

1 **12 NCAC 09A .0103 is proposed for amendment as published in Vol. 30 Issue 3, pg. 269-272 with changes:**

2
3 **12 NCAC 09A .0103 DEFINITIONS**

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

6 (1) "Active Duty Military" means, for the purpose of determining ~~certification~~ eligibility for
7 certification pursuant to ~~12 NCAC 09B .0401 and 12 NCAC 09B .403~~ ~~Rule 9B .0401 and 9B~~
8 ~~.0403 of this Chapter~~, full-time duty in the active military service of the United States. Such term
9 includes full-time training duty, annual training duty, and ~~attendance,~~ attendance while in the
10 active military ~~service,~~ service at a school designated as a service school by law or by the
11 Secretary of the military department concerned. Such term does not include full-time National
12 Guard duty. ~~For the purpose of determining eligibility for certification pursuant to Rule 9B~~
13 ~~.0701 of this Chapter, "Active Duty Military" means a member of any branch of military service~~
14 ~~who have performed as a military police officer for not less than 1,040 hours during the five years~~
15 ~~preceding the date of application.~~

16 ~~(1)~~(2) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S.
17 17C-2(2).

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

20 ~~(3)~~(4) "Chief Court Counselor" means the person responsible for administration and supervision of
21 juvenile intake, probation, and post-release supervision in each judicial district, operating under
22 the supervision of the Department of Public Safety, Division of Adult Correction and Juvenile
23 Justice.

24 ~~(4)~~(5) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education
25 and Training Standards Commission or ~~an administrative body~~ equivalent regulating body from
26 ~~another~~ state that a person performed the acts necessary to satisfy the elements of a specified
27 criminal offense.

28 ~~(5)~~(6) "Convicted" or "Conviction" means, for purposes of this Chapter, the entry of:

29 (a) a plea of guilty;

30 (b) a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body,
31 tribunal, or official, either civilian or military; or

32 (c) a plea of no contest, nolo contendere, or the equivalent.

33 ~~(6)~~(7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(3), and excluding
34 Correctional officers and probation/parole officers.

35 ~~(7)~~(8) "Criminal Justice System" means the whole of the State and local criminal justice agencies
36 described in Item ~~(1)~~ (2) of this Rule.

- 1 ~~(8)~~(9) "Department ~~head~~" Head" means the chief administrator of any criminal justice agency, and
2 specifically includes any chief of police or agency director. "Department Head" also includes a
3 designee appointed in writing by the Department ~~head~~Head.
- 4 ~~(9)~~(10) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina
5 Department of Justice.
- 6 ~~(10)~~(11) "Educational Points" means points earned toward the Professional Certificate Programs for studies
7 completed, with passing scores achieved, for semester hour or quarter hour credit at a regionally
8 accredited institution of higher learning. Each semester hour of college credit equals one
9 educational point and each quarter hour of college credit equals two-thirds of an educational point.
- 10 ~~(11)~~(12) "Enrolled" means that an individual is currently actively participating in an on-going presentation
11 of a Commission-certified basic training course that has not concluded on the day probationary
12 certification expires. The term "currently actively participating" as used in this definition means:
- 13 (a) for law enforcement officers, that the officer is attending an approved course presentation
14 averaging a minimum of 12 hours of instruction each week; and
- 15 (b) for Department of Public Safety, Division of Adult Correction and Juvenile Justice
16 personnel, that the officer is attending the last or final phase of the approved training
17 course necessary for satisfying the total course completion requirements.
- 18 ~~(12)~~(13) "High School" means graduation from ~~a high school~~ an educational program that meets the
19 compulsory attendance requirements in the jurisdiction in which the school is located.
- 20 ~~(13)~~(14) "In-Service Training" means all training prescribed in 12 NCAC ~~9B9E~~ .0105 that must be
21 completed, with passing scores achieved, by all certified law enforcement officers during each full
22 calendar year of certification.
- 23 ~~(14)~~(15) "In-Service Training Coordinator" means the person designated by a law enforcement agency head
24 to administer the agency's ~~in-service training~~ In-Service Training program.
- 25 ~~(15)~~(16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a ~~criminal~~
26 ~~justice agency,~~ Criminal Justice Agency based upon the officer's special qualifications or
27 experience, without following the usual selection process established by the agency for basic
28 officer positions.
- 29 ~~(16)~~(17) "Law Enforcement Code of Ethics" means the code adopted by the Commission on September 19,
30 1973, that reads as follows:
- 31 As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives
32 and property; to protect the innocent against deception, the weak against oppression or
33 intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights
34 of all to liberty, equality, and justice.
- 35 I will keep my private life unsullied as an example to all, and will behave in a manner that does
36 not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger,
37 scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

