AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: All Rules submitted for March RRC Review

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the new language, please change "which" to "that" in "which may be caused..." and "which began during the effective..."

In the new language, please be sure to track all changes. Here, the change from "waiver" to "waivers" should be tracked as "waiver waivers"

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0202

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (b)(2), please change the semi-colon to a period after "completed;" on line 5. Please also capitalize "if" in "if the Governor..."

On line 18, please change the period to a semi-colon to match the rest of the Sub-Paragraphs.

1	12 NCAC 09B	.0202 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09B	.0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR
4	(a) In planning	, developing, coordinating, and delivering each Commission-certified criminal justice training course,
5	the School Dire	ctor shall:
6	(1)	Formalize and schedule the course curriculum in accordance with the curriculum standards
7		established in this Subchapter;
8	(2)	Select and schedule instructors who are certified by the Commission;
9	(3)	Provide each instructor with a current Commission course outline and all necessary additional
10		information concerning the instructor's duties and responsibilities;
11	(4)	Notify each instructor that he or she shall comply with the Basic Law Enforcement Training Course
12		Management Guide and provide him or her access to the most current version of the Course
13		Management Guide;
14	(5)	Ensure each instructor utilizes Commission approved lesson plans and instructional materials;
15	(6)	Arrange for the availability of appropriate audiovisual aids and materials, publications, facilities,
16		and equipment for training in all topic areas;
17	(7)	Develop, adopt, reproduce, and distribute any supplemental rules and requirements determined by
18		the school to be necessary or appropriate for:
19		(A) effective course delivery;
20		(B) establishing responsibilities and obligations of agencies or departments employing or
21		sponsoring course trainees; and
22		(C) regulating trainee participation and demeanor, ensuring trainee attendance, and
23		maintaining performance records;
24	(8)	If appropriate, recommend housing and dining facilities for trainees;
25	(9)	Administer the course delivery in accordance with Commission approved lesson plans and course
26		management guides;
27	(10)	Maintain direct supervision, direction, and control over the performance of all persons to whom any
28		portion of the planning, development, presentation, or administration of a course has been delegated.
29		The comprehensive final examination shall be administered by the Criminal Justice Education and
30		Training Standards Commission; and
31	(11)	Report the completion of each presentation of a Commission-certified criminal justice training
32		course to the Commission, utilizing forms required for submission, which are located on the
33		Agency's website: https://ncdoj.gov/law-enforcement-training/criminal-justice/forms-and-
34		publications/.
35	(b) In addition	to Paragraph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
36	certified Basic I	Law Enforcement Training Course, the School Director shall:

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

36

(D)

1 (B) a copy of any rules and requirements for the school. A copy of those rules shall also be 2 given to each trainee and to the executive officer of each trainee's employing or sponsoring 3 agency or department at the time the trainee enrolls in the course; 4 (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each 5 instructor once during each three year certification period in each topic taught by the instructor and 6 prepare a written evaluation on the instructor's performance and suitability for subsequent 7 instructional assignments. The observations shall be of sufficient duration to ensure that the 8 instructor is using the Instructional System Design model, and that the delivery is objective-based, 9 documented by, and consistent with a Commission-approved lesson plan. For each topic area, the 10 School Director's evaluation shall be based upon the course delivery observations, the instructor's 11 use of the approved lesson plan, and the results of the student evaluations of the instructor. For 12 probationary instructors, the evaluations conducted by another instructor shall be prepared on the 13 Criminal Justice Instructor Evaluation (Form F-16) and forwarded to the Commission. Based on 14 this evaluation, the School Director shall recommend approval or denial of requests for General 15 Instructor Certification. For all other instructors, these evaluations shall be prepared on the Criminal 16 Justice Instructor Evaluation (Form F-16), be kept on file by the school for a period of three years, 17 and shall be made available for inspection by a representative of the Commission upon request. In 18 the event the evaluation of an instructor indicates that his or her performance was less than 19 acceptable, the School Director shall forward a copy of the evaluation to the Commission. Any 20 instructor who is evaluating the instructional presentation of another instructor shall hold 21 certification in the same instructional topic area as that for which the instructor is being evaluated; 22 (9) Administer or designate a staff person to administer course specific tests during course delivery: 23 (A) to determine and record the level of trainee comprehension and retention of instructional 24 subject matter; 25 (B) to provide a basis for a final determination or recommendation regarding the minimum 26 degree of knowledge and skill of each trainee to function as an inexperienced law 27 enforcement officer; and 28 (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of 29 this Subchapter; and 30 (10)Not more than 10 days after the conclusion of a school's offering of Basic Law Enforcement 31 Training, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 32 F-10B) that shall include: 33 a "Student Course Completion" form for each individual enrolled on the day of orientation; (A) 34 a "Certification and Test Score Release" form; (B) 35 (C) the "Police Officer Physical Ability Test (POPAT) Post-Course" final form; and

the orientation class enrollment roster.

1	(c) In addition t	o Paragr	raph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
2	certified "Crimin	nal Justio	ce Instructor Training Course," the School Director shall:
3	(1)	Sched	ule course presentation pursuant to Rule .0209 of this Subchapter;
4	(2)	Sched	ule evaluators as follows:
5		(A)	each evaluator, as well as the instructors, shall have completed a Commission-certified
6			instructor training course or an equivalent instructor training course utilizing the
7			Instructional Systems Design model, an international model with applications in education,
8			military training, and private enterprise; and
9		(B)	each instructor and evaluator shall document successful participation in a program
10			presented by the North Carolina Justice Academy for purposes of familiarization and
11			supplementation relevant to delivery of the instructor training course and trainee
12			evaluation;
13	(3)	Not fe	wer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
14		Delive	ery Report of Training Course Presentation [Form F-10A(ITC)] with the following
15		attachi	ments:
16		(A)	a course schedule showing the arrangement of topical presentations and proposed
17			instructional assignments;
18		(B)	the names and last four digits of the social security numbers of all instructors and
19			evaluators; and
20		(C)	a copy of any rules and requirements for the school; and
21	(4)	Not m	ore than 10 days after course completion, submit to the Commission a Post-Delivery Report
22		[Form	F-10B(ITC)] containing the following:
23		(A)	class enrollment roster;
24		(B)	a course schedule with the designation of instructors and evaluators utilized in delivery;
25		(C)	scores recorded for each trainee on the 70 minute skill presentation; and
26		(D)	designation of trainees who completed the course in its entirety and whom the School
27			Director finds to be competent to instruct.
28	(d) In addition t	o Paragr	raph (a) of this Rule, in planning, developing, coordinating, and delivering each Commission-
29	certified RADA	R, RAD	DAR and Time-Distance, Time-Distance, or LIDAR speed measurement operator training
30	course or re-cert	ification	a course, the School Director shall:
31	(1)	select	and schedule speed measurement instrument instructors who are certified by the Commission
32		as inst	ructors for the specific speed measurement instruments in which the trainees are to receive
33		instruc	ction as follows:
34		(A)	provide to the instructor the Commission form(s) for motor skill examination on each
35			trainee;
36		(B)	require the instructor to complete the motor skill examination form on each trainee
37			indicating the level of proficiency obtained on each specific instrument; and

I		(C) require each instructor to sign each individual form and submit the original to the School
2		Director;
3	(2)	not fewer than 30 days before the scheduled starting date, submit to the Director of the Standards
4		Division a Pre-Delivery Report of Speed Measuring Instrument Course Presentation [Form F-10A
5		(SMI)] that shall contain a period of course delivery including the proposed starting date, course
6		location, requested date and location for the administration of the State exam, and the number of
7		trainees to be trained on each type of approved speed measurement instrument. The Director of the
8		Standards Division shall review the request and notify the School Director within thirty business
9		days if the request is approved or denied; and
10	(3)	upon completing delivery of the Commission-certified course, and not more than 10 days after the
11		conclusion of a school's offering of a certified RADAR, RADAR and Time-Distance, Time-
12		Distance, or LIDAR speed measurement operator training course or re-certification course, the
13		School Director shall notify the Commission regarding the progress and achievements of each
14		trainee by submitting a Post-Delivery Report of Training Course Presentation [Form F-10B (SMI)].
15		This report shall include the original motor-skill examination form(s) completed and signed by the
16		certified instructor responsible for administering the motor-skill examination to the respective
17		trainee.
18		
19	History Note:	Authority G.S. 17C-6;
20		Eff. January 1, 1981;
21		Amended Eff. November 1, 1981;
22		Readopted w/change Eff. July 1, 1982;
23		Amended Eff. January 1, 2015; June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006;
24		May 1, 2004; August 1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1,
25		1985;
26		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
27		2019;
28		Amended Eff. April 1, 2022; July 1, 2021; January 1, 2021; July 1, 2020.
29		
30		

