

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: December 13, 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 7: Explain the authority of the school director to adopt "rules." And how would those be placed into the N.C. Code?*

*Page 1, Line 7: Rule .0202(a)(7) was revised in November 2024 and the changes go into effect January 1, 2025. Are you sure (a)(7) is what the agency wants? Or is it now (a)(5)? Respectfully, the agency should be on top of this.*

*Page 1, Line 11, Page 2, Lines 1, 8, 9, 24, 33: Where in the agency's rules is the term "limited enrollment" defined or the concept explained?*

*Page 1, Line 24: "And/or" does not comply with the [administrative rule style guide](#). See Chapter 2.5*

*Page 1, Lines 26 -36: These lines are poorly written. Consider re-writing them.*

*Page 1, Line 32 and 34: Explain why the post-publication changes are not substantial changes pursuant to G.S. 150B-21.2(g).*

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: December 4, 2024

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

subsequent enrollment; or

- (3) the trainee participated in a BLET course but had an identified deficiency in any topical area or skill areas as outlined in paragraph (c).

(g) An authorization of limited enrollment in a subsequent delivery of the BLET may not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a) of this Rule:

- (1) The school director of the previous course offering submits to the Standards Division a certification of the particular topics and class hours attended and satisfactorily completed by the trainee during the original enrollment; and

- (2) The school director makes written application to the Standards Division for authorization of the trainee's limited enrollment.

~~(d)~~ (h) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of the ~~Basic Law Enforcement Training Course~~ BLET commencing within 120 calendar days from the date of administration of the state comprehensive examination in the trainee's prior course delivery.

- (1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the school director as an area of trainee deficiency in the prior course participation with the exception of the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area.

- (2) There are two options available for satisfying a deficiency in the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area with the school director's approval:

(A) the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire Police Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency; or

(B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited enrollee." This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the delivery period of the subsequent BLET course.

A certified ~~"Physical Fitness"~~ "Officer Health and Wellness" instructor is the only person qualified to administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant shall be present.

- (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and 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