1 Honest in thought and deed both in my personal and official life, I will be exemplary in obeying
 2 the law and the regulations of my department. Whatever I see or hear of a confidential nature or
 3 that is confided to me in my official capacity will be kept ever secret unless revelation is necessary
 4 in the performance of my duty.

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

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

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

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

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

20 ~~(18)~~(19) "Juvenile Justice Officer" means ~~persons~~ a person designated by the Secretary of the Department
 21 of Public Safety, Division of Adult Correction and Juvenile Justice to provide for the care and
 22 supervision of juveniles placed in the physical custody of the Department.

23 ~~(19)~~(20) "Law Enforcement Officer" means an appointee of a ~~criminal justice agency or [agency,]~~ Criminal
 24 Justice Agency, or agency of the State State, or of any political subdivision of the State who, by
 25 virtue of his or her office, is empowered to make arrests for violations of the laws of this State.
 26 Specifically excluded from the title of "Law Enforcement Officer" are sheriffs and their sworn
 27 appointees with arrest authority who are governed by the provisions of G.S. 17E.

28 ~~(20)~~(21) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers'
 29 Professional Certificate Program by successful completion of Commission-approved law
 30 enforcement training courses. Twenty classroom hours of Commission-approved law enforcement
 31 training equals one law enforcement training point.

32 ~~(21)~~(22) "LIDAR" is an acronym for "Light Detection and ~~Ranging,~~ Ranging" and means a speed-
 33 measuring instrument that electronically computes, from transmitted infrared light pulses, the
 34 speed of a vehicle under observation.

35 ~~(22)~~(23) "Local Confinement Personnel" means any officer, supervisor, or administrator of a local
 36 confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor, or
 37 administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; ~~or,~~

1 or any officer, supervisor, or administrator of a district confinement facility in North Carolina as
2 defined in G.S. 153A-219.

3 ~~(23)~~(24) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or
4 ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

5 (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any
6 common law, duly-enacted ordinance, or criminal statute of this State that is not
7 classified as a Class B Misdemeanor pursuant to Sub-item ~~(23)(b)~~ (24)(b) of this Rule.
8 Class A Misdemeanor also includes any act committed or omitted in violation of any
9 common law, duly enacted ordinance, criminal statute, or criminal traffic code of any
10 jurisdiction other than North Carolina, either civil or military, for which the maximum
11 punishment allowable for the designated offense under the laws, statutes, or ordinances of
12 the jurisdiction in which the offense occurred includes imprisonment for a term of not
13 more than six months. Excluded from this grouping of "Class A Misdemeanor" criminal
14 offenses for jurisdictions other than North Carolina, Carolina are motor vehicle or traffic
15 offenses designated as misdemeanors under the laws of other jurisdictions, jurisdictions
16 or duly enacted ordinances of an authorized governmental entity entity, with the
17 exception of the offense of impaired driving that is included herein as a Class A
18 Misdemeanor if the offender could have been sentenced for a term of not more than six
19 months. Also included herein as a Class A Misdemeanor is the offense of impaired
20 driving, if the offender was sentenced under punishment level three G.S. 20-179(i), level
21 four G.S. 20-179(j), or level five G.S. 20-179(k). Class A Misdemeanor shall also
22 include acts committed or omitted in North Carolina prior to October 1, 1994 1994, in
23 violation of any common law, duly enacted ordinance, or criminal statute, statute of this
24 State for which the maximum punishment allowable for the designated offense included
25 imprisonment for a term of not more than six months.

