



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: North Carolina Criminal Justice Education and Training Standards Commission	
2. Rule citation & name: 12 NCAC 09C .0401 Accreditation of Criminal Justice Schools	
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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 - June 7, 2024 e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 17, 2024 f. Adoption by agency on: June 21, 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]: July 25, 2024	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input checked="" type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: Effective date: <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> Other: Explain: The Commission has encountered a situation where a school has held courses resulting in serious injuries to students. The conduct involved adts and omssions of the school throughout its chain of command, from the instructor to the school executive level. This type of systemic 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, the school can continue to offer courses in a way that risks the health safety and welfare of the students and public.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

The Commission has encountered a situation where a school has 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 systemic 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, the school can continue to offer courses in a way that risks the health 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:

☒ No

9. Rule-making Coordinator:

Michelle Schilling

Phone:

(919) 779-8205

E-Mail:

MSchilling@ncdoj.gov

Agency contact, if any:

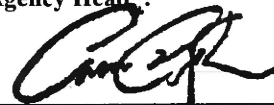
Michelle Schilling

Phone:

(919) 779-8205

E-Mail: MSchilling@ncdoj.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Christopher C. Blue

Title:

Commission Chair

E-Mail: cblue@townofchapelhill.org

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

1 12 NCAC 09C .0401 is being submitted for temporary rule amendment as follows:

2
3 **12 NCAC 09C .0401 ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS**

4 (a) Any school requesting accreditation, pursuant to the Commission's authority to certify criminal justice training
5 schools in G.S. 17C-6, as meeting the requirements contained in 12 NCAC 09B .0200 must submit a completed Form
6 F-10(SA) Request for School Accreditation. The Form F-10(SA) is available on the agency's website:
7 [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). Upon receipt of a
8 completed Request for School Accreditation application:

- 9 (1) The Standards Division staff reviews the application and conducts a site visit to tour facilities,
10 confirm information on the application, and determine if and where deficiencies exist;
- 11 (2) The Standards Division Staff contacts the applying institution or agency concerning deficiencies
12 and provides assistance on correcting problem areas;
- 13 (3) The Standards Division staff recommends to the Education and Training Committee when the
14 accredited institution has satisfied the requirements outlined in 12 NCAC 09B .0200; and
- 15 (4) The Education and Training Committee recommends to the full Commission at its next regularly
16 scheduled meeting the approval or denial of accreditation for the applicant institution or agency.

17 (b) Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or revoked
18 for failure to maintain compliance with the requirements set forth in 12 NCAC 09B .0200, Minimum Standards for
19 Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

20 (c) The identity of those schools accredited under this Rule are published and distributed by the Standards Division,
21 via the agency's website: [http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-](http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9)
22 [d95a36807bb9](http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9) and the schedule of criminal justice training courses planned for delivery during the succeeding year.

23 (d) A school may request reaccreditation from the Commission by submitting a completed Form F-10(SA) Request
24 for School Accreditation form, located on the agency's website: [http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx)
25 [b2bd807100c4/F-10\(SA\)-6-11.aspx](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The Form F-10(SA) shall contain information on changes in facilities,
26 equipment, and staffing. Upon receipt of a completed application:

- 27 (1) The Standards Division staff reviews the request for reaccreditation, conducts a site visit to tour
28 facilities, confirms information on the application, determines if and where deficiencies exist, and
29 attaches copies of the reports of site visits to the application;
- 30 (2) The Standards Division staff submits the application and staff reports to the Education and Training
31 Committee for review; and
- 32 (3) The Education and Training Committee recommends to the full Commission at its next regularly
33 scheduled meeting the approval or denial of accreditation of the applicant institution or agency.

34 (e) In instances where certified schools have been found to be in compliance with 12 NCAC 09B .0200 through
35 favorable site visit reports, Standards Division staff shall reaccredit on behalf of the Commission. Such action shall
36 be reported to the Education and Training Committee at its next scheduled meeting.

(f) In instances where the Education and Training Committee determines the school seeking accreditation or reaccreditation is not in compliance with 12 NCAC 09B .0200, the school application and staff reports shall be reviewed by the Probable Cause Committee, as specified in 12 NCAC 09A .0201.

(g) The Commission may suspend or revoke a school's accreditation when it finds that the school has failed to meet or continuously maintain any requirement, standard, or procedure for school or course accreditation. The Commission, by and through the Probable Cause Committee, shall summarily suspend the accreditation of a criminal justice school if the public health, safety, or welfare requires action pursuant to G.S. 150B-3.

(1) For the purpose of considering a summary suspension of accreditation, the Probable Cause Committee shall meet only during its regularly scheduled quarterly meeting or upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting;

(2) A summary suspension shall be effective on the date specified in the order of the summary suspension or upon service of the certified copy of the order at the last known address of the school, whichever is later. The summary suspension shall remain effective during the proceedings for suspension and revocation;

(3) Upon oral notification to the executive officer or officers of the institution or agency sponsoring any criminal justice training program or course of instruction by the Director that the accreditation of a school is being summarily suspended by written order, the school shall not perform any duties or conduct any courses requiring accreditation by the Commission;

(4) The Director shall send a report of all summary suspensions for a formal hearing before the Probable Cause Committee at the next scheduled Commission meeting.

(h) The Accreditation of a school whose accreditation is scheduled to expire in calendar year 2015 and who has submitted a request for recertification shall be extended for a maximum of two years under the following conditions:

(1) accreditation has not expired;

(2) the school has submitted a request for reaccreditation along with the required documentation by December 31, 2015.

(3) the Standards Division staff was unable to complete the recertification process by December 31, 2014; and

(4) the school is not denied reaccreditation prior to the expiration of the current accreditation. Accreditation or accreditation extension according to this Paragraph expires when reaccreditation is denied or revoked or the Standards Division staff is able to complete the reaccreditation process and it is determined that the school is in compliance with the Rules for Reaccreditation. If the school reaccreditation is denied or revoked, the school shall not deliver Commission accredited criminal justice courses until such reaccreditation has been granted or reinstated by the Commission.

*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;*

1 *Amended Eff. February 1, 2016; April 1, 2008;*
2 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
3 *2019.*
4 *Temporary Amendment Eff. August 1, 2024*
5
6