


RULES REVIEW COMMISSION

G.S. 150B-19.1 CERTIFICATION

Instructions for completing and submitting the application for Rules Review Commission certification of compliance with the provisions of G.S. 150B-19.1 prior to publishing a notice of text:

- Complete and print out the certification form
- Sign (or have appropriate person sign) the form
- Scan the form, a dated copy of the proposed rule, and copies of any necessary attachments
- Email the scanned document(s) as an attachment to the email to: oah.rules@oah.nc.gov
- An automatically generated email will be sent indicating receipt of the email

Rule-making Agency: Criminal Justice Education and Training Standards Commission	
Rule Citation(s): 12 NCAC 09B .0202; .0205; .0302; .0304; .0401; .0406; .0408; .0413; 0414; .0416; 9C .0211; .0403; 9G .0308; .0314; .0414	
(1a) What is the authority for this rule? (attach a copy of any federal authority or state authority that is not in the current edition of the NCGS) G.S. 17C-6; 17C-2; 17C-10; 150B-11	
(1b) Why is this rule necessary to serve the public interest? These rules govern the administration of training curricula and testing for criminal justice personnel.	
(2) How did the agency seek to reduce the burden upon those persons or entities who must comply with this rule? The agency has proposed revisions to these rules which provide for increased flexibility for students in securing a date and location to take mandatory exams. This will result in less travel time and expense for many students.	
(3) Why is the rule reasonably necessary to implement or interpret federal or state law? The rules stipulate the process for administering Commission exams, to wit: time frames for testing and re-examination, as well as the minimum scores required for certification.	
(4a) Are there existing rules adopted by the agency related to this specific purpose? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes," provide citation: 12 NCAC 09B .0209; .0226; .0227; .0232; .0233	
(4b) If "yes," did the agency consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which this rule is proposed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
(5) If appropriate, is this rule based on sound, reasonably available scientific, technical, economic, and other relevant information? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable If "yes," include a reference to the information to be included in the Notice of Text:	
(6) How is the rule designed to achieve the regulatory objective in a cost-effective and timely manner? The proposed rules provide for the mandated training curricula and associated administration of exams, without the addition of additional costs to the Division or the regulated public.	
AGENCY CERTIFICATION	RRC CERTIFICATION
The agency adhered to the principles in G.S. 150B-19.1 in developing and drafting the rule. Signature:  Typed Name: Trevor Allen Title: Rule Making Coordinator Email: tjallen@ncdoj.gov	The Rules Review Commission certifies that the agency adhered to the principles in G.S. 150B-19.1. By: _____ Date: _____

Counsel Note

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Rule Citation: Various rules

Agency: Criminal Justice and Training Standards Commission

Several of the rules reference the "Instructional Systems Design model" and this appears to be a citation to an outside authority. Please incorporate this outside authority in accordance with 26 NCAC 02C .0109. Consider adding the citation at the first mention in the Code or as a defined term. Once incorporated, create cross references:

12 NCAC 09B .0202

Page 3, line 32

12 NCAC 09B .0302

Line 14

12 NCAC 09B .0304

Page 3, line 26

Page 4, line 8

12 NCAC 09G .0308

Lines 21 and 24

Several places throughout these rules, the adverb "successfully" is used. Successfully is not defined. Consider defining this term, such as reflecting that successfully means getting 75 percent correct.

12 NCAC 09B .0202

Page 4, line 14

12 NCAC 09B .0302

Line 16 is an example of how to create a defined standard and then to cross-reference the standard. However, for purposes of this cross-reference, I think the citation is wrong. I think the correct Paragraph is (d), not (e) of 12 NCAC 09 .0413.

12 NCAC 09B .0304

Line 26

Page 2, lines 18 and 27

Page 3, lines 1, 6, and 21

Page 4, lines 1 and 7

12 NCAC 09B .0401

Line 13

12 NCAC 09B .0406

Line 11

Line 27

Line 30

12 NCAC 09B .0413

Line 10

12 NCAC 09B .0414

Lines 15 and 18

12 NCAC 09G .0308

Line 16

12 NCAC 09G .0314

Line 7

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Rule Citation: 12 NCAC 09B .0202

Agency: Criminal Justice and Training Standards Commission

Lines 9 thru 10, the phrase "Basic Law Enforcement Course Management Guide" appears be to be missing the word "Training" between "Enforcement" and "Course"

Page 2, line 17, replace "must" with "shall"

Page 2, line 20, is there an unnecessary period after "instructional"?

Page 3, line 19, replace "which" with "that"

Page 3, line 29, is there a space between "course delivered"?

Page 3, line 35, is the use of the term "Justice Academy" correct? This is not a defined term and is used in an inconsistent manner throughout this Subchapter. Sometimes it is the "North Carolina Justice Academy" or "Academy."

Page 4, line 2, add brackets around the form reference to be consistent with other form reference citations

Page 4, line 8, add a comma after "completion"

Page 4, lines 2, 9, 29, and page 5, line 2, where are the forms located? How does the regulated public know how to obtain the forms?

Page 4, line 8, add "Form" after "Report" for consistency

Page 4, line 14, is there a space between "completedthe"

Page 4, line 19, there is a list of items on line 17 and 36. Why does the list on this line not contain the term "radar and time-distance"?

Page 4, line 21, delete the semicolon after "instruction" and replace with "as follows:"

Page 4, line 27, add a comma after "date"

Page 4, lines 32 thru 33, is there not a time constraint on when the Director shall review and notify the requester?

Abigail M. Hammond
Commission Counsel

1 **12 NCAC 09B .0202 RESPONSIBILITIES OF THE SCHOOL DIRECTOR**

2 (a) In planning, developing, coordinating, and delivering each Commission-certified criminal justice training course, the
3 School Director shall:

- 4 (1) Formalize and schedule the course curriculum in accordance with the curriculum standards established
5 in this Subchapter;
- 6 (2) Select and schedule instructors who are certified by the Commission;
- 7 (3) Provide each instructor with a current Commission course outline and all necessary additional
8 information concerning the instructor's duties and responsibilities;
- 9 (4) Notify each instructor that he or she must comply with the Basic Law Enforcement Course
10 Management Guide and provide him or her access to the most current version of the Course
11 Management Guide;
- 12 (5) Review each instructor's lesson plans and other instructional materials for conformance to Commission
13 standards and to minimize repetition and duplication of subject matter;
- 14 (6) Arrange for the timely availability of appropriate audiovisual aids and materials, publications,
15 facilities, and equipment for training in all topic areas;
- 16 (7) Develop, adopt, reproduce, and distribute any supplemental rules, regulations, and requirements
17 determined by the school to be necessary or appropriate for:
- 18 (A) effective course delivery;
- 19 (B) establishing responsibilities and obligations of agencies or departments employing or
20 sponsoring course trainees; and
- 21 (C) regulating trainee participation and demeanor and ensuring trainee attendance and
22 maintaining performance records;
- 23 (8) If appropriate, recommend housing and dining facilities for trainees;
- 24 (9) Administer the course delivery in accordance with Commission procedures and standards, give
25 consideration to advisory guidelines issued by the Commission, and ensure that the training offered is
26 safe and effective;
- 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 course
32 to the Commission.

