

12 NCAC 09A .0107 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

**12 NCAC 09A .0107      PROCEDURES FOR PETITONS FOR RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES**

(a) In addition to the procedures process set out in G.S. 150B-20, Petitions for Rule-Making shall be submitted to the Commission and shall [may] contain:

- (1) petitioner's name, ~~address~~ address, and telephone number;
- (2) a draft of the proposed rule or rule ~~change~~; change for adoptions or amendments; and
- (3) the reason for its ~~proposal~~; proposal.

(b) Petitioners may also submit the following in the petition:

- (1) ~~(4)~~ the effect of the proposal on existing rules or decisions;
- (2) ~~(5)~~ data supporting the proposal;
- (3) ~~(6)~~ practices likely to be affected by the proposal; and
- (4) ~~(7)~~ a list or description of persons likely to be affected by the proposed rule.

~~(b) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge (as authorized in G.S. 150B-40) shall be governed by:~~

- ~~(1) — procedures set out in Article 3A of G.S. 150B;~~
- ~~(2) — insofar as relevant, the Rules of Civil Procedure as contained in G.S. 1A-1;~~
- ~~(3) — insofar as relevant, the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.~~

~~(c) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference for contested cases for which this agency has authority to adopt rules under G.S. 150B-38(h). All such incorporations by reference shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6.~~

~~(d) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding Administrative Law Judge in Title 26, Chapter 3 of the North Carolina Administrative Code.~~

~~(e) Pursuant to G.S. 17C-11(b), an applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.~~

*History Note: Authority G.S. 17C-6; 150B-20; 150B-21.6; 150B-38(h); 150B-40;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2019; April 1, 2009; November 1, 1993; July 1, 1988; April 1, 1984;*

*Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Donald W. Overby declared Paragraph (d) of this rule void as applied in Curtis Canty v. NC Criminal Justice Education and Training Standards Commission (14 DOJ 01202).*

12 NCAC 09A .0207 is adopted with changes as published in 33:13 NCR 1392-1403 as follows:

**12 NCAC 09A .0207 ADMINISTRATIVE HEARING PROCEDURES**

(a) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge ~~[(as)]~~ as authorized in G.S. ~~[150B-40)]~~ 150B-40(c) shall be governed by:

(1) procedures set out in Article 3A of G.S. 150B;

(2) ~~[insofar as relevant]~~ the Rules of Civil Procedure as contained in G.S. 1A-1;

(3) ~~[insofar as relevant]~~ the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.

(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by ~~[reference]~~ reference, including subsequent amendments and ~~editions~~, for contested cases for which this agency has authority to adopt rules ~~[under]~~ pursuant to G.S. 150B-38(h).

(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties ~~[given to]~~ of the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.

(d) Pursuant to G.S. 17C-11(b), an applicant for certification, or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

*History Note:* Authority G.S. 17C-6; 17C-11(b); 150B-38(h); 150B-40;

*Eff. August 1, 2019.*

12 NCAC 09B .0301 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

### SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

#### 12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) A person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and 0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accordance with the requirements of this Section and as stated on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all updated instructor training courses required by the Commission.

(d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; and
- (5) revoking the individual's certification.

(e) The Commission shall deny, suspend, or revoke an instructor's certification ~~if~~ when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain competent knowledgeable in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Instructor Training Manual" as found in ~~12 NCAC 09B .0209; Rule .0209 of this Subchapter;~~
- (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in ~~12 NCAC 09B .0205; Rule .0205 of this Subchapter;~~
- (5) has demonstrated unprofessional personal conduct in the delivery of Commission-mandated training. For the purposes of this Subparagraph, unprofessional personal conduct means an act that is: job-related conduct that constitutes a violation of State or federal law; conviction or commission

of a criminal offense, as set out in 12 NCAC 09A .0204; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of a client or student whom the instructor is teaching or supervising or falsification of an instructor application or in other ~~employment documentation~~; employment documentation. For purposes of this Chapter, conduct is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning environment, thus impeding the students' ability to learn;

- (6) has demonstrated instructional incompetence;
- (7) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;
- (8) has failed to meet or ~~maintain good moral character~~ involve moral turpitude as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771, 774 appeal dismissed 423 U.S. 976 (1975); ~~in re~~ State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); ~~in~~ In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); ~~in~~ In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); ~~in~~ In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as required to effectively discharge the duties of a criminal justice instructor;
- (9) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;
- (10) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud, or misrepresentation;
- (11) has committed or been convicted of an offense which could result in the denial, suspension, or revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or
- (12) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(f) When a person certified as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission (Fire Commission), Office of Emergency Medical Services North Carolina Company/Campus Police Program; or a North Carolina, out of state or federal approving, certifying or licensing agency; has been denied certification or had his or her certification suspended or revoked ~~his or her law enforcement officer or fire and rescue certification suspended or revoked~~ by their respective Commission, or agency ~~that person~~ the State or local law enforcement officer shall report the suspension or revocation to the Criminal Justice Standards within ~~30 days~~ five days. He or she shall also have his or her General Instructor Certification (if applicable) ~~similarly and~~ automatically suspended or revoked for the same time period as his or her respective Commission certification.