1 12 NCAC 09B .0209 is amended with changes as published in 36:12 NCAC 1032-1047 as follows: 2 3 12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING (a) The Instructor Training course required for General Instructor certification shall consist of a minimum of 40 hours 4 5 of classroom instruction, plus the time required to conduct practical exercises, student presentations, and post testing 6 presented during a period of no more than 15 business days. If the Governor declares a State of Emergency pursuant 7 to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a 8 specific course delivery when the Director determines that doing so is necessary based on consideration of the 9 following factors: 10 Whether instruction has begun in the course or whether course initiation may be postponed; (A) 11 (B) The risk of harm to students which may be caused by continuation of the course; 12 Whether those enrolled in the course have been or will likely be called on action to help (C) 13 address the State of Emergency; 14 The specific need for the waiver; and (D) 15 The degree of benefit to the public in allowing a break in instruction. (E) Notice of waivers granted pursuant to the Section shall be posted on the CJETS website 16 17 https://ncdoj.gov/law-enforcement-training/criminal-justice/. The waivers granted pursuant to this 18 Section shall only apply to courses which began during the effective period of the State of 19 Emergency. 20 (b) Each Instructor Training course shall be designed to provide the trainee with the skills and knowledge to perform 21 the functions of a criminal justice instructor. 22 (c) Each Instructor Training course shall include the following identified topic areas and minimum instructional 23 hours for each area: 24 (1) Orientation and Pre-Test 1 Hour 25 (2) Instructional Systems Design (ISD) 5 Hours Law Enforcement Instructor Liabilities and Legal Responsibilities 26 (3) 2 Hours 27 **(4)** Criminal Justice Instructional Leadership 4 Hours 28 (5) Lesson Plan Preparation: Professional Resources 2 Hours 29 (6) Lesson Plan Development and Formatting 3 Hours 30 **(7)** Adult Learning 2 Hours 31 (8) Instructional Styles and Platform Skills 5 Hours 32 (9) Classroom Management 3 Hours 33 (10)Active Learning: Demonstration and Practical Exercises 3 Hours 34 The Evaluation Process of Learning 4 Hours (11)35 (12)Audio Visual Aids 5 Hours 36 (13)Course Closing and Post-test 1 Hour

1	(14)	Completion of tasks associated with practical exercises, student presentations, and post testing; the		
2		number of hours required to complete this portion of the curriculum shall be based on the number		
3		of enrolled students, available facilities, and number of instructors.		
4	(d) The "Instru	actor Training" manual published by the North Carolina Justice Academy shall be the curriculum for		
5	instructor traini	ng courses. Copies of this publication may be inspected at the agency:		
6		Criminal Justice Standards Division		
7		North Carolina Department of Justice		
8		1700 Tryon Park Drive		
9		Post Office Drawer 149		
10		Raleigh, North Carolina 27602		
11	and may be purchased at the cost of printing and postage from the Academy at the following address:			
12		North Carolina Justice Academy		
13		Post Office Drawer 99		
14		Salemburg, North Carolina 28385		
15				
16	History Note:	Authority G.S. 17C-6;		
17		Eff. January 1, 1981;		
18		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015; December 1, 2009;		
19		August 1, 2005; November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1,		
20		1985;		
21		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,		
22		2019;		
23		Amended Eff. <u>April 1, 2022;</u> July 1, 2021; January 1, 2021.		
24				
25				

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0210

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please delete or define "proficiently"

In (c), begin each Sub-Paragraph with lower-case letters and change the periods to semi-colons at the end of (c)(1) and (2). Please also add an "and" at the end of (c)(2).

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy."

1	12 NCAC 09B	.0210 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09B	.0210 RADAR INSTRUCTOR TRAINING COURSE
4	(a) The radar	instructor training course shall be designed to provide the trainee with the skills and knowledge to
5	proficiently per	form the function of a criminal justice radar instructor. This course shall be for a period not to exceed
6	six consecutive	e weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the
7	Director of the	Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when
8	the Director de	termines that doing so is necessary based on consideration of the following factors:
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
10	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
12		State of Emergency:
13	(D)	The specific need for the waiver; and
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
15	Notice of waiv	vers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-tra	aining/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
17	began during th	ne effective period of the State of Emergency.
18	(b) The radar	instructor training course required for radar instructor certification shall include the topic areas and
19	minimum num	ber of hours as outlined in the Radar Instructor Training Course. To qualify for radar instructor
20	certification, an	applicant shall meet the requirements as outlined in the Radar Instructor Training Course and meet
21	the requiremen	ts of 12 NCAC 09B .0408 and .0409.
22	(c) Each applie	cant for radar instructor training shall:
23	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer
24		or his designee.
25	(2)	Possess full criminal justice general instructor certification as required in 12 NCAC 09B .0302.
26	(3)	Possess a current and valid radar operator certification.
27	(d) The "Rada	r Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as
28	basic curriculu	m for the radar instructor training course for radar instructors as administered by the Commission.
29	Copies of this p	publication may be inspected at the office of the agency:
30		Criminal Justice Standards Division
31		North Carolina Department of Justice
32		114 West Edenton Street
33		Old Education Building
34		Post Office Drawer 149
35		Raleigh, North Carolina 27602
36		and may be obtained at cost from the Academy at the following address:
37		North Carolina Justice Academy

1		Post Office Box 99
2		Salemburg, North Carolina 28385
3	(e) Commission	on-certified schools that are certified to offer the "Radar Instructor Training Course" are: The North
4	Carolina Justice	e Academy.
5		
6	History Note:	Authority G.S. 17C-6;
7		Eff. November 1, 1981;
8		Readopted w/change Eff. July 1, 1982;
9		Amended Eff. January 1, 2006; April 1, 1999; November 1, 1998; August 1, 1995; July 1, 1989;
10		February 1, 1987; August 1, 1984;
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
12		2019.
13		Amended Eff. April 1, 2022.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0211

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), please delete or define "proficiently"

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy."

1	12 NCAC 09B .0211 is adopted with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	12 NCAC 09B .0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE
4	(a) The time-distance instructor training course shall be designed to provide the trainee with the skills and knowledge
5	to proficiently perform the function of a time-distance instructor. This course shall be for a period not to exceed eight
6	consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director
7	of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the
8	Director determines that doing so is necessary based on consideration of the following factors:
9	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
10	(B) The risk of harm to students which may be caused by continuation of the course;
11	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
12	State of Emergency:
13	(D) The specific need for the waiver; and
14	(E) The degree of benefit to the public in allowing a break in instruction.
15	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
17	began during the effective period of the State of Emergency.
18	(b) Each applicant for the time-distance speed measurement instrument instructor training course shall meet the
19	requirements of 12 NCAC 09B .0210(c)(1) and (2) and 12 NCAC 09B .0309. The time-distance instructor training
20	course required for time-distance instructor certification shall include the topic areas and minimum number of hours
21	as outlined in the Time-Distance Instructor Training Course. To qualify for time-distance instructor certification, an
22	applicant shall meet the requirements as outlined in the Time-Distance Instructor Training Course and meet the
23	requirement of 12 NCAC 09B .0408 and .0409.
24	(c) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy shall be
25	applied as basic curriculum for the criminal justice time-distance speed measurement instrument instructor training
26	course for time-distance speed measurement instructors as administered by the Commission. Copies of this publication
27	may be inspected at the office of the agency:
28	Criminal Justice Standards Division
29	North Carolina Department of Justice
30	114 West Edenton Street
31	Old Education Building
32	Post Office Drawer 149
33	Raleigh, North Carolina 27602
34	and may be obtained at cost from the Academy at the following address:
35	North Carolina Justice Academy
36	Post Office Box 99
37	Salemburg, North Carolina 28385

1	(d) Commissio	n-certified schools that are certified to offer the "Time Distance Instructor Training Course" are: The	
2	North Carolina Justice Academy.		
3			
4	History Note:	Authority G.S. 17C-6;	
5		Eff. November 1, 1981;	
6		Readopted w/change Eff. July 1, 1982;	
7		Amended Eff. November 1, 2007; April 1, 1999; November 1, 1998; November 1, 1993; July 1	
8		1989; February 1, 1987; August 1, 1984;	
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25	
10		2019.	
11		Amended Eff. <u>April 1, 2022.</u>	

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212, .0213, .0214, .0226, .0232, .0233, .0237,

.0238, .0242, .0244, .0404, .0417; 09G .0414, .0415, and .0416

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In reviewing this Rule, the staff recommends the following technical changes be made:

Please add the amended effective date to the History Note. These Rules were published in the Register with an effective date of 4/1/22.