33 (b) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-
34 certified Basic Law Enforcement Training Course, the School Director shall:

- 35 (1) Deliver training in accordance with the most current version of the Basic Law Enforcement Training
36 Course Management Guide as published by the North Carolina Justice Academy;

- 1 (2) Schedule course presentation to include 12 hours of instruction each week during consecutive calendar
2 weeks, except that there may be as many as three one-week breaks until course requirements are
3 completed;
- 4 (3) Schedule only those instructors certified by the Commission to teach those high liability areas as
5 specified in Rule .0304(a) of this Subchapter as either the lead instructor or in any other capacity;
- 6 (4) With the exception of the First Responder, Physical Fitness, Explosives and Hazardous Materials, and
7 topical areas as outlined in Rule .0304(a) of this Subchapter, schedule one specialized certified
8 instructor certified by the Commission for each six trainees while actively engaged in a practical
9 performance exercise;
- 10 (5) Schedule one specialized certified instructor certified by the Commission for each eight trainees while
11 actively engaged in a practical performance exercise in the topical area "Subject Control Arrest
12 Techniques;"
- 13 (6) Not schedule any single individual to instruct more than 35 percent of the total hours of the curriculum
14 during any one delivery of the Basic Law Enforcement Training Course presentation;
- 15 (7) Not less than 15 days before commencing delivery of the Basic Law Enforcement Training Course,
16 submit to the Commission a Pre-Delivery Report of Training Course Presentation as set out in 12
17 NCAC 09C .0211. The Pre-Delivery Report (Form F-10A) must indicate a requested date and
18 location for the administration of the state comprehensive exam, along and include with the following
19 attachments:
- 20 (A) a course schedule showing arrangement of topical presentations and proposed instructional.
21 assignments; and
- 22 (B) a copy of any rules, regulations, and requirements for the school. A copy of such rules shall
23 also be given to each trainee and to the executive officer of each trainee's employing or
24 sponsoring agency or department at the time the trainee enrolls in the course;
- 25 (8) Monitor, or designate an instructor certified by the Commission to monitor, a presentation of each
26 instructor once during each three year certification period in each topic taught by the instructor and
27 prepare a written evaluation on the instructor's performance and suitability for subsequent instructional
28 assignments. The observations shall be of sufficient duration to ensure that the instructor is using the
29 Instructional System Design model, and that the delivery is objective based, documented by and
30 consistent with a Commission-approved lesson plan. For each topic area, the School Director's
31 evaluation shall be based upon the course delivery observations, the instructor's use of the approved
32 lesson plan, and the results of the student evaluations of the instructor. For probationary instructors,
33 the evaluations conducted by another instructor shall be prepared on Commission forms and forwarded
34 to the Commission. Based on this evaluation, the School Director shall recommend approval or denial
35 of requests for General Instructor Certification. For all other instructors, these evaluations shall be
36 prepared on Commission forms in accordance with Commission standards as set out in this Chapter.
37 These evaluations shall be kept on file by the school for a period of three years and shall be made

1 available for inspection by a representative of the Commission upon request. In the event the
 2 evaluation of an instructor indicates that his or her performance was less than acceptable, the School
 3 Director shall forward a copy of the evaluation to the Commission. Any designated instructor certified
 4 by the Commission who is evaluating the instructional presentation of another instructor shall hold
 5 certification in the same instructional topic area as that for which the instructor is being evaluated;

6 (9) Administer or designate a staff person to administer appropriate tests during course delivery:

7 (A) to determine and record the level of trainee comprehension and retention of instructional
 8 subject-matter;

9 (B) to provide a basis for a final determination or recommendation regarding the minimum
 10 degree of knowledge and skill of each trainee to function as an inexperienced law
 11 enforcement officer; and

12 (C) to determine subject or topic areas of deficiency for the application of Rule .0405(a)(3) of
 13 this ~~Subchapter~~; ~~Subchapter~~; and

14 ~~(10) — During a delivery of Basic Law Enforcement Training, make available to the Commission four hours~~
 15 ~~of scheduled class time and classroom facilities for the administration of a written examination to those~~
 16 ~~trainees who have satisfactorily completed all course work; and~~

17 ~~(11)(10) Not more than 10 days after receiving from the Commission's representative the Report of~~
 18 ~~Examination Scores, the conclusion of a school's offering of Basic Law Enforcement Training, submit~~
 19 ~~to the Commission a Post-Delivery Report of Training Course Presentation (Form F-10B) which shall~~
 20 ~~include:~~

21 (A) a "Student Course Completion" form for each individual enrolled on the day of orientation;
 22 and

23 (B) a "Certification and Test Score Release" form.

24 (c) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission-
 25 certified "Criminal Justice Instructor Training Course" the School Director shall:

26 (1) Schedule course presentation to include 40 hours of instruction each week during consecutive calendar
 27 weeks until course requirements are completed;

28 (2) Schedule at least one evaluator for each six trainees, as follows:

29 (A) no evaluator shall be assigned more than six trainees during a course delivery;

30 (B) each evaluator, as well as the instructors, must have successfully completed a Commission-
 31 certified instructor training course or an equivalent instructor training course utilizing the
 32 Instructional Systems Design model, an international model with applications in education,
 33 military training, and private enterprise; and

34 (C) each instructor and evaluator must document successful participation in a program presented
 35 by the Justice Academy for purposes of familiarization and supplementation relevant to
 36 delivery of the instructor training course and trainee evaluation;

- 1 (3) Not fewer than 30 days before commencing delivery of the course, submit to the Commission a Pre-
 2 Delivery Report of Training Course Presentation Form F-10A(ITC) with the following attachments:
 3 (A) a course schedule showing arrangement of topical presentations and proposed instructional
 4 assignments;
 5 (B) the names and last four digits of the social security numbers of all instructors and evaluators;
 6 and
 7 (C) a copy of any rules, regulations, and requirements for the school; and
 8 (4) Not more than 10 days after course completion submit to the Commission a Post-Delivery Report
 9 [Form F-10B(ITC)] containing the following:
 10 (A) class enrollment roster;
 11 (B) a course schedule with designation of instructors and evaluators utilized in delivery;
 12 (C) scores recorded for each trainee on both the 80 minute skill presentation and the final written
 13 examination; presentation; and
 14 (D) designation of trainees who successfully completed the course in its entirety and whom the
 15 School Director finds to be competent to instruct.

