

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09

DEADLINE FOR RECEIPT: January 14, 2016

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.

For each of these rules submitted by the Commission, please provide all the pertinent information requested on the Submission for Permanent Rule form. None of the forms include the date of Adoption by the Agency, in box 6. Please revise the forms to provide this date.

Forms: the APA requires the substantive contents of forms to be set forth in either rules or statute. Wherever you refer to forms, you should either state the substantive contents of the form in the rule or be able to show rules or statutes where the substantive content is stated. In addition, the rule should also state, with specificity, where the form may be obtained.

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: December 30, 2015

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0103

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, line 6 – delete “certification”

Page 1, line 7 – replace “Rule 9B .0401 and 9B .0403 of the Chapter” with “12 NCAC 09B .0401 and 12 NCAC 09B 0403”

Page 1, line 7 – delete “active”

Page 1, line 9 – delete the commas after “attendance” and “service”

Page 1, lines 10-11 – National Guard service is excluded here, but is included in other of your rules, such as 12 NCAC 09B .0403(17). Is this intended?

Page 1, lines 11-14 – delete the entire sentence that begins “For the purpose of” This sentence refers to “Rule 9B .0701,” which does not exist yet. Once 12 NCAC 09B .0701 is promulgated, you can seek to amend this rule by adding this sentence.

Page 1, line 24 – what “administrative body” is referred to here?

Page 1, line 34 – replace “(1)” with “(2)”

Page 1, lines 35-37 – capitalize “Department Head” consistently in these lines and everywhere the defined term is used.

Page 2, lines 5-6 – do you intend to assign greater value to quarter hours of college credit then you do to whole semester hours of college credit? Under this rule, 4 quarter hours receives 2 $\frac{2}{3}$ points, while one semester hour receives 1 point.

Page 2, line 15 – replace “from a high school” with some phrase that does not include the words being defined, such as “from an educational program”

Jason S. Thomas
Commission Counsel
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Page 2, line 21 – capitalize “In-Service Training”

Page 2, lines 22-23 – capitalize “Criminal Justice Agency”

Page 3, line 16 – replace “means persons” with “means a person”

Page 3, line 19 – replace “criminal justice agency or of the State or of” with “Criminal Justice Agency, of the State, or of”

Page 3, line 28 – delete the comma after “Ranging”

Page 3, line 33 – delete the comma after “or”

Page 4, line 3 – replace “(23)(b)” with (24)(b)”

Page 4, line 9 – delete “this grouping of”

Page 4, line 10 – delete the comma after “Carolina”

Page 4, line 11 – delete the comma after “jurisdictions”

Page 4, line 12 – insert a comma after “entity”

Page 4, line 18 – insert a comma after “1994”

Page 4, line 19 – delete the comma after “statute”

Page 4, line 24 – replace “Justice that is hereby incorporated by reference and shall” with “Justice, incorporated herein by reference, and shall”

(continued next page)

Page 5, lines 7-11 – why are these lines included in Sub-item (24)(iii)? It appears they are either another new Sub-item or are part of Item (24). Either this:

- (ii) driving while license permanently revoked or permanently suspended;
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual; and
- (iv) an act committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

or this:

- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual.

"Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994, in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

Page 5, line 8 – add a comma after “1994”

Page 5, line 12 – delete “as such”

Page 5, line 14 – delete “certified”

Page 5, lines 16-19 – consider revising as follows:

~~(25)~~(26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, the 24,050 to 24,250 MHZ frequency (K) band, or the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

Page 5, lines 29-30 – by “including radar time-distance, and LIDAR,” do you mean “including Radar, Time-Distance, and LIDAR,”?

Page 5, lines 31-32 – please revise these lines as follows, if this is what is meant:

particularly includes all devices or systems described or referenced in 12 NCAC 09C .0601.

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: December 30, 2015

12 NCAC 09A .0103 is proposed for amendment as follows:

12 NCAC 09A .0103 DEFINITIONS

The following definitions apply throughout Subchapters 12 NCAC 09A through 12 NCAC 09F, except as modified in 12 NCAC 09A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

(1) "Active Duty Military" means, for the purpose of determining certification eligibility for certification pursuant to Rule 9B .0401 and 9B .0403 of this Chapter, full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty. For the purpose of determining eligibility for certification pursuant to Rule 9B .0701 of this Chapter, "Active Duty Military" means a member of any branch of military service who have performed as a military police officer for not less than 1,040 hours during the five years preceding the date of application.

~~(1)(2)~~ "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(2).

~~(2)(3)~~ "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of the Department of Public Safety as authorized by G.S. 18B-500.

~~(3)(4)~~ "Chief Court Counselor" means the person responsible for administration and supervision of juvenile intake, probation, and post-release supervision in each judicial district, operating under the supervision of the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

~~(4)(5)~~ "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified criminal offense.

~~(5)(6)~~ "Convicted" or "Conviction" means, for purposes of this Chapter, the entry of:

- (a) a plea of guilty;
- (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or
- (c) a plea of no contest, nolo contendere, or the equivalent.

~~(6)(7)~~ "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3), and excluding Correctional officers and probation/parole officers.

~~(7)(8)~~ "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (1) of this Rule.

~~(8)(9)~~ "Department head" means the chief administrator of any criminal justice agency, and specifically includes any chief of police or agency director. "Department Head" also includes a designee appointed in writing by the Department head.

~~(9)~~(10) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.

