Enforcement Driver Training               | 40 Hours  |
| 13 | (D) Physical Fitness (classroom instruction)      | 8 Hours   |
| 14 | (E) Fitness Assessment and Testing                | 12 Hours  |
| 15 | (F) Physical Exercise 1 hour daily, 3 days a week | 34 Hours  |
| 16 | (G) Subject Control Arrest Techniques             | 40 Hours  |
| 17 | UNIT TOTAL  | 214 Hours |
| 18 | (6) SHERIFF-SPECIFIC UNIT                         |           |
| 19 | (A) Civil Process                                 | 24 Hours  |
| 20 | (B) Sheriffs' Responsibilities: Detention Duties  | 4 Hours   |
| 21 | (C) Sheriffs' Responsibilities: Court Duties      | 6 Hours   |
| 22 | UNIT TOTAL  | 34 Hours  |
| 23 | (7) COURSE ORIENTATION                            | 2 Hours   |
| 24 | (8) TESTING                                       | 16 Hours  |
| 25 | TOTAL COURSE HOURS                                | 640 Hours |

**12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING 868 Hour Curriculum Effective January 1, 2025**

(d) The basic training course for law enforcement officers shall consist of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(e) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 868 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

|  |          |
|--|----------|
| (1) <u>Module 1</u>  |          |
| (A) <u>Orientation</u>   | 8 Hours  |
| (B) <u>Ethical Problem Solving</u>   | 16 Hours |
| (C) <u>Communication and De-escalation Skills</u>                          | 24 Hours |
| (D) <u>Crisis Intervention: Interacting With Special Needs Populations</u> | 24 Hours |

|    |     |  |                 |
|----|-----|--|-----------------|
| 1  | (E) | <u>Officer Health and Wellness</u>                     | <u>54 Hours</u> |
| 2  | (F) | <u>Field Notes and Report Writing</u>                  | <u>16 Hours</u> |
| 3  | (G) | <u>Arrest, Search, Seizure, and Constitutional Law</u> | <u>24 Hours</u> |
| 4  | (H) | <u>Interviews and Interrogations</u>                   | <u>24 Hours</u> |
| 5  | (I) | <u>Compliance and Control Tactics</u>                  | <u>64 Hours</u> |
| 6  | (J) | <u>Firearms</u>  | <u>96 Hours</u> |
| 7  | (K) | <u>Law Enforcement Driver Training</u>                 | <u>48 Hours</u> |
| 8  | (L) | <u>First Responder</u>                                 | <u>24 Hours</u> |
| 9  | (2) | <u>Module 2</u>  |                 |
| 10 | (A) | <u>Criminal Investigations</u>                         | <u>40 Hours</u> |
| 11 | (B) | <u>Testifying in Court</u>                             | <u>16 Hours</u> |
| 12 | (C) | <u>Responding to Crime Victims</u>                     | <u>8 Hours</u>  |
| 13 | (D) | <u>Person Crimes</u>                                   | <u>16 Hours</u> |
| 14 | (E) | <u>Property Crimes</u>                                 | <u>16 Hours</u> |
| 15 | (F) | <u>Crimes Against the Public</u>                       | <u>16 Hours</u> |
| 16 | (G) | <u>Juvenile Laws and Procedures</u>                    | <u>12 Hours</u> |
| 17 | (H) | <u>Domestic Violence</u>                               | <u>16 Hours</u> |
| 18 | (I) | <u>Sexual Assaults</u>                                 | <u>16 Hours</u> |
| 19 | (J) | <u>Human Trafficking</u>                               | <u>4 Hours</u>  |
| 20 | (K) | <u>Hate Crimes</u>                                     | <u>8 Hours</u>  |
| 21 | (L) | <u>Controlled Substances</u>                           | <u>16 Hours</u> |
| 22 | (M) | <u>Missing Persons</u>                                 | <u>4 Hours</u>  |
| 23 | (N) | <u>Deceased Persons</u>                                | <u>4 Hours</u>  |
| 24 | (3) | <u>Module 3</u>  |                 |
| 25 | (A) | <u>Motor Vehicle Law</u>                               | <u>20 Hours</u> |
| 26 | (B) | <u>Traffic Law Enforcement</u>                         | <u>24 Hours</u> |
| 27 | (C) | <u>Traffic Crash Investigations</u>                    | <u>24 Hours</u> |
| 28 | (D) | <u>Standardized Field Sobriety Testing</u>             | <u>28 Hours</u> |
| 29 | (4) | <u>Module 4</u>  |                 |
| 30 | (A) | <u>Patrol Techniques</u>                               | <u>28 Hours</u> |
| 31 | (B) | <u>Crowd Management</u>                                | <u>16 Hours</u> |
| 32 | (C) | <u>Courtroom Security</u>                              | <u>8 Hours</u>  |
| 33 | (D) | <u>Homeland Security</u>                               | <u>8 Hours</u>  |
| 34 | (E) | <u>Rapid Deployment to an Active Attacker</u>          | <u>16 Hours</u> |
| 35 | (F) | <u>Civil Process</u>                                   | <u>24 Hours</u> |
| 36 | (G) | <u>Transporting and Processing</u>                     | <u>8 Hours</u>  |
| 37 | (H) | <u>Crime Prevention</u>                                | <u>4 Hours</u>  |

|     |   |                  |
|-----|---|------------------|
| (I) | <u>Explosives and Hazardous Materials Emergencies</u> | <u>16 Hours</u>  |
| (5) | <u>Testing</u>  | <u>30 Hours</u>  |
|     | <u>Total Course Hours</u>                             | <u>868 Hours</u> |

~~(e) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:~~

~~Criminal Justice Standards Division~~

~~North Carolina Department of Justice~~

~~1700 Tryon Park Drive~~

~~Post Office Drawer 149 Raleigh, North Carolina 27602~~

~~and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:~~

~~North Carolina Justice Academy~~

~~Post Office Drawer 99~~

~~Salemburg, North Carolina 28385~~

~~(d) (e) The "Basic Law Enforcement Training Course Management Guide" published by the North Carolina Justice Academy shall be used by school directors in planning, implementing, and delivering basic training courses. Copies of this guide may be obtained at the cost of printing and postage from the Justice Academy.~~