16 (d) In addition to Paragraph (a) of this Rule, in planning, developing, coordinating and delivering each Commission
 17 certified radar, radar and time-distance, time-distance, or lidar speed measurement operator training course or re-
 18 certification course, the School Director shall:

- 19 (1) select and schedule radar, time-distance, or lidar speed measurement instrument instructors who are
 20 certified by the Commission as instructors for the specific speed measurement instruments in which the
 21 trainees are to receive instruction;
 22 (A) provide to the instructor the Commission form(s) for motor skill examination on each trainee;
 23 (B) require the instructor to complete the motor skill examination form on each trainee indicating
 24 the level of proficiency obtained on each specific instrument; and
 25 (C) require each instructor to sign each individual form and submit the original to the School
 26 Director;
 27 (2) not fewer than 30 days before the scheduled starting date submit to the Director of the Standards
 28 Division a Request for Training Pre-Delivery Report of Speed Measuring Instrument Course
 29 Presentation [Form F-10A (SMI)] which shall contain a period of course delivery including the
 30 proposed starting date, course location location, requested date and location for the administration of
 31 the state exam and the number of trainees to be trained on each type of approved speed measurement
 32 instrument. The Director of the Standards Division shall review the request and notify the School
 33 Director if the request is approved or denied; and
 34 (3) upon completing delivery of the Commission-certified course, and not more than 10 days after
 35 receiving from the Commission's representative the Report of Examination Scores, the conclusion of a
 36 school's offering of a certified radar, radar and time-distance, time-distance, or lidar speed
 37 measurement operator training course or re-certification course, the School Director shall notify the

1 Commission regarding the progress and achievements of each trainee by submitting a Post-Delivery
2 Report of Training Course ~~Presentation~~. Presentation [Form F-10B (SMI)]. This report shall include
3 the original motor-skill examination form(s) completed and signed by the certified instructor
4 responsible for administering the motor-skill examination to the respective trainee.

5
6 *History Note: Authority G.S. 17C-6;*
7 *Eff. January 1, 1981;*
8 *Amended Eff. November 1, 1981;*
9 *Readopted w/change Eff. July 1, 1982;*
10 *Amended Eff. June 1, 2013; April 1, 2009; November 1, 2007; January 1, 2006; May 1, 2004; August*
11 *1, 2000; January 1, 1996; November 1, 1993; December 1, 1987; January 1, 1985.*
12

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Rule Citation: 12 NCAC 09B .0205

Agency: Criminal Justice and Training Standards Commission

Page 2, Paragraph (d), is there no cost for the "Basic Law Enforcement Training Course Management Guide"?

Page 2, line 30, is the use of the term "Academy" correct? This is not a defined term and is used in an inconsistent manner throughout this Subchapter. Sometimes it is the "North Carolina Justice Academy" or "Justice Academy."

1 **12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING**

2 (a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee
3 with the skills and knowledge to perform those tasks essential to function in law enforcement.

4 (b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of ~~620~~ 616 hours of
5 instruction and shall include the following identified topical areas and minimum instructional hours for each:

6	(1)	LEGAL UNIT	
7		(A) Motor Vehicle Laws	20 Hours
8		(B) Preparing for Court and Testifying in Court	12 Hours
9		(C) Elements of Criminal Law	24 Hours
10		(D) Juvenile Laws and Procedures	8 Hours
11		(E) Arrest, Search and Seizure/Constitutional Law	28 Hours
12		(F) ABC Laws and Procedures	4 Hours
13		UNIT TOTAL	96 Hours
14	(2)	PATROL DUTIES UNIT	
15		(A) Techniques of Traffic Law Enforcement	24 Hours
16		(B) Explosives and Hazardous Materials Emergencies	12 Hours
17		(C) Traffic Crash Investigation	20 Hours
18		(D) In-Custody Transportation	8 Hours
19		(E) Crowd Management	12 Hours
20		(F) Patrol Techniques	28 Hours
21		(G) Law Enforcement Communication and Information Systems	8 Hours
22		(H) Anti-Terrorism	4 Hours
23		(I) Rapid Deployment	8 Hours
24		UNIT TOTAL	124 Hours
25	(3)	LAW ENFORCEMENT COMMUNICATION UNIT	
26		(A) Responding to Victims and the Public	10 Hours
27		(B) Domestic Violence Response	12 Hours
28		(C) Ethics for Professional Law Enforcement	4 Hours
29		(D) Individuals with Mental Illness and Developmental Disabilities	8 Hours
30		(E) Crime Prevention Techniques	6 Hours
31		(F) Communication Skills for Law Enforcement Officers	8 Hours
32		UNIT TOTAL	48 Hours
33	(4)	INVESTIGATION UNIT	
34		(A) Fingerprinting and Photographing Arrestee	6 Hours
35		(B) Field Note-taking and Report Writing	12 Hours
36		(C) Criminal Investigation	34 Hours
37		(D) Interviews: Field and In-Custody	16 Hours

1	(E)	Controlled Substances	12 Hours
2	(F)	Human Trafficking	2 Hours
3		UNIT TOTAL	82 Hours
4	(5)	PRACTICAL APPLICATION UNIT	
5	(A)	First Responder	32 Hours
6	(B)	Firearms	48 Hours
7	(C)	Law Enforcement Driver Training	40 Hours
8	(D)	Physical Fitness (classroom instruction)	8 Hours
9	(E)	Fitness Assessment and Testing	12 Hours
10	(F)	Physical Exercise 1 hour daily, 3 days a week	34 Hours
11	(G)	Subject Control Arrest Techniques	40 Hours
12		UNIT TOTAL	214 Hours
13	(6)	SHERIFF-SPECIFIC UNIT	
14	(A)	Civil Process	24 Hours
15	(B)	Sheriffs' Responsibilities: Detention Duties	4 Hours
16	(C)	Sheriffs' Responsibilities: Court Duties	6 Hours
17		UNIT TOTAL	34 Hours
18	(7)	COURSE ORIENTATION	2 Hours
19	(8)	TESTING	20 16 Hours
20		TOTAL COURSE HOURS	620 616 Hours

(c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course for law enforcement officers as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at a cost of eighty-seven dollars and ten cents (\$87.10) from the Academy at the following address:

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

(d) The "Basic Law Enforcement Training Course Management Guide" published by the North Carolina Justice Academy shall be used by school directors in planning, implementing and delivering basic training courses. Copies of this guide may be obtained from the Justice Academy.

1
2 *History Note: Authority G.S. 17C-6; 17C-10;*
3 *Eff. January 1, 1981;*
4 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12,*
5 *1984;*
6 *Amended Eff. February 1, 2014; July 1, 2011; July 1, 2009; January 1, 2006; August 1, 2002;*
7 *August 1, 2000; November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1,*
8 *1989.*
9

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Rule Citation: 12 NCAC 09B .0302

Agency: Criminal Justice and Training Standards Commission

Line 5, move the period inside the quotation mark

1 **12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION**

2 (a) General Instructor Certification issued after December 31, 1984 shall be limited to those topics which are not
3 expressly incorporated under the Specific Instructor Certification category. Individuals certified under the general
4 instructor category are not authorized to teach any of the subjects specified in Rule 09B .0304, entitled "Specific
5 Instructor Certification". To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a
6 combination of education and experience in criminal justice and proficiency in the instructional process to the satisfaction
7 of the Commission. The applicant shall meet the following requirements for General Instructor Certification:

8 (1) Present documentary evidence showing that the applicant:

9 (A) is a high school graduate, or has passed the General Education Development Test (GED)
10 indicating high school equivalency, and

11 (B) has acquired four years of practical experience as a criminal justice officer or as an
12 administrator or specialist in a field directly related to the criminal justice system.

