

TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

North Carolina Ciminal Justice Education and Training Standards Commission 2. Rule citations & mane: 12 NCAC 09G. Odd1 Accreditation of Criminal Justice Schools 3. Action: Adoption 2. Was this an Emergency Rule: Yes Effective date: May 16, 2024 5. Provide dates for the following actions as applicable: . a. Proposed Temporary Rule submitted to OAH: May 9, 2024 b. Proposed Temporary Rule published on the OAH website: May 16, 2024 c. Public Hearing date: June 7, 2024 . d. Comment Period: May 17, 2024 e. Notice pursuant to C.S. 159B-21.1(a)(2): May 17, 2024 . f. Adoption by agency ony ¹ My 22, 2024 . g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: 6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. Xiffective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Cite: Riffective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Cite: A recent federal or state budgetary policy. Mifective date: A recent federal or state budgetary policy. Mifective date: A rec						
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safety, and welfare of the students and public. RRC met on June 26,2024 and objected to the Commission's adoption date for this rule. To address RRC's objection along with potential objections to certain text, the rule has had non-substantial text changes made and then has been adopted outside the thirty business day window.	This temporary rule allows for the summary suspension of the accreditation of a school if the public health, safety, and welfare requires action. The Commission faces such a situation at present. Without the temporary rule, the school can continue to offer courses in a way that risks the health, safety, and welfare of the students and public. RRC met on June 26,2024 and objected to the Commission's adoption date for this rule. To address RRC's objection along with potential objections to certain text, the rule has had non-substantial text changes made and then has been adopted outside					

7. Why is adherence to notice and hearing requirements cont	rary to the public interest and the immediate adoption of the	
rule is required? The Commission has encountered a situation where a subject had held courses resulting in serious injuries to students. The conduct involved acts and omissions of the school throughout its chain of command from the instructor to the school executive level. This type of systematic failure to adhere to the Rules resulting in repeated and multiple serious injuries was not foreseen. The Commission has rules that allow the summary suspension of criminal justice officers and instructors on an individual basis, when the public health, safety, and welfare require. However, this authority does not currently exist for schools. This temporary rule allows for the summary suspension of the accreditation of a school if the public health, safety, and welfare requires action. The Commission faces such a situation at present. Without the temporary rule and were normal notice and hearing requirements followed, the school could continue to offer courses in a way that risks the healthy, safety, and welfare of the students and public.		
8. Rule establishes or increases a fee? (See G.S. 12-3.1)		
Yes Agency submitted request for consultation on: Consultation not required. Cite authority:		
9. Rule-making Coordinator:	10. Signature of Agency Head*:	
Michelle Schilling	1 2/1/1/	
Phone: (919) 779-8205	1 ANA	
E-Mail:	* If this function has been delegated (reassigned) pursuant	
MSchilling@ncdoj.gov	to G.S. 143B-10(a), submit-a-copy of the delegation with this form.	
Agency contact, if any:	Typed Name:	
Phone:	Christopher C. Blue Title:	
	Commission Chair	
E-Mail:	E-Mail: cblue@townofchapelhill.org	
RULES REVIEW COMMISSION USE ONLY		
Action taken:	bmitted for RRC Review:	
약은 것은 가장에는 것 같이 것이 있는 것 것이 가운 것으로 했다. 같은 것은 것은 것은 것은 것은 것은 것이 있는 것 같은 것은 것이 같이 같이 같이 같이 같이 같이 같이 없다.	24 - 27 1986 - 28 1987 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 19 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1997 - 28 1	
	- 그는 것은 것은 그는 것은 이 것이 있는 것이 가지 않는 것이 있는 것이다. - 같은 것은 것은 것이 가지 않는 것은 것은 것은 것은 것이 같이 있는 것이다.	
2월 18일 - 영상 : 1999년 1일 사람이라는 2012년 1일 1997년 1일 국민자리 1997년 1월 19일 - 19일 - 1997년 1월 19일 - 1997년 1997		
Date returned to agency:		
	물건 방법이 다시다. 그는 모양을 받았다. 한국	

