

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: ALL RULES

DEADLINE FOR RECEIPT: October 8, 2015

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

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Several rules refer to a "school director." Some references capitalize both words, others use lower case. Please be consistent. Generally, if it is a defined term it should be capitalized.

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

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0106

DEADLINE FOR RECEIPT: October 8, 2015

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

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 10 – delete “as such” and add “from” after “located,”

Line 12 – add “from” before “the state university”

Line 13 – On what bases will the Director determine whether other types of documentation will be permitted? Please clarify, perhaps by describing the factors used by the Director in making this decision.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09B .0106 is proposed for amendment as published in Vol. 29, Issue 19, page 2230:**

2
3 **12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS**

4 (a) Each applicant for employment as a criminal justice officer shall furnish to the employing agency documentary
5 evidence that the applicant has met the educational requirements for the criminal justice field of expected employment.

6 (b) Documentary evidence of educational requirements shall consist of official transcripts of courses completed or
7 diplomas received from a school which meets the approval guidelines of either the North Carolina Department of Public
8 Instruction, the Division of Non-Public Instruction, or comparable out-of-state agency. Documentary evidence of college
9 or university graduation, at an Associate's Degree or higher, consists of diplomas or transcripts from colleges or
10 universities accredited as such by the Department of Education of the state in which the institution is located, an
11 accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation,
12 or the state university of the state in which the institution is located. The Director of the Standards Division shall
13 determine whether other types of documentation will be permitted in specific cases. High school diplomas earned
14 through correspondence enrollment are not recognized toward these minimum educational requirements.

15 (c) Documentary evidence of having passed the General Educational Development Test shall be satisfied by a certified
16 copy of GED test results or GED certificate. A certified copy of a military GED diploma may be used as alternate
17 evidence of GED completion.

18
19 *History Note: Authority G.S. 17C-6; 17C-10;*

20 *Eff. January 1, 1981;*

21 *Amended Eff. November 1, 2015; June 1, 2012; August 1, 2000.*

22

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0111

DEADLINE FOR RECEIPT: October 8, 2015

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 16 – replace “proscribed by” with “pursuant to”

Lines 25-28 – delete the entire Note.

Line 30 – Please consider adding 17C-2 to the History Note, as in Rules .0114 and .0117..

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09B .0111 is proposed for amendment as published in Vol. 29, issue 19, pages 2230-31:**

2
3 **12 NCAC 09B .0111 MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS**

4 In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every law
5 enforcement officer employed by an agency in North Carolina shall:

- 6 (1) not have committed or been convicted of:
- 7 (a) a felony;
- 8 (b) a crime for which the punishment could have been imprisonment for more than two years;
- 9 (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior
10 to the date of application for employment;
- 11 (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the
12 date of conviction;
- 13 (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant
14 may be employed if the last conviction occurred more than two years prior to the date of
15 application for employment; or
- 16 (f) an offense that, proscribed by 18 USC 922(g)(8), would prohibit the possession of a firearm
17 or ammunition;
- 18 (2) be a high ~~school~~ school, college, or university graduate or have passed the General Educational
19 Development Test indicating high school equivalency; and
- 20 (3) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12
21 NCAC 09E .0105 and .0106. Such firearms training compliance must have occurred prior to
22 submission of the application for appointment to the Commission and must be completed using the
23 agency-approved service handgun(s) and any other weapon(s) that the applicant has been issued or
24 authorized to use by the agency.

25 Note: Although not presently required, the Commission recommends that, on the date of employment or within 24
26 months thereafter, every candidate for employment as a law enforcement officer have completed no less than six
27 semester units or nine quarter units of educational credit at an institution recognized by the United States Department of
28 Education and the Council for Higher Education Accreditation.