13 (2) Present evidence showing successful completion of a Commission-certified instructor training program
14 or an equivalent instructor training course utilizing the Instructional Systems Design model, an
15 international model with applications in education, military training, and private enterprise.

16 (3) Successfully pass the comprehensive written examination administered by the Commission, as required
17 in Rule 09B .0413(e) of this Subchapter.

18 (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the
19 date the applicant successfully ~~passed the state comprehensive examination administered at the conclusion of~~ completed
20 the Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional
21 Systems Design model, an international model with applications in education, military training, and private enterprise.

22 (c) Persons having completed a Commission-certified instructor training course or an equivalent instructor training
23 course utilizing the Instructional Systems Design model, an international model with applications in education, military
24 training, and private enterprise, and not having made application within 60 days of completion of the course shall
25 complete a subsequent Commission-certified instructor training course in its entirety.

26 (d) Applicants for Speed Measuring Instrument Instructor courses must possess full general instructor certification.

27
28 *History Note: Authority G.S. 17C-6.*

29 *Eff. January 1, 1981;*

30 *Amended Eff. January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991; December 1, 1987;*

31 *October 1, 1985; January 1, 1985.*

32

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Rule Citation: 12 NCAC 09B .0304

Agency: Criminal Justice and Training Standards Commission

Line 13, add a period after "Emergencies"

Lines 16 thru 17 contains an outside citation. Please incorporate this outside authority in accordance with 26 NCAC 02C .0109

Lines 18 thru 19, would this sentence read clearer if the topical areas were provided in a list format?

Lines 18 and 22, should "Subject" be replaced with "topical area" to be consistent?

Line 28, add "and" after "course"

Page 2, line 2, is there a specific "North Carolina teaching certificate"? If so, please clearly identify.

Page 3, lines 30 thru 31 contains an outside citation. Please incorporate this outside authority in accordance with 26 NCAC 02C .0109

1 **12 NCAC 09B .0304 SPECIALIZED INSTRUCTOR CERTIFICATION**

2 (a) The Commission may issue a Specialized Instructor Certification to an applicant who has developed specific motor
3 skills and abilities by virtue of special training and demonstrated experience in one or more of the following topical areas:

- 4 (1) Subject Control Arrest Techniques;
5 (2) First Responder;
6 (3) Firearms;
7 (4) Law Enforcement Driver Training;
8 (5) Physical Fitness;
9 (6) Restraint, Control and Defense Techniques (Department of Public Safety, Division of Adult
10 Correction and Juvenile Justice);
11 (7) Medical Emergencies (Department of Public Safety, Division of Adult Correction and Juvenile
12 Justice); or
13 (8) Explosive and Hazardous Materials Emergencies

14 (b) To qualify for and maintain any Specialized Instructor Certification, an applicant must possess a valid CPR
15 Certification that includes cognitive and skills testing, through an organization whose curriculum meets the national
16 standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency
17 Cardiovascular Care.

18 (c) To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques, Firearms, Law
19 Enforcement Driver Training, Physical Fitness, and Explosive and Hazardous Materials Emergencies, an applicant must
20 achieve a minimum score of 75 percent on the comprehensive written exam, as specified in Rule 9B .0414 of this
21 Subchapter.

22 (c) To qualify for Specialized Instructor Certification in the Subject Control Arrest Techniques topical area, an applicant
23 must meet the following requirements:

- 24 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
25 specified in Rule .0303 of this Section;
26 (2) Successfully complete the pertinent Commission-approved specialized instructor training course and
27 ~~achieve a minimum score of 75 percent on the Commission's comprehensive written examination;~~
28 course;
29 (3) Obtain the recommendation of a Commission-certified school director or in-service training
30 coordinator.

31 (d) To qualify for Specialized Instructor Certification in the First Responder topical area, an applicant must satisfy one of
32 the following two options:

- 33 (1) The first option is:
34 (A) hold CPR instructor certification through an organization whose curriculum meets the
35 national standards set forth by the International Guidelines Conference on Cardiopulmonary
36 Resuscitation and Emergency Cardiovascular Care;
37 (B) hold, or have held, basic Emergency Medical Technician certification;

- 1 (C) have successfully completed the Department of Transportation's 40 hour EMT Instructor
 2 Course or equivalent within the last three years or hold a North Carolina teaching certificate;
 3 and
- 4 (D) obtain the recommendation of a Commission-certified school director or in-service training
 5 coordinator.
- 6 (2) The second option is:
- 7 (A) hold General Instructor Certification, either probationary status or full general instructor
 8 status, as specified in Rule .0303 of this Section;
- 9 (B) hold CPR instructor certification through an organization whose curriculum meets the
 10 national standard;
- 11 (C) hold, or have held, basic EMT certification; and
- 12 (D) obtain the recommendation of a Commission-certified school director or in-service training
 13 coordinator.
- 14 (e) To qualify for Specialized Instructor Certification in the Firearms topical area, an applicant must meet the following
 15 requirements:
- 16 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
 17 specified in Rule .0303 of this Section;
- 18 (2) Successfully complete the pertinent Commission-approved specialized instructor training ~~course and~~
 19 ~~achieve a minimum score of 75 percent on the Commission's comprehensive written examination;~~
 20 course; and
- 21 (3) Obtain the recommendation of a Commission-certified school director or in-service training
 22 coordinator.
- 23 (f) To qualify for Specialized Instructor Certification in the Law Enforcement Driver Training topical area, an applicant
 24 must meet the following requirements:
- 25 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
 26 specified in Rule .0303 of this Section;
- 27 (2) Successfully complete the pertinent Commission-approved specialized instructor training ~~course and~~
 28 ~~achieve a minimum score of 75 percent on the Commission's comprehensive written examination;~~
 29 course; and
- 30 (3) Obtain the recommendation of a Commission-certified school director or in-service training
 31 coordinator.
- 32 (g) To qualify for Specialized Instructor Certification in the Physical Fitness topical area, an applicant shall become
 33 certified through one of the following two methods:
- 34 (1) The first method is:
- 35 (A) hold General Instructor Certification, either probationary status or full general instructor
 36 status, as specified in Rule .0303 of this Section;