~~(10)~~(11) "Educational Points" means points earned toward the Professional Certificate Programs for studies completed, with passing scores achieved, for semester hour or quarter hour credit at a regionally accredited institution of higher learning. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.

~~(11)~~(12) "Enrolled" means that an individual is currently actively participating in an on-going presentation of a Commission-certified basic training course that has not concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:

- (a) for law enforcement officers, that the officer is attending an approved course presentation averaging a minimum of 12 hours of instruction each week; and
- (b) for Department of Public Safety, Division of Adult Correction and Juvenile Justice personnel, that the officer is attending the last or final phase of the approved training course necessary for satisfying the total course completion requirements.

~~(12)~~(13) "High School" means graduation from a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located.

~~(13)~~(14) "In-Service Training" means all training prescribed in 12 NCAC ~~9B9E~~ .0105 that must be completed, with passing scores achieved, by all certified law enforcement officers during each full calendar year of certification.

~~(14)~~(15) "In-Service Training Coordinator" means the person designated by a law enforcement agency head to administer the agency's in-service training program.

~~(15)~~(16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal justice agency, based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.

~~(16)~~(17) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19, 1973, that reads as follows:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

~~(17)~~(18) "Juvenile Court Counselor" means a person responsible for intake services and court supervision services to juveniles under the supervision of the chief court counselor.

~~(18)~~(19) "Juvenile Justice Officer" means persons designated by the Secretary of the Department of Public Safety, Division of Adult Correction and Juvenile Justice to provide for the care and supervision of juveniles placed in the physical custody of the Department.

~~(19)~~(20) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any political subdivision of the State who, by virtue of his or her office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from the title of "Law Enforcement Officer" are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of G.S. 17E.

~~(20)~~(21) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of Commission-approved law enforcement training courses. Twenty classroom hours of Commission-approved law enforcement training equals one law enforcement training point.

~~(21)~~(22) "LIDAR" is an acronym for "Light Detection and Ranging," and means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.

~~(22)~~(23) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor, or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.

~~(23)~~(24) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

- (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly-enacted ordinance, or criminal statute of this State that is not classified as a Class B Misdemeanor pursuant to Sub-item (23)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving that is included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, or criminal statute, of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.
- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this State that is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North Carolina Department of Justice that is hereby incorporated by reference and shall include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. The publication is available from the Commission's website: <http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor includes the following:

- (i) either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years;
- (ii) driving while license permanently revoked or permanently suspended; and
- (iii) those traffic offenses occurring in other jurisdictions which are comparable to the traffic offenses specifically listed in the Class B Misdemeanor Manual. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this State for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

~~(24)~~(25) "Qualified Assistant" means an additional staff person designated as such by the School Director to assist in the administration of a course when a certified institution or agency assigns additional responsibilities to the certified School Director during the planning, development, and implementation of a certified course.

~~(25)~~(26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band, or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) band, and either of which operates in the stationary or moving mode. "Radar" further means a speed-measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

~~(26)~~(27) "Resident" means any youth committed to a facility operated by the Department of Public Safety, Division of Adult Correction and Juvenile Justice.

~~(27)~~(28) "School" or "criminal justice school" means an institution, college, university, academy, or agency that offers criminal justice, law enforcement, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.

~~(28)~~(29) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.

~~(29)~~(30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including radar time-distance, and LIDAR, approved under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as referenced in the approved list of 12 NCAC 09C .0601.

~~(30)~~(31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.

~~(31)~~(32) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.

1 *History Note:* *Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;*
2 *Eff. January 1, 1981;*
3 *Amended Eff. November 1, 1981; August 15, 1981;*
4 *Readopted Eff. July 1, 1982;*
5 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12,*
6 *1984;*
7 *Amended Eff. November 1, 1993; March 1, 1990; July 1, 1989;*
8 *Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;*
9 *Amended Eff. August 1, 2000; April 1, 1999; August 1, 1998; January 1, 1995;*
10 *Temporary Amendment Eff. January 1, 2001;*
11 *Amended Eff. August 1, 2002; April 1, 2001;*
12 *Temporary Amendment Eff. April 15, 2003;*
13 *Amended Eff. February 1, 2016; January 1, 2015; January 1, 2006; June 1, 2005; April 1, 2004.*
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09A .0206

DEADLINE FOR RECEIPT: January 14, 2016

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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.

Page 1, line 6 – delete “, in the opinion of the Probable Cause Committee,”

Page 1, line 6 – delete “this”

Page 1, line 7 – replace action of summary suspension” with “action pursuant to G.S. 150B-3”

Page 1, line 11 – delete “or”

Page 1, line 13 – add a semicolon and “or” at the end of this line

Page 1, line 15 – replace “09B .0101(5).” with “12 NCAC 09B .0101(5).”

Page 1, Line 18 – replace “is” with “shall be”

Page 1, line 19 – replace “suspension remains” with “suspension shall remain”

Page 1, line 24 – insert “for summary suspension” after “basis”

Page 1, line 23 – is “any matters” really intended, or “any pertinent matters”?

Page 1, lines 24-25 – replace “Under no circumstances shall the person be” with “No person shall be”

Page 1, line 27 – capitalize “Criminal Justice Agency”

Page 1, line 32 – replace “Rule 09F .0102 of this Chapter” with “12 NCAC 09F .0102” and delete the commas before “and” and “may”

Jason S. Thomas
Commission Counsel
Date submitted to agency: December 30, 2015

Page 1, line 33 – insert “as” after “time”

Page 1, line 34 – delete the comma after “compliance”

Page 1, line 34 – does the Commission intend to allow a suspension to be lifted after noncompliance has been reported to the Probable Cause Committee, but before any action on the noncompliance has been taken?