- 1 (1) This suspension or revocation of the General Instructor certification shall also include suspension  
2 or revocation to any Commission recognized Specialized or additional instructor certification, as  
3 outlined in 12 NCAC 09B .0304.
- 4 (2) If the term of suspension or revocation exceeds the expiration date of the instructor's initial  
5 certification expiration date, he or she shall forfeit their certifications as a General Instructor and  
6 Specialized Instructor and shall be required to obtain certification pursuant to the requirements of  
7 12 NCAC 09B Rule .0302 of this Section before any instruction may be delivered in any  
8 Commission-approved or mandated training, including the completion of a subsequent General  
9 Instructor's training course in its entirety.
- 10 (3) If the term of suspension or revocation does not exceed the expiration date of the instructor's initial  
11 certification expiration date, the instructor shall be reinstated as a General Instructor only upon  
12 reinstatement of his or her law enforcement officer certification by the Commission. The terms of  
13 renewal for the existing General Instructor and Specialized Instructor certifications shall remain  
14 subject to all renewal requirements pursuant to 12 NCAC 09B .0303(d) .0303(e) by the next  
15 immediate expiration date.

16  
17 *History Note:* Authority G.S. 17C-6;  
18 Eff. January 1, 1981;  
19 Amended Eff. August 1, 2019; December 1, 2018; October 1, 2017; October 1, 2009; August 1,  
20 2004; April 1, 1999; July 1, 1991; January 1, 1985.  
21  
22

12 NCAC 09B .0303 is amended with changes as published in 33:13 NCR 1392-1403 as follow: as follows:

**12 NCAC 09B .0303 TERMS AND CONDITIONS OF GENERAL INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for certification as a general instructor shall, for the first 12 months of certification, be in a probationary status. The General Instructor Certification, Probationary Status, shall automatically expire 12 months from the date of issuance.

(b) The probationary instructor shall be eligible for general instructor status if the instructor, through application at the end of the probationary period, submits to the Commission a favorable recommendation from a School Director or In-Service Training Coordinator accompanied by a certification on a Commission Instructor Evaluation Form F-16 that the instructor taught a minimum of eight hours of Commission-accredited basic training course, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, 10B .1302, or 10B .2005 during the probationary period. The instructor shall achieve a minimum of 64 points on all instruction evaluations submitted to the Commission. The Commission Instructor Evaluation Form F-16 is located on the agency's website: <http://www.ncdoj.gov/getdoc/c2eba6aa-12bc-4303-bf4b-5fa0431ef5a1/F-16-6-11.aspx>.

(c) Probationary Instructors for just cause, may be granted an extension of the one-year period to teach the 8 hour minimum requirement. The Director may grant such extensions on a one-time basis only not to exceed 12 months. For purposes of this Rule, [just cause] "just cause" [means] includes an accident, illness, emergency, or course cancellation [cancellation, or other exceptional circumstances which] that precluded the instructor from fulfilling the teaching requirement.

~~(d)~~ (d) The term of certification as a general instructor is indefinite, provided the instructor completes during each calendar year a minimum of one hour of instructor refresher training provided by North Carolina Justice Academy. The Standards Division shall post on its website on January 1 of the current year the list of instructors who have met this requirement during the previous calendar year.

~~(d)(e)~~ If the instructor fails to meet the instructor refresher training specified in Paragraph (c) of this Rule, he or she shall deliver eight hours of evaluated instruction in a Commission-accredited basic training, Commission-recognized in-service training course, or training course pursuant to 12 NCAC 10B .0601, ~~10B~~.1302, or ~~10B~~.2005, and complete the instructor refresher training specified in Paragraph (e) Paragraph (d) of this Rule within 60 days from the last day of the previous calendar year.

~~(e)~~ (f) If an instructor fails to meet the requirements of Paragraph ~~(e) or (d)~~ (d) or (e) of this Rule, the certification period for the instructor shall cease, and the instructor shall be required to complete the requirements of Rule 09B .0302 of this Section in order to obtain probationary instructor status.

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

~~(g)~~ (h) "Commission-recognized in-service training" shall mean training meeting the following requirements:

- (1) training is taught by an instructor certified by the Commission;

- 1 (2) training utilizes a lesson plan in the Instructional Systems Design format; and
- 2 (3) completion of training shall be demonstrated by a passing score on a written test as follows:
- 3 (A) a written test comprised of at least five questions per credit shall be developed by the
- 4 agency or the North Carolina Justice Academy for each in-service training topic requiring
- 5 testing. Written courses that are more than four credits in length are required to have a
- 6 written test comprising of a minimum of 20 questions. The Firearms Training and
- 7 Qualifications in-service course is exempt from this written test requirement;
- 8 (B) a student shall pass each test by achieving **at least** 70 percent correct answers; and
- 9 (C) a student who completes a topic of in-service training in a traditional classroom setting or
- 10 online and fails the end of topic exam shall be given one attempt to re-test. If the student
- 11 fails the exam a second time, the student shall complete the in-service training topic in a
- 12 traditional classroom setting before taking the exam a third time.
- 13 (D) Topics delivered pursuant to 12 NCAC 09E .0104(1) and 12 NCAC 09E .0105(a)(1) shall
- 14 not require written testing.
- 15