- 1 (B) successfully complete the pertinent Commission-approved specialized instructor training
 2 course and achieve a minimum score of 75 percent on the Commission's comprehensive
 3 written examination; course; and
- 4 (C) obtain the recommendation of a Commission-certified School Director.
- 5 (2) The second method is:
- 6 (A) successfully complete the pertinent Commission-approved specialized instructor training
 7 course and achieve a minimum score of 75 percent on the Commission's comprehensive
 8 written examination; course;
- 9 (B) obtain the recommendation of a Commission-certified School director or in-service training
 10 coordinator; and
- 11 (C) meet one of the following qualifications:
- 12 (i) hold a valid North Carolina Teacher's Certificate and hold a baccalaureate degree in
 13 physical education and be presently teaching in physical education topics; or
- 14 (ii) be presently instructing physical education topics in a community college, college
 15 or university and hold a baccalaureate degree in physical education.
- 16 (h) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction
 17 and Juvenile Justice Restraint, Control and Defense Techniques topical area, an applicant must meet the following
 18 requirements:
- 19 (1) Hold General Instructor Certification, either probationary status or full general instructor status, as
 20 specified in Rule .0303 of this Section;
- 21 (2) Successfully complete the pertinent Commission-approved specialized instructor training course; and
- 22 (3) Obtain the recommendation of a Commission-certified school director.
- 23 (i) To qualify for Specialized Instructor Certification in the Department of Public Safety, Division of Adult Correction
 24 and Juvenile Justice Medical Emergencies topical area, an applicant must meet the following requirements:
- 25 (1) Have successfully completed a Commission-certified basic instructor training course or an equivalent
 26 instructor training course utilizing the Instructional Systems Design model, an international model with
 27 applications in education, military training, and private ~~enterprise, within the 12-month period~~
 28 ~~preceding application; enterprise~~;
- 29 (2) Hold instructor certification in CPR and First Aid by fulfillment of ~~the American Red Cross Instructor~~
 30 ~~requirements; and an organization whose curriculum meets the national standard instructor~~
 31 ~~requirements; and~~
- 32 (3) Obtain the recommendation of a Commission-certified school director.
- 33 (j) To qualify for Specialized Instructor Certification in the Explosive and Hazardous Materials Emergencies topical
 34 area, an applicant must satisfy one of the following two options:
- 35 (1) The first option is:
- 36 (A) hold General Instructor Certification, either probationary status or full general instructor
 37 status, as specified in Rule .0303 of this Section;

- 1 (B) successfully complete the pertinent Commission-approved specialized instructor training
- 2 ~~course and achieve a minimum score of 75 percent on the Commission's comprehensive~~
- 3 ~~written examination; course; and~~
- 4 (C) obtain the recommendation of a Commission-certified school director or in-service training
- 5 coordinator.
- 6 (2) The second option is:
- 7 (A) have successfully completed the Fire Service Instructor Methodology Course or the
- 8 equivalent utilizing the Instructional Systems Design model, an international model with
- 9 applications in education, military training, and private enterprise;
- 10 (B) successfully complete the pertinent Commission-approved specialized instructor training
- 11 course; and
- 12 (C) obtain the recommendation of a Commission-certified school director or in-service training
- 13 coordinator.

14
15 *History Note: Authority G.S. 17C-6;*
16 *Eff. January 1, 1981;*
17 *Amended Eff. August 1, 2000; July 1, 1991; March 1, 1990; July 1, 1989; December 1, 1987;*
18 *Temporary Amendment Eff. January 1, 2001;*
19 *Amended Eff. June 1, 2013; April 1, 2009; August 1, 2006; January 1, 2006; December 1, 2004;*
20 *August 1, 2002.*
21

Counsel Note

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Rule Citation: 12 NCAC 09B .0401

Agency: Criminal Justice and Training Standards Commission

Lines 4 thru 5, and lines 8 thru 9, are these sentences talking about the same content:

“shall satisfactorily complete a commission-accredited basic training course”

“shall have satisfactorily completed in its entirety the accredited basic training course as prescribed by 12 NCAC 9B .0205(b)”

The end goal is close to the same, but is written in a confusing format. Consider re-writing as follows:

“shall complete the basic training course as prescribed in 12 NCAC 09B .0205(b)”

Lines 14 and 15, is the “comprehensive written exam” different from the “State Comprehensive Examination”? If not, pick one consistent way to write.

Lines 14 and 18, what is being “recognized under these Rules”? Should that be a reference to 12 NCAC 09B .0205?

Line 16, replace “which” with “that”

Lines 16 and 17, the statutory authority for regulating local confinement personnel appears to be limited to “supervisory and administrative personnel.” To clarify the statutory authority, add the phrase “supervisory and administrative personnel” before “personnel” and “position.”

Line 17 thru 18, why do local confinement supervisory and administrative personnel not be required to pass the comprehensive written exam?

1 **SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**2
3 **12 NCAC 09B .0401 TIME REQUIREMENT FOR COMPLETION OF TRAINING**

4 (a) Each criminal justice officer, with the exception of law enforcement officers, holding probationary certification shall
5 satisfactorily complete a commission-accredited basic training course which includes training in the skills and knowledge
6 necessary to perform the duties of his office. The officer shall complete such course within one year from the date of his
7 original appointment as determined by the date of the probationary certification.

8 (b) Each law enforcement officer, except wildlife enforcement officers, shall have satisfactorily completed in its entirety the
9 accredited basic training course as prescribed in 12 NCAC 9B .0205(b) prior to obtaining probationary certification.

10 (c) Each wildlife enforcement officer shall have satisfactorily completed in its entirety the Basic Training -- Wildlife
11 Enforcement Officers' course stipulated in 12 NCAC 9B .0228(b) prior to obtaining probationary certification.

12 (d) If a trainee completes the basic training course prior to being employed as a law enforcement officer, the trainee shall be
13 duly appointed and sworn as a law enforcement officer within one year of ~~the completion of training~~ successfully passing the
14 comprehensive written exam for that basic training course to be recognized under these Rules. This one year period shall
15 begin with the successful completion of the State Comprehensive Examination.

16 (e) If local confinement personnel complete basic training prior to being employed by a facility in a position which requires
17 certification, such personnel shall be duly appointed to a local confinement facility position within one year of the completion
18 of training for that basic training course to be recognized under these Rules. This one year period shall begin with the
19 successful completion of the State Comprehensive Examination.

20
21 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*

22 *Eff. January 1, 1981;*

23 *Amended Eff. January 1, 1995; March 1, 1992; July 1, 1989; June 1, 1986.*

Counsel Note

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Rule Citation: 12 NCAC 09B .0406

Agency: Criminal Justice and Training Standards Commission

Line 7, the citation appears to be incorrect and should be (b), not (a).

Lines 7 thru 8, what is the purpose of the sentence "Each unit is designed..." This seems like a statement of aspiration and not a rule.

Line 12, the citation is to this rule and should be deleted and replaced with "Paragraph (b) of this Rule."

Line 16, delete "he/she" and replace with "he or she"

Counsel Note

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Rule Citation: 12 NCAC 09B .0406, .0408, and .0413

Agency: Criminal Justice and Training Standards Commission

There rules appear to have similar content, but in an inconsistent content.

Line 8 on .0406 and .0408, and line 8 of .0413, what is five days? Is that calendar or business days? Please clarify.

.0406 – lines 18, 20, 22, 24, and 26 should begin with capital letters

.0408 – why are paragraphs (g) thru (j) not intended into subparagraphs?