Page 1, line 36 – do not capitalize “summarily”

Page 2, line 1 – replace “Rule 09F .0102 and Rule 09F .0105” with “12 NCAC 09F .0102 and 12 NCAC 09F .0105”

Page 2, line 3 – do not capitalize “inform”

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: December 30, 2015

12 NCAC 09A .0206 is proposed for amendment as published in Volume 30, Issue 3, pages 272-273:

12 NCAC 09A .0206 SUMMARY SUSPENSIONS

(a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Probable Cause Committee, the public health, safety, or welfare requires this emergency action of summary suspension. The Commission has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the Probable Cause Committee, may utilize summary suspension when:

- (1) the person has committed or been convicted of a violation of the criminal code that would require a permanent revocation or denial of certification; or
- (2) the certified officer fails to satisfactorily complete the in-service training requirements as prescribed in 12 NCAC 09E.
- (3) ~~The the~~ certified officer has produced a positive result on a urinalysis test, conducted in accordance with 09B .0101(5).

(b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee may meet upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

(c) A summary suspension is effective on the date specified in the order of summary suspension or on service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension remains effective during the proceedings.

(d) ~~The director~~ Director, upon receipt of information showing the existence of a basis provided for in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule. Any affected person shall be notified, if feasible, that the person may submit any matters to the Probable Cause Committee for its consideration before the Committee acts on the summary suspension issue. Under no circumstance shall the person be allowed more than 48 hours to submit information to the Probable Cause Committee.

(e) Upon verbal notification by the Director that the certification of an officer or instructor is being summarily suspended by written order, the Department head of the criminal justice agency or the executive officer of the institution shall take such steps as are necessary to ensure that the officer or instructor does not perform duties requiring certification by the Commission.

(f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415(a)(4) that is not in compliance with Rule 09F .0102 of this Chapter, and negatively affects the public safety and welfare, may summarily suspend the instructor's Concealed Carry Handgun Instructor certification until such time the training course has been brought into compliance, or reported to the Probable Cause Committee for action.

(1) for each instance the Director shall:

- A) Summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her from delivering concealed carry handgun training until the Director determines the

1 training program is brought into compliance with Rule 09F .0102 and Rule 09F .0105 of this
2 Chapter; and

3 (B) Inform the instructor that he or she may appeal the Director's suspension by requesting, in
4 writing, a formal hearing before the Probable Cause Committee at the next scheduled
5 Commission meeting.

6
7 *History Note: Authority G.S. 17C-6; 17C-10; 150B-3;*

8 *Eff. January 1, 1981;*

9 *Amended Eff. February 1, 2016; December 1, 2007; March 1, 2004; July 1, 1990; July 1, 1989;*

10 *October 1, 1985; August 15, 1981.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0106

DEADLINE FOR RECEIPT: January 14, 2016

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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 9 – insert “a” after “or”

Line 10 – delete “, at an Associate’s Degree or higher,” because this requirement is set forth in other rules (e.g. 12 NCAC 09B .0501(b)(2)(B)).

Line 12 – insert “the” before “Council”

Line 17 – replace “as recognized by” with “from”

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: December 30, 2015

12 NCAC 09B .0106 is proposed for amendment as published in Vol. issue 3, page 273, **with changes**:

12 NCAC 09B .0106 DOCUMENTATION OF EDUCATIONAL REQUIREMENTS

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

(b) Documentary evidence of educational requirements shall consist of official transcripts of courses completed or diplomas received from a school which meets the approval guidelines of either the North Carolina Department of Public Instruction, the Division of Non-Public Instruction, or comparable out-of-state agency. Documentary evidence of college or university graduation, at an Associate's Degree or higher, consists of diplomas or transcripts from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or Council for Higher Education Accreditation, or from the state university of the state in which the institution is located. High school diplomas earned through correspondence enrollment are not recognized toward these minimum educational requirements.

(c) Documentary evidence of having received a high school equivalency credential as recognized by the issuing state ~~state shall be satisfied by a certified copy of a high school equivalency credential as recognized by the issuing state.~~ passed the General Educational Development Test shall be satisfied by a certified copy of GED test results or GED certificate. A certified copy of a military GED diploma may be used as alternate evidence of GED completion.

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. January 1, 1981;
Amended Eff. February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0203

DEADLINE FOR RECEIPT: January 14, 2016

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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.

Page 1, line 9 – replace “as long as” with “if” and “turns” with “will be”

Page 1, line 22 – open the parenthesis at the beginning of the line: “(http://...)”

Page 2, lines 15-22 – delete all quotation marks.

Page 2, line 25 – delete “as”

Page 3, line 8 – insert “and” after “(G.S. 50B)” and delete the comma after “disposition” if this is what is meant.

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: December 30, 2015

1 **12 NCAC 09B .0203 is proposed for amendment as published in Vol. 30, Issue 3, pages 273-274:**

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

4 (a) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
5 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 the Basic
19 Law Enforcement Training Course, places into course DRE 098 or above at a North Carolina Community College as
20 a result of taking the Reading and English component of the North Carolina Diagnostic Assessment and Placement
21 test as 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, or have held within 12 months
26 prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

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.

(g) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course unless the individual is a high school, college, or university graduate or has ~~passed the General Educational Development Test indicating~~ received a high school ~~equivalency~~. equivalency credential recognized by the issuing state. High school diplomas earned through correspondence enrollment are not recognized toward the educational requirements.