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

17 *Eff. January 1, 1981;*

18 *Amended Eff. August 1, 2019; January 1, 2017; December 1, 2007; November 1, 2007; August 1,*

19 *2006; January 1, 2006; August 1, 2000; July 1, 1991; October 1, 1985; January 1, 1985; January*

20 *1, 1983.*

21

22

23

12 NCAC 09B .0305 is amended with changes as published in 33:18 NCR 1858-1864 as follows:

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

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

(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within 36 months three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

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

(d) The term of certification as a specialized instructor shall not exceed 36 months. three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
  - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form (Form F-12A) that stating the instructor taught at least 12 hours in each



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

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

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

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

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;*

1                    *Amended Eff. August 1, 2019; January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014;*  
2                    *June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1,*  
3                    *2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.*

12 NCAC 09B .0305 is amended with changes as published in 33:18 NCR 1858-1864 as follows:

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

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

(b) Where certification for both General Probationary Instructor as set forth in Rule .0303 of this Section and Specialized Instructor Certification are issued on the same date, the instructor is required to instruct, within ~~36 months~~ three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

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

(d) The term of certification as a specialized instructor shall not exceed ~~36 months~~ three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0304 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

- (1) proof that the applicant has, within the three-year period preceding application for renewal, instructed at least 12 hours in each of the topics for which Specialized Instructor Certification was granted, and that instruction was provided in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators and written certification from a School Director or In-Service Training Coordinator;
- (2) proof that the applicant has, within the three-year period preceding application for renewal, attended and completed all instructor updates that have been issued by the Commission. Acceptable documentary evidence shall include official Commission records submitted by School Directors or In-Service Training Coordinators, or copies of certificates of completion issued by the institution which provided the instructor updates; and
  - (A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form (Form F-12A) ~~that stating~~ the instructor taught at least 12 hours in each

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

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

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

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

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

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

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

*History Note: Authority G.S. 17C-6;  
Eff. January 1, 1981;*

1                    *Amended Eff. January 1, 2020; January 1, 2017; February 1, 2016; August 1, 2015; May 1, 2014;*  
2                    *June 1, 2012; November 1, 2007; January 1, 2006; December 1, 2004; August 1, 2004; August 1,*  
3                    *2000; July 1, 1991; July 1, 1989; December 1, 1987; February 1, 1987.*

12 NCAC 09B .0503 is amended with changes as published in 33:13 NCR 1392-1403 as follow: as follows:

**12 NCAC 09B .0503      SUSPENSION: REVOCATION: DENIAL/SCHOOL DIR. CERTIFICATION**

(a) The Commission may deny, suspend, or revoke certification of a school director when the Commission finds that the person has failed to meet or continuously maintain any of the requirements for qualification or through performance fails to comply with ~~program rules and procedures. the Rules of this Chapter. of the Commission or otherwise demonstrates incompetence.~~

(b) Prior to the Commission's action denying, suspending, or revoking a school director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(c) The Commission shall deny, suspend, [suspend] or revoke the certification of a School Director when they have found the person has engaged in any conduct outlined in 12 NCAC 09B [0304] .0301(e) and (f).

*History Note:      Authority G.S. 17C-6;  
Eff. January 1, 1985.  
Amended Eff. August 1, 2019;*

12 NCAC 09B .0504 is adopted with changes as published in 33:18 NCR 1858-1864 as follows:

### **12 NCAC 09B .0504 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (3) be certified as a General Instructor, pursuant to rule 12 NCAC 09B .0302, if certified as a Qualified Assistant for a Criminal Justice Instructor Training Course;
- (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Orientation Course as offered by the North Carolina Justice Academy;
- (5) have completed an orientation course conducted by Standards Division staff; and
- (6) participate in the annual training conducted by Commission staff.

(b) Any person(s) person designated by a School Director [to act as, or who performs the duties of,] as a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application form. The Qualified Assistant Application Form is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx> [The Qualified Assistant Application Form includes the following information:] Applicants shall provide the following information on the Qualified Assistant Application Form:

- [(A)] (1) accredited school name and contact information;
- [(B)] (2) applicants applicant's name and contact information;
- [(C)] (3) applicants applicant's instructor certification number; and
- [(D)] (4) School Director name and signature.

(d) The School Director shall ensure that the persons person selected meet(s) [meet the requirement] meets the requirements set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant [will] shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09B .0202.

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

Eff. August 1, 2019; January 1, 2020.

12 NCAC 09B .0505 is adopted with changes as published in 33:18 NCR 1858-1864 as follows:

**12 NCAC 09B .0505 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

(a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. The application for renewal shall include documentation meeting the requirements of Rule [12 NCAC 09B.] .0504 (a) and (b) of this Section.

(b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission finds that the person [has] failed to meet or [continually] maintain any of the requirements for qualification or [through performance fails] failed to comply with [program rules and procedures] the Rules of this Chapter. [of the Commission or otherwise demonstrates incompetence.]

(c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(d) The Commission shall deny, ~~suspend~~ suspend, or revoke the certification of a Qualified Assistant when [they] it have found the person has engaged in any conduct outlined in [12 NCAC 09B] Rule .0301(e) [and] or (f) of this Subchapter.