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*

*Amended Eff. January 1, 2019; July 1, 2018; January 1, 2018; July 1, 2017; July 1, 2016;*

*January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002;*

*August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019, 2019;*

*Amended Eff. January 1, 2025.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0232

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Page 1, Line 8: If it meets the agency's intention, add a comma after "Demonstration" or consider breaking up the concepts.*

*Page 1, Lines 21-25: How is this enforced? What criteria are used in determining whether a course has been so "designed?"*

*Page 1, Line 28: "Criminal Justice Instructor Training course" is not a defined term. In Rule .0209 the agency makes reference to "Instructor Training courses." Uncapitalize "Criminal Justice" and add a reference to Rule .0209.*

*Page 1, Line 30: Licensed where?*

*Page 2, Lines 14, 17, 18, and 20: These are formatted incorrectly. One number must be struck.*

*Page 2, Lines 22-24: This is ambiguous.*

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: November 4, 2024

12 NCAC 09B .0232 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0232      SPECIALIZED COMPLIANCE AND CONTROL TACTICS**

**SUBJECT CONTROL ARREST TECHNIQUES-INSTRUCTOR TRAINING**

(a) The instructor training course required for Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Certification shall consist of a minimum of 29 ~~23~~ hours of classroom instruction plus time required to complete the tasks associated with Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructional Methods and Demonstration presented during a continuous period of not more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow ~~additional~~ breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

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

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

(b) Each Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor in a the Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training Program.

(c) Each applicant for Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training shall:

- (1) have completed the Criminal Justice Instructor Training course;
- (2) present a letter from a ~~licensed physician~~ physician, physician assistant, or nurse practitioner, who holds a current license to practice medicine, stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by either
  - (A) a certified School Director indicating the student is qualified to instruct Compliance and Control Tactics ~~subject control arrest techniques~~ in the Commission-accredited Basic Law Enforcement Training ~~Courses~~; Course; or
  - (B) a Department Head, certified School Director, or In-Service Training Coordinator indicating the student may be utilized to instruct Compliance and Control Tactics ~~subject~~

- control arrest techniques for the Law Enforcement Officers' Annual In-Service Training program; and
- (4) Within 365 days prior to enrollment in the Compliance and Control Tactics Subject Control Arrest Techniques Instructor Training course the prospective student shall complete the following assessments administered by the North Carolina Justice Academy:
- (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the Basic Law Enforcement Training Compliance and Control Tactics; Subject Control Arrest Techniques; and
- (B) achieve at least the 60<sup>th</sup> percentile on a physical fitness assessment.
- (d) Each Specialized Compliance and Control Tactics Subject Control Arrest Techniques Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:
- |   |                      |
|---|----------------------|
| (1) Orientation   | 1 Hour               |
| (2) Response to Injury  | 4 <del>2</del> Hours |
| (3) Combat Conditioning   | 4 <del>8</del> Hours |
| (4) Safety Guidelines/Rules   | 2 <del>1</del> Hour  |
| (5) <u>Fundamentals of Professional Liability</u> <u>Legal Considerations for Control Tactics Instructors</u>   | 4 <del>2</del> Hours |
| (6) Practical Skills Enhancement  | 4 <del>6</del> Hours |
| (7) <u>Student Instructional Practicum</u> <u>History of Use of Force</u>   | 6 <del>1</del> Hours |
| (8) BLET Lesson Plan Review   | 4 <del>2</del> Hours |
| (9) Completion of tasks associated with <u>Compliance and Control Tactics Subject Control Arrest Techniques</u> Instructional Methods and Demonstrations. The number of hours required to complete this portion of the curriculum shall be based on the number of enrolled students, available facilities, and number of instructors. |                      |
- (4) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques Instructor Training course. Copies of this publication may be inspected at the:
- Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Post Office Drawer 149  
Raleigh, North Carolina 27610
- ~~and may be obtained at the cost of printing and postage from the Academy at the following address:~~
- North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385
- (5) ~~The Commission certified school that is certified to offer the "Specialized Subject Control Arrest~~



~~Techniques Instructor Training" course is the North Carolina Justice Academy.~~

*History Note: Authority G.S. 17C-6;*  
*Eff. February 1, 1987;*  
*Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August*  
*1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019;*  
*Amended Eff. January 1, 2025; April 1, 2022; January 1, 2021.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0304

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Page 1, Line 23: If it meets the agency's intention, place a comma after "Subchapter."*

*Page 1, Line 33: Which course is "pertinent?"*

*Page 2, Line 4: Certification by who?*

*Page 2, Line 15: Certification by who?*

*Page 2, Line 22: Approved how? Cite the rule.*

*Page 2, Line 29: Approved how? Cite the rule.*

*Page 3, Line 1: Approved how? Cite the rule.*

*Page 3, Line 5: Approved how? Cite the rule.*

*Page 3, Line 11: Where must one be "teaching?" What constitutes teaching? Will a YouTube video suffice?*

*Page 3, Line 24: Approved how? Cite the rule.*

*Page 3, Line 29: Cite the rule.*

*Page 3, Line 29-30: What is the process for determining whether a course is equivalent?*

*Page 4, Line 3: Approved how? Cite the rule.*

*Page 4, Line 11: Approved how? Cite the rule.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 4, 2024

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: November 4, 2024

12 NCAC 09B .0304 is being submitted for amendment as follows:

**12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) The Commission shall issue a Specialized Instructor Certification to an applicant who has developed specific motor skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:

- (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~
- (2) First Responder;
- (3) Firearms;
- (4) Law Enforcement Driver Training;
- (5) Physical Fitness;
- (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Adult ~~Correction and Juvenile Justice~~);
- (7) Medical Emergencies (Department of Public Safety, Division of Adult ~~Correction and Juvenile Justice~~); or
- (8) Explosive and Hazardous Materials ~~Emergencies~~; Emergencies; or
- (9) Standardized Field Sobriety Testing.

(b) To qualify for and maintain ~~any~~ Specialized Instructor ~~Certification~~, Certification in topical areas in Paragraph (a)(1) through (a)(8) of this Rule, an applicant shall possess a valid CPR Certification that includes cognitive and skills testing, through the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

(c) An applicant shall achieve a minimum score of 75 percent on the comprehensive written exam, as specified in Rule .0414 of this Subchapter in order to qualify for Specialized Instructor Certification in the following topical areas:

- (1) ~~Subject Control Arrest Techniques; Compliance and Control Techniques;~~
- (2) Firearms;
- (3) Law Enforcement Driver Training;
- (4) Physical Fitness; and
- (5) Explosive and Hazardous Materials Emergencies.