(h) The school shall not admit any individual trainee in a presentation of the Basic Law Enforcement Training Course unless the individual has provided the School Director a certified criminal record check for local and state records for the time period since the trainee has become an adult and from all locations where the trainee has resided since becoming an adult. An Administrative Office of the Courts criminal record check or a comparable out-of-state criminal record check shall satisfy this requirement.

(i) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training Course who has been convicted of the following:

- (1) a felony;
- (2) a crime for which the punishment could have been imprisonment for more than two years;
- (3) a crime or unlawful act defined as a "Class B Misdemeanor" within the five year period prior to the date of application for employment, unless the individual intends to seek certification through the North Carolina Sheriffs' Education and Training Standards Commission;
- (4) four or more crimes or unlawful acts defined as "Class B Misdemeanors," regardless of the date of conviction;
- (5) four or more crimes or unlawful acts defined as "Class A Misdemeanors," except the trainee may be enrolled if the last conviction date occurred more than two years prior to the date of enrollment;
- (6) a combination of four or more "Class A Misdemeanors" or "Class B Misdemeanors" regardless of the date of conviction, unless the individual intends to seek certification through the North Carolina Criminal Justice Education and Training Standards Commission.

(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. Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) that are issued by a judicial official after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where the maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or similar laws of other jurisdictions that shall be reported to the School Director are G.S 20-138.1 (driving while under the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)

(fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S. 20-111(5) (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Paragraph shall be in writing and specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the Domestic Violence Order (G.S. 50B), the final disposition, and the date thereof. The notifications required under this Paragraph shall be received by the School Director within 30 days of the date the case was disposed of in court. The requirements of this Paragraph are applicable at all times during which the trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph are in addition to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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

Eff. January 1, 1981;

Amended Eff. February 1, 2016; November 1, 2015; March 1, 2015; January 1, 2015; June 1, 2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August 1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0232

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, lines 10-11 – delete the quotation marks in these lines. Are “Law Enforcement Officers' Annual In-Service Training Program” or “Law Enforcement Officers' Annual In-Service Training” defined terms (see also 12 NCAC 09B .0417, where these terms are stated without quotation marks)?

Page 1, lines 17-21 – capitalization is inconsistent in these lines: generally, defined terms should be capitalized (is “subject control arrest techniques” a defined term?). Quotation marks are needed only if a term is being defined. Also, these provisions are vague in that the term “may be utilized” is ambiguous. Please consider revising as follows if this is what is intended:

- (A) a School Director indicating the student is qualified to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or
- (B) a Department Head, School Director, or In-Service Training Coordinator indicating the student is qualified to instruct subject control arrest techniques for the Law Enforcement Officers' In-Service Training Program.

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: December 30, 2015

12 NCAC 09B .0232 is proposed for amendment as published in Volume 30, Issue 3, pages 274-275:

12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR TRAINING

(a) The instructor training course required for specialized subject control arrest techniques instructor certification shall consist of a minimum of ~~78~~ 75 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized subject control arrest techniques instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice subject control arrest techniques instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized subject control arrest techniques instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course; and
- (3) present a written endorsement by either
 - (A) a certified school director indicating the student may be utilized to instruct subject control arrest techniques in Basic Law Enforcement Training Courses; or
 - (B) a department head, certified school director, or in-service training coordinator indicating the student may be utilized to instruct Subject Control Arrest Techniques for the "Law Enforcement Officers' In-Service Training Program."

(d) Each specialized subject control arrest techniques instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation <u>Pre-Qualification Testing</u>	1 <u>4</u> Hour <u>Hours</u>
(2)	Skills Pre-Test <u>Orientation</u>	1 Hour
(3)	Student Instructional Practicum <u>Response to Injury</u>	34 <u>4</u> Hours
(4)	Practical Skills Evaluation <u>Combat Conditioning</u>	34 <u>4</u> Hours
(5)	Response to Injury <u>Safety Guidelines/Rules</u>	42 <u>4</u> Hours
(6)	Combat Conditioning <u>SC/AT Techniques and Instructional Methods</u>	124 <u>42</u> Hours
(7)	Safety Guidelines/Rules <u>Fundamentals of Professional Liability</u>	24 <u>4</u> Hours
(8)	Practical Skills Enhancement	4 Hours
(9)	Subject Control/Arrest Techniques Practical Skills and Instructional Methods	44 <u>4</u> Hours
(9)	<u>Student Instructional Practicum</u>	<u>6</u> Hours
(10)	Fundamentals of Professional Liability For Law Enforcement Trainers	4 <u>4</u> Hours
(10)	<u>BLET Lesson Plan Review</u>	<u>4</u> Hours
	TOTAL	<u>78</u><u>75</u> Hours

(e) The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized subject control arrest techniques instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

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

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

(f) The Commission-certified school that is certified to offer the "Specialized Subject Control Arrest Techniques Instructor Training" course is the North Carolina Justice Academy.

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

Eff. February 1, 1987;

Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0233

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, line 8 – delete the quotation marks. Are “Law Enforcement Officers' Annual In-Service Training Program” or “Law Enforcement Officers' Annual In-Service Training” defined terms (see also 12 NCAC 09B .0417, where these terms are stated without quotation marks)?