The rules reference “on the Commission’s form.” Where is the form located? How does the regulated public know how to obtain the form?

What does the term “prescribed minimum score” mean? This is needs to be defined or deleted. This may be related to the term “successfully.”

For the following clause:

“trainee may not be given successful completion (or recommendation, depending on rule)...”

That clause should be re-written as follows:

“trainee shall not be course completion certification (or recommendation, depending on the rule). The trainee may enroll...”

1 **12 NCAC 09B .0406 COMPREHENSIVE WRITTEN EXAMINATION -- BASIC LAW ENFORCEMENT**
 2 **TRAINING**

3 (a) At Within 60 days of the conclusion of a school's offering of the Basic Law Enforcement Training Course in its entirety,
 4 the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily completed all of
 5 the required course work. A trainee shall not be administered the comprehensive written examination until such time as all of
 6 the course work is completed.

7 (b) The examination shall be comprised of six units as specified in 12 NCAC 9B .0205(a). Each unit is designed to test the
 8 trainees' proficiency in that unit.

9 (c) The Commission's representative shall submit to the school director within five days of the administration of the
 10 examination a report of the results of the test for each trainee examined.

11 (d) A trainee shall have successfully completed the comprehensive written examination upon achieving a minimum of 70
 12 percent correct answers on each of the six units as prescribed in 12 NCAC 9B .0406(b).

13 (e) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated
 14 satisfactory competence in each motor-skill or performance area of the course curriculum but has failed to achieve the
 15 minimum score of 70 percent on no more than two units of the Commission's comprehensive written examination may request
 16 the Director of the Standards Division to authorize a re-examination of the trainee in only those units for which he/she failed
 17 to make a passing score of 70 percent:

18 (1) the trainee's request for re-examination shall be made in writing on the Commission's form and shall be
 19 received by the Standards Division within 30 days of the examination.

20 (2) the trainee's request for re-examination shall include the favorable recommendation of the school director
 21 who administered the course(s).

22 (3) a trainee shall have, within ~~90~~ 60 days of the original examination(s), only one opportunity for
 23 re-examination and shall satisfactorily complete the subsequent unit examination in its entirety.

24 (4) the trainee will be assigned in writing by the Director of the Standards Division a place, time, and date for
 25 re-examination.

26 (5) should the trainee on re-examination not achieve the prescribed minimum score on the examination, the
 27 trainee may not be given successful course completion and shall enroll and successfully complete a
 28 subsequent offering of the Basic Law Enforcement Training Course in its entirety.

29 (f) A trainee who fails to achieve a passing score of 70 percent on three or more of the units as prescribed in 12 NCAC 9B
 30 .0406(b) shall not be given the opportunity for re-examination on those units; and shall enroll in and successfully complete a
 31 subsequent offering of the Basic Law Enforcement Training Course in its entirety.

32
 33 *History Note: Authority G.S. 17C-6; 17C-10;*

34 *Eff. January 1, 1981;*

35 *Amended Eff. August 1, 2000; July 1, 1989; July 1, 1985; January 1, 1983.*

1 **12 NCAC 09B .0408 COMPREHENSIVE WRITTEN EXAMINATION -- BASIC SMI**
2 **CERTIFICATION**

3 (a) ~~At~~ Within 60 days of the conclusion of the classroom instruction portion of a school's offering of any speed
4 measurement instrument operator course or re-certification course, ~~an authorized representative of the Commission shall~~
5 ~~administer to all candidates for certification as operators a comprehensive written examination. the Commission shall~~
6 administer a comprehensive written examination to each trainee who has satisfactorily completed all of the required
7 course work.

8 (b) The examination shall be an objective test covering the topic areas contained in the certified course curriculum.

9 (c) The Commission's representative shall submit to the school director within five days of the administration of the
10 examination a report of the results of the test for each candidate for certification.

11 (d) A trainee shall pass the operator training course as required in 12 NCAC 09B .0212, .0213, .0214, .0238, .0242, or
12 .0244 by achieving 70 percent correct answers.

13 (e) An operator seeking recertification shall pass the operator training recertification course as specified in 12 NCAC
14 09B .0220, .0221, .0222 .0240, .0243, or .0245 by achieving 75 percent correct answers.

15 (f) A trainee who has fully participated in a scheduled delivery of a certified training course and has demonstrated 100
16 percent competence in each motor-skill or performance area of the course curriculum but has failed to achieve the
17 prescribed score, as specified in Paragraph (d) of this Rule, on the Commission's comprehensive written examination may
18 request the Director of the Standards Division to authorize a re-examination of the trainee.

19 (g) The trainee's request for re-examination shall be made in writing on the Commission's form and shall be received by
20 the Standards Division within 30 days of the examination.

21 (h) The trainee's request for re-examination shall include the favorable recommendation of the school director who
22 administered the course.

23 (i) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for re-examination and shall
24 satisfactorily complete the subsequent examination in its entirety.

25 (j) The trainee shall be notified by the Standards Division staff of a place, time, and date for re-examination.

26 (k) If the trainee fails to achieve the prescribed minimum score on the re-examination, the trainee may not be
27 recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further
28 examination may be permitted.

29
30 *History Note: Authority G.S. 17C-6;*
31 *Eff. November 1, 1981;*
32 *Readopted Eff. July 1, 1982;*
33 *Amended Eff. November 1, 2007; May 1, 2004; April 1, 1999; December 1, 1987; October 1, 1983;*
34 *April 1, 1983.*
35

Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

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Rule Citation: 12 NCAC 09B .0413

Agency: Criminal Justice and Training Standards Commission

Does Paragraph (a) require cross-reference citations to help the public find the course information and how to get the manual?

1 **12 NCAC 09B .0413 COMPREHENSIVE WRITTEN EXAM -- INSTRUCTOR TRAINING**

2 (a) An authorized representative of the Commission shall administer a comprehensive written examination to each trainee
3 who has satisfactorily completed the first 12 units of the "Criminal Justice Instructor Training Course" as described in the
4 "Basic Instructor Training Manual." This comprehensive written examination shall be administered within 60 days of the
5 successful completion of the first 12 units of the "Criminal Justice Instructor Training Course."

6 (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the topic
7 areas contained in the accredited course curriculum.

8 (c) The Commission's representative shall submit to the school director within five days of the administration of the
9 examination a report of the results of the test for each trainee examined.

10 (d) A trainee shall successfully complete the comprehensive written examination if he/she achieves a minimum of 75 percent
11 correct answers.

12 (e) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated
13 satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has failed
14 to achieve the minimum passing score of 75 percent on the Commission's comprehensive written examination, may request the
15 Director of the Standards Division to authorize a re-examination of the trainee.

16 (1) The trainee's request for re-examination shall be made in writing on the Commission's form and shall be
17 received by the Standards Division within 30 days of the examination.

18 (2) The trainee's request for re-examination shall include the favorable recommendation of the school director
19 who administered the course.

20 (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for
21 re-examination and shall satisfactorily complete the subsequent examination in its entirety.

22 (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for
23 re-examination.