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0212

DEADLINE FOR RECEIPT: Friday, March 11, 2022

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In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), delete or define "successfully"

In (b), line 22, please add a comma after "deputy sheriffs"

In (b), lines 22 and 26, please delete "but not be limited to"

1	12 NCAC 09B .0212 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	12 NCAC 09B .0212 CERTIFICATION TRAINING FOR RADAR OPERATORS
4	(a) The radar operator training course for law enforcement officers shall be
5	designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement
6	radar operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State
7	of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division
8	shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary
9	based on consideration of the following factors:
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
11	(B) The risk of harm to students which may be caused by continuation of the course;
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
13	State of Emergency:
14	(D) The specific need for the waiver; and
15	(E) The degree of benefit to the public in allowing a break in instruction.
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
18	began during the effective period of the State of Emergency.
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training
20	course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has
21	been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs,
22	deputy sheriffs and federal law enforcement personnel, including but not limited to armed forces personnel, shall be
23	allowed to participate in the radar operator training courses on a space available basis at the discretion of the school
24	director without having enrolled in or having successfully completed the basic law enforcement training course and
25	without being currently certified in a probationary status or hold general law enforcement certification. The radar
26	operator training course required for radar operator certification shall include but not be limited to the topic areas and
27	minimum number of hours as outlined in the Radar Operator Training Course. To qualify for radar operator
28	certification, an applicant shall meet the minimum requirements as outlined in the Radar Operator Training Course
29	and meet the requirements of 12 NCAC 09B .0408 and .0409.
30	(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as
31	basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies
32	of this publication may be inspected at the office of the agency:
33	Criminal Justice Standards Division
34	North Carolina Department of Justice
35	114 West Edenton Street
36	Old Education Building
37	Post Office Drawer 149

1		Raleigh, North Carolina 27602
2		and may be obtained at cost from the Academy at the following address:
3		North Carolina Justice Academy
4		Post Office Box 99
5		Salemburg, North Carolina 28385
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. November 1, 1981;
9		Readopted w/change Eff. July 1, 1982;
10		Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984
11		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
12		August 1, 1984;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
14		2019.
15		
16		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0213

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), lines 23 and 26, delete or define "successfully"

In (b), lines 24 and 29, please delete "but not limited to"

1	12 NCAC 09B .0213 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2	
3	
4	12 NCAC 09B .0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS
5	(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the
6	trainee with the skills and knowledge to proficiently perform the function of a radar/time-distance operator. This
7	course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of Emergency
8	pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional
9	breaks in a specific course delivery when the Director determines that doing so is necessary based on
10	consideration of the following factors:
11	(A) Whether instruction has begun in the course or whether course initiation may be postponed;
12	(B) The risk of harm to students which may be caused by continuation of the course;
13	(C) Whether those enrolled in the course have been or will likely be called to action to help address the
14	State of Emergency;
15	(D) The specific need for the waiver; and
16	(E) The degree of benefit to the public in allowing a break in instruction.
17	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
18	enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
19	began during the effective period of the State of Emergency.
20	(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and
21	time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar
22	and time-distance speed measurement instrument operator until the basic law enforcement training course has been
23	successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy
24	sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed
25	to participate in radar and time-distance speed measurement instrument operator training courses on a space available
26	basis at the discretion of the school director without having enrolled in or having successfully completed the basic law
27	enforcement training course and without being currently certified in a probationary status or holding general law
28	enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator
29	certification shall include but not be limited to the topic areas and minimum number of hours as outlined in the
30	Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant
31	shall meet the minimum requirements as outlined in the Radar/Time-Distance Operator Training Course and meet the
32	requirements of 12 NCAC 9B .0408 and .0409.
33	(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to
34	be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument
35	operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:
36	Criminal Justice Standards Division
37	North Carolina Department of Justice

1		114 West Edenton Street
2		Old Education Building
3		Post Office Drawer 149
4		Raleigh, North Carolina 27602
5		and may be obtained at cost from the Academy at the following address:
6		North Carolina Justice Academy
7		Post Office Box 99
8		Salemburg, North Carolina 28385
9		
10	History Note:	Authority G.S. 17C-6;
11		Eff. November 1, 1981;
12		Readopted w/change Eff. July 1, 1982;
13		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
14		August 1, 1984;
15		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
16		2019.
17		
18		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0214

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), lines 21 and 25, delete or define "successfully"

In (b), lines 23 and 27, please delete "but not limited to"

1 12 NCAC 09B .0214 is amended with changes as published in 36:12 NCAC 1032-1047 as follows: 2 3 12 NCAC 09B .0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS 4 (a) The time-distance operator training course for law enforcement officers shall be designed to provide the trainee 5 with the skills and knowledge to proficiently perform the function of a time-distance operator. This course shall not 6 exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), 7 the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery 8 when the Director determines that doing so is necessary based on consideration of the following 9 factors: 10 (A) Whether instruction has begun in the course or whether course initiation may be postponed; 11 (B) The risk of harm to students which may be caused by continuation of the course; 12 (C) Whether those enrolled in the course have been or will likely be called to action to help address the 13 State of Emergency; 14 The specific need for the waiver; and (D) 15 The degree of benefit to the public in allowing a break in instruction. (E) Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-16 17 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which 18 began during the effective period of the State of Emergency. 19 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time-distance speed 20 measurement operator training course. Such a trainee shall not be certified as a time-distance speed measurement 21 operator until the basic law enforcement training course has been successfully completed and probationary or general 22 law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, 23 including but not limited to armed forces personnel, shall be allowed to participate in time-distance speed measurement 24 operator training courses on a space available basis at the discretion of the school director without having enrolled in 25 or having successfully completed the basic law enforcement training course and without being currently certified in a 26 probationary status or holding general law enforcement certification. The time-distance operator training course 27 required for time-distance operator certification shall include but not be limited to the topic areas and minimum 28 number of hours as outlined in the Time-Distance Operator Training Course. To qualify for time-distance operator 29 certification, an applicant shall meet the minimum requirements as outlined in the Time-Distance Operator Training 30 Course and meet the requirements of 12 NCAC 09B .0408 and .0409. (c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be 31 32 applied as basic curriculum for the time-distance operator training course for time-distance operators as administered 33 by the Commission. Copies of this publication may be inspected at the office of the agency: 34 Criminal Justice Standards Division 35 North Carolina Department of Justice 114 West Edenton Street 36 37 Old Education Building

1		Post Office Drawer 149
2		Raleigh, North Carolina 27602
3		and may be obtained at cost from the Academy at the following address:
4		North Carolina Justice Academy
5		Post Office Box 99
6		Salemburg, North Carolina 28385
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. November 1, 1981;
10		Readopted w/change Eff. July 1, 1982;
11		Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989;
12		August 1, 1984;
13		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
14		2019.
15		
16		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0226

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Please add a colon at the end of (c)(2).

Please end (c)(3) with a period, rather than a comma.

Please review (d)(15) for clarity. Are the "tasks associated with Range Operations" those set forth in (A) through (D)? If so, please make that clear.