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

31 *Eff. January 1, 1981;*

32 *Amended Eff. November 1, 2015; April 1, 2009; August 1, 1998; December 1, 1987; October 1, 1985;*

33 *January 1, 1985; January 1, 1983.*

34

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0114

DEADLINE FOR RECEIPT: October 8, 2015

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – add a comma after “supervisor”

Lines 18-20 – delete the entire Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09B .0114 is proposed for amendment as published in Vol. 29, Issue 19, pages 2231-32:**

2

3 **12 NCAC 09B .0114 MINIMUM STANDARDS FOR LOCAL CONFINEMENT PERSONNEL**

4 In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every officer, supervisor
5 or administrator employed by a local confinement facility in North Carolina shall:

- 6 (1) not have committed or been convicted of:
 - 7 (a) a felony; or
 - 8 (b) a crime for which the punishment could have been imprisonment for more than two years; or
 - 9 (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to
10 the date of application for employment; or
 - 11 (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of
12 conviction; or
 - 13 (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant
14 may be employed if the last conviction occurred more than two years prior to the date of
15 application for employment;
- 16 (2) be a high ~~school~~ school, college, or university graduate or have passed the General Educational
17 Development Test indicating high school equivalency.

18 Note: Although not presently required by these Rules, the Commission recommends that, on the date of employment or
19 within 24 months thereafter, every candidate for employment as an officer, supervisor or administrator have completed no less
20 than six semester units or nine quarter units of educational credit at an accredited institution of higher education.

21

22 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
23 *Eff. June 1, 1986;*
24 *Amended Eff. November 1, 2015; December 1, 1987.*

25

26

27

1 **12 NCAC 09B .0117 is proposed for amendment as published in Vol. 29, Issue 19, page 2231:**

2

3 **12 NCAC 09B .0117 MINIMUM STANDARDS FOR JUVENILE JUSTICE OFFICERS**

4 In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every juvenile
5 justice officer employed by the North Carolina Department of Juvenile Justice and Delinquency Prevention shall:

- 6 (1) not have committed or been convicted of:
- 7 (a) a felony;
 - 8 (b) a crime for which the punishment could have been imprisonment for more than two
9 years;
 - 10 (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period
11 prior to the date of application for employment;
 - 12 (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of
13 the date of conviction; or
 - 14 (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the
15 applicant may be employed if the last conviction occurred more than two years prior to
16 the date of application for employment; and
- 17 (2) be a high ~~school~~ school, college, or university graduate or have passed the General Equivalency
18 Development Test indicating high school equivalency.

19

20 *History Note: Authority G.S. 17C-2; 17C-6; 17C-10;*
21 *Temporary Adoption Eff. April 15, 2003;*
22 *Eff. April 1, 2004.*
23 *Amended Eff. November 1, 2015*

24

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0203

DEADLINE FOR RECEIPT: October 8, 2015

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Throughout this Rule, please be consistent with whether "school director" is capitalized.

Page 1 line 4 – In addition, Paragraphs (b)-(i) all refer to what the school shall do or not do, rather than the school director referred to in (a). Unless there is a reason for the difference between (a) and (b)-(i), please consistently refer to either the "school" or the "school director."

Page 1 line 18 – insert "the" before "Basic" and capitalize "Law"

Page 1 line 19 – insert "Course" after "Training"

Page 1 line 21 – insert a comma after "2014" Is it the intention of this Rule to refer solely to the approval of October 17, 2014, or do you wish to incorporate more recent approvals? As written, the Rule refers solely to the approval of October 17, 2014.

Page 1 line 25 – what does "general certification" mean? Please provide a definition or refer to a rule.

Page 2, line 2 – insert a comma after "college"

Page 2, lines 24-28 – The first sentence of Paragraph (j) is confusing. Please consider something like this:

(j) Individuals charged with crimes as specified in Paragraph (i) of this Rule may be admitted into the Basic Law Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

Page 3, line 5 – delete the comma and insert “and” after “writing”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09B .0203 is proposed for amendment as published in Vol. 29, Issue 19, pages 2231-33:**

2
3 **12 NCAC 09B .0203 ADMISSION OF TRAINEES**

4 (a) The school director shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement
5 Training Course who is not a citizen of the United States.

6 (b) The school shall not admit any individual younger than 20 years of age as a trainee in any non-academic basic
7 criminal justice training course. Individuals under 20 years of age may be granted authorization for early enrollment
8 as trainees in a presentation of the Basic Law Enforcement Training Course with prior written approval from the
9 Director of the Standards Division. The Director shall approve early enrollment as long as the individual turns 20
10 years of age prior to the date of the State Comprehensive Examination for the course.