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

*Eff. August 1, 2019 [January 1, 2020] January 1, 2020.*



12 NCAC 09C .0307 is amended as published in 33:13 NCR 1392-1403 as follows:

### **12 NCAC 09C .0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION**

(a) Each **criminal justice** agency shall place **information with respect to employment, education, retention, and training of its criminal justice officers in the criminal justice officer's personnel file as listed in Subparagraphs (a)(1) and (a)(2) of this Rule.** ~~in personnel files the official notification from the Commission of either probationary or general certification for each criminal justice officer employed or appointed by the agency. Such~~ **The** files shall be available for examination in **five days at any reasonable time** by representatives of the Commission for **the purpose of** verifying compliance with these Rules. ~~The personnel files shall also contain:~~

(1) Criminal Justice Officer with probationary certification:

- ~~(1) (A)~~ **(A)** the officer's Personal History Statement;
- ~~(2) (B)~~ **(B)** the officer's Medical History Statement and Medical Examination Report;
- ~~(3) (C)~~ **(C)** documentation of the officer's drug screening results;
- ~~(4) (D)~~ **(D)** ~~[for the criminal justice officer,]~~ the Commission's Mandated Background Investigation Form as completed by the agency's investigator; ~~for criminal justice officers employed by the North Carolina Department of Correction, a written summary of the Background Investigation conducted on the officer;~~
- ~~(5) (E)~~ **(E)** a written summary of the officer's Qualifications Appraisal Interview;
- ~~(6) (F)~~ **(F)** documentation of the officer's **educational achievements; degrees obtained;**
- ~~(7) (G)~~ **(G)** documentation of all criminal justice training completed by the officer;
- ~~(8) (H)~~ **(H)** the results of the officer's fingerprint record check;
- ~~(9) (I)~~ **(I)** a written summary of the officer's psychological examination results; ~~and~~
- ~~(10) (J)~~ **(J)** for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) and that the officer has completed the minimum in-service training as ~~required;~~ **required;**
- (K)** certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;
- (L)** copy of Report of Appointment/Application for Certification Form F-5A;
- (M)** oath of office;
- (N)** copy of firearms qualification; and
- (O)** once separated, a copy of the Affidavit of Separation.

(2) Criminal Justice Officer with general certification:

- (A)** the officer's Medical History Statement and Medical Examination Report;
- (B)** documentation of the officer's drug screening results;
- (C)** documentation of the officer's **educational achievements;** **degrees obtained;**
- (D)** documentation of all criminal justice training completed by the officer;
- (E)** the results of the officer's fingerprint record check;

(F) for the law enforcement officer, documentation on a commission-approved form as set forth in 12 NCAC 09E .0103(3) and .0110(5) that the officer has completed the minimum in-service training as required;

(G) certified copy of proof of age, citizenship, and educational requirements required in 12 NCAC 09B .0101;

(H) a copy of the Report of Appointment/Application for Certification Form ~~F-5;~~ F-5A;

(I) oath of office;

(J) copy of firearms qualification; and

(K) once separated, a copy of the Affidavit of Separation.

(b) These records shall be maintained in compliance with the North Carolina Department of Natural and Cultural Resources Retention and Disposition Schedule established pursuant to Chapters 121 and 132 of the General Statutes. [which requires that Personnel Records be destroyed after 30 years from the date of separation except for those records involved in a pending audit, legal, or other official action which may be destroyed at the conclusion of any legal action if they met the required retention period as established by the North Carolina Department of Natural and Cultural Resources.]

*History Note: Authority G.S. 17C-2; 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. August 1, 2019; August 1, 1998; January 1, 1995; July 1, 1990; July 1, 1989; June 1, 1986.*

12 NCAC 09E .0105 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

**12 NCAC 09E .0105 MINIMUM TRAINING SPECIFICATIONS: ANNUAL IN-SERVICE TRAINING**

(a) The following topics, specifications, and hours shall be included in each law enforcement officer's annual in-service training courses. For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction. All sworn law enforcement officers shall complete a minimum of 24 in-service training credits. The following topics, totaling ~~20~~18 credits, shall be specifically required:

- (1) ~~2019-2020~~ Firearms Training and Qualification (4 credits);
- (2) ~~2019-2020~~ Legal Update (4 credits);
- (3) ~~2019 Juvenile Law Update (2 credits);~~ 2020 Long-Term Effects of Childhood Adversity (2 credits);
- (4) ~~2019 Individual Wellness: Coping with Stress & PTSD (2 credits);~~ 2020 The Signs Within: Suicide Prevention Education and Awareness (2 credits);
- (5) ~~2019 Best Practices for Officers During Community Dissent (2 credits);~~ 2020 Career Survival: Training and Standards Issues (2 credits);
- (6) ~~2019 Law Enforcement Intelligence Update: Gangs and Divisive Groups (2 credits);~~ 2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing (2 credits);
- (7) ~~2019 Domestic Violence: Law and Procedure Update (2 credits);~~ 2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority (2 credits);
- (8) Topics of Choice (12 credits);
  - (A) ~~2019 Opioid Awareness and Response (2 credits);~~ Hazardous Materials (2 credits);
  - (B) Bloodborne Pathogens (2 credits);
  - (C) Situational Awareness/Subject Control (4 credits); and
  - (D) Law enforcement Threat Assessment (4 credits).