(d) To qualify for Specialized Instructor Certification in the ~~Subject Control Arrest Techniques~~ Compliance and Control Techniques topical area, an applicant shall meet the following requirements:

- (1) Hold General Instructor Certification, either probationary status or full general instructor status, as specified in Rule .0303 of this Section;
- (2) Complete the pertinent Commission-approved specialized instructor course; and
- (3) Obtain the recommendation of a Commission-certified school director or in-service training coordinator.

(e) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant shall satisfy one of the following two options:

- 1           (1)     The first option is:
- 2                   (A)     Hold CPR instructor certification through the American Red Cross, American Heart
- 3                             Association, American Safety and Health Institute, or National Safety Council;
- 4                   (B)     Hold, or have held, basic Emergency Medical Technician certification;
- 5                   (C)     Have completed the Department of Transportation's 40 hour EMT Instructor Course or
- 6                             equivalent within the last three years or hold a North Carolina Professional Educator's
- 7                             License, issued by the Department of Public Instruction; and
- 8                   (D)     Obtain the recommendation of a Commission-certified school director or in-service
- 9                             training coordinator.
- 10          (2)     The second option is:
- 11                   (A)     Hold General Instructor Certification, either probationary status or full general instructor
- 12                             status, as specified in Rule .0303 of this Section;
- 13                   (B)     Hold CPR instructor certification through the American Red Cross, American Heart
- 14                             Association, American Safety and Health Institute or National Safety Council;
- 15                   (C)     Hold, or have held, basic EMT certification; and
- 16                   (D)     Obtain the recommendation of a Commission-certified school director or in-service
- 17                             training coordinator.
- 18 (f) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant shall meet the following
- 19 requirements:
- 20           (1)     Hold General Instructor Certification, either probationary status or full general instructor status, as
- 21                             specified in Rule .0303 of this Section;
- 22           (2)     Complete the Commission-approved specialized firearms instructor training course; and
- 23           (3)     Obtain the recommendation of a Commission-certified school director or in-service training
- 24                             coordinator.
- 25 (g) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an
- 26 applicant shall meet the following requirements:
- 27           (1)     Hold General Instructor Certification, either probationary status or full general instructor status, as
- 28                             specified in Rule .0303 of this Section;
- 29           (2)     Complete the Commission-approved specialized driver instructor training course; and
- 30           (3)     Obtain the recommendation of a Commission-certified school director or in-service training
- 31                             coordinator.
- 32 (h) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become
- 33 certified through one of the following two methods:
- 34           (1)     The first method is:
- 35                   (A)     hold General Instructor Certification, either probationary status or full general instructor
- 36                             status, as specified in Rule .0303 of this Section;

- 1 (B) complete the Commission-approved specialized physical fitness instructor training course;  
2 and  
3 (C) obtain the recommendation of a Commission-certified School Director.
- 4 (2) The second method is:
- 5 (A) Complete the Commission-approved specialized physical fitness instructor training course;  
6 (B) obtain the recommendation of a Commission-certified School director or in-service  
7 training coordinator; and  
8 (C) meet one of the following qualifications:  
9 (i) hold a valid North Carolina Professional Educator's License, issued by the  
10 Department of Public Instruction, hold a baccalaureate degree in physical  
11 education, and be presently teaching in physical education topics; or  
12 (ii) be presently instructing physical education topics in a community college,  
13 college, or university and hold a baccalaureate degree in physical education.
- 14 (i) To qualify for Specialized Certification in the Standardized Field Sobriety Testing topical area, an applicant shall:  
15 (1) Be certified by the North Carolina Department of Health and Human Services, Forensic Test for  
16 Alcohol Branch, as a Standardized Field Sobriety Instructor.  
17 (2) Obtain the recommendation of a Commission-certified school director or in-service training  
18 coordinator.
- 19 ~~(j)(i)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult  
20 ~~Correction and~~ Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant shall meet the  
21 following requirements:  
22 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as  
23 specified in Rule .0303 of this Section;  
24 (2) Complete the Commission-approved corrections specialized instructor training – controls,  
25 restraints, and defensive techniques course; and  
26 (3) Obtain the recommendation of a Commission-certified school director.
- 27 ~~(j)(k)~~ To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult  
28 ~~Correction and~~ Juvenile Justice Medical Emergencies topical area, an applicant shall meet the following requirements:  
29 (1) Have completed a Commission-certified basic instructor training course or an equivalent instructor  
30 training course utilizing the Instructional Systems Design model, an international model with  
31 applications in education, military training, and private enterprise;  
32 (2) Hold instructor certification in CPR and First Aid by the American Red Cross, American Heart  
33 Association, American Safety and Health Institute, or National Safety Council; and  
34 (3) Obtain the recommendation of a Commission-certified school director.
- 35 ~~(k)(l)~~ To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies  
36 topical area, an applicant shall satisfy one of the following two options:  
37 (1) The first option is:

- 1 (A) hold General Instructor Certification, either probationary status or full general instructor  
2 status, as specified in Rule .0303 of this Section;
- 3 (B) Complete the Commission-approved specialized explosives and hazardous materials  
4 instructor training course; and
- 5 (C) obtain the recommendation of a Commission-certified school director or in-service training  
6 coordinator.
- 7 (2) The second option is:
- 8 (A) have completed the Fire Service Instructor Methodology Course or the equivalent utilizing  
9 the Instructional Systems Design model, an international model with applications in  
10 education, military training, and private enterprise;
- 11 (B) Complete the Commission-approved specialized explosives and hazardous materials  
12 instructor training course; and
- 13 (C) obtain the recommendation of a Commission-certified school director or in-service training  
14 coordinator.