1	12 NCAC 09B .0	226 is amended with changes as published	ned in 36:12 NCAC 1032-1047 as follows:
2			
3	12 NCAC 09B.	0226 SPECIALIZED FIREARM	S INSTRUCTOR TRAINING
4	(a) The instructo	r training course for Specialized Firearm	s Instructor Training Certification shall consist of a minimum
5	of 50 hours of cl	assroom and range instruction plus time	required to complete the tasks associated with Range
6	Operations prese	nted during a continuous period of not r	nore than two weeks. If the Governor declares a State of
7	Emergency purs	uant to N.C.G.S. 166A-19.3(19), the Dia	ector of the Criminal Justice Standards Division shall
8	allow additional	breaks in a specific course delivery whe	n the Director determines that doing so is necessary based on
9	consideration of	the following factors:	
10	(A)	Whether instruction has begun in the c	ourse or whether course initiation may be postponed;
11	(B)	The risk of harm to students which ma	y be caused by continuation of the course;
12	(C)	Whether those enrolled in the course h	ave been or will likely be called to action to help address the
13		State of Emergency:	
14	<u>(D)</u>	The specific need for the waiver; and	
15	<u>(E)</u>	The degree of benefit to the public in a	llowing a break in instruction.
16	Notice of waive	rs granted pursuant to the Section sha	ll be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-trai	ning/criminal-justice/. The <mark>waivers</mark> gran	ted pursuant to this Section shall only apply to courses which
18	began during the	effective period of the State of Emerge	<u>ıcy.</u>
19	(b) Each Specia	lized Firearms Instructor Training cours	se shall be designed to provide the trainee with the skills and
20	knowledge to pe	erform the function of a criminal justic	e firearms instructor in a Basic Law Enforcement Training
21	(BLET) Course	or a law enforcement officer in-service f	irearms training program.
22	(c) Each applica	nt for specialized firearms instructor tra	ning shall:
23	(1)	have completed the criminal justice in	tructor training course;
24	(2)	present a written endorsement by either	r
25		(A) a certified school director ind	icating the student may be utilized to instruct firearms in the
26		Basic Law Enforcement Train	ing Course; or
27		(B) a department head, certified s	chool director, or in-service training coordinator, indicating
28		the student may be utilized	o instruct firearms in a law enforcement officer in-service
29		firearms training program; an	d
30	(3)	Once within 365 days prior to enrolln	nent each prospective student shall demonstrate proficiency
31		during a qualification administered	by the North Carolina Justice Academy. To successfully
32		complete this qualification each prospe	ective student shall achieve a minimum score of 92 percent 2
33		out of 3 times on both the BLET Day	and Night Courses of Fire while using a 'Sam Browne' type
34		belt and security holster and agency-is	sued duty or ballistic-equivalent ammunition,
35	(d) Each Speci	alized Firearms Instructor Training co	urse shall include the following identified topic areas and
36	minimum instruc	ctional hours for each area:	
37	(1)	Orientation/Pretest	2 Hours

1	(2)	Range Operations	2 Hours
2	(3)	Civil Liability	4 Hours
3	(4)	Night Firing	2 Hours
4	(5)	Combat Shooting Classroom and Range	8 Hours
5	(6)	Mental Conditioning	1 Hours
6	(7)	Shotgun Operation and Firing	4 Hours
7	(8)	Service Handgun - Operation and Use	8 Hours
8	(9)	Rifle - Operation and Maintenance	4 Hours
9	(10)	Service Handgun - Maintenance and Cleaning	2 Hours
10	(11)	Range Medical Emergencies	2 Hours
11	(12)	In-Service Firearms Requirements	2 Hours
12	(13)	BLET Lesson Plan Review	1 Hour
13	(14)	Range Drills as defined in the Specialized Firearms Instructor	
14		Training Manual and the Specialized Firearms Instructor Train	ing
15		Course Management Guide	8 Hours
16	(15)	Completion of tasks associated with Range Operations. Co	ompletion of tasks associated with
17		Instructor Practicums hours determined by number of students	and instructors:
18		(A) Conduct a BLET Day Course of Fire	
19		(B) Conduct a BLET Night Course of Fire	
20		(C) Conduct a Long Gun Course of Fire	
21		(D) Develop a Combat Course of Fire	
22	(e) The "Specia	alized Firearms Instructor Training Manual" published by the No	orth Carolina Justice Academy shall
23	be the curricului	n for the Specialized Firearms Instructor Training course. Copies	of this publication may be inspected
24	at the:		
25		Criminal Justice Standards Division	
26		North Carolina Department of Justice	
27		1700 Tryon Park Drive	
28		Post Office Drawer 149	
29		Raleigh, North Carolina 27610	
30	and ma	y be obtained at the cost of printing and postage from the Academ	ny at the following address:
31		North Carolina Justice Academy	
32		Post Office Box 99	
33		Salemburg, North Carolina 28385	
34	(f) The Commis	ssion-certified school that is certified to offer the "Specialized Fir	rearms Instructor Training" course is
35	the North Carol	ina Justice Academy.	
36			
37	History Note:	Authority G.S. 17C-6;	

1	Eff. May 1, 1986;
2	Amended Eff. January 1, 2015; February 1, 2013; August 1, 2006; August 1, 2000; November 1,
3	1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989;
4	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
5	2019;
6	Amended Eff. January 1, 2021.
7	
8	

1	12 NCAC 09B .0	232 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2			
3	12 NCAC 09B .0	SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR	
4		TRAINING	
5	(a) The instructo	r training course required for Specialized Subject Control Arrest Techniques Instructor Certification	
6	shall consist of a	minimum of 29 hours of classroom instruction plus time required to complete the tasks associated	
7	with Subject Con	ntrol Arrest Techniques Instructional Methods and Demonstration presented during a continuous	
8	period of not mo	ore than two weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-	
9	19.3(19), the Dir	ector of the Criminal Justice Standards Division shall allow additional breaks in a specific course	
10	delivery when the	e Director determines that doing so is necessary based on consideration of the following factors:	
11	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;	
12	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;	
13	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the	
14		State of Emergency;	
15	<u>(D)</u>	The specific need for the waiver; and	
16	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.	
17	Notice of waiver	rs granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-	
18	enforcement-train	ning/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which	
19	began during the effective period of the State of Emergency.		
20	(b) Each Specia	lized Subject Control Arrest Techniques Instructor Training course shall be designed to provide the	
21		kills and knowledge to perform the function of a criminal justice Specialized Subject Control Arrest	
22	Techniques Instru	actor in a Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-Service	
23	Training Program		
24	(c) Each applican	nt for Specialized Subject Control Arrest Techniques Instructor Training shall:	
25	(1)	have completed the Criminal Justice Instructor Training course;	
26	(2)	present a letter from a licensed physician stating the applicant's physical fitness to participate in the	
27		course;	
28	(3)	present a written endorsement by either	
29		(A) a certified School Director indicating the student is qualified to instruct subject control	
30		arrest techniques in Basic Law Enforcement Training Courses; or	
31		(B) a Department Head, certified School Director, or In-Service Training Coordinator	
32		indicating the student may be utilized to instruct subject control arrest techniques for the	
33		Law Enforcement Officers' Annual In-Service Training program; and	
34	(4)	Within 365 days prior to enrollment in the Subject Control Arrest Techniques Instructor Training	
35		course the prospective student shall complete the following assessments administered by the North	
36		Carolina Justice Academy:	

1		(A) a qualification requiring the individual to demonstrate 100 p	percent proficiency on the Basic		
2		Law Enforcement Training Subject Control Arrest Technic	ques; and		
3		(B) achieve at least the 60 th percentile on a physical fitness ass	essment.		
4	(d) Each Specialized Subject Control Arrest Techniques Instructor Training course shall include the following				
5	identified topic	areas and minimum instructional hours for each area:			
6	(1)	Orientation	1 Hour		
7	(2)	Response to Injury	4 Hours		
8	(3)	Combat Conditioning	4 Hours		
9	(4)	Safety Guidelines/Rules	2 Hours		
10	(5)	Fundamentals of Professional Liability	4 Hours		
11	(6)	Practical Skills Enhancement	4 Hours		
12	(7)	Student Instructional Practicum	6 Hours		
13	(8)	BLET Lesson Plan Review	4 Hours		
14	(9)	Completion of tasks associated with Subject Control Arrest Technic	ques Instructional Methods and		
15		Demonstrations. The number of hours required to complete this po	rtion of the curriculum shall be		
16		based on the number of enrolled students, available facilities, and n	umber of instructors.		
17	(e) The "Spec	cialized Subject Control Arrest Techniques Instructor Training Manu	nal" as published by the North		
18	Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques Instructor				
19	Training course. Copies of this publication may be inspected at the:				
20		Criminal Justice Standards Division			
21		North Carolina Department of Justice			
22		1700 Tryon Park Drive			
23		Post Office Drawer 149			
24		Raleigh, North Carolina 27610			
25	and ma	ay be obtained at the cost of printing and postage from the Academy at	the following address:		
26		North Carolina Justice Academy			
27		Post Office Box 99			
28		Salemburg, North Carolina 28385			
29	(f) The Comm	nission-certified school that is certified to offer the "Specialized Sub	ject Control Arrest Techniques		
30	Instructor Train	ning" course is the North Carolina Justice Academy.			
31					
32	History Note:	Authority G.S. 17C-6;			
33		Eff. February 1, 1987;			
34		Amended Eff. February 1, 2016; January 1, 2015; February 1, 201.	3; December 1, 2009; August 1,		
35		2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1	, 1990; July 1, 1989;		
36		Pursuant to G.S. 150B-21.3A, rule is necessary without substanti	ve public interest Eff. May 25,		
37		2019;			