(b) All sworn law enforcement officers shall complete a minimum of 46 in-service credits, in topics identified by their respective agency heads. The agency head may choose any topic, provided the lesson plan is written in Instructional Systems Design format and is taught by an instructor who is certified by the Commission. Topics delivered pursuant to Rule .0104(1) of this Section and National Certification Programs administered by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) completed during the mandated in-service year, shall satisfy in part or in whole the topic requirements set forth by the agency head. To satisfy this requirement these topics shall not be required to be written in Instructional Systems Design format or delivered by an instructor certified by the Commission.

(c) The "Specialized Firearms Instructor Training Manual" published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division  
North Carolina Department of Justice

1700 Tryon Park Drive  
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

(d) The "In-Service Lesson Plans" published by the North Carolina Justice Academy shall be applied as a minimum curriculum for conducting the annual in-service training program. Copies of this publication may be inspected at the office of the:

Criminal Justice Standards Division  
North Carolina Department of Justice  
1700 Tryon Park Drive  
Raleigh, North Carolina 27610

and may be obtained at the cost of printing and postage from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

(e) Lesson plans are designed to be delivered in hourly increments. A student who completes an online in-service training topic shall receive the number of credits that correspond to the number of hours of traditional classroom training, regardless of the amount of time the student spends completing the course.

(f) Completion of training shall be demonstrated by passing a written test for each in-service training topic, as follows:

- (1) A written test comprised of at least five questions per credit shall be developed by the agency or the North Carolina Justice Academy for each in-service training topic requiring testing. ~~Written courses that are more than four credits in length shall include a written test comprising of a minimum of 20 questions.~~ The Firearms Training and Qualifications in-service course and topics delivered pursuant to Rule .0104(1) of this Section shall be exempt from this written test requirement;
- (2) A student shall pass each test by achieving at least 70 percent correct answers; and
- (3) A student who completes a topic of in-service training in a traditional classroom setting or online and fails the end of topic exam shall be given one attempt to re-test. If the student fails the exam a second time, the student shall complete the in-service training topic in a traditional classroom setting before taking the exam a third time.

*History Note: Authority G.S. 17C-6; 17C-10;*  
*Eff. July 1, 1989;*  
*Amended Eff. January 1, 2005; November 1, 1998;*  
*Temporary Amendment Eff. January 1, 2005;*

1                    *Amended Eff. January 1, 2020; January 1, 2019; January 1, 2018; January 1, 2017; July 1, 2016;*  
2                    *January 1, 2016; January 1, 2015; February 1, 2014; June 1, 2012; February 1, 2011; January 1,*  
3                    *2010; April 1, 2009; April 1, 2008; February 1, 2007; January 1, 2006.*  
4

12 NCAC 09F .0105 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

### **12 NCAC 09F .0105 INSTRUCTOR RESPONSIBILITIES**

In delivering the "Concealed Carry Handgun Training" course the instructor shall:

- (1) have a valid Concealed Carry Handgun instructor certification issued by the Criminal Justice Standards Division;
- (2) file a copy of the proposed firearms course description, outline, and proof of instructor certification along with a written request to conduct the "Concealed Carry Handgun Training" course for approval by the Commission prior to delivery of any instruction required by G.S. 14-415.12;
- (3) file a copy of all modifications;
- (4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants which shall bear the instructor's name, the instructor's assigned number, be sequentially numbered, and bear the raised seal of the Commission;
- (5) if a Concealed Carry Handgun Instructor relinquishes his or her certification and wants to transfer his or her assigned participants' certificates, to another Concealed Carry Handgun instructor a written request shall be submitted to the Criminal Justice Standards Division Director for approval. The written request shall include the following:
  - (a) instructor name and identification number;
  - (b) name of business;
  - (c) phone number and email address;
  - (d) recipient instructor ~~{name,}~~ name and identification number;
  - (e) business name;
  - (f) phone number, email ~~{address; and}~~ address; and
  - (g) list of the assigned certificate numbers for participants to be ~~{transferred,}~~ transferred;
- ~~(6)(5)~~ affix the student's name to one certificate and issue that certificate to the student who successfully completes the "Concealed Carry Handgun Training" course;
- ~~(7)(6)~~ conduct the training consistent with the guidelines established in 12 NCAC 09F .0102; Rule .0102 of this Section;
- ~~(8)(7)~~ administer a written examination to the student on the legal issues block of instruction to demonstrate that the student is knowledgeable in the laws of this State governing the carrying of a concealed handgun and the use of deadly force; and
- ~~(9)(8)~~ administer a proficiency examination that demonstrates the student is competent in the firing and safe handling of a handgun. Such examination shall include the following:
  - (a) The student fires 30 rounds of ammunition at a bulls-eye or silhouette target from three, five and seven yard distances;
  - (b) At each yard distance the student shall fire a minimum of ten rounds; and
  - (c) 21 of the 30 rounds fired by the student hit the target.