Page 1, lines 17-21 – capitalization is inconsistent in these lines: generally, defined terms should be capitalized (is “subject control arrest techniques” a defined term?). Quotation marks are needed only if a term is being defined. Also, these provisions are vague in that the term “may be utilized” is ambiguous. Please consider revising as follows if this is what is intended:

- (A) a School Director indicating the student is qualified to instruct physical fitness in Basic Law Enforcement Training Courses; or
- (B) a Department Head, School Director, or In-Service Training Coordinator indicating the student is qualified to instruct physical fitness for the Law Enforcement Officers' In-Service Training Program.

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: December 30, 2015

12 NCAC 09B .0233 is proposed for amendment as published in Volume 30, issue 3, pages 275-276:

12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING

(a) The instructor training course required for specialized physical fitness instructor certification shall consist of a minimum of 58 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized physical fitness instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a Basic Law Enforcement Training Course or a "Law Enforcement Officers' Annual In-Service Training Program."

(c) Each applicant for specialized physical fitness training shall:

(1) qualify through one of the following three options:

(A) have completed the criminal justice general instructor training course;

(B) hold a current and valid North Carolina Teacher's Certificate, hold a baccalaureate degree in physical education, and be teaching in physical education topics; or

(C) be presently instructing physical education topics in a community college, college, or university and possess a baccalaureate degree in physical education; and

(2) present a written endorsement by either:

(A) a school director indicating the student may be utilized to instruct physical fitness in Basic Law Enforcement Training Courses; or

(B) a certified school director, or in-service training coordinator indicating the student may be utilized to instruct physical fitness for the "Law Enforcement Officers' In-Service Training Program"; and

(3) present a letter from a physician stating fitness to participate in the course.

(d) Each specialized physical fitness instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation <u>Pre-Qualification Testing</u>	5 Hours
(2)	Lesson Plan Review <u>Orientation</u>	41 <u>4</u> Hours
(3)	Physical Fitness Assessments, Exercise Programs and Instructional Methods	31 Hours
(3)	<u>Physical Fitness Sessions</u>	6 Hours
(4)	Injury Care and Prevention	4 Hours
(4)	<u>Physical Fitness Assessments, Exercise Programs, and Instructional Methods</u>	20 Hours
(5)	Nutrition <u>Injury Care and Prevention</u>	64 Hours
(6)	Civil Liabilities for Trainers <u>Nutrition</u>	27 Hours
(7)	CVD Risk Factors <u>Civil Liability</u>	23 Hours
(8)	<u>CVD Risk Factors</u>	3 Hours
(8)(9)	<u>Developing In-Service Wellness Programs and Validating Fitness Standards</u>	4 Hours
(10)	<u>Lesson Plan Review</u>	2 Hours
(11)	<u>Exercise Leadership</u>	3 Hours

TOTAL

58 Hours

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy shall be the curriculum for specialized physical fitness instructor training courses. Copies of this publication may be inspected at the:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27610

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

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

(f) The Commission-certified school that is certified to offer the "Specialized Physical Fitness Instructor Training" course is the North Carolina Justice Academy.

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

Eff. July 1, 1989;

Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0302

DEADLINE FOR RECEIPT: January 14, 2016

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.

Lines 5 and 6 – replace “Specific” with “Specialized” if this is what is meant.

Line 6 – replace “Section” with “Subchapter”

Lines 17, 24, and 27 – The term “Instructional Systems Design model” is not easily referenced or linked and is adequately described in your rules. I recommend that you consider a central description or definition rather than repeating the same long phrase repeatedly throughout your rules. Perhaps re-adoption might be a convenient time to do that.

Line 19 – replace “in” with “by”

Line 29 – reference is made to a “Commission-certified instructor training course” by no mention is made of an alternative equivalent course – is this intended?

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: December 30, 2015

12 NCAC 09B .0302 is proposed for amendment as published in Vol. 30, Issue 3, Page 276:

12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION

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

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

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

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

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

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

Eff. January 1, 1981;

Amended Eff. February 1, 2016; November 1, 2015; January 1, 2015; January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991; December 1, 1987; October 1, 1985; January 1, 1985.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0501

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, lines 6, 9, 33, and 34 – capitalize “School Director”

Page 1, line 9 – delete “criminal justice”

Page 1, line 29 – delete the period and add a semicolon and “and” at the end of the line.

Page 1, lines 33-34 – delete the quotation marks and add a comma after “Course”

Page 2, line 2 – The term “Instructional Systems Design model” is not easily referenced or linked and is adequately described in your rules. I recommend that you consider a central description or definition rather than repeating the same long phrase repeatedly throughout your rules. Perhaps re-adoption might be a convenient time to do that.

Page 2, line 5 – Please use the full formal name of the Justice Academy unless the term “Justice Academy:” is defined.

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: December 30, 2015

SECTION .0500 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOL DIRECTORS

12 NCAC 09B .0501 is proposed for amendment as published in Vol. 30, Issue 3, page 280-281:

12 NCAC 09B .0501 CERTIFICATION OF SCHOOL DIRECTORS

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

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

- (1) Attend and complete a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission (if certified after July 1, 2004);
- (2) Present documentary evidence showing that the applicant:
 - (A) is a high school, college, or university graduate or has received ~~passed the General Education Development Test (GED) indicating~~ a high school equivalency credential as recognized by the issuing state and has acquired five years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required five years experience must have been while actively participating in criminal justice training as a Commission-certified instructor; or
 - (B) has been awarded an associate degree and has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system. At least one year of the required four years experience must have been while directly participating in criminal justice training as a Commission-certified instructor; or
 - (C) has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;
- (3) Attend or must have attended the most current offering of the school director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required.
- (4) Submit a written request for the issuance of such certification executed by the executive officer of the institution or agency currently certified, or which may be seeking certification, by the Commission to make presentation of certified training programs and for whom the applicant will be the designated school director.