1	12 NCAC 09B .	0233 is aı	mended with changes as published in 36:12 NCAC 1032-1047 as follows:
2			
3	12 NCAC 09B.	0233	SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING
4	(a) The instruct	or trainin	g course required for Specialized Physical Fitness Instructor Certification shall consist of a
5	minimum of 47	hours of o	classroom and field instruction, plus the tasks associated with Physical Fitness Assessments,
6	Exercise Program	ms, and I	nstructional Methods, presented during a continuous period of not more than two weeks. If
7	the Governor de	clares a S	tate of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice
8	Standards Divisi	on shall a	allow additional breaks in a specific course delivery when the Director determines that doing
9	so is necessary b	ased on o	consideration of the following factors:
10	(A)	Whethe	er instruction has begun in the course or whether course initiation may be postponed;
11	<u>(B)</u>	The risl	c of harm to students which may be caused by continuation of the course;
12	<u>(C)</u>	Whethe	er those enrolled in the course have been or will likely be called to action to help address the
13		State of	Emergency:
14	(D)	The spe	ecific need for the waiver; and
15	<u>(E)</u>	The deg	gree of benefit to the public in allowing a break in instruction.
16	Notice of waive	ers grante	ed pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
17	enforcement-trai	ining/crin	ninal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
18	began during the	effective	e period of the State of Emergency.
19	(b) Each Specia	alized Ph	ysical Fitness Instructor Training course shall be designed to provide the trainee with the
20	skills and know	ledge to	perform the function of a criminal justice physical fitness instructor in a Basic Law
21	Enforcement Tra	aining Co	urse or a Law Enforcement Officers' Annual In-Service Training Program.
22	(c) Each applica	ant for sp	ecialized physical fitness training shall:
23	(1)	qualify	through one of the following three options:
24		(A)	have completed the criminal justice general instructor training course;
25		(B)	hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree
26			in physical education, and be teaching in physical education topics; or
27		(C)	be presently instructing physical education topics in a community college, college, or
28			university and possess a baccalaureate degree in physical education;
29	(2)	present	a written endorsement by either:
30		(A)	a certified School Director indicating the student may be utilized to instruct physical fitness
31			in Basic Law Enforcement Training Courses; or
32		(B)	a certified School Director, or In-Service Training Coordinator indicating the student may
33			be utilized to instruct physical fitness for the Law Enforcement Officers' In-Service
34			Training Program;
35	(3)	present	a letter from a physician stating fitness to participate in the course; and
36	(4)	Within	365 days prior to enrollment complete a qualification administered by the North Carolina
37		Justice	Academy requiring the individual to:

1		(A) complete Scenario #1 of the Police Officer Physical Abilities Test (POPAT) in no more
2		than six minutes;	
3		(B) complete Scenario #2 of the POPAT in no more than three minutes; a	and
4		(C) complete a physical fitness assessment achieve at a minimum percent	tile score of 60.
5	(d) Each Specia	alized Physical Fitness Instructor Training course shall include the following iden	tified topic areas and
6	minimum instru	actional hours for each area:	
7	(1)	Orientation	1 Hour
8	(2)	Physical Fitness Sessions	6 Hours
9	(3)	Physical Fitness Assessments, Exercise Programs, and Instructional Methods	14 Hours
10	(4)	Injury Care and Prevention	4 Hours
11	(5)	Nutrition	7 Hours
12	(6)	Civil Liability	3 Hours
13	(7)	CVD Risk Factors	3 Hours
14	(8)	Developing In-Service Wellness Programs and Validating Fitness Standards	4 Hours
15	(9)	Lesson Plan Review	2 Hours
16	(10)	Exercise Leadership	3 Hours
17	(11)	Completion of tasks associated with Physical Fitness Assessments, Exer	cise Programs, and
18		Instructional Methods. The number of hours required to complete this portion	on of the curriculum
19		shall be determined by number of students, number of instructors, and availab	le facilities.
20	(e) The "Physic	cal Fitness Instructor Training Manual" as published by the North Carolina Justi	ce Academy shall be
21	the curriculum	for specialized physical fitness instructor training courses. Copies of this publicat	ion may be inspected
22	at the:		
23		Criminal Justice Standards Division	
24		North Carolina Department of Justice	
25		1700 Tryon Park Drive	
26		Post Office Drawer 149	
27		Raleigh, North Carolina 27610	
28	and ma	by be obtained at the cost of printing and postage from the Academy at the follow	ing address:
29		North Carolina Justice Academy	
30		Post Office Box 99	
31		Salemburg, North Carolina 28385	
32	(f) The Comm	ission-certified school that is certified to offer the "Specialized Physical Fitness	Instructor Training"
33	course is the No	orth Carolina Justice Academy.	
34			
35	History Note:	Authority G.S. 17C-6;	
36		Eff. July 1, 1989;	

1	Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1,
2	2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.
3	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
4	2019;
5	Amended Eff. January 1, 2021.
6	
7	

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0237

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (c), begin each Sub-Paragraph with lower-case letters and change the periods to semi-colons at the end of (c)(1) and (2). Please also add an "and" at the end of (c)(2).

In Paragraph (e), please change "schools" to "school" and "are" to "is" and remove the semi-colon so that it reads "course is the North Carolina Justice Academy."

1	12 NCAC 09B .	0237 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:
2		
3	12 NCAC 09B	.0237 LIDAR INSTRUCTOR TRAINING COURSE
4	(a) The Lidar I	instructor Training Course shall be designed to provide the trainee with the skills and knowledge to
5	proficiently per	form the function of a lidar instructor. This course shall be for a period not to exceed six consecutive
6	weeks. If the C	Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the
7	Criminal Justice	e Standards Division shall allow additional breaks in a specific course delivery when the Director
8	determines that	doing so is necessary based on consideration of the following factors:
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;
10	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the
12		State of Emergency:
13	<u>(D)</u>	The specific need for the waiver; and
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.
15	Notice of waiv	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
16	enforcement-tra	ining/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
17	began during the	e effective period of the State of Emergency.
18	(b) The Lidar	Instructor Training Course required for lidar instructor certification shall include the topic areas and
19	number of hour	s as outlined in the Lidar Instructor Training Course. To qualify for lidar instructor certification, an
20	applicant shall r	neet the requirements as outlined in The Lidar Instructor Training Course and meet the requirements
21	of 12 NCAC 09	B .0408 and .0409.
22	(c) Each applic	ant for lidar instructor training shall:
23	(1)	Present the endorsement of a Commission-recognized school director or agency executive officer
24		or his designee.
25	(2)	Possess full criminal justice General Instructor Certification as required in 12 NCAC 09B .0302.
26	(3)	Possess a current and valid lidar operator certification.
27	(d) The "Lidar	Instructor Training Course" as published by the North Carolina Justice Academy shall be applied as
28	basic curriculun	n for the lidar instructor training course for lidar instructors as administered by the Commission. Copies
29	of this publicati	on may be inspected at the office of the agency:
30		Criminal Justice Standards Division
31		North Carolina Department of Justice
32		114 West Edenton Street
33		Old Education Building
34		Post Office Drawer 149
35		Raleigh, North Carolina 27602
36		and may be obtained at cost from the Academy at the following address:
37		North Carolina Justice Academy

1		Post Office Box 99
2		Salemburg, North Carolina 28385
3	(e) Commission	on-certified schools that are certified to offer the Lidar LIDAR Instructor Training Course are: The
4	North Carolina	Justice Academy.
5		
6	History Note:	Authority G.S. 17C-6;
7		Eff. May 1, 2004;
8		Amended Eff. November 1, 2007;
9		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10		2019.
11		
12		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0238