1

2 *History Note:* *Authority G.S. 14-415.12; 14-415.13;*

3 *Temporary Adoption Eff. November 1, 1995;*

4 *Eff. May 1, 1996;*

5 *Amended Eff. August 1, 2019; April 1, 2018; May 1, 2004.*

12 NCAC 09G .0306 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

**12 NCAC 09G .0306 RETENTION OF RECORDS OF CERTIFICATION**

(a) The North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice shall place in the officer's certification file the official notification from the Commission of either Probationary or General Certification for each correctional officer, probation/parole officer employed or appointed by the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. The certification file shall also contain:

- (1) the officer's Report of Appointment/Application for Certification, including the Department of Public Safety Personnel Action Form;
- (2) the officer's Medical History Statement and Medical Examination Report;
- (3) documentation of the officer's drug screening results;
- (4) documentation of the officer's educational achievements;
- (5) documentation of all corrections training completed by the officer;
- (6) documentation of the officer's psychological examination results;
- (7) documentation and verification of the officer's age;
- (8) documentation and verification of the officer's citizenship;
- (9) documentation of any prior criminal record; and
- (10) miscellaneous documents including letters, investigative reports, and subsequent charges and ~~convictions.~~ convictions;
- (11) oath of office; and
- (12) if separated, a copy of the Report of Separation or Department of Public Safety Action Form.

(b) All files and documents relating to an officer's certification shall be available for examination and utilization at any reasonable time by representatives of the Commission for the purpose of verifying compliance with the Rules in this Subchapter. These records shall be maintained in compliance with the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice's Records Retention Schedule. Natural and Cultural Resources Records Retention and Disposition Schedule established pursuant to Chapters 121 and 132 of the General Statutes. [Cultural and Natural Resources Retention Schedule which requires that Personnel Records be destroyed after 30 years from the date of separation except for those records involved in a pending audit, legal, or other official action which may be destroyed at the conclusion of any legal action if they met the required retention period as established by the North Carolina Department of Cultural and Natural Resources.]

*History Note:* Authority G.S. 17C-2; 17C-6;  
 Temporary Adoption Eff. January 1, 2001;  
 Eff. August 1, 2002;  
 Amended Eff. August 1, 2019; January 1, 2015; August 1, 2004.



12 NCAC 09G .0307 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

### **12 NCAC 09G .0307 CERTIFICATION OF INSTRUCTORS**

(a) ~~Any~~ A person participating in a Commission-accredited corrections training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification or Specialized Instructor Certification or Professional Lecturer Certification as outlined in 12 NCAC 09G .0308, and .0310, Rules .0308, .0310, and 0311 of this Section. ~~Such instructor~~ Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and ~~reflected as stated~~ on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-accredited certified course shall remain competent in his/her specific or specialty areas. Such competence includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and ~~successfully~~ completing any instructor all updates updated instructor training courses issued ~~required~~ by the Commission.

~~(d) The Standards Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.~~

~~(e)~~ (d) ~~When~~ If ~~any~~ a person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the Rules in this Subchapter, the Commission may shall take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; or
- (5) revoking the individual's certification.

~~(f)~~ (e) The Commission ~~may~~ shall deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification; ~~or~~
- (2) has failed to remain currently knowledgeable in the person's areas of expertise; expertise or by failing to attend trainings as required by the Rules in this Chapter.
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in 12 NCAC 09G .0414; ~~or~~
- (4) ~~has demonstrated unprofessional personal conduct in the delivery of Commission mandated training; or has failed to follow specific guidelines outlined in the basic corrections officers' training manual set out in~~ 12 NCAC 09G] Rules .0411 through .0416; .0416 of this Subchapter;

- (5) has demonstrated unprofessional personal conduct in the delivery of commission-mandated training. ~~[[for] For the purposes of this Subparagraph, unprofessional personal conduct [as evidenced by:] means an act that is:~~ job-related conduct which constitutes a violation of State or federal law; conviction or commission of a criminal offense, as set out in 12 NCAC 09G .0504; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of a client or student whom the instructor is teaching or supervising; falsification of an instructor application or in other employment documentation; ~~for an amorous, dating or sexual relationship ("intimate relationship"), even when apparently consensual, between a student enrolled in any basic training program administered by the Division of Adult Correction and Juvenile Justice and any instructor, School Director or Qualified Assistant involved in the delivery of that program in which the student is enrolled.]~~
- ~~(6)(5)~~ has demonstrated instructional incompetence; or
- ~~(7)(6)~~ has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation; or
- ~~— (7) —~~ has failed to meet or maintain good moral character as required to effectively discharge the duties of a corrections instructor, as evidenced by, but not limited to:
- ~~(A) — not having been convicted of a felony;~~
  - ~~(B) — not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(10) for five years since the date of conviction or the completion of any corrections supervision imposed by the courts whichever is later;~~
  - ~~(C) — having submitted to and produced a negative result on a drug test which meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs, copies of which may be obtained from National Institute on Drug Abuse, 5600 Fisher Lane, Rockville, Maryland 20857 at no cost, to detect the illegal use of at least cannabis, cocaine, phenacyclidine (PCP), opiates and amphetamines or their metabolites;~~
  - ~~(D) — submitting to a background investigation consisting of:
 