1	12 NCAC 09C	.0401 is being submitted for temporary rule amendment as follows:
2 3	12 NCAC 09C	.0401 ACCREDITATON OF CRIMINAL JUSTICE SCHOOLS
4	(a) Any school	requesting accreditation, accreditation or re-accreditation, pursuant to the Commission's authority to
5	certify criminal	l justice training schools in G.S. 17C-6, as meeting and which is in compliance with the requirements
6	contained in <mark>12</mark>	2 NCAC 09B ,0200 Section .0200 of this subchapter, must shall submit a completed Form F-10(SA)
7	Request for	School Accreditation. The Form F-10(SA) is available on the agency's website:
8	http://www.ncd	loj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx. The F-10(SA)
9	Request for Scl	nool Accreditation shall contain the following:
10	(1)	The name of the requesting institution/agency;
11	(2)	The mailing address, phone number, and name of the institution head or executive officer;
12	(3)	The name, title or rank, address and phone number of the designated School Director;
13	(4)	The type of Commission approved training course in which accreditation is being sought;
14	(5)	The type and location of all facilities to be used in administering the Commission approved training
15		course; and
16	<mark>(6)</mark>	The signature of the institution head or executive officer.
17	(b) Upon recei	pt of a completed Request for School Accreditation application:
18	(1)	The Standards Division staff reviews the application and conducts a site visit to tour facilities,
19		confirm information on the application, and determine if and where deficiencies exist;
20	(2)	The Standards Division Staff contacts the applying institution or agency concerning deficiencies
21		and provides assistance on correcting problem areas;
22	(3)	The Standards Division staff recommends to the Education and Training Committee when the
23		accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
24	(4)	The Education and Training Committee recommends to the full Commission at its next regularly
25		scheduled meeting the approval or denial of accreditation for the applicant institution or agency.
26	(b) (c) Accredi	tation or Re-accreditation of a school shall remain effective for five years from issuance unless earlier
27	suspended or r	evoked for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200,
28		dards for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.
29	. /	y of those schools accredited under this Rule are published and distributed by the Standards Division,
30	6	<mark>zy's website: http://www.nedoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-</mark>
31		and the schedule of criminal justice training courses planned for delivery during the succeeding year.
32		nay request reaccreditation from the Commission by submitting a completed Form F-10(SA) Request
33		reditation form, located on the agency's website: http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-
34		/F 10(SA) 6 11.aspx. The Form F 10(SA) shall contain information on changes in facilities,
35	equipment, and	staffing. Upon receipt of a completed application:
36	(1)	The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour
37		facilities, confirms information on the application, determines if and where deficiencies exist, and
38		attaches copies of the reports of site visits to the application;

1	(<mark>2) The Standards Division staff submits the application and staff reports to the Education and Training</mark>
2	Committee for review; and
3	(3) The Education and Training Committee recommends to the full Commission at its next regularly
4	scheduled meeting the approval or denial of accreditation of the applicant institution or agency.
5	(e) In instances where certified schools have been found to be in compliance with by whom 12 NCAC 09B .0200
6	through favorable site visit reports, Standards Division staff shall reaccredit on behalf of the Commission. Such action
7	shall be reported to the Education and Training Committee at its next scheduled meeting.
8	(f) (d) In instances where the Education and Training Committee determines the school seeking accreditation or
9	reaccreditation is not in compliance with 12 NCAC 09B .0200, the requirements contained in Section .0200 of this
10	subchapter, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified
11	in 12 NCAC 09A .0201.
12	(g) (c) The Commission may shall suspend or revoke a school's accreditation when it finds that the school has failed
13	to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation. The
14	Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal
15	justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.
16	(1) For the purpose of considering a summary suspension of accreditation, the Probable Cause
17	Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given
18	by mail, telephone, or other means not less than 48 hours in advance of the meeting;
19	(2) A summary suspension shall be effective on the date specified in the order of the summary
20	suspension or upon service of the certified copy of the order at the last known address of the school,
21	whichever is later. The summary suspension shall remain effective during the proceedings for
22	suspension and revocation:
23	(3) Upon oral notification to the executive officer or officers of the institution or agency sponsoring any
24	criminal justice training program or course of instruction by the Director that the accreditation of a
25	school is being summarily suspended by written order, the school shall not perform any duties or
26	conduct any courses requiring accreditation by the Commission;
27	(4) The Director shall send a report of all summary suspensions for a formal hearing before the Probable
28	Cause Committee at the next scheduled Commission meeting.
29	(h) The Accreditation of a school whose accreditation is scheduled to expire in calendar year 2015 and who has
30	submitted a request for recertification shall be extended for a maximum of two years under the following conditions:
31	(1) accreditation has not expired;
32	(2) the school has submitted a request for reaccreditation along with the required documentation by
33	December 31, 2015.
34	(3) the Standards Division staff was unable to complete the recertification process by December 31,
35	2014; and
36	(4) the school is not denied reaccreditation prior to the expiration of the current accreditation.
37	Accreditation or accreditation extension according to this Paragraph expires when reaccreditation is

1		denied or revoked or the Standards Division staff is able to complete the reaccreditation process and
2		it is determined that the school is in compliance with the Rules for Reaccreditation. If the school
3		reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal
4		justice courses until such reaccreditation has been granted or reinstated by the Commission.
5 6 7 8 9 10 11 12 13 14 15	History Note:	Authority G.S. 17C-6; 17C-11; Eff. January 1, 1981; Amended Eff. August 1, 2004, January 1, 1996; Temporary Amendment Eff. January 1, 2007; Temporary Amendment Expired October 13, 2007; Amended Eff. February 1, 2016; April 1, 2008; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019. Temporary Amendment Eff. September 1, 2024
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