26 (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common
27 law, criminal statute, or criminal traffic code of this State that is classified as a Class B
28 Misdemeanor as set forth in the Class B Misdemeanor Manual as published by the North
29 Carolina Department of Justice Justice, that is hereby incorporated herein by reference
30 reference, and shall include any later amendments and editions of the incorporated
31 material as provided by G.S. 150B-21.6. The publication is available from the
32 Commission's website: <http://www.ncdoj.gov/getdoc/60bb12ca-47c0-48cb-a0e3-6095183c4c2a/Class-B-Misdemeanor-Manual-2005.aspx>. Class B Misdemeanor also
33 includes any act committed or omitted in violation of any common law, duly enacted
34 ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North
35 Carolina, either civil or military, for which the maximum punishment allowable for the
36 designated offense under the laws, statutes, or ordinances of the jurisdiction in which the
37

1 offense occurred includes imprisonment for a term of more than six months but not more
 2 than two years. Excluded from this grouping of "Class B Misdemeanor" criminal
 3 offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses
 4 designated as being misdemeanors under the laws of other jurisdictions with the
 5 following exceptions: Class B Misdemeanor includes the following:

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

18 ~~(24)~~(25) "Qualified Assistant" means an additional staff person designated ~~as such~~ by the School Director
 19 to assist in the administration of a course when ~~a certified an~~ institution or agency assigns
 20 additional responsibilities to the certified School Director during the planning, development, and
 21 implementation of a certified course.

22 ~~(25)~~(26) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to
 23 10,550 MHZ frequency (X) band, ~~or transmits microwave energy in~~ the 24,050 to 24,250 MHZ
 24 frequency (K) band, ~~and either of which operates in the stationary or moving mode.~~ "Radar"
 25 ~~further means a speed-measuring instrument that transmits microwave energy in or~~ the 33,400 to
 26 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

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

29 ~~(27)~~(28) "School" or "criminal justice school" means an institution, college, university, academy, or agency
 30 that offers criminal justice, law enforcement, or traffic control and enforcement training for
 31 criminal justice officers or law enforcement officers. "School" includes the criminal justice
 32 training course curriculum, instructors, and facilities.

33 ~~(28)~~(29) "School Director" means the person designated by the sponsoring institution or agency to
 34 administer the criminal justice school.

35 ~~(29)~~(30) "Speed-Measuring Instruments" (SMI) means those devices or systems, including ~~radar time-~~
 36 ~~distance, RADAR, Time-Distance~~ and LIDAR, approved under authority of G.S. 17C-6(a)(13) for
 37 use in North Carolina in determining the speed of a vehicle under observation and particularly

1 includes all named devices or systems as described or referenced in the approved list of 12 NCAC
2 09C .0601.

3 ~~(30)~~(31) "Standards Division" means the Criminal Justice Standards Division of the North Carolina
4 Department of Justice.

5 ~~(31)~~(32) "Time-Distance" means a speed-measuring instrument that electronically computes, from
6 measurements of time and distance, the average speed of a vehicle under observation.

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

21

1 **12 NCAC 09A .0206 is proposed for amendment as published in Volume 30, Issue 3, pg 272-273 with changes:**

2
3 **12 NCAC 09A .0206 SUMMARY SUSPENSIONS**

4 (a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a
5 criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the
6 certification when, in the opinion of the Probable Cause Committee, when the public health, safety, or welfare requires
7 this emergency action of summary suspension. pursuant to G.S. 150B-3. The Commission has determined that the
8 following conditions specifically affect the public health, safety, or welfare and therefore it, by and through the Probable
9 Cause Committee, may utilize summary suspension when:

- 10 (1) the person has committed or been convicted of a violation of the criminal code that would require a
11 permanent revocation or denial of certification; or
12 (2) the certified officer fails to satisfactorily complete the in-service training requirements as prescribed in
13 12 NCAC 09E.; or
14 (3) ~~The~~ the certified officer has produced a positive result on a urinalysis test, conducted in accordance
15 with 12 NCAC 09B .0101(5).

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

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

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

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

30 (f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry
31 Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415(a)(4) that is
32 not in compliance with [Rule]12 NCAC 09F .0102 of this Chapter[-], and negatively affects the public safety and
33 welfare[-], may summarily suspend the instructor's Concealed Carry Handgun Instructor certification until such time as
34 the training course has been brought into compliance[-], or reported to the Probable Cause Committee for action.