11 (c) The school shall give priority admission in certified criminal justice training courses to individuals holding full-
12 time employment with criminal justice agencies.

13 (d) The school shall not admit any individual as a trainee in a presentation of the "Criminal Justice Instructor
14 Training Course" who does not meet the education and experience requirements for instructor certification under
15 Rule .0302 of this Subchapter within 60 days of successful completion of the Instructor Training State
16 Comprehensive Examination.

17 (e) The school shall not admit an individual, including partial or limited enrollees, as a trainee in a presentation of
18 the Basic Law Enforcement Training Course unless the individual, within one year prior to admission to Basic law
19 Enforcement Training, places into course DRE 098 or above at a North Carolina Community College as a result of
20 taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement test as
21 approved by the State Board of Community Colleges on October 17, 2014
22 <http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014>), or has taken the
23 reading component of a nationally standardized test within one year prior to admission to Basic Law Enforcement
24 Training and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

25 (1) Partial or limited enrollee does not include enrollees who hold general certification or who have
26 held general certification within 12 months prior to the date of enrollment.

27 (2) A "nationally standardized test" means a test that:

28 (A) reports scores as national percentiles, stanines, or grade equivalents; and

29 (B) compares student test results to a national norm.

30 (f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
31 Course unless the individual has provided to the School Director a medical examination report, completed by a
32 physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to
33 determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of
34 the Standards Division shall grant an exception to this standard for a period of time not to exceed the
35 commencement of the physical fitness topical area when failure to receive the medical examination report is not due
36 to neglect on the part of the trainee.

- 1 (g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
2 Course unless the individual is a high ~~school~~ school, college or university graduate or has passed the General
3 Educational Development Test indicating a high school equivalency. High school diplomas earned through
4 correspondence enrollment are not recognized toward the educational requirements.
- 5 (h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training
6 Course unless the individual has provided the School Director a certified criminal record check for local and state
7 records for the time period since the trainee has become an adult and from all locations where the trainee has resided
8 since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state
9 criminal record check shall satisfy this requirement.
- 10 (i) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
11 Course who has been convicted of the following:
- 12 (1) a felony;
 - 13 (2) a crime for which the punishment could have been imprisonment for more than two years;
 - 14 (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to
15 the date of application for employment, unless the individual intends to seek certification through
16 the North Carolina Sheriffs' Education and Training Standards Commission;
 - 17 (4) four or more crimes or unlawful acts defined as "Class B Misdemeanors," regardless of the date of
18 conviction;
 - 19 (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors," except the trainee may
20 be enrolled if the last conviction date occurred more than two years prior to the date of enrollment;
 - 21 (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of
22 the date of conviction, unless the individual intends to seek certification through the North
23 Carolina Criminal Justice Education and Training Standards Commission.
- 24 (j) Individuals charged with crimes as specified in Paragraph (i) of this Rule, and such offenses were dismissed or
25 the person was found not guilty, may be admitted into the Basic Law Enforcement Training Course but completion
26 of the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or
27 justice officer through the North Carolina Criminal Justice Education and Training Standards Commission will be
28 issued. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training
29 Course shall notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no
30 contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) that are issued by a
31 judicial official after a hearing that provides an opportunity for both parties to be present. This includes all criminal
32 offenses except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving
33 While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where
34 the maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or
35 similar laws of other jurisdictions that shall be reported to the School Director are G.S 20-138.1 (driving while under
36 the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)
37 (fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious

1 name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S.
2 20-111(5) (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue
3 lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing
4 on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of
5 accident). The notifications required under this Paragraph shall be in writing, specify the nature of the offense, the
6 court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic
7 Violence Order (G.S. 50B), the final disposition, and the date thereof. The notifications required under this
8 Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The
9 requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law
10 Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under
11 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

12

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

14 *Eff. January 1, 1981;*

15 *Amended Eff. November 1, 2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1,*
16 *2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1,*
17 *1995; March 1, 1992; July 1, 1989; January 1, 1985.*

18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0302

DEADLINE FOR RECEIPT: October 8, 2015

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – Make “Certification” plural

Line 12 – insert a comma after “college”