15  
16 *History Note:* *Authority G.S. 17C-6;*  
17 *Eff. January 1, 1981;*  
18 *Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;*  
19 *Temporary Amendment Eff. January 1, 2001;*  
20 *Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006;*  
21 *December 1, 2004; August 1, 2002;*  
22 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
23 *2019.*  
24 *Amended Eff. January 1, 2024*  
25

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0305

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Generally, to the Rule: When the agency is requiring “proof” or “documentation,” if the agency is requiring specific forms of proof or specific documents it should state what it is requiring. Would a cocktail napkin signed by the school director be rejected?*

*Page 1, Lines 14-16: Consider: This seems like it would belong in 12 NCAC 09B .0303.*

*Page 1, Line 20: Isn't this addressed on Line 6?*

*Page 1, Line 37 and Page 2, Line 1: “Application for Instructor and Lecturer Certification Form” is not a defined term. Where is the rule which sets forth the substantive requirements of this form?*

*Page 2, Lines 13-14: Where is the rule which sets forth the substantive requirements of Form F-16?*

*Page 3, Line 18: What are those requirements? Is there a rule which establishes them? If so, cite it.*

*Page 3, Lines 20-21: What does the agency mean by “in the specialty where re-issuance of certification is taught?” Does it mean “sought?”*

*Page 3, Line 20: It is unclear what the requirement is. “... has completed eight hours of evaluated instruction” is ambiguous. Does the agency mean that the applicant must take a course which is also evaluated or that 8 hours of the applicant’s instruction performance must be evaluated?*

*Page 3, Line 21: Where is the rule which sets forth the substantive requirements of Form F-16?*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 4, 2024



*Page 3, Lines 22-24: How can some seeking re-issuance provide “documentation” of instruction which has not been completed, and does not need to be completed before -re issuance, in the application for re-issuance? This is a requirement post re-issuance and should be its own Paragraph.*

*Page 3, Lines 29-30: Is it “juvenile justice medical emergencies” or “juvenile justice, and medical emergencies?”*

*Page 3, Line 32: Here the agency uses the term “prequalification skills assessment.” On line 18 it uses the term “pre-qualification requirements.” Is this the same requirement? If so, use the same terms. Or make a reference to (f)(2).*

*Page 4, Lines 1-4: The title of the Rule is “Terms and Conditions of Specials Certification.” Paragraph (i) seems like it belongs in another rule.*

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

12 NCAC 09B .0305 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0305 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR  
CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification as set forth in Rule .0304 of this Section shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a Specialized Instructor within 60 days after the date the applicant achieved a passing score on the state comprehensive exam for the respective Specialized Instructor training course.

~~(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the~~ The instructor is required to instruct, within three years after Specialized Instructor Certification is issued, ~~certification~~, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching ~~requirement~~ requirement, as outlined in 12 NCAC 09B .0303(b)(2), for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

~~(c) When Specialized Instructor Certification is issued during an existing period of General Probationary Instructor Certification, the specialized instructor may satisfy the teaching requirement for the General Probationary Certification by teaching the specialized subject for which certification has been issued.~~

~~(d)~~ (c) The term of certification as a specialized instructor shall be three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

(1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;

(2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Application for Instructor and Professional

Lecturer Certification Form (Form F-12) stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. The teaching shall have been provided in a Commission-accredited basic training, Specialized Instructor Training course, pursuant to Rule 12 NCAC 09C .0401, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 09F .0101, 12 NCAC 09H, 12 NCAC 10B .0601, .1302, or .2005;

(B) a favorable written evaluation by a School Director, Qualified Assistant, In-Service Training Coordinator, or another Specialized Instructor certified in the same specialized subject, based on an on-site classroom evaluation of a presentation by the instructor in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or in-service training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005 during the three-year period of Specialized Instructor Certification. Such evaluation shall be certified on a Criminal Justice Instructor Evaluation Form F-16, located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>;

(C) proof that the applicant has met the requirement set forth in Rule .0303(d) of this Section;

(D) proof that the individual applying for renewal as a Specialized Firearms Instructor has achieved a minimum score of 92 on the day and night Basic Law Enforcement Training firearms qualification courses, administered by a certified Specialized Firearms Instructor, within the three-year period preceding the application for renewal;

(E) proof that the individual applying for renewal as a Specialized Physical Fitness Instructor has passed the Basic Law Enforcement Training Police Officer Physical Abilities Test, administered by a certified Specialized Physical Fitness Instructor, within the three-year period preceding the application for renewal.

(F) proof that the individual applying for renewal as a Specialized Driver Instructor has achieved the following minimum scores in accordance with the procedural and evaluative requirements listed in the "Course Description Packet (CDP) for Driver Instructor Certification Renewal" as published by the North Carolina Justice Academy within the three-year period preceding the application for renewal. The individual applying for renewal must achieve a minimum score of 85 on two out of three attempts for the "Off-Set Lane Maneuver" and "Serpentine" courses during the daytime, a minimum score of 85 on two out of three attempts for the "Precision" course during both day and night evaluation, a score of "Pass" on two out of three attempts for each command for the "Evasive Action/Maneuver" course during the daytime, and a score of Pass on two out of three attempts in each direction for the "Fixed Radius Curve" course during the daytime. Evaluations will be administered by a certified Specialized Driving Instructor.

(G) proof that the individual applying for renewal as a Specialized Subject Control Arrest Techniques Instructor or Compliance and Control Techniques Instructor (CCT) has satisfactorily completed the technique evaluations skills of the Basic Law Enforcement Training SCAT or CCT courses, administered by a certified Specialized SCAT or CCT Instructor, within the three-year period preceding the application for renewal.

(e) Certification as a Specialized Instructor in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topic areas as outlined in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) of this Section shall remain in effect for 36 months from the date of issuance. During the 36 month term all non-Commission certificates required in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas shall be maintained.

(f) Those individuals who have previously held Specialized Instructor Certification and have not exceeded a three year time period from when his or her Specialized Instructor Certification expired are eligible to reapply for re-issuance of the previously held Specialized Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) holds a current General Instructor certification;
- (2) has completed all pre-qualification requirements for that specialty;
- (3) has passed the state examination for that specialty with a minimum score of 75;
- (4) has completed eight hours of evaluated instruction in the specialty where re-issuance of certification is taught, as documented on an F-16 located on the agency's website: <https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-publications/>. The eight hours of instruction shall be taught within 60 days of the Specialized Instructor Certification being reissued and evaluated by a Specialized Instructor certified in that specialty. Failure to complete the required eight hours of evaluated instruction will result in the reissued Specialized Instructor Certification being revoked; and
- (5) has maintained non-Commission certificates required in Rule ~~.0304(d)(1), (g)(2), (i)(1), and (j)(1)~~ .0304(e), (h), (k), and (l) for Specialized Instructor certification in the Standard Field Sobriety Testing, First Responder, Physical Fitness, Explosive and Hazardous Materials, and Juvenile Justice Medical Emergencies topical areas.