35 (1) for each instance the Director shall:

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

1 determines the training program is brought into compliance with [Rule] 12 NCAC 09F .0102
2 and [Rule] 12 NCAC 09F .0105 of this Chapter; and
3 (B) [Inform] inform the instructor that he or she may appeal the Director's suspension by
4 requesting, in writing, a formal hearing before the Probable Cause Committee at the next
5 scheduled 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.*
11

1 **12 NCAC 09B .0106 is proposed for amendment as published in Vol. 30 issue 3, page 273, with changes:**

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
6 employment.

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

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

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21 *History Note: Authority G.S. 17C-6; 17C-10;*
22 *Eff. January 1, 1981;*
23 *Amended Eff. February 1, 2016; November 1, 2015; June 1, 2012; August 1, 2000.*
24

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

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 if** the individual **turns**
10 **will be** 20 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),~~
23 **(http://www.nccommunitycolleges.edu/state-board-community-colleges/meetings/october-17-2014),** or has taken the
24 reading component of a nationally standardized test within one year prior to admission to Basic Law Enforcement
25 Training and has scored at or above the tenth grade level or the equivalent. For the purposes of this Rule:

26 (1) Partial or limited enrollee does not include enrollees who hold, or have held within 12 months
27 prior to the date of enrollment, general certification pursuant to 12 NCAC 09C .0304.

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

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

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

31 (f) The school shall not admit any individual as a trainee in a presentation of the Basic Law Enforcement Training
32 Course unless the individual has provided to the School Director a medical examination report, completed by a
33 physician licensed to practice medicine in North Carolina, a physician's assistant, or a nurse practitioner, to
34 determine the individual's fitness to perform the essential job functions of a criminal justice officer. The Director of
35 the Standards Division shall grant an exception to this standard for a period of time not to exceed the
36 commencement of the physical fitness topical area when failure to receive the medical examination report is not due
37 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, college, or university graduate or has ~~passed the General Educational~~
 3 ~~Development Test indicating~~ received a high school ~~equivalency~~. equivalency credential recognized by the issuing
 4 state. High school diplomas earned through correspondence enrollment are not recognized toward the educational
 5 requirements.

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

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

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

27 (j) Individuals charged with crimes ~~as~~ specified in Paragraph (i) of this Rule may be admitted into the Basic Law
 28 Enforcement Training Course if such offenses were dismissed or the person was found not guilty, but completion of
 29 the Basic Law Enforcement Training Course does not ensure that certification as a law enforcement officer or justice
 30 officer through the North Carolina Criminal Justice Education and Training Standards Commission will be issued.
 31 Every individual who is admitted as a trainee in a presentation of the Basic Law Enforcement Training Course shall
 32 notify the School Director of all criminal offenses the trainee is arrested for or charged with, pleads no contest to,
 33 pleads guilty to, or is found guilty of, and of all Domestic Violence Orders (G.S. 50B) that are issued by a judicial
 34 official after a hearing that provides an opportunity for both parties to be present. This includes all criminal offenses
 35 except minor traffic offenses and includes any offense of Driving Under the Influence (DUI) or Driving While
 36 Impaired (DWI). A "minor traffic offense" is defined, for the purposes of this Paragraph, as an offense where the
 37 maximum punishment allowable by law is 60 days or fewer. Other offenses under G.S. 20 (Motor Vehicles) or

1 similar laws of other jurisdictions that shall be reported to the School Director are G.S 20-138.1 (driving while under
2 the influence), G.S. 20-28 (driving while license permanently revoked or permanently suspended), G.S. 20-30(5)
3 (fictitious name or address in application for license or learner's permit), G.S. 20-37.8 (fraudulent use of a fictitious
4 name for a special identification card), G.S. 20-102.1 (false report of theft or conversion of a motor vehicle), G.S.
5 20-111(5) (fictitious name or address in application for registration), G.S. 20-130.1 (unlawful use of red or blue
6 lights), G.S. 20-137.2 (operation of vehicles resembling law enforcement vehicles), G.S. 20-141.3 (unlawful racing
7 on streets and highways), G.S. 20-141.5 (speeding to elude arrest), and G.S. 20-166 (duty to stop in event of
8 accident). The notifications required under this Paragraph shall be in writing and specify the nature of the offense,
9 the court in which the case was handled, the date of the arrest or criminal charge, the date of issuance of the
10 Domestic Violence Order (~~G.S. 50B~~), (G.S. 50B), and the final ~~disposition~~, disposition and the date thereof. The
11 notifications required under this Paragraph shall be received by the School Director within 30 days of the date the
12 case was disposed of in court. The requirements of this Paragraph are applicable at all times during which the
13 trainee is enrolled in a Basic Law Enforcement Training Course. The requirements of this Paragraph are in addition
14 to the notifications required under 12 NCAC 10B .0301 and 12 NCAC 09B .0101(8).