Lines 17, 24, and 27 – Two rules reference the "Instructional Systems Design model," and this appears to be a citation to an outside authority. Please consider incorporating this outside authority in accordance with 26 NCAC 02C .0109, adding the citation at the first mention in the Code or as a defined term. Once incorporated, create cross references.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09B .0302 is proposed for amendment as published in Vol. 29, Issue 19, page 2233:**

2
3 **12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION**

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

- 11 (1) Present documentary evidence showing that the applicant:
- 12 (A) is a high ~~school~~ school, college or university graduate, or has passed the General
13 Education Development Test (GED) indicating a high school equivalency, and
- 14 (B) has acquired four years of practical experience as a criminal justice officer or as an
15 administrator or specialist in a field directly related to the criminal justice system.
- 16 (2) Present evidence showing completion of a Commission-certified instructor training program or an
17 equivalent instructor training course utilizing the Instructional Systems Design model, an
18 international model with applications in education, military training, and private enterprise.
- 19 (3) Pass the comprehensive written examination administered by the Commission, as required in Rule
20 .0413(d) of this Subchapter.

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

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

30 (d) Applicants for Speed Measuring Instrument Instructor courses shall possess general instructor certification.

31
32 *History Note: Authority G.S. 17C-6.*

33 *Eff. January 1, 1981;*

34 *Amended Eff. November 1, 2015; January 1, 2015; January 1, 2006; May 1, 2004; August 1,*
35 *2000; July 1, 1991; December 1, 1987; October 1, 1985; January 1, 1985.*

36

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0501

DEADLINE FOR RECEIPT: October 8, 2015

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Throughout this Rule, please be consistent with whether "school director" is capitalized.

Page 1, line 11 – delete "and" at the end of this line

Page 1, lines 15 and 20 – insert a comma and delete "or as" after "officer," insert a comma after "administrator," and insert "a" before "specialist"

Page 1, line 35 – replace "he/she" with "he or she"

Page 2, line 1 - and the term "successful completion" is not defined. Either define "successful" or delete this word.

Page 2, line 2 – How will the Commission determine whether a program is equivalent? Please clarify, perhaps by describing the factors used by the Commission in making this decision.

Page 2, line 2 – delete "and" at the end of this line

Page 2, lines 4-6 – Subparagraph is unclear generally, and the term "successful participation" is not defined. Please consider revising as follows if this is what the subparagraph is intended to say:

- (4) Document completion of a special program presented by the Justice Academy on delivery of the instructor training course and trainee evaluation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **SECTION .0500 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOL DIRECTORS**

2
3 **12 NCAC 09B .0501 is proposed for amendment as published in Vol. 29, Issue 19, pages 2233-34:**

4
5 **12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS**

6 (a) Any person designated to act as, or who performs the duties of, a school director in the delivery or presentation of a
7 Commission-certified criminal justice training course shall be and continuously remain certified by the Commission as a
8 school director.

9 (b) To qualify for initial certification as a criminal justice school director, an applicant shall:

10 (1) Attend and successfully complete a Commission-certified instructor training course or an equivalent
11 instructor training program as determined by the Commission (if certified after July 1, 2004); and

12 (2) Present documentary evidence showing that the applicant:

13 (A) is a ~~high school~~ school, college, or university graduate or has passed the General Education
14 Development Test (GED) indicating high school equivalency and has acquired five years of
15 practical experience as a criminal justice officer or as an administrator or specialist in a field
16 directly related to the criminal justice system. At least one year of the required five years
17 experience must have been while actively participating in criminal justice training as a
18 Commission-certified instructor; or

19 (B) has been awarded an associate degree and has acquired four years of practical experience as a
20 criminal justice officer or as an administrator or specialist in a field directly related to the
21 criminal justice system. At least one year of the required four years experience must have
22 been while directly participating in criminal justice training as a Commission-certified
23 instructor; or

24 (C) has been awarded a baccalaureate degree from a regionally accredited institution of higher
25 learning;

26 (3) Attend or must have attended the most current offering of the school director's orientation as
27 developed and presented by the Commission staff, otherwise an individual orientation with a staff
28 member shall be required.