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

- (1) Document that he or she has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;

- 1 (2) Present evidence showing completion of a Commission-certified instructor training course or an
2 equivalent instructor training course utilizing the Instructional Systems Design model, an
3 international model with applications in education, military training, and private enterprise;
4 (3) Be currently certified as a criminal justice instructor by the Commission; and
5 (4) Document completion of a special program presented by the Justice Academy on delivery of the
6 instructor training course and trainee evaluation.

7
8 *History Note:* *Authority G.S. 17C-6;*

9 *Eff. January 1, 1985;*

10 *Amended Eff. February 1, 2016; November 1, 2015; July 1, 2004.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09B .0502

DEADLINE FOR RECEIPT: January 14, 2016

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.

Lines 4, 8 (twice), 14, and 17 (twice) – capitalize “School Director”

Line 7 – replace “Section” with “Subchapter”

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: December 30, 2015

12 NCAC 09B .0502 is proposed for amendment as published in Volume 30, Issue 3, page 281:

12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a school director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application, the certification may subsequently be renewed by the Commission for three-year periods. The application for renewal shall contain documentation meeting the requirements of Rule .0501(b)(2) and (3) of this Section.

(b) To retain certification as a Basic Law Enforcement Training school director, the school director shall:

- (1) Participate in annual training conducted by commission staff;
- (2) Maintain and comply with the current version of the "Basic Law Enforcement Training Course Management Guide";
- (3) Maintain and ensure compliance with the current version of the "Basic Law Enforcement Training Instructor Notebook" assigned to each certified school; and
- (4) Perform the duties and responsibilities of a school director as specifically required in Rule .0202 of this Subchapter.

(c) To retain certification as a Speed Measuring Instrument, Instructor Training, or Specialized Instructor Training school director, the school director shall:

- (1) Participate in annual training conducted by commission staff;
- (2) Maintain and ensure compliance with the current version of the specific speed measuring instrument or Instructor Training notebook assigned to each certified school; and
- (3) Perform the duties and responsibilities of a school director as specifically required in Rule .0202 of this Subchapter.

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

Eff. January 1, 1985;

Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09C .0401

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, line 13 – insert “as” after “accreditation” and delete “minimum”

Page 1, lines 17, 20, 22, 29, and 35 and Page 2, lines 6, 7, 9, 13, and 17 – the use of the word “shall” in these lines imposes a mandatory duty on CJETS staff – is this intended? If the intent is to provide information about process rather than to impose a mandatory duty on staff, remove “shall” and adjust the remaining verbs accordingly (e.g. staff reviews, staff recommends, etc.). This may be acceptable if this process-related information is helpful in showing the regulated public where the requirements of the rules fit into the review process.

Page 1, line 17 and page 2, line 6 – is the phrase “for any omissions and clarifications” necessary and complete? Is “completeness and compliance with [cite appropriate rule]” what is intended?

Page 1, line 33 – replace “outlined” with “set forth”

Page 1, line 37 through Page 2, line 1 – there appears to be a missing conjunction.

Page 2, line 3 – regarding forms, see the general comment on page 2 of these Requests for Technical Corrections.

Page 2, line 3 – insert “Form F-10(SA)” after “completed”

Page 2, line 6 – is a site visit intended here (see page 1, line 18)?

Page 2, line 22 – replace “Rule” with “12 NCAC”

Page 2, line 26 – replace “is” with either “shall be” if that is what is intended.

Jason S. Thomas
Commission Counsel
Date submitted to agency: December 30, 2015

Page 2, line 31 – replace “is” with “was”

Page 3, line 5 – add a cite to G.S. 17C-11 to your History 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: December 30, 2015

1 **SECTION .0400 - ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS AND TRAINING COURSES**

2
3 **12 NCAC 09C .0401 is proposed for amendment as published in Volume 30, Issue 3, pages 281-282:**

4
5 **12 NCAC 09C .0401 ~~CERTIFICATION~~ ACCREDITATION OF CRIMINAL JUSTICE SCHOOLS**

6 ~~(a) The Commission shall establish a standing subcommittee, called the Certification Committee, of the Education and~~
7 ~~Training Committee for the purposes of evaluating Request for School Certification applications and making~~
8 ~~recommendations to the Education and Training committee on the granting of certification to institutions and agencies.~~
9 ~~The Certification Committee shall be comprised of two members appointed by the School Directors' Advisory Committee~~
10 ~~and two members who shall be Commission members to include the North Carolina Department of Community Colleges'~~
11 ~~representative to the Commission. The Chairman of the Commission shall appoint the Chairman of the Certification~~
12 ~~Committee.~~

13 ~~(b)(a)~~ Any school requesting ~~certification~~ accreditation meeting the minimum requirements contained in 12 NCAC 09B
14 .0200 must submit a completed Form F-10(SA) Request for School Certification Accreditation application. ~~The Form F-~~
15 ~~10(SA) is available on the agency's website: [http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-](http://www.ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx)~~
16 ~~10(SA)-6-11.aspx~~. Upon receipt of a completed Request for School Certification Accreditation application:

- 17 (1) The Standards Division staff shall review the application for any omissions and clarifications and
18 conduct a site visit to tour facilities, confirm information on the application, and determine if and
19 where deficiencies exist;
- 20 (2) The Standards Division Staff shall contact the applying institution or agency concerning deficiencies
21 and shall provide assistance on correcting problem areas;
- 22 (3) The Standards Division staff shall make a recommendation to the ~~Certification~~ Education and Training
23 Committee when the accredited institution has satisfied the requirements outlined in 12 NCAC 09B
24 .0200; and
- 25 ~~(4) The Standards Division staff shall submit the application and staff reports to the Certification~~
26 ~~Committee for review;~~
- 27 ~~(5) The Certification Committee shall then submit a recommendation to the Education and Training~~
28 ~~Committee on the approval or denial of the application; and~~
- 29 ~~(6)(4)~~ The Education and Training Committee shall recommend to the full Commission at its next regularly
30 scheduled meeting the approval or denial of ~~certification~~ accreditation for the applicant institution or
31 agency.

32 (c) ~~Certification~~ Accreditation of a school shall remain effective for five years from issuance unless earlier suspended or
33 revoked for failure to maintain compliance with the requirements outlined in 12 NCAC 09B .0200, Minimum Standards
34 for Criminal Justice Schools and Criminal Justice Training Programs or Courses of Instruction.

35 (d) The identity of those schools ~~certified~~ accredited under this Rule shall be published and distributed ~~annually~~ by
36 the Standards ~~Division~~ Division, via the agency's website:

37 <http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9> ~~together with~~

1 ~~the name and business address of the school director and the~~ schedule of criminal justice training courses planned for
 2 delivery during the succeeding year.

3 (e) A school may apply for ~~recertification~~ reaccreditation to the Commission by submitting a completed Request for
 4 School ~~Certification~~ Accreditation application. The application for ~~recertification~~ reaccreditation shall contain
 5 information on changes in facilities, equipment, and staffing. Upon receipt of a completed application:

- 6 (1) The Standards Division staff shall review the application for any omissions and clarification;
- 7 (2) The Standards Division staff shall attach copies of the reports of site visits conducted during the last
 8 period of ~~certification~~ accreditation to the application;
- 9 (3) The Standards Division staff shall submit the application and staff reports to the ~~Certification~~
 10 Education and Training Committee for ~~Review~~; review; and
- 11 ~~(4) The Certification Committee shall submit a recommendation to the Education and Training Committee~~
 12 ~~on the approval or denial of the application; and~~
- 13 ~~(5)~~(4) The Education and Training Committee shall recommend to the full Commission at its next regularly
 14 scheduled meeting the approval or denial of ~~certification~~ accreditation of the applicant institution or
 15 agency.

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

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

23 (g) The Commission may suspend or revoke a school's ~~certification~~ accreditation when it finds that the school has failed
 24 to meet or continuously maintain any requirement, standard, or procedure for school or course ~~certification~~ accreditation.

25 (h) The ~~certification~~ Accreditation of a school whose ~~certification~~ accreditation is scheduled to expire in calendar year
 26 ~~2006~~ 2015 and who has submitted a request for recertification is extended for a maximum of two years under the
 27 following conditions:

- 28 (1) ~~certification~~ accreditation has not expired;
- 29 (2) the school has submitted a request for ~~recertification~~ reaccreditation along with the required
 30 documentation by December 31, ~~2006~~; 2015.
- 31 (3) the Standards Division staff is unable to complete the recertification process by December 31, ~~2006~~;
 32 2014; and
- 33 (4) the school is not denied ~~recertification~~ reaccreditation prior to the expiration of the current
 34 ~~certification~~ accreditation. ~~Certification~~ Accreditation or ~~certification~~ accreditation extension
 35 according to this Paragraph expires when ~~recertification~~ reaccreditation is denied or revoked or the
 36 Standards Division staff is able to complete the ~~recertification~~ reaccreditation process and it is
 37 determined that the school is in compliance with the Rules for ~~recertification~~ Reaccreditation. If the

1 school ~~recertification~~ reaccreditation is denied or revoked, the school ~~must~~ shall not deliver
2 Commission ~~certified~~ accredited criminal justice courses until such ~~recertification~~ reaccreditation has
3 been granted or reinstated by the Commission.
4

5 *History Note: Authority G.S. 17C-6;*
6 *Eff. January 1, 1981;*
7 *Amended Eff. August 1, 2004, January 1, 1996;*
8 *Temporary Amendment Eff. January 1, 2007;*
9 *Temporary Amendment Expired October 13, 2007;*
10 *Amended Eff. February 1, 2016; April 1, 2008.*
11

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09E .0109

DEADLINE FOR RECEIPT: January 14, 2016

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 11 – add “and” to the end of the line

Line 16 – regarding forms, see the general comment on page 2 of these Requests for Technical Corrections.

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: December 30, 2015

12 NCAC 09E .0109 is proposed for amendment as published in Volume 30, Issue 3, pages 282-283:

12 NCAC 09E .0109 IN-SERVICE TRAINING COORDINATOR REQUIREMENTS

(a) Any ~~person~~ persons designated by ~~his or her~~ an agency head to act as, or who ~~performs~~ perform the duties of, an In-Service Training Coordinator in the delivery or presentation of a Commission-mandated or Commission-recognized in-service training course shall have on file confirmation from the Commission acknowledging designation as In-Service Training Coordinator prior to acting in an official capacity as an In-Service Training Coordinator.