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

17 *Eff. January 1, 1981;*

18 *Amended Eff. February 1, 2016; November 1, 2015; March 1, 2015; January 1, 2015; June 1*
19 *,2012; February 1, 2011; June 1, 2010; December 1, 2004; July 1, 2004; August 1, 2002; August*
20 *1, 2000; January 1, 1995; March 1, 1992; July 1, 1989; January 1, 1985.*

21

1 **12 NCAC 09B .0232 is proposed for amendment as published in Vol. 30, Issue 3, pages 274-5 with changes:**

2
3 **12 NCAC 09B .0232 SPECIALIZED SUBJECT CONTROL ARREST TECHNIQUES INSTRUCTOR**
4 **TRAINING**

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

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

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

- 13 (1) have completed the criminal justice general instructor training course;
- 14 (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in
15 the course; and
- 16 (3) present a written endorsement by either
- 17 (A) a certified ~~school director~~ School Director indicating the student ~~may be utilized is~~
18 qualified to instruct subject control arrest techniques in Basic Law Enforcement Training
19 Courses; or
- 20 (B) a ~~department head, certified school director, or in service training coordinator~~
21 Department Head, certified School Director, or In-Service Training Coordinator
22 indicating the student may be utilized to instruct ~~Subject Control Arrest Techniques~~
23 subject control arrest techniques for the "~~Law Enforcement Officers' In-Service Training~~
24 ~~Program.~~" Law Enforcement Officers' Annual In-Service Training Program.

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

- | | |
|---|--|
| 27 (1) Orientation <u>Pre-Qualification Testing</u> | 4 <u>4</u> Hour <u>Hours</u> |
| 28 (2) Skills Pre-Test <u>Orientation</u> | 1 Hour |
| 29 (3) Student Instructional Practicum <u>Response to Injury</u> | 3 <u>4</u> Hours |
| 30 (4) Practical Skills Evaluation <u>Combat Conditioning</u> | 3 <u>4</u> Hours |
| 31 (5) Response to Injury <u>Safety Guidelines/Rules</u> | 4 <u>2</u> Hours |
| 32 (6) Combat Conditioning <u>SC/AT Techniques and Instructional Methods</u> | 12 <u>4</u> Hours |
| 33 (7) Safety Guidelines/Rules <u>Fundamentals of Professional Liability</u> | 2 <u>4</u> Hours |
| 34 (8) Practical Skills Enhancement | 4 Hours |
| 35 (9) Subject Control/Arrest Techniques <u>Practical Skills and Instructional Methods</u> | 4 Hours |
| 36 (9) Student Instructional Practicum | 6 Hours |
| 37 (10) Fundamentals of Professional Liability For Law Enforcement Trainers | 4 Hours |

1	(10) <u>BLET Lesson Plan Review</u>	4 Hours
2	TOTAL	<u>7875</u> Hours

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

6 Criminal Justice Standards Division
 7 North Carolina Department of Justice
 8 1700 Tryon Park Drive
 9 Post Office Drawer 149
 10 Raleigh, North Carolina 27610

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

12 North Carolina Justice Academy
 13 Post Office Box 99
 14 Salemburg, North Carolina 28385

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

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

19 *Eff. February 1, 1987;*

20 *Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August*
 21 *1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989.*

22

1 **12 NCAC 09B .0233 is proposed for amendment as published in Vol. 30, issue 3, pages 275-6 with changes:**

2
3 **12 NCAC 09B .0233 SPECIALIZED PHYSICAL FITNESS INSTRUCTOR TRAINING**

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

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

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

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

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

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

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

17 (2) present a written endorsement by either:

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

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

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

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

27 (1) ~~Orientation~~ Pre-Qualification Testing 5 Hours

28 (2) ~~Lesson Plan Review~~ Orientation ~~41 Hours~~ Hour

29 (3) ~~Physical Fitness Assessments, Exercise Programs and Instructional Methods~~ 31 Hours

30 (3) Physical Fitness Sessions 6 Hours

31 (4) ~~Injury Care and Prevention~~ 4 Hours

32 (4) Physical Fitness Assessments, Exercise Programs, and Instructional Methods 20 Hours

33 (5) ~~Nutrition~~ Injury Care and Prevention ~~64~~ Hours

34 (6) ~~Civil Liabilities for Trainers~~ Nutrition ~~27~~ Hours

35 (7) ~~CVD Risk Factors~~ Civil Liability ~~23~~ Hours

36 (8) CVD Risk Factors 3 Hours

37 (8)(9) Developing In-Service Wellness Programs and Validating Fitness Standards 4 Hours

1	(10) Lesson Plan Review	2 Hours
2	(11) Exercise Leadership	3 Hours
3	TOTAL	58 Hours

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

7 Criminal Justice Standards Division
8 North Carolina Department of Justice
9 1700 Tryon Park Drive
10 Post Office Drawer 149
11 Raleigh, North Carolina 27610

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

13 North Carolina Justice Academy
14 Post Office Box 99
15 Salemburg, North Carolina 28385

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

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

20 *Eff. July 1, 1989;*

21 *Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August*
22 *1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; March 1, 1990; August 1, 1985.*

23

1 **12 NCAC 09B .0302 is proposed for amendment as published in Vol. 30, Issue 3, pg. 276 with changes:**

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 Specialized** Instructor Certification category. Individuals certified under
6 the general instructor category shall not teach any of the subjects specified in Rule .0304 of this **Section, Subchapter,**
7 entitled **"Specific "Specialized** Instructor Certification." To qualify for issuance of General Instructor Certification,
8 an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the
9 instructional process to the satisfaction of the Commission. The applicant shall meet the following requirements for
10 General Instructor Certification:

- 11 (1) Present documentary evidence showing that the applicant:
- 12 (A) is a high school, college or university graduate, or has received a high school 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 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 by**
20 Rule .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 **or an equivalent instructor training**
30 **course utilizing the Instructional Systems Design model, an international model with applications in education,**
31 **military training, and private enterprise** in its entirety.

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

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

35 *Eff. January 1, 1981;*

36 *Amended Eff. January 1, 2015; January 1, 2006; May 1, 2004; August 1, 2000; July 1, 1991;*

37 *December 1, 1987; October 1, 1985; January 1, 1985.*

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

2
3 **12 NCAC 09B .0501 is proposed for amendment as published in Vol. 30, Issue 3, page 280-81 with changes:**

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~~ **School Director** in the delivery
7 or presentation of a Commission-certified criminal justice training course shall be and continuously remain certified
8 by the Commission as a school director.

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

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

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

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

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

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

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

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

34 (c) To qualify for certification as a ~~school director~~ **School Director** in the presentation of the **"Criminal Justice**
35 **Instructor Training Course"** **Criminal Justice Instructor Training Course**, an applicant shall:

36 (1) Document that he or she has been awarded a baccalaureate degree from a regionally accredited
37 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 **North Carolina** Justice Academy on
- 6 delivery of the 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.*

11

1 **12 NCAC 09B .0502 is proposed for amendment as published in Vol. 30, Issue 3, pg. 281 with changes:**

2

3 **12 NCAC 09B .0502 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION**

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

8 (b) To retain certification as a Basic Law Enforcement Training ~~school director, School Director,~~ the ~~school director~~
9 **School Director** shall:

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

17 (c) To retain certification as a Speed Measuring Instrument, Instructor Training, or Specialized Instructor Training
18 ~~[school director,] School Director,~~ the school director shall:

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

24

25 *History Note: Authority G.S. 17C-6;*
26 *Eff. January 1, 1985;*
27 *Amended Eff. February 1, 2016; May 1, 2014; April 1, 2009.*

28

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

2
3 **12 NCAC 09C .0401 is proposed for amendment as published in Vol. 30, Issue 3, pg. 281-282 with changes:**

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

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

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

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

1 <http://www.ncdoj.gov/CMSPages/GetFile.aspx?nodeguid=6cb7e157-87f7-40a3-b281-d95a36807bb9> together with
 2 the name and business address of the school director and the ~~and the~~ schedule of criminal justice training courses
 3 planned for delivery during the succeeding year.