29 (4) Submit a written request for the issuance of such certification executed by the executive officer of the
30 institution or agency currently certified, or which may be seeking certification, by the Commission to
31 make presentation of certified training programs and for whom the applicant will be the designated
32 school director.

33 (c) To qualify for certification as a school director in the presentation of the "Criminal Justice Instructor Training
34 Course" an applicant shall:

35 (1) Document that he/she has been awarded a baccalaureate degree from a regionally accredited institution
36 of higher learning; and

- 1 (2) Present evidence showing successful completion of a Commission-certified instructor training course
- 2 or an equivalent instructor training program as determined by the Commission; and
- 3 (3) Be currently certified as a criminal justice instructor by the Commission; and
- 4 (4) Document successful participation in a special program presented by the Justice Academy for
- 5 purposes of familiarization and supplementation relevant to delivery of the instructor training course
- 6 and trainee evaluation.

7

8 *History Note:* *Authority G.S. 17C-6;*
9 *Eff. January 1, 1985;*
10 *Amended Eff. November 1, 2015; July 1, 2004.*

11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09F .0104

DEADLINE FOR RECEIPT: October 8, 2015

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

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Is the title of this Rule "Instructor Qualifications" as shown on the draft rule or "Instructor Certification" as shown on the Submission for Permanent Rule form?

Lines 4-5 – Please consider revising as follows:

(a) To be approved to deliver the "Concealed Carry Handgun Training" course, instructors shall:

If you adopt this revision, please delete "the instructor shall" from lines 6, 11, and 14.

Line 12 – delete "on"

Line 16 – What does "course outline" mean – does it refer to the concealed carry handgun course" referred to in line 20 or to another course? Please specify.

Lines 16 and 19 – Is the "proof of firearm's instructor certification" in line 16 the same as the "proof of a current firearms instructor certification" in line 19? If so, please use identical language.

Line 17 – delete "on"

Line 25 – insert "and" before "domestic"

Line 27 – insert a comma after "arrest"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09F .0104 is proposed for amendment as published in Vol. 29, Issue 19, page 2234:**

2

3 **12 NCAC 09F .0104 INSTRUCTOR QUALIFICATIONS**

4 (a) Instructors shall meet the following qualifications for approval to deliver the "Concealed Carry Handgun Training"
5 course:

- 6 (1) the instructor shall hold one of the following certifications:
 - 7 (a) "Specific Instructor Certification-Firearms" issued by the Commission;
 - 8 (b) Private Protective Services Firearms Trainer Certification; or
 - 9 (c) "Firearms Instructor Certification" in Personal Protection, Basic Pistol, or Police Firearms
- 10 issued by the National Rifle Association;
- 11 (2) the instructor shall hold a certificate issued by the North Carolina Justice Academy showing ~~successful~~
12 completion of the course on "Laws Governing Concealed Handgun and Use of Deadly ~~Force;~~" Force";
13 and
- 14 (3) the instructor shall be eligible to receive or possess a firearm under Federal and North Carolina State
15 Law; and Law.

16 (b) If the instructor fails to file with the Commission a course outline and proof of firearm’s instructor certification as
17 specified in Paragraph (a)(1) of this Rule for two consecutive years, he or she must repeat the course on “Laws
18 Governing Concealed Handgun and Use of Deadly Force” conducted by the North Carolina Justice Academy, provide to
19 the Commission proof of a current firearms instructor certification, and maintain eligibility to possess a firearm as
20 specified in Paragraph (a) of this Rule prior to instructing a concealed carry handgun course.

21 ~~(b)(c)~~ (c) The instructor shall notify the Criminal Justice Standards Division of all court orders, domestic violence orders of
22 protection, and criminal offenses for which the instructor is charged which would prohibit the instructor from being
23 eligible to receive or possess a firearm under Federal and North Carolina State Law. The notifications required under this
24 Paragraph must be in writing, must specify the nature of the offense, the court in which the case is being handled, the
25 date of arrest, court order, domestic violence order of protection or criminal charge. The notification required under this
26 Paragraph must be received by the Criminal Justice Standards Division within 10 days of the date of the court order,
27 domestic violence order of protection, arrest or criminal charge.