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), lines 21 and 24, delete or define "successfully"

1	12 NCAC 09B .0238 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2	AANGAGAAD AAAA	
3	12 NCAC 09B .0238 CERTIFICATION TRAINING FOR LIDAR OPERATORS	
4	(a) The Lidar Operator Training Course for law enforcement officers shall be designed to provide the trainee with	
5	the skills and knowledge to proficiently perform the function of a law enforcement lidar operator. This course shall	l
6	be for a period not to exceed four consecutive weeks. <u>If the Governor declares a State of Emergency pursuant to</u>	
7	N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks	
8	in a specific course delivery when the Director determines that doing so is necessary based on	
9	consideration of the following factors:	
10	(A) Whether instruction has begun in the course or whether course initiation may be postponed;	
11	(B) The risk of harm to students which may be caused by continuation of the course;	
12	(C) Whether those enrolled in the course have been or will likely be called to action to help address t	<u>he</u>
13	State of Emergency:	
14	(D) The specific need for the waiver; and	
15	(E) The degree of benefit to the public in allowing a break in instruction.	
16	Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/lav	<u>W-</u>
17	enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses whi	<u>ch</u>
18	began during the effective period of the State of Emergency.	
19	(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the Lidar Operat	tor
20	Training Course. Such a trainee shall not be certified as a lidar operator until the Basic Law Enforcement Training	ng
21	Course has been successfully completed and probationary or general law enforcement certification has been grante	ed.
22	Sheriffs, deputy sheriffs and federal law enforcement personnel, including armed forces personnel, shall be allow	ed
23	to participate in the lidar operator training courses on a space available basis at the discretion of the school direct	tor
24	without having enrolled in or having successfully completed the Basic Law Enforcement Training Course and without	ut
25	being currently certified in a probationary status or holding general law enforcement certification. The Lidar Operat	tor
26	Training Course required for lidar operator certification shall include the topic areas and number of hours as outlin	ed
27	in the Lidar Operator Training Course. To qualify for lidar operator certification, an applicant shall meet t	he
28	requirements as outlined in the Lidar Operator Training Course and meet the requirements of 12 NCAC 09B .04	08
29	and .0409.	
30	(c) The "Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied	as
31	basic curriculum for the Lidar Operator Training Course for lidar operators as administered by the Commission	n.
32	Copies of this publication may be inspected at the office of the agency:	
33	Criminal Justice Standards Division	
34	North Carolina Department of Justice	
35	114 West Edenton Street	
36	Old Education Building	
37	Post Office Drawer 149	

1		Raleigh, North Carolina 27602
2		and may be obtained at cost from the Academy at the following address:
3		North Carolina Justice Academy
4		Post Office Box 99
5		Salemburg, North Carolina 28385
6		
7	History Note:	Authority G.S. 17C-6;
8		Eff. May 1, 2004;
9		Amended Eff. November 1, 2007;
10		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
11		2019.
12		
13		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0242

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), lines 21 and 25, delete or define "successfully"

1 12 NCAC 09B .0242 is amended with changes as published in 36:12 NCAC 1032-1047 as follows: 2 3 12 NCAC 09B .0242 CERTIFICATION TRAINING FOR RADAR/LIDAR OPERATORS 4 (a) The radar/lidar operator training course for law enforcement officers shall be designed to provide the trainee with 5 the skills and knowledge to proficiently perform the function of a radar and lidar operator. This course shall be for a 6 period not to exceed four consecutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 7 166A-19.3(19), the Director of the Criminal Justice Standards Division shall 8 allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on 9 consideration of the following factors: 10 Whether instruction has begun in the course or whether course initiation may be postponed; (A) 11 (B) The risk of harm to students which may be caused by continuation of the course; 12 (C) Whether those enrolled in the course have been or will likely be called to action to help address the 13 State of Emergency; 14 The specific need for the waiver; and (D) 15 The degree of benefit to the public in allowing a break in instruction. (E) Notice of waivers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-16 17 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which 18 began during the effective period of the State of Emergency. 19 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/lidar speed 20 measurement instrument operator training course. Such a trainee shall not be certified as a radar and lidar speed 21 measurement instrument operator until the basic law enforcement training course has been successfully completed 22 and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law 23 enforcement personnel, including armed forces personnel, shall be allowed to participate in a radar/lidar speed 24 measurement instrument operator training courses on a space available basis at the discretion of the school director 25 without having enrolled in or having successfully completed the basic law enforcement training course and without 26 being currently certified in a probationary status or holding general law enforcement certification. The radar/lidar 27 operator training course required for radar and lidar operator certification shall include the topic areas and number of 28 hours as outlined in the Radar/Lidar Operator Training Course. To qualify for radar and lidar operator certification, 29 an applicant shall meet the requirements as outlined in the Radar/Lidar Operator Training Course and meet the 30 requirements of 12 NCAC 09B .0408 and .0409. 31 (c) The "Radar/Lidar Operator Training Course" as published by the North Carolina Justice Academy shall be applied 32 as basic curriculum for the radar/lidar operator training course for radar and lidar instrument operators as administered 33 by the Commission. Copies of this publication may be inspected at the office of the agency: 34 Criminal Justice Standards Division 35 North Carolina Department of Justice 36 114 West Edenton Street 37 Old Education Building

1		Post Office Drawer 149
2		Raleigh, North Carolina 27602
3		and may be obtained at cost from the Academy at the following address:
4		North Carolina Justice Academy
5		Post Office Box 99
6		Salemburg, North Carolina 28385
7		
8	History Note:	Authority G.S. 17C-6;
9		Eff. November 1, 2007;
10		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
11		2019.
12		
13		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0244

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a), delete or define "proficiently"

In (b), lines 23 and 26, delete or define "successfully"

In (b), line 25, it appears as though there is an errant "the" in "courses the on a space..."

12 NCAC 09B .0244 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:

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12 NCAC 09B .0244	CERTIFICATION	TRAINING	FOR	RADAR/TIME-DISTANCE/LIDAR
	OPERATORS			

- 5 (a) The radar/time-distance/lidar operator training course for law enforcement officers shall be designed to provide
- the trainee with the skills and knowledge to proficiently perform the function of a radar, time-distance, and lidar
- 7 operator. This course shall be for a period not to exceed four consecutive weeks. If the Governor declares a State of
- 8 Emergency pursuant to N.C.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 which 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 which
- 19 <u>began during the effective period of the State of Emergency.</u>
- 20 (b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar/time-
- distance/lidar speed measurement instrument operator training course. Such a trainee shall not be certified as a radar,
- 22 time-distance, and lidar speed measurement instrument operator until the basic law enforcement training course has
- been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs,
- deputy sheriffs, and federal law enforcement personnel, including armed forces personnel, shall be allowed to
- 25 participate in radar, time-distance, and lidar speed measurement instrument operator training courses the on a space
- available basis at the discretion of the school director without having enrolled in or having successfully completed the
- 27 basic law enforcement training course and without being currently certified in a probationary status or holding general
- 28 law enforcement certification. The radar/time-distance/lidar operator training course required for radar, time-distance,
- 29 and lidar operator certification shall include the topic areas and number of hours as outlined in The Radar/Time-
- 30 Distance/Lidar Operator Training Course. To qualify for radar, time-distance, and lidar operator certification, an
- 31 applicant shall meet the requirements as outlined in The Radar/Time-Distance/Lidar Operator Training Course and
- meet the requirements of 12 NCAC 09B .0408 and .0409.
- 33 (c) The "Radar/Time-Distance/Lidar Operator Training Course" as published by the North Carolina Justice Academy
- shall be applied as basic curriculum for the radar/time-distance/lidar operator training course for radar, time-distance,
- 35 and lidar instrument operators as administered by the Commission. Copies of this publication may be inspected at the
- 36 office of the agency:

37

1		Criminal Justice Standards Division
2		North Carolina Department of Justice
3		114 West Edenton Street
4		Old Education Building
5		Post Office Drawer 149
6		Raleigh, North Carolina 27602
7		and may be obtained at cost from the Academy at the following address:
8		North Carolina Justice Academy
9		Post Office Box 99
10		Salemburg, North Carolina 28385
11		
12	History Note:	Authority G.S. 17C-6;
13		Eff. November 1, 2007;
14		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
15		2019.
16		
17		

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0404

DEADLINE FOR RECEIPT: Friday, March 11, 2022

<u>NOTE:</u> This request when viewed on computer extends 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 call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (e), for consideration of what? The waiver? Or is this related to Paragraph (c)?