    - ~~(i) — verification of age;~~
    - ~~(ii) — verification of education;~~
    - ~~(iii) — criminal history check of local, state, and national files;~~~~
  - ~~(E) — being truthful in providing all required information as prescribed by the application process; or~~
- (8) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215 S.E.2d 771, 771 appeal dismissed 423 U.S. 976 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E.2d 854 (1940); in In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); in In re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as

authority, and as required to effectively discharge the duties of a criminal justice instructor;~~(8)~~  
~~\_\_\_\_\_ has failed to deliver training in a manner consistent with the curriculum outlines in the~~  
~~corrections officers' training manuals set out in 12 NCAC 09G .0411 through .0416.~~

(9) ~~has committed or been convicted of an offense which could result in the denial, suspension, or~~  
~~revocation of an officers certification pursuant to 12 NCAC 09G .0204 or 12 NCAC 09G .0504;~~  
.0504 of this Subchapter.

(10) ~~has knowingly made a material misrepresentation of any information required for certification or~~  
~~accreditation.~~

(f) When a person certified as an officer by the North Carolina Criminal Justice Education and Training Standards  
Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs'  
Commission), ~~for~~ the North Carolina Department of Insurance, Office of State Fire Marshal, Fire Rescue Commission  
(Fire Commission), Office of Emergency Medical Services and the North Carolina Company/Campus Police Program;  
or a similar North Carolina, out of state or federal approving, certifying or licensing agency; has been denied  
certification or had his or her certification suspended or revoked by their respective Commission or agency ~~[that~~  
person] the officer shall report the suspension or revocation to the Criminal Justice Standards within ~~[5 days.] five~~  
days They shall also have their General Instructor certification (if applicable) ~~[similarly and]~~ automatically suspended  
or revoked for the same time period as their respective Commission certification.

(1) ~~This suspension or revocation of the General Instructor certification shall also include suspension~~  
~~or revocation to any Commission recognized Specialized or additional instructor certification, as~~  
~~outlined in 12 NCAC 09G .0310.~~

(2) ~~If the term of suspension or revocation exceeds the expiration date of the instructor's initial~~  
~~certification expiration date, they shall forfeit their certifications as a General Instructor and~~  
~~Specialized Instructor and shall be required to obtain certification pursuant to the requirements of~~  
~~12 NCAC 09G .0304 before any instruction may be delivered in any ~~[commission-approved]~~~~  
~~Commission-approved or mandated training, including the completion of a subsequent General~~  
~~Instructor's training course in its entirety.~~

(3) ~~If the term of suspension or revocation does not exceed the expiration date of the instructor's initial~~  
~~certification expiration date, the instructor shall be reinstated as a General Instructor only upon~~  
~~reinstatement of his or her law enforcement officer certification by the Commission. The terms of~~  
~~renewal for the existing General Instructor and Specialized Instructor certifications shall remain~~  
~~subject to all renewal requirements pursuant to 12 NCAC 09G .0309(c) by the next ~~[immediate]~~~~  
~~expiration date.~~

*History Note:* *Authority G.S. 17C-6; 17C-10;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Eff. August 1, 2019; August 1, 2002.*

12 NCAC 09G .0311 is amended with changes as published in 33:18 NCR 1858-1864 as follows:

**12 NCAC 09G .0311 TERMS AND CONDITIONS OF SPECIALIZED INSTRUCTOR CERTIFICATION**

(a) An applicant meeting the requirements for Specialized Instructor Certification shall be issued a certification to expire three years from the date of issuance. The applicant shall apply for certification as a specialized instructor within 60 days from the date of completion of a specialized instructor course.

(b) Where certifications for both General Probationary Instructor and Specialized Instructor are issued on the same date, the instructor shall be required to instruct within 36 months three years after certification, a minimum of 12 hours in each of the topics for which Specialized Instructor Certification was granted in a Commission-accredited basic training, Specialized Instructor Training, Commission-recognized in-service training course, or training course delivered pursuant to 12 NCAC 10B .0601, .1302, or .2005. The instructor may satisfy the teaching requirement for the General Probationary Instructor certification by teaching any specialized topic for which certification has been issued.

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

(d) The term of certification as a specialized instructor shall not exceed 36 months three years. An application for renewal shall contain, in addition to the requirements listed in Rule .0310 of this Section, documentary evidence that the applicant has remained active in the instructional process during the previous three-year period. Such documentary evidence shall include the following:

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

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

(A) a favorable written recommendation from a School Director or In-Service Training Coordinator completed on a Commission Renewal of Instructor and Professional Lecturer Certification Form that stating the instructor taught at least 12 hours in each of the topics for which Specialized Instructor Certification was granted. Such The teaching shall have

1                   been provided in a Commission-accredited basic training, Specialized Instructor Training  
 2                   course, pursuant to Rule .0310 of this Section, or Commission-recognized in-service  
 3                   training course;

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

12                  (C)     has met the requirement set forth in Rule .0309(c) of this Section.

13                  (e)     The use of guest participants in a delivery of a Commission-mandated training course pursuant to this Section  
 14                  shall be permissible. However, such guest participants are subject to the on-site supervision of a Commission-certified  
 15                  instructor and shall be authorized by the School Director. A guest participant shall be used only to complement the  
 16                  primary certified instructor of the block of instruction and shall not replace the primary instructor.

