

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Response

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, July 9, 2026 2:21 PM
To: Pendergraft, Robin <rpendergraft@ncdoj.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Draper, Steven <sdraper@ncdoj.gov>; STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Sheriffs' Commission Response

Thanks Robin.

I anticipate recommending approval of the final revised rules (these three plus the original filings) at the upcoming meeting. I'll let you know if anything comes up before then.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Thursday, July 9, 2026 2:18 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Draper, Steven <sdraper@ncdoj.gov>; STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Response

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I need to resend 1304 since the one I sent contains language that we are working on for the periodic review. Sorry!
Robin

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Response
Attachments: 12 NCAC 10B .1304 Evaluation for Training Waiver.doc

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Thursday, July 9, 2026 2:18 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
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I need to resend 1304 since the one I sent contains language that we are working on for the periodic review. Sorry!
Robin

1 12 NCAC 10B .1304 is amended with changes as published in 40:20 NCR 1592-1595 as follows:
2

3 **12 NCAC 10B .1304 EVALUATION FOR TRAINING WAIVER**

4 (a) Applicants for certification with prior telecommunicating experience shall have been employed and certified in a
5 telecommunicator position in order to be considered for training evaluation under this Rule.

6 (b) Persons who separated from a telecommunicator position during their probationary certification period after
7 having completed a commission-accredited Telecommunicator Certification Course and who have been separated
8 from a telecommunicator position for one year or less shall serve the remainder of the initial probationary period,
9 but need not complete an additional training program.

10 (c) Persons who separated from a telecommunicator position during their probationary certification period without
11 having completed a commission-accredited Telecommunicator Certification Course, or whose certification was
12 suspended pursuant to 12 NCAC 10B .0204(b)(1), and who have remained separated or suspended for over one year
13 shall complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State
14 Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in 12 NCAC 10B
15 .1303(a).

16 (d) Persons previously holding Grandfather grandfather telecommunicator certification in accordance with G.S.
17 17E-7(c1) who have been separated from a telecommunicator position for more than one year shall be required to
18 complete a commission-accredited Telecommunicator Certification Course in its entirety and pass the State
19 Comprehensive Examination within the 12 month probationary certification period as prescribed in 12 NCAC 10B
20 .1303(a).

21
22 *History Note: Authority G.S. 17E-4; 17E-7;*

23 *Temporary Adoption Eff. March 1, 1998;*

24 *Eff. August 1, 1998;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
26 *2018-;*

27 *Amended Eff. August 1, 2026-*
28

Burgos, Alexander N

Subject: FW: [External] Sheriffs' Commission Response
Attachments: 12 NCAC 10B .1305 Trainee Attendance.doc; 12 NCAC 10B .1305 Trainee Attendance.doc; 12 NCAC 10B .1306 Completion of Telecommunicator Cert Course.doc

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Thursday, July 9, 2026 2:07 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Draper, Steven <sdraper@ncdoj.gov>; STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Sheriffs' Commission Response

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Seth

I have attached the three rules with the highlighted language in the rules underlined. I agree with you suggestion about the definition and will address it during the periodic rules process.

Have a great week,
Robin

1 12 NCAC 10B .1305 is amended with changes as published in 40:20 NCR 1592-1595 as follows:

2
3 12 NCAC 10B .1305 TRAINEE ATTENDANCE

4 (a) Each trainee enrolled in a certified "Telecommunicator Certification Course" shall attend all class sessions. ~~The~~
5 ~~sheriff or agency head is responsible for the trainee's regular attendance at all sessions of the telecommunicator~~
6 ~~training course.~~

7 (b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at
8 specific class sessions. However, excused absences shall not exceed ten percent of the total class hours for the
9 course offering, except where the absence is due to religious observance as provided for in the community college
10 policy, in which case the absence excused may be for an additional 11.3 hours.

11 (c) If the school director grants an excused absence from a class session, he or she shall schedule an appropriate
12 make-up ~~work~~ and ensure the satisfactory completion of ~~such work~~ the classwork missed during the current course
13 presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .1306.

14 (d) A trainee is not eligible ~~for administration of to take~~ the State Comprehensive Examination ~~nor certification or~~
15 ~~considered to have~~ successfully completed the course ~~for successful course completion~~ if the cumulative total of
16 class absences, with accepted make-up work, exceeds the amount of time allowed in Paragraph (b) of this Rule. ~~and~~
17 The trainee shall be terminated from further course participation by the school director at the time ~~of such~~
18 ~~occurrence.~~ the trainee becomes ineligible pursuant to Paragraph (b) if this Rule.

19 ~~(e) The school director may terminate a trainee from course participation or may deny certification of successful~~
20 ~~course completion where the trainee is habitually tardy to or regularly departs early from class meetings or field~~
21 ~~exercises.~~

22 ~~(f) Where a trainee is enrolled in a program as required in this Section, attendance shall be 100 percent in order to~~
23 ~~receive a successful course completion.~~

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*

26 *Eff. April 1, 2001;*

27 *Amended Eff. August 1, 2011;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
29 *2018.;*

30 *Amended Eff. August 1, 2026.*
31

1 12 NCAC 10B .1305 is amended with changes as published in 40:20 NCR 1592-1595 as follows:

2
3 12 NCAC 10B .1305 TRAINEE ATTENDANCE

4 (a) Each trainee enrolled in a certified "Telecommunicator Certification Course" shall attend all class sessions. ~~The~~
5 ~~sheriff or agency head is responsible for the trainee's regular attendance at all sessions of the telecommunicator~~
6 ~~training course.~~

7 (b) The school director may recognize valid reasons for class absences and may excuse a trainee from attendance at
8 specific class sessions. However, excused absences shall not exceed ten percent of the total class hours for the
9 course offering, except where the absence is due to religious observance as provided for in the community college
10 policy, in which case the absence excused may be for an additional 11.3 hours.