34

35

36

1 12 NCAC 09B .0404 is proposed for amendment as follows: 2 3 12 NCAC 09B .0404 TRAINEE ATTENDANCE 4 (a) Each trainee enrolled in a certified Basic Law Enforcement Training Course shall attend all class sessions. The 5 school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is 6 enrolled. 7 (b) The school director may excuse a trainee from attendance at specific class sessions. However, in no case may 8 excused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for 9 administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total 10 of class absences exceeds five percent regardless of the prior completion of make-up work. 11 (c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and 12 ensure the completion of such work during the current course presentation. The school director shall schedule 13 instructors and reimburse those instructors for the purpose of completion of the make-up work. Absences that occur 14 during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director 15 shall notify the Standards Division prior to scheduling the make-up work. (d) If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal 16 17 Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course 18 delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the 19 following factors: 20 (1) Whether instruction has begun in the course or whether course initiation may be postponed; 21 (2) The risk of harm to students which may be caused by continuation of the course; 22 (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of 23 Emergency; 24 25 (4) The specific need for the waiver; and 26 (5) The degree of benefit to the public in allowing a break in instruction. 27 Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at https://ncdoj.gov/law-28 enforcement-training/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which 29 began during the effective period of the State of Emergency. 30 (e) The School Director shall provide the following information to the Director of the Criminal Justice 31 Standards Division for consideration: 32 (1) a memorandum justifying the absence waiver; 33 (2) specific documentation related to the trainee's request; and

(f) (d) A school director may terminate a trainee from course participation or may deny certification of successful

course completion where the trainee is tardy to or departs early from class meetings or field exercises.

(3) a training completion plan pursuant to Section (c) of this rule.

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1
       (g) (e) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219,
 2
       .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the
 3
       Commission, the trainee, upon the authorization of the school director, may be deemed to have satisfactorily completed
 4
       the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the
 5
       instructional hours as required by the Commission.
 6
       (h) (f) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of
 7
       this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery
 8
       period in order to receive successful course completion.
 9
       (i) (g) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226
10
       of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the
11
       "Specialized Subject Control Arrest Techniques Instructor Training" course under Rule .0232 of this Subchapter, or
12
       the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, shall not be absent
13
       from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful
14
       course completion. Make-up work must be completed during the current course presentation for all absenteeism. The
15
       Director of the Criminal Justice Standards Division may grant a waiver for completion of course requirements in a
16
       course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the
17
       absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation
18
       that precluded the student from completing the entire course in one continuous course delivery.
19
       (i) (h) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this
20
       Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR
21
       Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for more
22
       than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work
23
       must be completed during the current course presentation for all absenteeism.
24
25
       History Note:
                        Authority G.S. 17C-6; 17C-10;
26
                        Eff. January 1, 1981;
27
                        Amended Eff. November 1, 1981;
28
                        Readopted Eff. July 1, 1982;
29
                        Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1, 1993;
30
                        July 1, 1989; February 1, 1987; June 1, 1986;
31
                        Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
32
                        2019;
33
                        Amended Eff. August 1, 2021.
34
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1	12 NCAC 09B .0	417 is ar	mended with changes as published in 36:12 NCAC 1032-1047 as follows:
2			
3	12 NCAC 09B .0	417	SPECIALIZED EXPLOSIVES AND HAZARDOUS MATERIALS INSTRUCTOR
4			TRAINING
5	(a) The instructor	training	course required for Specialized Explosives and Hazardous Materials Instructor Certification
6	shall consist of a	minimur	n of 59 hours of classroom instruction plus time required to complete Instructor Practicums
7	presented during	a continu	uous period of not more than two weeks <u>If the Governor declares a State of Emergency</u>
8	pursuant to N.C.C	G.S. 166	A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional
9	breaks in a specif	ic course	e delivery when the Director determines that doing so is necessary based on consideration of
10	the following fact	tors:	
11	<u>(A)</u>	Whethe	r instruction has begun in the course or whether course initiation may be postponed;
12	<u>(B)</u>	The risk	of harm to students which may be caused by continuation of the course;
13	<u>(C)</u>	Whethe	r those enrolled in the course have been or will likely be called to action to help address the
14		State of	Emergency;
15	(D)	The spe	cific need for the waiver; and
16	<u>(E)</u>	The deg	ree of benefit to the public in allowing a break in instruction.
17	Notice of waiver	s grante	d pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-
18	enforcement-train	ning/crim	ninal-justice/. The waivers granted pursuant to this Section shall only apply to courses which
19			e period of the State of Emergency.
20	•	-	losives and Hazardous Materials Instructor Training course shall be designed to provide the
21			knowledge to perform the function of a criminal justice explosives and hazardous materials
22		sic Law	Enforcement Training Course or a Law Enforcement Officers' Annual In-Service Training
23	Program.		
24	. ,	-	ecialized Explosives and Hazardous Materials Instructor Training shall:
25			mpleted either:
26		(A)	the criminal justice instructor training course; or
27		(B)	the Fire Service Instructor Methodology Course or the equivalent utilizing the Instructional
28			Systems Design model, an international model with application in education, military
29			training, and private enterprise;
30	(2)	-	a written endorsement by either:
31		(A)	a certified school director indicating the student will be utilized to instruct explosives and
32		(T)	hazardous materials in Basic Law Enforcement Training Courses; or
33		(B)	a department head, certified school director, or in-service training coordinator, indicating
34			the student will be utilized to instruct explosives and hazardous materials training in the
35			Law Enforcement Officer's Annual In-Service Training Program; and

1	(3)	present a completed OSHA Respirator Medical Evaluation Questionnaire	, accompanied by a
2		statement from a licensed medical professional stating the applicant is physical	cally fit to participate
3		in the course.	
4	(d) Each Spec	ialized Explosives and Hazardous Materials Instructor Training course shall i	nclude the following
5	identified topic	areas and minimum instructional hours for each area:	
6	(1)	Orientation	2 Hours
7	(2)	Introduction to Hazardous Materials	1 Hour
8	(3)	Hazardous Materials Identification	2.5 Hours
9	(4)	Awareness Level Actions at Hazardous Materials Incidents	1.5 Hours
10	(5)	Chemical Properties and Hazardous Materials Behavior	3 Hours
11	(6)	Incident Management	3 Hours
12	(7)	Strategic Goals and Tactical Objectives	3.5 Hours
13	(8)	Terrorist and Other Criminal Activity	5 Hours
14	(9)	Personal Protective Equipment	5 Hours
15	(10)	Decontamination	5 Hours
16	(11)	Product Control	4 Hours
17	(12)	Air Monitoring and Sampling	1.5 Hours
18	(13)	Victim Rescue and Recovery	4 Hours
19	(14)	Evidence Preservation and Sampling	3 Hours
20	(15)	Illicit Laboratories	2 Hours
21	(16)	Introduction to Explosive Devices	1 Hour
22	(17)	Improvised Explosive Device Anatomy	2 Hours
23	(18)	Packaged Improvised Explosive Devices	1 Hour
24	(19)	Suicide/Homicide Improvised Explosive Devices	1 Hour
25	(20)	Vehicle Borne Improvised Explosive Devices	1 Hour
26	(21)	Radio Controlled Improvised Explosive Devices with Live Demonstration	5 Hours
27	(22)	Improvised Explosive Device Threat Response	1 Hour
28	(23)	Explosives and Hazardous Materials Emergencies and BLET Lesson Plan	
29		Review	1 Hour
30	(24)	Completion of tasks associated with Instructor Practicums. The number	of required hours to
31		complete this portion of the curriculum shall be based on the number of stude	nts and instructors.
32	(e) The basic	curriculum for delivery of the Specialized Explosives and Hazardous Material	s Instructor Training
33	course shall be	the Specialized Explosives and Hazardous Materials Instructor Training Manual	"," as published by the
34	North Carolina Justice Academy. Copies of these publications may be inspected at the agency:		
35		Criminal Justice Standards Division	
36		North Carolina Department of Justice	
37		1700 Tryon Park Drive	