(g) Applicants for re-issuance of the Specialized Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the state examination for that specialty. Should an applicant not achieve a passing score on either the prequalification skills assessment or the state examination for that specialty, the applicant shall complete the specific Specialized Instructor Course in its entirety.

(h) Applicants whose Specialized Instructor Certification is suspended or revoked shall not qualify for re-issuance. The applicant shall complete the specific Specialized Instructor Course in its entirety.

(i) The use of guest participants in a delivery of the "Basic Law Enforcement Training Course" shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the primary certified instructor of the block of instruction and shall not replace the primary instructor.

*History Note: Authority G.S. 17C-6;*  
*Eff. January 1, 1981;*  
*Amended Eff. January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014; June 1, 2012;*  
*November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1, 2000; July 1,*  
*1991; July 1, 1989; December 1, 1987; February 1, 1987;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
*2019;*  
*Amended Eff. January 1, 2025; May 1, 2023; January 1, 2022; January 1, 2020; August 1, 2019.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0404

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Generally, to the Rule: Please review G.S. 150B-19(6)*

*Page 1, Line 7: What factors are required to be considered by the School Director in exercising this discretion?*

*Page 1, Line 19: Change "must" to "shall."*

*Page 1, Lines 28-37 and Page 2, Lines 1-4: Subparagraph (d) appears to be about when courses are offered and not trainee attendance. How is this relevant to attendance?*

*Page 2, Line 9-10: Change "may" to "shall" or state the factors that the school director is to consider in exercising this discretion.*

*Page 2, Line 13: Change "may" to "shall" or state the factors that the school director is to consider in exercising this discretion.*

*Page 2, Line 18: Notwithstanding any makeup work?*

*Page 2, Line 31: Change "may" to "shall" or state the factors that the school director is to consider in exercising this discretion.*

*Page 2, Lines 31-35: It is unclear which specific requirement the Director has the ability or duty to waive. Please cite the provision being waived.*

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: November 4, 2024

12 NCAC 09B .0404 is submitted for amendment, with changes, as follows:

**12 NCAC 09B .0404      TRAINEE ATTENDANCE**

(a) Each trainee enrolled in a ~~certified~~ Commission-accredited Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class sessions. However, in no case may excused or unexcused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. ~~Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work.~~ Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make-up work must be documented on the F-26 BLET Student Absence/Make Up Training Report. The F-26 BLET Student Absence/Make Up Training Report must contain the following:

- (1) School/Academy Name;
- (2) Class Name;
- (3) Student name and ACADIS ID number;
- (4) Course topic, date, and hours missed;
- (5) Reason for missed time;
- (6) Student and School Director signatures;
- (7) Course topic and hours made up; and
- (8) Instructor name and signature

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

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

1 Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at [https://ncdoj.gov/law-](https://ncdoj.gov/law-enforcement-training/criminal-justice/)  
2 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses  
3 that began during the effective period of the State of Emergency.

4 (e) the School Director shall provide the following information to the Director of the Criminal Justice Standards  
5 Division for consideration of a waiver under Paragraph (d) of this Rule:

- 6 (1) a memorandum justifying the absence waiver;
- 7 (2) specific documentation related to the trainee's request; and
- 8 (3) a training completion plan pursuant to Paragraph (c) of this Rule.

9 (f) A school director may terminate a trainee from course participation or may deny certification of successful  
10 course completion where the trainee is tardy to or departs early from class meetings or field exercises.

11 (g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218,  
12 .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements  
13 of the Commission, the trainee, upon the authorization of the school director, may be deemed to have satisfactorily  
14 completed the required number of hours for attendance provided the trainee's attendance is not less than 100  
15 percent of the instructional hours as required by the Commission.

16 (h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of  
17 this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery  
18 period in order to receive successful course completion.

19 (i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226  
20 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the  
21 "Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training" course  
22 under Rule .0232 of this Subchapter, ~~or the~~ "Specialized Physical Fitness Instructor Training" course under Rule  
23 .0233 of this Subchapter, the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training"  
24 course under Rule .0417 of this Subchapter, or the "Juvenile Justice Specialized Instructor Training – Restraints,  
25 Controls and Defensive Techniques" course under Rule .0241 of this Subchapter shall not be absent from class  
26 attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course  
27 completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-  
28 up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson  
29 plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of  
30 instruction.

31 (j) The Director of the Criminal Justice Standards Division may grant a waiver for completion of course  
32 requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that  
33 created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness,  
34 emergency, or course cancellation that precluded the student from completing the entire course in one continuous  
35 course delivery.

36 (k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this  
37 Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR



1 Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for  
2 more than 10 percent of the total scheduled delivery period in order to receive successful course completion.  
3 Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall  
4 consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the  
5 missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

6  
7 *History Note: Authority G.S. 17C-6; 17C-10;*  
8 *Eff. January 1, 1981;*  
9 *Amended Eff. November 1, 1981;*  
10 *Readopted Eff. July 1, 1982;*  
11 *Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1,*  
12 *1993;*  
13 *July 1, 1989; February 1, 1987; June 1, 1986;*  
14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
15 *2019;*  
16 *Amended Eff. January 1, 2025; April 1, 2022; August 1, 2021.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0405

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Generally, to the Rule: This rule could be written much more concisely and organized better.*

*Page 1, Line 5: Rule .0205 does not appear to reference the 868-hour curriculum.*

*Page 1, Line 5: Explain how the addition of the 868-hour curriculum is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 1, Lines 11-26: Explain how the deletion of these lines is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 1, Line 27: What are the “cognitive topical area tests?”*

*Page 1, Line 31, 32, 34 and 37, and Page 2, Lines 3 and 24: What “remediation?” Define this term.*