24 (5) Should the trainee on re-examination not achieve the prescribed minimum score on the examination, the
25 trainee may not be given successful course completion and shall enroll and successfully complete a
26 subsequent offering of the instructor course in its entirety before further examination may be permitted.

27 (f) A trainee who fails to score at least 65 percent on the Commission's comprehensive written examination shall be
28 terminated from the course.

29
30 *History Note: Authority G.S. 17C-6; 17C-10;*

31 *Eff. February 1, 1987;*

32 *Amended Eff. January 1, 1995.*

33

34

35

Counsel Note

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Rule Citation: 12 NCAC 09B .0414

Agency: Criminal Justice and Training Standards Commission

Consider providing the information in Paragraph (a) in a list format.

Line 9, replace "cannot" with "shall not"

Line 13, what is five days? Is that calendar or business days? Please clarify.

1 **12 NCAC 09B .0414 COMPREHENSIVE WRITTEN EXAM - SPECIALIZED INSTRUCTOR TRAINING**

2 (a) At Within 60 days of the conclusion of a school's offering of the "Specialized Firearms Instructor Training,"
3 "Specialized Driver Instructor Training," "Specialized Subject Control Arrest Techniques Instructor Training,"
4 "Specialized Physical Fitness Instructor Training," "Specialized Explosives and Hazardous Materials Instructor
5 Training," the "Radar Instructor Training," the "Criminal Justice Time-Distance/Speed Measurement Instrument
6 (TD/SMI) Instructor Training," the "LIDAR Instructor Training," the "Re-Certification Training for Radar Instructors,"
7 the "Re-Certification Training for TD/SMI Instructors," and the "Re-Certification Training for LIDAR Instructors"
8 courses, the Commission shall administer a comprehensive written examination to each trainee who has satisfactorily
9 completed all of the required course work. A trainee cannot be administered the comprehensive written examination until
10 such time as all of the required course work is completed.

11 (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the
12 topic areas contained in the certified course curriculum.

13 (c) The Commission's representative shall submit to the school director within five days of the administration of the
14 examination a report of the results of the test for each trainee examined.

15 (d) A trainee shall successfully complete the comprehensive written examination if he or she achieves 75 percent correct
16 answers.

17 (e) A trainee who fails to achieve a minimum score of 75 percent on the Commission's comprehensive written
18 examination shall enroll and successfully complete a subsequent offering of the specialized instructor training course in
19 its entirety before further examination may be permitted.

20
21 *History Note: Authority G.S. 17C-6; 17C-10;*
22 *Eff. February 1, 1987;*
23 *Amended Eff. June 1, 2013; May 1, 2004; August 1, 2000; April 1, 1999; July 1, 1989.*

Counsel Note

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Rule Citation: 12 NCAC 09B .0416

Agency: Criminal Justice and Training Standards Commission

What does the term “minimum criteria” mean? This is needs to be defined or deleted.
This may be related to the term “successfully.”

Line 16, delete “he/she” and replace with “he or she”

Lines 9 thru 11, replace “must” with “shall” where appropriate

1 **12 NCAC 09B .0416 SATISFACTION OF MINIMUM TRAINING -- SMI INSTRUCTOR**

2 (a) To acquire successful completion of the "Speed Measurement Instrument (SMI) Instructor Training Courses," and
3 the "SMI Instructor Re-Certification Courses", the trainee shall:

4 (1) satisfactorily complete all required course work as specified in Rules .0210, .0211, .0218, .0219,
5 .0237, or .0239 of this Subchapter for the specific course in ~~attendance~~; and attendance.

6 (2) ~~achieve a score of 75 percent correct answers on a Commission-administered comprehensive written~~
7 ~~examination.~~

8 (b) If the trainee ~~passes the written examination but~~ fails to meet the minimum criteria on an area of motor-skills testing,
9 he/she shall be authorized one opportunity for a re-test. Such re-test must be at the recommendation of the school
10 director and a request must be made to the Standards Division within 30 days of the original testing. ~~Re~~examination
11 must be completed within 90 days of the original testing. Failure on the re-test requires enrollment in a subsequent SMI
12 operator course and an SMI instructor course.

13
14 *History Note: Authority G.S. 17C-6; 17C-10;*
15 *Eff. February 1, 1987;*
16 *Amended Eff. November 1, 2007; April 1, 1999.*

Counsel Note

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Rule Citation: 12 NCAC 09C .0211

Agency: Criminal Justice and Training Standards Commission

Consider providing the information requested in a list format.

Correct the spacing on the History Note.

1 **12 NCAC 09C .0211 PRE-DELIVERY REPORT OF TRAINING COURSE PRESENTATION**

2 The Pre-delivery Report of Training Course Presentation, is a form on which the School Director notifies the Commission of
3 its intent to present the Basic Law Enforcement Training course. Information requested includes the number of hours;
4 delivery period; location; anticipated number of trainees; the requested date and location for the administration of the state
5 comprehensive exam; and a topical course schedule including proposed instructional assignments.

6
7 *History Note: Authority G.S. 17C-6; 150B-11;*
8 *Eff. January 1, 1981;*
9 *Amended Eff. August 1, 2000.*

10

1 **12 NCAC 09C .0403 REPORTS OF TRAINING COURSE PRESENTATION AND COMPLETION**

2 (a) Each presentation of the "Basic Law Enforcement Training" course shall be reported to the Commission as follows:

3 (1) After acquiring accreditation for the course and before commencing each delivery of the course, the
4 school director shall notify the Commission of the school's intent to offer the training course by
5 submitting a Pre-delivery Report of Training Course Presentation; and

6 (2) ~~Not more than 10 days~~ Upon after completing delivery of the accredited course, ~~and not more than 10~~
7 ~~days after receiving from the Commission's representative the Report of Examination Scores, course,~~
8 the school director shall notify the Commission regarding the progress and achievement of each
9 enrolled trainee by submitting a Post-delivery Report of Training Course Presentation.

10 Note: Special arrangements shall be made between the Standards Division and the school director for the reporting of
11 law enforcement achievement in a Public Safety Officer course.

12 (b) Upon successful completion of a Commission-accredited training course by ~~state youth services~~ Juvenile Justice
13 Officer trainees, the director of the school conducting such course shall notify the Commission of the satisfactory
14 achievement of trainees by submitting a monthly Report of Training Course Completion.

15
16 *History Note: Authority G.S. 17C-6; 17C-10;*
17 *Eff. January 1, 1981;*
18 *Amended Eff. August 1, 2002; August 1, 2000; December 1, 1987.*

1 **12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION**

2 (a) General Instructor Certification after December 31, 1984 shall be limited to those topics which are not expressly
3 incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor
4 category are not authorized to teach any of the subjects specified in 12 NCAC 09G .0310, entitled "Specialized Instructor
5 Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination
6 of education and experience in corrections and proficiency in the instructional process to the satisfaction of the
7 Commission. The applicant shall meet the following requirements for General Instructor Certification:

8 (1) Present documentary evidence showing that the applicant:

9 (A) is a high school graduate, or has passed the General Education Development Test (GED)
10 indicating high school equivalency;

11 (B) has acquired four years of practical experience as a criminal justice officer or as an
12 administrator or specialist in a field directly related to the criminal justice system.