1		Raleigh, North Carolina 27610	
2	ar	nd may be obtained at no cost to the student from the Academy at the following address:	
3		North Carolina Justice Academy	
4		Post Office Box 99	
5		Salemburg, North Carolina 28385	
6	(f) The North Carolina Justice Academy is certified to offer the Specialized Explosives and Hazardous Materials		
7	Instructor Train	ing course.	
8			
9	History Note:	Authority G.S. 17C-6; 17C-10;	
10		Eff. June 1, 2013;	
11		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,	
12		2019;	
13		Amended Eff. January 1, 2021.	
14			

1	12 NCAC 09G.	0414 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2			
3	12 NCAC 09G	0414 INSTRUCTOR TRAINING	
4	(a) The Instruct	or Training course required for General Instructor certification shall consist of at least the minimum	
5	number of hours	of instruction as defined in 12 NCAC 09B .0209 to be completed within 15 business days. If the	
6	Governor declar	es a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice	
7	Standards Divisi	on shall allow additional breaks in a specific course delivery when the Director determines that	
8	doing so is neces	ssary based on consideration of the following factors:	
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;	
10	(B)	The risk of harm to students which may be caused by continuation of the course;	
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the	
12		State of Emergency;	
13	<u>(D)</u>	The specific need for the waiver; and	
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.	
15	Notice of waive	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-	
16	enforcement-trai	ning/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which	
17	began during the	effective period of the State of Emergency.	
18	(b) Each Instruc	tor Training course shall be designed to provide the trainee with the skills and knowledge to perform	
19	the functions of a criminal justice instructor.		
20	(c) The "Instru	ctor Training Manual" published by the North Carolina Justice Academy shall be applied as the	
21	curriculum for in	astructor training courses. Copies of this publication may be inspected at the agency:	
22		Criminal Justice Standards Division	
23		North Carolina Department of Justice	
24		1700 Tryon Park Drive	
25		Post Office Drawer 149	
26		Raleigh, North Carolina 27602	
27	and may be pure	hased at the cost of printing and postage from the North Carolina Justice Academy at the following	
28	address:		
29		North Carolina Justice Academy	
30		Post Office Drawer 99	
31		Salemburg, North Carolina 28385	
32			
33	History Note:	Authority G.S. 17C-6;	
34		Temporary Adoption Eff. January 1, 2001;	
35		Eff. August 1, 2002;	
36		Amended Eff. July 1, 2018; April 1, 2018; January 1, 2018; January 1, 2015;	

1	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2	2019;
3	Amended Eff. July 1, 2021; January 1, 2021.

1	12 NCAC 09G	.0415 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2	4		
3	12 NCAC 09G		
4		tor training course requirement for Corrections Specialized Instructor Training – Firearms certification	
5		at least 80 hours of instruction presented during a period of not more than two consecutive weeks. If	
6		eclares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the Director of the Criminal Justice	
7		sion shall allow additional breaks in a specific course delivery when the Director determines that	
8	•	essary based on consideration of the following factors:	
9	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;	
10	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;	
11	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the	
12		State of Emergency:	
13	(D)	The specific need for the waiver; and	
14	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.	
15	Notice of waiv	rers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-	
16	enforcement-tr	nining/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which	
17	began during th	e effective period of the State of Emergency.	
18	(b) Each Corrections Specialized Instructor Training - Firearms course shall be designed to provide the trainee with		
19	the skills and	knowledge to perform the function of a corrections firearms instructor in the "Basic Training -	
20	Correctional O	fficer" course, "Basic Training - Probation/Parole Officer" course, and in-service training courses for	
21	correctional of	icers and probation/parole officers.	
22	(c) Each Corre	ctions Specialized Firearms Instructor Training course shall include the following topical areas:	
23	(1)	Course Overview;	
24	(2)	Legal Considerations for Firearm Instructors;	
25	(3)	Department of Public Safety, Division of Adult Correction Firearms Training Courses;	
26	(4)	Firearms Safety;	
27	(5)	Range Operations;	
28	(6)	Medical Emergencies on the Range;	
29	(7)	Handgun – Operation, Use and Maintenance:	
30		(A) Handgun Training – Classroom and Range;	
31		(B) Handgun Low/Limited Light Fire; and	
32		(C) Handgun Care and Maintenance;	
33	(8)	Advanced Handgun Training – Classroom and Range;	
34	(9)	Shotgun Operation, Use and Maintenance:	
35		(A) Shotgun Training – Classroom and Range;	
36		(B) Shotgun Low/Limited Light Fire – Range; and	
37		(C) Shotgun Care and Maintenance;	

1	(10)	Special Techniques, Training Aids, and Methods:
2	(11)	Situational Use of Firearms:
3		(A) The Shooting Decision;
4		(B) Situational Use of Firearms;
5		(C) Situational Exercises – Day; and
6		(D) Situational Exercises – Low/Limited Light; and
7	(12)	Administrative Matters, Testing, and Evaluation.
8	(d) The Cor	nmission certified school that is certified to offer the "Corrections Specialized Instructor
9	Training - Firea	arms" course is the Office of Staff Development and Training of the North Carolina Department of
10	Public Safety.	
11		
12	History Note:	Authority G.S. 17C-6;
13		Temporary Adoption Eff. January 1, 2001;
14		Eff. August 1, 2002;
15		Amended Eff. May 1, 2014; April 1, 2008; February 1, 2006; August 1, 2004;
16		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
17		2019.

1	12 NCAC 09G	.0416 is amended with changes as published in 36:12 NCAC 1032-1047 as follows:	
2			
3	12 NCAC 09G	.0416 CORRECTIONS SPECIALIZED INSTRUCTOR TRAINING - CONTROLS,	
4		RESTRAINTS, AND DEFENSIVE TECHNIQUES	
5	(a) The instruct	or training course requirement for corrections specialized controls, restraints, and defensive techniques	
6	(CRDT) instruc	tor certification shall consist of at least 80 hours of instruction presented during a period of not more	
7	than two consec	cutive weeks. If the Governor declares a State of Emergency pursuant to N.C.G.S. 166A-19.3(19), the	
8	Director of the	Criminal Justice Standards Division shall allow additional breaks in a specific course delivery	
9	when the Direc	tor determines that doing so is necessary based on consideration of the following	
10	factors:		
11	<u>(A)</u>	Whether instruction has begun in the course or whether course initiation may be postponed;	
12	<u>(B)</u>	The risk of harm to students which may be caused by continuation of the course;	
13	<u>(C)</u>	Whether those enrolled in the course have been or will likely be called to action to help address the	
14		State of Emergency;	
15	<u>(D)</u>	The specific need for the waiver; and	
16	<u>(E)</u>	The degree of benefit to the public in allowing a break in instruction.	
17	Notice of waiv	ers granted pursuant to the Section shall be posted on the CJETS website https://ncdoj.gov/law-	
18	enforcement-tra	nining/criminal-justice/. The waivers granted pursuant to this Section shall only apply to courses which	
19	began during th	e effective period of the State of Emergency.	
20	(b) Each corre	ections specialized controls, restraints, and defensive techniques instructor training course shall be	
21	designed to pro	ovide the trainee with the skills and knowledge to perform the function of a corrections controls,	
22	restraints, and	defensive techniques instructor in the "Basic Training - Correctional Officer" course, "Basic	
23	Training - Pro	obation/Parole Officer" course, and in-service training courses for correctional officers and	
24	probation/parol	e officers.	
25	(c) Each correct	ctions specialized controls, restraints, and defensive techniques instructor training course shall include	
26	the following to	opical areas:	
27	(1)	Introduction to Controls, Restraints, and Defensive Techniques;	
28	(2)	Physical Fitness/Warm-up and Stretching;	
29	(3)	Response to Injury;	
30	(4)	Basic Controls and Techniques;	
31	(5)	Advanced Controls and Techniques;	
32	(6)	Restraint Applications; and	
33	(7)	CRDT Program Student Evaluations and Testing.	
34	(d) The Co	mmission-certified school that is certified to offer the "Corrections Specialized Instructor	
35	Training/Contro	Training/Controls, Restraints, and Defensive Techniques" course is the Office of Staff Development and Training o	
36	the North Carol	ina Department of Public Safety.	
37			

1	History Note:	Authority G.S. 17C-6;
2		Temporary Adoption Eff. January 1, 2001;
3		Eff. August 1, 2002;
4		Amended Eff. May 1, 2014; November 1, 2005; August 1, 2004;
5		Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25
6		2019.
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