*Page 2, Lines 6-14: Explain how this addition is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 2, Lines 23-27: Explain how this addition is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 2, Lines 28-29: Explain how this addition is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 2, Lines 30-37 and Page 3, Lines 1-3: Explain how this addition is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 2, Line 30: Change “may” to “shall” or state the criteria the Director will consider in exercising this discretion.*

William W. Peaslee  
Commission Counsel

Date submitted to agency: November 4, 2024

*Page 2, Line 32: Define or delete “satisfactorily.”*

*Page 3, Lines 4-10: Explain how this addition is not a substantial change pursuant to G.S. 150B-21.2(g).*

*Page 3, Line 4: Change “may” to “shall” or state the criteria that will be considered in exercising this discretion.*

*Page 3, Line 14: Define or delete “satisfactorily.”*

*Page 3, Line 18: What criteria is the school director required to use in granting or withholding approval?*

*Page 3, Line 36: Define or delete “active participation.”*

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

12 NCAC 09B .0405 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE**

(a) Each delivery of ~~an accredited basic training course~~ a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all units for the 640-hour curriculum and the modules for the 868-hour curriculum as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental rules as set forth in Rule .0202(a)(7) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division may issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

(1) ~~the trainee attended and satisfactorily completed specified class hours and topics of [Basic Law Enforcement Training Course BLET] but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;~~

(2) ~~the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or~~

(3) ~~the trainee participated in [a BLET]an accredited course but had an identified deficiency in essential knowledge or skill in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;~~

~~The trainee who is deficient in more than two topical areas shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.~~

(b) The trainee shall demonstrate proficiency in the ~~school's~~ cognitive topical area tests by achieving a minimum score of 70 percent on each topical area ~~test; test and shall also demonstrate proficiency in the motor skills and performance subjects;~~

(1) a trainee who fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following remediation;

(2) a trainee enrolled in the 640-hour BLET course shall be allowed failure, remediation, and reexamination in no more than four topical area tests. A trainee enrolled in the 868-hour BLET course shall be allowed failure, remediation, and reexamination in no more than seven topical area tests;

(3) for trainees enrolled in the 640-hour BLET course, upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or reexamination and shall be immediately dismissed from

1 the course and shall be required to complete a subsequent delivery of the ~~Basic Law Enforcement~~  
2 ~~Training~~ BLET in its entirety. For trainees enrolled in the 868-hour BLET course, upon initial  
3 failure of an eighth topical area test, the trainee shall not be allowed remediation or reexamination  
4 and shall be immediately dismissed from the course and shall be required to complete a subsequent  
5 delivery of the BLET in its entirety.

6 (c) The trainee shall also demonstrate proficiency in the motor skills subjects:

- 7 (1) Compliance and Control Tactics (868-hour curriculum);
- 8 (2) Standardized Field Sobriety Testing (868-hour curriculum);
- 9 (3) Subject Control Arrest Techniques (640-hour curriculum);
- 10 (4) Physical Fitness (640-hour curriculum);
- 11 (5) Officer Health and Wellness (868-hour curriculum);
- 12 (6) Law Enforcement Driver Training (868 and 640-hour curriculums);
- 13 (7) First Responder (868 and 640-hour curriculums); and
- 14 (8) Law Enforcement firearms (868 and 640-hour curriculums).

15 (e) ~~An authorization of limited enrollment in a subsequent delivery of the [Basic Law Enforcement Training Course~~  
16 ~~BLET] may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of~~  
17 ~~this Rule:~~

- 18 (1) ~~The school director of the previous course offering submits to the Standards Division a certification~~  
19 ~~of the particular topics and class hours attended and satisfactorily completed by the trainee during~~  
20 ~~the original enrollment; and~~
- 21 (2) ~~The school director makes written application to the Standards Division for authorization of the~~  
22 ~~trainee's limited enrollment.~~

23 (d) The trainee who is deficient in no more than two of any cognitive topical areas and/or motor skills shall:

- 24 (1) complete the current course delivery and then shall be required to remediate the deficiency as a  
25 limited enrollee in a subsequent training course, or
- 26 (2) complete the current course delivery and then remediate up to two deficiencies within the current  
27 delivery with the approval of the Division Director.

28 (e) The trainee who is deficient in more than two cognitive topical areas and/or motor skills shall immediately be  
29 dismissed and then shall complete a subsequent BLET course in its entirety.

30 (f) The Director of the Standards Division may issue written authorization for a specified trainee's limited enrollment  
31 in a subsequent delivery of the same course where the trainee provides evidence that:

- 32 (1) the trainee attended and satisfactorily completed specified class hours and topics of BLET but through  
33 extended absence occasioned by illness, accident, emergency, or other good cause was absent for  
34 more than five percent of the total class hours of the course offering; or
- 35 (2) the trainee was granted excused absences by the school director that did not exceed five percent of  
36 the total class hours for the course offering and the school director has obtained approval from the  
37 Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a

- 1                   subsequent enrollment; or
- 2           (3)   the trainee participated in a BLET course but had an identified deficiency in any topical area or skill
- 3           -   areas as outlined in paragraph (c).
- 4   (g) An authorization of limited enrollment in a subsequent delivery of the BLET may not be issued by the Standards
- 5   Division unless in addition to the evidence required by Paragraph (a) of this Rule:
- 6           (1)   The school director of the previous course offering submits to the Standards Division a certification
- 7                   of the particular topics and class hours attended and satisfactorily completed by the trainee during
- 8                   the original enrollment; and
- 9           (2)   The school director makes written application to the Standards Division for authorization of the
- 10                   trainee's limited enrollment.
- 11   ~~(d)~~ (h) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering
- 12   of the ~~Basic Law Enforcement Training Course~~ BLET commencing within 120 calendar days from the date of
- 13   administration of the state comprehensive examination in the trainee's prior course delivery.
- 14           (1)   The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the
- 15                   school director as an area of trainee deficiency in the prior course participation with the exception
- 16                   of the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area.
- 17           (2)   There are two options available for satisfying a deficiency in the ~~"Physical Fitness"~~ "Officer Health
- 18                   and Wellness" topical area with the school director's approval:
- 19                   (A)   the student shall be allowed to make up the deficiency at the original training site without
- 20                           enrolling in a subsequent delivery of BLET. Under this option, the student shall be given
- 21                           120 calendar days from the date that the comprehensive state examination was
- 22                           administered to the original BLET course in order to successfully satisfy this deficiency.
- 23                           Students who select this option shall be allowed two attempts to complete the entire Police
- 24                           Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest
- 25                           between attempts during the 120-day period to satisfy the deficiency; or
- 26                   (B)   the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited
- 27                           enrollee." This delivery shall begin within 120 calendar days from the date that the
- 28                           comprehensive state examination was administered to the original BLET course in order
- 29                           to successfully satisfy this deficiency. Students who select this option shall be allowed two
- 30                           attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between
- 31                           attempts during the delivery period of the subsequent BLET course.
- 32   A certified ~~"Physical Fitness"~~ "Officer Health and Wellness" instructor is the only person qualified to
- 33   administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant
- 34   shall be present.
- 35           (3)   Following limited enrollment in the subsequent course offering, scheduled class attendance, and
- 36                   active participation with passing grades on all required topic and motor-skill tests, and having no