28

29 *History Note: Authority G.S. 14-415.12;*
30 *Temporary Adoption Eff. November 1, 1995;*
31 *Eff. May 1, 1996;*
32 *Amended Eff. November 1, 2015; September 1, 2005; May 1, 2004.*

33

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0204

DEADLINE FOR RECEIPT: October 8, 2015

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 8 – replace “probation/parole” with “probation or parole”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09G .0204 is proposed for amendment as follows:**

2

3 **12 NCAC 09G .0204 EDUCATION**

4 (a) Every person employed as a correctional officer by the North Carolina Department of Public Safety, Division of
5 Adult Correction and Juvenile Justice shall be a high ~~school~~ school, college, or university graduate or have ~~passed~~
6 received a the General Educational Development "GED" Test indicating high school equivalency- equivalency
7 credential as recognized by the issuing state.

8 (b) Every person employed as a probation/parole officer by the North Carolina Department of Public Safety,
9 Division of Adult Correction and Juvenile Justice shall be a graduate of a regionally accredited college or university
10 and have attained at least the baccalaureate degree.

11 (c) Each applicant for employment as a corrections officer shall furnish to the North Carolina Department of Public
12 Safety, Division of Adult Correction and Juvenile Justice documentary evidence that the applicant has met the
13 educational requirements for the corrections field of expected employment.

14 (1) Documentary evidence of educational requirements shall consist of official transcripts of courses
15 completed or diplomas received from a school that meets the requirements of the North Carolina
16 Department of Public Instruction, the Division of Non-Public Instruction, a comparable out-of-
17 state agency, or is a regionally accredited college or university. High school diplomas earned
18 through correspondence enrollment are not recognized toward these minimum educational
19 requirements.

20 (2) Documentary evidence of ~~completion of the General Educational Development "GED" Test~~ high
21 school equivalency shall be satisfied by a certified copy of a high school equivalency credential as
22 recognized by the issuing state. GED test results showing successful completion. A certified copy
23 of a military GED diploma may be used as alternate evidence of GED completion.

24

25 *History Note: Authority G.S. 17C-6; 17C-10;*
26 *Temporary Adoption Eff. January 1, 2001;*
27 *Eff. August 1, 2002;*
28 *Amended Eff. January 1, 2015; August 1, 2004.*

29

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0308

DEADLINE FOR RECEIPT: October 8, 2015

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

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 4 – insert a comma after “1984”

Line 5 – insert “specified in Rule .0310 of this Subchapter” after “category”

Line 6 – replace “12 NCAC 09G .0310” with “Rule .0310 of this Subchapter”

Line 8 – do you mean “experience in corrections” or “experience in criminal justice”?

Line 11 – insert a comma after “college”

Line 15 – insert a semicolon at the end of this line

Line 21 – replace “12 NCAC” with “Rule” and delete the comma after “.0413(d)”

Line 24 – what is a “passing score”? Please specify.

Lines 25 and 28 – Two rules reference the “Instructional Systems Design model,” and this appears to be a citation to an outside authority. Please consider incorporating this outside authority in accordance with 26 NCAC 02C .0109, adding the citation at the first mention in the Code or as a defined term. Once incorporated, create cross references.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas
Commission Counsel
Date submitted to agency: September 24, 2015

1 **12 NCAC 09G .0308 is proposed for amendment as follows:**

2

3 **12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION**

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

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

11 (A) is a ~~high school~~ school, college or university graduate or has ~~received~~ passed the General
12 Education Development Test (GED) indicating a high school equivalency; equivalency
13 credential as recognized by the issuing state; and

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

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

20 (3) Achieve a passing score on the comprehensive written examination administered by the
21 Commission, as specified in 12 NCAC 09B .0413(d), of this Chapter, within 60 days of
22 completion of the Commission-certified instructor training program.

23 (b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of
24 the date the applicant achieved a passing score on the comprehensive written examination administered by the
25 Commission for the Commission-certified instructor training program or an equivalent instructor training course
26 utilizing the Instructional Systems Design model, an international model with applications in education, military
27 training, and private enterprise.

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

32

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

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

35 *Eff. August 1, 2002;*

36 *Amended Eff. January 1, 2015; January 1, 2006.*

37