4 (e) A school may ~~apply request for recertification~~ ~~reaccreditation~~ ~~to from~~ the Commission by submitting a completed
 5 ~~Form F-10(SA) Request for School Certification Accreditation application~~ form, located on the agency's website:
 6 [http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10\(SA\)-6-11.aspx](http://ncdoj.gov/getdoc/9134b822-24a7-4d70-8a3b-b2bd807100c4/F-10(SA)-6-11.aspx). The ~~application Form F-10(SA)~~
 7 ~~for recertification~~ ~~[reaccreditation]~~ shall contain information on changes in facilities, equipment, and staffing. Upon
 8 receipt of a completed application:

9 ~~(1) The Standards Division staff shall review the application for any omissions and clarification;~~

10 ~~(2)(1) The Standards Division staff shall attach reviews the request for reaccreditation, conducts a site visit to~~
 11 ~~tour facilities, confirms information on the application, determines if and where deficiencies exist, and~~
 12 ~~attaches~~ copies of the reports of site visits ~~conducted during the last period of certification~~
 13 ~~[accreditation]~~ to the application;

14 ~~(3)(2) The Standards Division staff shall submit submits~~ the application and staff reports to the Certification
 15 Education and Training Committee for ~~Review~~; review; and

16 ~~(4) The Certification Committee shall submit a recommendation to the Education and Training Committee~~
 17 ~~on the approval or denial of the application; and~~

18 ~~(5)(4)(3) The Education and Training Committee shall recommend recommends~~ to the full
 19 Commission at its next regularly scheduled meeting the approval or denial of ~~certification~~
 20 ~~accreditation~~ of the applicant institution or agency.

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

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

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

30 (h) The ~~certification Accreditation~~ of a school whose ~~certification accreditation~~ is scheduled to expire in calendar year
 31 ~~2006~~ 2015 and who has submitted a request for recertification ~~is shall be~~ extended for a maximum of two years under the
 32 following conditions:

33 (1) ~~certification accreditation~~ has not expired;

34 (2) the school has submitted a request for ~~recertification~~ ~~reaccreditation~~ along with the required
 35 documentation by December 31, ~~2006~~; 2015.

36 (3) the Standards Division staff ~~is was~~ unable to complete the recertification process by December 31,
 37 ~~2006~~; 2014; and

1 (4) the school is not denied ~~recertification~~ reaccreditation prior to the expiration of the current
 2 ~~certification.~~ accreditation. ~~Certification~~ Accreditation or ~~certification~~ accreditation extension
 3 according to this Paragraph expires when ~~recertification~~ reaccreditation is denied or revoked or the
 4 Standards Division staff is able to complete the ~~recertification~~ reaccreditation process and it is
 5 determined that the school is in compliance with the Rules for ~~recertification.~~ Reaccreditation. If the
 6 school ~~recertification~~ reaccreditation is denied or revoked, the school ~~must~~ shall not deliver
 7 Commission ~~certified~~ accredited criminal justice courses until such ~~recertification~~ reaccreditation has
 8 been granted or reinstated by the Commission.

9

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

16

1 **12 NCAC 09E .0109 is proposed for amendment as published in Vol. 30, Issue 3, pgs. 282-83 with changes:**

2

3 **12 NCAC 09E .0109 IN-SERVICE TRAINING COORDINATOR REQUIREMENTS**

4 (a) Any ~~person~~ persons designated by ~~his or her~~ an agency head to act as, or who ~~performs~~ perform the duties of, an In-

5 Service Training Coordinator in the delivery or presentation of a Commission-mandated or Commission-recognized in-

6 service training course shall have on file confirmation from the Commission acknowledging designation as In-Service

7 Training Coordinator prior to acting in an official capacity as an In-Service Training Coordinator.

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

9 (1) have four years of practical experience as a criminal justice officer or as an administrator or specialist

10 in a field directly related to the criminal justice system;

11 (2) ~~hold be certified by the Commission as a General Instructor certification; Instructor; and~~

12 (3) have ~~successfully participated in~~ completed the "Coordinating In-Service Training" course presented

13 by the North Carolina Justice Academy for the purpose of familiarization with trainee and instructor

14 evaluation.