1 deficiencies, the trainee shall be eligible for administration of the State comprehensive ~~written~~  
2 examination by the Commission, as set forth in Rule .0406 of this Section.

3  
4 *History Note: Authority G.S. 17C-6; 17C-10;*  
5 *Eff. January 1, 1981;*  
6 *Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January*  
7 *1, 1983;*  
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*  
9 *2019.*  
10 *Amended Eff. January 1, 2025.*  
11

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0406

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*Page 1, Line: 21-22: What factors will the Director use in determining whether to grant the request? Or is the trainee entitled to a re-examination?*

*Page 1, Line 32: What factors is the school director required to use in determining the recommendation?*

*Page 2: "POPAT" is not a defined term. While the acronym is spelled out in other rules, it has not been spelled out previously in this rule. Please do so.*

*Page 2, Lines 20-23: It is unclear whether or not a trainee who has failed to achieve a 60 percent score is forever barred from taking the BLET course again. If they are, has the Commission added this threshold to school admission prerequisites 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: November 4, 2024



12 NCAC 09B .0406 is being submitted for amendment, with changes, as follows:

**12 NCAC 09B .0406      COMPREHENSIVE ~~WRITTEN~~ STATE EXAMINATION - BASIC LAW  
ENFORCEMENT TRAINING**

(a) Within 60 days of the conclusion of a school's offering of the Commission-accredited Basic Law Enforcement Training Course, the Commission shall administer a comprehensive ~~written~~ state examination online via the Acadis platform to each trainee who has completed all of the required course work pursuant to Rule .0405 of this Section. A trainee shall not be administered the comprehensive ~~written-state~~ examination until such time as all of the course work is completed or he or she is granted a medical waiver by the Director of the Criminal Justice Standards Division in accordance with Paragraph ~~(f)~~ (e) of this Rule.

~~(b) The examination shall be comprised of six units as specified in 12 NCAC 09B .0205(b).~~

(e) (b) The Commission's representative shall submit to the school director within five business days of the administration of the examination a report of the results of the test for each trainee examined.

~~(d) [(e) (b)]~~ A trainee shall achieve a passing score on the comprehensive ~~written-state~~ examination upon answering a minimum of 70 percent of the questions correctly, ~~correctly on each of the six units as prescribed in Paragraph (b) of this Rule.~~

~~(e) [(d) (c)]~~ A trainee who has ~~participated in~~ completed a scheduled delivery of ~~an accredited training course~~ the Commission-accredited Basic Law Enforcement Training Course ~~and has achieved a passing score in each motor-skill or performance area of the course curriculum~~ and has achieved a minimum score of 60 percent but below the passing score of 70 percent on ~~but has failed to achieve the minimum score of 70 percent on no more than two units of the Commission's comprehensive written-state examination~~ may request the Director of the Standards Division to authorize a re-examination of the trainee; ~~trainee in only those units for which he or she failed to make a passing score of 70 percent.~~

(1) The trainee's request for re-examination shall be made in writing on the Commission's Re-Examination Request ~~form~~ form (F-23), and shall be received by the Standards Division within 30 days of the examination. ~~The Re-examination Request form is located on the agency's website:-~~  
~~[http://ncdoj.gov/getdoc/deb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam Admission Form\\_F\\_23\\_4\\_19-17.aspx](http://ncdoj.gov/getdoc/deb72ee9-fa01-4664-a7a0-ef33ac0941ee/Exam%20Admission%20Form_F_23_4_19-17.aspx).~~ The examination request form shall include the following information:

- (A) first-time examination training type;
- (B) trainee information; and
- (C) school information and appropriate signatures.

(2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course(s).

(3) A trainee shall have, within 60 days of the original examination(s), only one opportunity for re-examination and shall achieve a passing score of 70 percent, ~~score on the subsequent unit examination.~~

(4) The trainee shall be assigned in writing by the Director of the Standards Division a place, time, and date for re-examination.

(5) Should the trainee on re-examination not achieve a minimum score of 70 percent on the examination, the trainee shall not be eligible for probationary certification, as prescribed in 12 NCAC 09C .0303(d). The trainee shall enroll and complete a subsequent offering of the Basic Law Enforcement Training Course before further examination is permitted.

~~(f)-(e)~~ A trainee who sustains injury prior to the final POPAT attempt and who achieved a passing score on the last attempt, who has completed the required coursework with the exception of the final POPAT, may request from the Director of the Criminal Justice Standards Division a medical waiver to take the comprehensive written examination prior to completion of the final POPAT. The medical waiver request shall include the following information:

(6) a memorandum from the School Director justifying a medical ~~wavier~~, waiver;

(7) copies of the last POPAT assessment; and

(8) medical documentation from a ~~surgeon~~, physician, physician assistant, or nurse ~~practitioner~~ practitioner, holding a current medical license, showing the diagnosis of the injury and the estimated medical release date.

Upon receipt of the information contained in this Paragraph, the Director of the Criminal Justice Standards Division shall approve the medical waiver request. The School Director shall submit the medical waiver approval from the Director of the Criminal Justice Standards Division with the comprehensive state examination admission form. The trainee must complete the final POPAT attempt within 120 calendar days of the original comprehensive state written examination date.