13 (2) Present evidence showing successful completion of a Commission-certified instructor training program
14 or an equivalent instructor training course utilizing the Instructional Systems Design model, an
15 international model with applications in education, military training, and private enterprise.

16 (3) Successfully pass the comprehensive written examination administered by the Commission, within 60
17 days of completion of the Commission-certified instructor training program.

18 (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the
19 date the applicant successfully ~~passed the state comprehensive examination administered at the conclusion of the~~
20 completed the Commission-certified instructor training program or an equivalent instructor training course utilizing the
21 Instructional Systems Design model, an international model with applications in education, military training, and private
22 enterprise.

23 (c) Persons having completed a Commission-certified instructor training course or an equivalent instructor training
24 course utilizing the Instructional Systems Design model, an international model with applications in education, military
25 training, and private enterprise, and not having made application within 60 days of completion of the course shall
26 complete a subsequent Commission-certified instructor training course in its entirety.

27
28 *History Note: Authority G.S. 17C-6;*
29 *Temporary Adoption Eff. January 1, 2001;*
30 *Eff. August 1, 2002;*
31 *Amended Eff. January 1, 2006.*
32

Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

Rule Citation: 12 NCAC 09G .0314

Agency: Criminal Justice and Training Standards Commission

Line 3, define or delete “satisfactorily”

Line 7, delete “he/she” and replace with “he or she”

Line 13, the rules reference “on the Commission’s form.” Where is the form located? How does the regulated public know how to obtain the form?

Line 21, what does the term “prescribed minimum score” mean? This is needs to be defined or deleted. This may be related to the term “successfully.”

For the following clause:

“trainee may not be given successful completion (or recommendation, depending on rule).”

That clause should be re-written as follows:

“trainee shall not be course completion certification (or recommendation, depending on the rule). The trainee may enroll...”

1 **12 NCAC 09G .0314 COMPREHENSIVE WRITTEN EXAM - INSTRUCTOR TRAINING**

2 (a) An authorized representative of the ~~North Carolina Department of Correction~~ Standards Division shall administer a
3 comprehensive written examination to each trainee who has satisfactorily completed the first 12 units of the ~~Corrections~~
4 Instructor Training Course as described in the ~~"Basic Instructor Training Manual."~~ "Instructor Training" manual.

5 (b) The examination shall be an objective test consisting of multiple-choice, true-false, or similar questions covering the
6 topic areas contained in the accredited course curriculum.

7 (c) A trainee shall successfully complete the comprehensive written examination if he/she achieves a minimum of 75
8 percent correct answers.

9 (d) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated
10 satisfactory competence in each performance area of the course curriculum, who has scored at least 65 percent but has
11 failed to achieve the minimum passing score of 75 percent on the comprehensive written examination, may request the
12 Director of the Standards Division to authorize a re-examination of the trainee.

13 (1) The trainee's request for re-examination shall be made in writing on the Commission's form and shall
14 be received by the Standards Division within 30 days of the examination.

15 (2) The trainee's request for re-examination shall include the favorable recommendation of the School
16 Director who administered the course.

17 (3) A trainee shall have, within ~~90~~ 60 days of the original examination, only one opportunity for
18 re-examination and shall satisfactorily complete the subsequent examination in its entirety.

19 (4) The trainee will be assigned in writing by the Standards Division staff a place, time, and date for
20 re-examination.

21 (5) Should the trainee on re-examination not achieve the prescribed minimum score on the examination,
22 the trainee may not be given successful course completion and shall enroll and successfully complete a
23 subsequent offering of the instructor course in its entirety before further examination may be
24 permitted.

25 ~~(f)~~(e) A trainee who fails to score at least 65 percent on the comprehensive written examination shall be terminated from
26 the course.

27
28 *History Note: Authority G.S. 17C-6; 17C-10;*
29 *Temporary Adoption Eff. January 1, 2001;*
30 *Eff. August 1, 2002.*

31

Counsel Note

Your agency submitted a rule for certification for publication pursuant to G.S. 150B-19.1. The Commission has not met and has not made a decision regarding this request.

In reviewing the rule submitted by your agency for certification, Counsel has noted the following, and recommends changing the rule as set forth below.

These are not required changes for approval pursuant to G.S. 150B-19.1. Do not submit a rewritten rule to address the requests set forth below. This is intended to assist you in preparing the rules for publication in the N.C. Register. Therefore, if you make these changes, please format them as required by 26 NCAC Subchapter 02C.

Rule Citation: 12 NCAC 09G .0414

Agency: Criminal Justice and Training Standards Commission

Paragraph (d), are there no costs associated? You specify a cost in 12 NCAC 09B .0205, so why not for this Rule?

1 **12 NCAC 09G .0414 INSTRUCTOR TRAINING**

2 (a) The instructor training course required for general instructor certification shall consist of a minimum of ~~80~~ 78 hours
3 of instruction presented during a continuous period of not more than two weeks.

4 (b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the
5 function of a criminal justice instructor.

6 (c) Each instructor training course shall include, as a minimum, the following identified topic areas:

- 7 (1) Orientation and Pretest;
- 8 (2) Curriculum Development: ISD Model;
- 9 (3) Civil Liability for Law Enforcement Trainers;
- 10 (4) Interpersonal Communication in Instruction;
- 11 (5) Lesson Plan Preparation: Professional Resources;
- 12 (6) Lesson Plan Preparation: Format and Objectives;
- 13 (7) Teaching Adults;
- 14 (8) Principles of Instruction: Demonstration Methods and Practical Exercise;
- 15 (9) Methods and Strategies of Instruction;
- 16 (10) The Evaluation Process;
- 17 (11) Principles of Instruction: Audio-Visual Aids;
- 18 (12) Student 10-Minute Talk and Video ~~Critique~~; Critique; and
- 19 (13) Student Performance:
 - 20 First 30-Minute Presentation;
 - 21 Second 30-Minute Presentation;
 - 22 Final 80-Minute ~~Presentation~~; and Presentation.
- 23 (14) ~~Examination~~.

24 (d) The "Basic Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the
25 basic curriculum for delivery of basic instructor training courses. Copies of this publication may be inspected at the
26 agency:

27 Criminal Justice Standards Division
28 North Carolina Department of Justice
29 ~~114 West Edenton Street~~ 1700 Tryon Park Drive
30 ~~Old Education Building~~
31 Post Office Drawer 149
32 Raleigh, North Carolina 27602

33 and may be purchased at cost from the Academy at the following address:

34 North Carolina Justice Academy
35 Post Office Drawer 99
36 Salemburg, North Carolina 28385

37

1 *History Note:* *Authority G.S. 17C-6;*
2 *Temporary Adoption Eff. January 1, 2001;*
3 *Eff. August 1, 2002.*
4