(b) To be eligible to serve as an In-Service Training Coordinator, an applicant shall:

- (1) have four years of practical experience as a criminal justice officer or as an administrator or specialist in a field directly related to the criminal justice system;
- (2) ~~hold be certified by the Commission as a General Instructor certification; Instructor;~~
- (3) have ~~successfully participated in~~ completed the "Coordinating In-Service Training" course presented by the North Carolina Justice Academy for the purpose of familiarization with trainee and instructor evaluation.

(c) The agency head shall submit to the Criminal Justice Standards Division a Commission ~~In-Service~~ In-Service Training Coordinator Request form containing the ~~name~~ names and other requested information for the ~~person~~ persons selected to act as In-Service Training ~~Coordinator~~ Coordinators for the agency. The agency head shall ensure that the ~~person~~ persons selected ~~meets~~ meet the requirements set forth in Paragraphs (a) and (b) of this Rule.

History Note: Authority G.S. 17C-6;
Eff. January 1, ~~2006~~; 2006;
Amended Eff. February 1, 2016.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0204

DEADLINE FOR RECEIPT: January 14, 2016

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 “at least”

Lines 15-16 – replace “North Carolina Department of Public Instruction, the Division of Non-Public Instruction” with “the Division of Non-Public Instruction of the North Carolina Department of Public Instruction”

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: December 30, 2015

12 NCAC 09G .0204 is proposed for amendment as published in Vol. 30, Issue 3, page 283:

12 NCAC 09G .0204 EDUCATION

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

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

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

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

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

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

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

Amended Eff. February 1, 2016; November 1, 2015; January 1, 2015; August 1, 2004.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0308

DEADLINE FOR RECEIPT: January 14, 2016

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 7 – replace “Section” with “Subchapter”

Lines 17, 26, and 29 – The term “Instructional Systems Design model” is not easily referenced or linked and is adequately described in your rules. I recommend that you consider a central description or definition rather than repeating the same long phrase repeatedly throughout your rules. Perhaps re-adoption might be a convenient time to do that.

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: December 30, 2015

12 NCAC 09G .0308 is proposed for amendment as published in Vol. 30, Issue 3, pages 283-284:

12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION

(a) General Instructor Certifications issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category, specified in Rule .0310 of this Section. Individuals certified under the general instructor category are not authorized to teach any of the subjects specified in Rule .0310 of this Section, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

- (1) Present documentary evidence showing that the applicant:
 - (A) is a high school, college, or university graduate or has received ~~passed the General Education Development Test (GED) indicating a high school equivalency; equivalency credential as recognized by the issuing state;~~ and
 - (B) has acquired four years of practical experience as a criminal justice officer or as an administrator or specialist in a field related to the criminal justice system;
- (2) Present evidence showing successful completion of a Commission-certified instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as specified in 12 NCAC 09B .0413(d), within 60 days of completion of the Commission-certified instructor training program.

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

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

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

Temporary Adoption Eff. January 1, 2001;

Eff. August 1, 2002;

Amended Eff. February 1, 2016; November 1, 2015; January 1, 2015; January 1, 2006.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Criminal Justice Education and Training Standards Commission

RULE CITATION: 12 NCAC 09G .0405

DEADLINE FOR RECEIPT: January 14, 2016

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.

Page 1, line 9 – delete “and”

Page 1, line 16 – delete “or”

Page 1. Line 27 – regarding forms, see the general comment on page 2 of these Requests for Technical Corrections.

Page 1, line 31 – replace “he/she” with “he or she”

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: December 30, 2015

12 NCAC 09G .0405 is proposed for amendment as published in Vol. 30, Issue 3, page 284:

12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS

(a) Any person designated to act as, or who performs the duties of, a School Director in the delivery or presentation of a Commission-certified corrections training course shall be and continuously remain certified by the Commission as a School Director.

(b) To qualify for initial certification as a corrections School Director, an applicant shall:

- (1) Attend and successfully complete a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission (if certified after January 1, 2006); and
- (2) present documentary evidence showing that the applicant:
 - (A) is a high school graduate or has ~~received~~ ~~passed the General Education Development Test (GED)~~ indicating a high school equivalency credential as recognized by the issuing state and has acquired five years of practical experience as a criminal justice officer, corrections officer, or as an administrator or specialist in a field directly related to the corrections system. At least one year of the required five years experience must have been while actively participating in corrections training as a Commission-certified instructor; or
 - (B) has been awarded an associate degree and has acquired four years of practical experience as a criminal justice officer, corrections officer, or as an administrator or specialist in a field directly related to the corrections system. At least one year of the required four years experience must have been while directly participating in corrections training as a Commission-certified instructor; or
 - (C) has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;
- (3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
- (4) submit a written request to the Commission for the issuance of such certification. This request shall be executed by the executive officer of the North Carolina Department of Correction.

(c) To qualify for certification as a School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant shall:

- (1) document that he/she has been awarded a baccalaureate degree from a regionally accredited institution of higher learning;
- (2) present evidence showing successful completion of a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission;
- (3) be currently certified as a criminal justice instructor by the Commission; and

- 1 (4) document successful participation in a special program presented by the Justice Academy for purposes
2 of familiarization and supplementation relevant to delivery of the instructor training course and trainee
3 evaluation.
4

5 *History Note:* *Authority G.S. 17C-6;*
6 *Temporary Adoption Eff. January 1, 2001;*
7 *Temporary Adoption Expired December 20, 2001;*
8 *Temporary Adoption Eff. April 15, 2003;*
9 *Eff. April 1, 2004;*
10 *Amended Eff. February 1, 2016; January 1, 2006.*
11