~~(g)-(f)~~ A trainee who fails to achieve a passing minimum score of 70-60 percent on ~~three or more of the units as~~ the comprehensive state examination shall not be given the opportunity for re-examination, ~~and shall enroll in a complete a subsequent offering of the Commission accredited Basic Law Enforcement Training Course.~~

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. July 1, 2018; January 1, 2015; August 1, 2000; July 1, 1989; July 1, 1985;*

*January 1, 1983;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019.*

*Amended Eff. January 1, 2025.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0414

**DEADLINE FOR RECEIPT: November 19, 2024**

***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:

*This page intentionally left blank.*

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: November 4, 2024

12 NCAC 09B .0414 is being submitted for amendment as follows:

**12 NCAC 09B .0414      ~~COMPREHENSIVE WRITTEN STATE~~ EXAM - SPECIALIZED  
INSTRUCTOR TRAINING**

(a) The Commission shall administer a comprehensive ~~written state~~ examination within 60 days of the completed required course work for the following courses:

- (1) Specialized Firearms Instructor Training;
- (2) Specialized Driver Instructor Training;
- (3) Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training;
- (4) Specialized Physical Fitness Instructor Training;
- (5) Specialized Explosives and Hazardous Materials Emergencies Instructor Training;
- (6) Radar Instructor Training;
- (7) Criminal Justice Time-Distance/Speed Measurement Instrument (TD/SMI) Instructor Training;
- (8) LIDAR Instructor Training;
- (9) Re-Certification Training for Radar Instructors;
- (10) Re-Certification Training for TD/SMI Instructors; and
- (11) Re-Certification Training for LIDAR Instructors.

(b) The examination shall be an objective test covering the topic areas contained in the certified course curriculum.

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

(d) A trainee shall achieve a passing score on the comprehensive ~~written state~~ examination if he or she achieves 75 percent correct answers.

(e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive ~~written state~~ examination shall enroll and complete a subsequent offering of the specialized instructor training course before further examination may be permitted.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. February 1, 1987;*

*Amended Eff. January 1, 2015; June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,-  
~~2019. 2019.~~*

*Amended Eff. January 1, 2025.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0415

**DEADLINE FOR RECEIPT: November 19, 2024**

***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 19: What factors is the school director required to use in exercising this discretion?*

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

1 12 NCAC 09B .0415 is being submitted for amendment as follows:  
2

3 12 NCAC 09B .0415 SATISFACTION OF MINIMUM TRAINING - SPECIALIZED INSTRUCTOR

4 (a) To acquire successful completion of the "Specialized Firearms Instructor Training," "Specialized Driver  
5 Instructor Training," "Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor  
6 Training," "Specialized Physical Fitness Instructor," and the "Specialized Explosives and Hazardous Materials\_  
7 Emergencies Instructor Training" courses, the trainee ~~shall~~ shall satisfactorily complete all required coursework  
8 and demonstrate proficiency in all required motor-skill and performance subjects as specified in 12 NCAC 09B  
9 .0226, 09B .0227, 09B .0232, 09B .0233, or 09B .0417 of this Section.

- 10 (1) ~~—satisfactorily complete all required coursework as specified in the course abstract of the~~  
11 ~~"Specialized Firearms Instructor Training Manual," the "Specialized Driver Instructor Training~~  
12 ~~Manual," the "Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~~~  
13 ~~Instructor Training Manual," the "Specialized Physical Fitness Instructor Training Manual," and~~  
14 ~~the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training Manual"~~  
15 ~~as published by the North Carolina Justice Academy and~~  
16 (2) ~~—demonstrate proficiency in all required motor skill and performance subjects as specified in~~  
17 ~~each specialized instructor training manual.~~

18 (b) Should a trainee fail to meet the minimum criteria on a motor skill or performance area, he or she shall be  
19 authorized one opportunity for a re-test at the discretion of the school director. Such re-test must be completed  
20 during the original course and prior to the trainee's being administered the comprehensive ~~written state~~ state  
21 examination. Failure to meet the required criteria on a re-test requires enrollment in a subsequent course.

22  
23 *History Note: Authority G.S. 17C-6; 17C-10;*

24 *Eff. February 1, 1987;*

25 *Amended Eff. June 1, 2013; August 1, 2000; July 1, 1989;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,—*  
27 *2019. 2019.*

28 *Amended Eff. January 1, 2025.*

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

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0403

**DEADLINE FOR RECEIPT: November 19, 2024**

***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 8: What rule sets forth the substantive requirements of this form? If none, set them out here.*

*Line 21: What rule sets forth the substantive requirements of this form? If none, set them out here.*

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

12 NCAC 09C .0403 is being submitted for amendment as follows:

**12 NCAC 09C .0403      REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

(a) Each presentation of the ~~"Basic Law Enforcement Training"~~ course a Commission-accredited training course shall be reported to the Commission as follows:

(1) After acquiring accreditation for the course and before commencing each delivery of the course, the school director shall notify the Commission of the school's intent to offer the training course by submitting a Form ~~F-10A F-10A(LE)~~ Pre-delivery Report of Training Course Presentation; and

(2) Not more than 10 days after completing delivery of the accredited course, the school director shall notify the Commission regarding the progress and achievement of each enrolled trainee by submitting a Form ~~F-10B F-10B(LE)~~ Post-delivery Report of Training Course ~~Presentation.~~ Presentation and entering all student scores and class documents in the Acadis platform.

~~Forms F-10A(LE) and F-10B(LE) are located on the agency's website at: <http://www.ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Criminal Justice Education and Training Standards/Forms and Publications.aspx>.~~

~~Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of law enforcement achievement in a Public Safety Officer course.~~

(b) Upon completion of a Commission-accredited training course by Juvenile Justice Officer and Chief/Juvenile Court Counselor trainees, the director of the school conducting such course shall notify the Commission of the achievement of trainees by submitting a Report of Training Course Completion (Form F-11). ~~This form is located on the agency's website: [http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form\\_10-2-14.pdf.aspx](http://www.ncdoj.gov/getattachment/fbf3480c-05a1-4e0c-a81a-04070dea6199/F-11-Form_10-2-14.pdf.aspx).~~

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. January 1, 2015; August 1, 2002; August 1, 2000; December 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019, 2019;*

*Amended Eff. January 1, 2025.*