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

19                                 *Temporary Adoption Eff. January 1, 2001;*

20                                 *Eff. August 1, 2002;*

21                                 *Amended Eff. January 1, 2020; January 1, 2017; May 1, 2014; June 1, 2012; January 1, 2006.*

12 NCAC 09G .0407 is amended with changes as published in 33:13 NCR 1392-1403 as follows:

**12 NCAC 09G .0407      SUSPENSION:      REVOCATION:      DENIAL/SCHOOL      DIRECTOR**  
**CERTIFICATION**

(a) The Commission may deny, suspend, or revoke certification of a School Director when the Commission finds that the person has failed to meet or **continuously** maintain any of the requirements for qualification or through performance fails to comply with **program rules the Rules of this Chapter of the Commission or otherwise demonstrates incompetence.**

(b) Prior to the Commission's action denying, suspending, or revoking a School Director's certification, the Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(c) The Commission shall deny, suspend or revoke the certification of a School Director when they have found the person has engaged in any conduct outlined in 12 NCAC 09B .0301(e) and (f).

*History Note:      Authority G.S. 17C-6;*  
*Temporary Adoption Eff. January 1, 2001;*  
*Temporary Adoption Expired December 20, 2001;*  
*Temporary Adoption Eff. April 15, 2003;*  
*Eff. August 1, 2019; April 1, 2004.*

12 NCAC 09G .0417 is adopted with changes as published in 33:18 NCR 1858-1864 as follows:

### **12 NCAC 09G .0417 CERTIFICATION OF QUALIFIED ASSISTANT**

(a) If the accredited institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of an accredited basic recruit training course, a qualified assistant shall be designated to assist the School Director in the administration of the course. To be eligible to serve as a Qualified Assistant, an applicant shall:

- (1) be selected by the School Director;
- (2) have four years of ~~practical~~ experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (3) be certified as a General Instructor, pursuant to 12 NCAC 09G .0308, if certified as a Qualified Assistant for an Instructor Training Course;
- (4) if serving as a Qualified Assistant for an Instructor Training Course, must complete an Instructor Training Orientation Course as offered by the North Carolina Justice Academy;
- (5) have completed an orientation course conducted by Standards Division staff; and
- (6) participate in the annual training conducted by Commission staff.

(b) Any ~~person(s)~~ person designated by a School Director [to act as,] as a Qualified Assistant or who performs the duties of, a Qualified Assistant in the delivery or presentation of a Commission-mandated training course shall have on file confirmation from the Commission acknowledging designation as Qualified Assistant prior to acting in an official capacity as a Qualified Assistant.

(c) The School Director shall submit to the Criminal Justice Standards Division the Qualified Assistant Application Form F-10(QA). The Qualified Assistant Application Form F-10(QA) is located on the agency's website at no cost <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx> ~~[The Qualified Assistant Application Form includes the following information:]~~ Applicants shall provide the following information on the Qualified Assistant Application Form:

- ~~[(A)]~~ (1) accredited school name and contact information;
- ~~[(B)]~~ (2) applicants applicant's name and contact information;
- ~~[(C)]~~ (3) applicants applicant's instructor certification number; and
- ~~[(D)]~~ (4) school director School Director name and signature.

(d) The School Director shall ensure that the ~~persons~~ person selected ~~meet(s) [meet the requirement]~~ meets the requirements set forth in Paragraphs (a) and (b) of this Rule.

(e) When directed by the School Director, the Qualified Assistant ~~[will]~~ shall assist in the planning, developing, coordinating, and delivering of Commission-mandated training courses as outlined in 12 NCAC 09G .0408.

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

*Eff. January 1, 2020.*

1 12 NCAC 09G .0418 is adopted with changes as published in 33:18 NCR 1858-1864 as follows:

2  
3 **12 NCAC 09G .0418 TERMS AND CONDITIONS OF QUALIFIED ASSISTANT CERTIFICATION**

4 (a) The term of certification as a Qualified Assistant is three years from the date the Commission issues the  
5 certification, unless earlier terminated by action of the Commission. The application for renewal shall include  
6 documentation meeting the requirements of Rule ~~[12 NCAC 09G.]~~ 0417 (a) and (b) of this Section.

7 (b) The Commission may deny, suspend, or revoke certification as a Qualified Assistant when the Commission  
8 finds that the person ~~[has]~~ failed to meet or ~~[continually]~~ maintain any of the requirements for qualification or  
9 ~~[through performance fails]~~ failed to comply with the Rules of this Chapter. ~~[program rules and procedures of the~~  
10 ~~Commission or otherwise demonstrates incompetence.]~~

11 (c) Prior to the Commission's action denying, suspending, or revoking a Qualified Assistant's certification, the  
12 Standards Division may notify the person that a deficiency appears to exist and may attempt, in an advisory  
13 capacity, to assist the person in correcting the deficiency.

14 (d) The Commission shall deny, ~~suspend~~ suspend, or revoke the certification of a Qualified Assistant when ~~[they]~~ it  
15 have found the person has engaged in any conduct outlined in ~~[12 NCAC 09G .0307.]~~ Rule .0307 of this Subchapter.

16  
17 *History Note: Authority G.S. 17C-6;*

18 *Eff. January 1, 2020.*