15 (c) The agency head shall submit to the Criminal Justice Standards Division a Form F-18 Commission ~~In-Service In-~~

16 Service Training Coordinator Request form containing the ~~name~~ names and other requested information for the ~~person~~

17 persons selected to act as In-Service Training ~~Coordinator~~ Coordinators for the agency. The Form F-18 is located on the

18 agency's website: [http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18\(ITC\)-6-11.aspx](http://ncdoj.gov/getdoc/feb459d2-6db1-45be-94c8-a2e5305b350b/F-18(ITC)-6-11.aspx). The agency

19 head shall ensure that the ~~person~~ persons selected ~~meets~~ meet the requirements set forth in Paragraphs (a) and (b) of this

20 Rule.

21

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

23 *Eff. January 1, 2006. 2006;*

24 *Amended Eff. February 1, 2016.*

25

1 **12 NCAC 09G .0204 is proposed for amendment as published in Vol. 30, Issue 3, pg. 283 with changes:**

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, college, or university graduate or have ~~passed~~ received
6 ~~a the General Educational Development "GED" Test indicating high school equivalency.~~ equivalency credential as
7 recognized by the issuing state.

8 (b) Every person employed as a probation and 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, Instruction of the North~~
17 ~~Carolina Department of Public Instruction,~~ a comparable out-of-state agency, or is a regionally
18 accredited college or university. High school diplomas earned through correspondence enrollment
19 are not recognized toward these minimum educational 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. February 1, 2016; November 1, 2015; January 1, 2015; August 1, 2004.*

29

1 **12 NCAC 09G .0308 is proposed for amendment as published in Vol. 30, Issue 3, pg. 283-84 with changes:**

2
3 **12 NCAC 09G .0308 GENERAL INSTRUCTOR CERTIFICATION**

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

- 10 (1) Present documentary evidence showing that the applicant:
- 11 (A) is a high 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), within 60 days of completion of the
22 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 passed the state comprehensive written examination administered by the Commission for the
25 Commission-certified instructor training program or an equivalent instructor training course utilizing the
26 Instructional Systems Design model, an international model with applications in education, military training, and
27 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. February 1, 2016; November 1, 2015; January 1, 2015; January 1, 2006.*

37

1 **12 NCAC 09G .0405 is proposed for amendment as published in Vol. 30, Issue 3, pg. 284 with changes:**

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3 **12 NCAC 09G .0405 CERTIFICATION OF SCHOOL DIRECTORS**

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

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

8 (1) Attend and successfully complete a Commission-certified instructor training course or an equivalent
9 instructor training program as determined by the Commission (if certified after January 1, 2006); **and**

10 (2) present documentary evidence showing that the applicant:

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

13 has acquired five years of practical experience as a criminal justice officer, corrections
14 officer, or as an administrator or specialist in a field directly related to the corrections system.

15 At least one year of the required five years experience must have been while actively
16 participating in corrections training as a Commission-certified instructor; **or**

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

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

24 (3) attend or have attended the most current offering of the School Director's orientation as developed and
25 presented by the Commission staff, otherwise an individual orientation with a staff member shall be
26 required; and

27 (4) submit a **written request completed Form F-10(SD), Request for School Director Certification** to the
28 Commission for the issuance of such certification. This request shall be executed by the executive
29 officer **of the Office of Staff Development and Training** of the North Carolina Department of
30 **Correction, Public Safety, Division of Adult Correction and Juvenile Justice. The Form F-10(SD) is**
31 **located on the agency's website: [http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx)**
32 **[10\(SD\)-6-11.aspx](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx).**

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 he or she** has been awarded a baccalaureate degree from a regionally accredited
36 institution of higher learning;

- 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;
- 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 purposes
- 5 of familiarization and supplementation relevant to delivery of the instructor training course and trainee
- 6 evaluation.

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

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