11 (c) If the school director grants an excused absence from a class session, he or she shall schedule an appropriate
12 make-up ~~work~~ and ensure the satisfactory completion of ~~such work~~ the classwork missed during the current course
13 presentation or in a subsequent course delivery as is permissible under 12 NCAC 10B .1306.

14 (d) A trainee is not eligible ~~for administration of to take~~ the State Comprehensive Examination ~~nor certification or~~
15 ~~considered to have~~ successfully completed the course ~~for successful course completion~~ if the cumulative total of
16 class absences, with accepted make-up work, exceeds the amount of time allowed in Paragraph (b) of this Rule. ~~and~~
17 The trainee shall be terminated from further course participation by the school director at the time ~~of such~~
18 ~~occurrence.~~ the trainee becomes ineligible pursuant to Paragraph (b) if this Rule.

19 ~~(e) The school director may terminate a trainee from course participation or may deny certification of successful~~
20 ~~course completion where the trainee is habitually tardy to or regularly departs early from class meetings or field~~
21 ~~exercises.~~

22 ~~(f) Where a trainee is enrolled in a program as required in this Section, attendance shall be 100 percent in order to~~
23 ~~receive a successful course completion.~~

24
25 *History Note: Authority G.S. 17E-4; 17E-7;*

26 *Eff. April 1, 2001;*

27 *Amended Eff. August 1, 2011;*

28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
29 *2018.;*

30 *Amended Eff. August 1, 2026.*
31

1 12 NCAC 10B .1306 is amended with changes as published in 40:20 NCR 1592-1595 as follows:

2
3 **12 NCAC 10B .1306 COMPLETION OF TELECOMMUNICATOR CERTIFICATION COURSE**

4 (a) ~~Each delivery of a commission approved "Telecommunicator Certification Course" is considered to be a unit as~~
5 ~~set forth in this Section.~~ Each trainee shall attend and satisfactorily complete ~~a full course~~ an entire
6 "Telecommunicator Certification Course" during a scheduled delivery. The school director may develop
7 supplemental rules as set forth in 12 NCAC 10B .0709(a)(7), but may not add substantive courses, or change or
8 expand the substance of the courses set forth in 12 NCAC 10B .1301. This Rule does not prevent the instruction on
9 local agency rules or standards but such instruction shall not be considered or endorsed by the Commission for
10 purposes of certification. The Director may issue prior written authorization for a specified trainee's limited
11 enrollment in a subsequent delivery of the same course where the school director provides evidence that:

- 12 (1) the trainee attended and satisfactorily completed specified class hours and topics of the
13 "Telecommunicator Certification Course" but through extended absence occasioned by illness,
14 accident, or emergency was absent for more than 10 percent of the total class hours of the course
15 offering; or
16 (2) the trainee was granted excused absences by the school director that did not exceed 10 percent of
17 the total class hours for the course offering and the school director could not schedule appropriate
18 make-up work during the current course offering as specified in 12 NCAC 10B .1305(c) due to
19 valid reasons; or
20 (3) the trainee participated in an offering of the "Telecommunicator Certification Course" but had an
21 identified deficiency in essential knowledge or skill in either one or two, but no more than two, of
22 the specified topic areas incorporated in the course content as prescribed under 12 NCAC 10B
23 .1302(b).

24 (b) An authorization of limited enrollment in a subsequent course delivery may not be used by the Director unless
25 in addition to the evidence required by Paragraph (a) of this Rule:

- 26 (1) the trainee submits a written request to the Director, justifying the limited enrollment and
27 certifying that the trainee's participation shall be accomplished pursuant to Paragraph (c) of this
28 Rule; and
29 (2) the school director of the previous school offering submits to the director a certification of the
30 particular topics and class hours attended and satisfactorily completed by the trainee during the
31 original enrollment.

32 (c) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering
33 of the "Telecommunicator Certification Course" commencing within 120 calendar days from the last date of trainee
34 participation in prior course delivery, but only if the trainee's enrollment with active course participation can be
35 accomplished within the period of the trainee's probationary certification:

- 1 (1) the trainee need only attend and satisfactorily complete those portions of the course which were
2 missed or identified by the school director as areas of trainee deficiency in the proper course
3 participation;
- 4 (2) following proper enrollment in the subsequent course offering, scheduled class attendance and
5 active participation with satisfactory achievement in the course, the trainee would be eligible for
6 administration of the State Comprehensive Examination by the Commission and possible
7 certification of successful course completion; and
- 8 (3) a trainee shall be enrolled as a limited enrollee in only one subsequent course offering within the
9 120 calendar days from the last date of trainee participation in prior course delivery. A trainee who
10 fails to complete those limited portions of the course after one retest shall enroll in an entire
11 delivery of the Telecommunicator Certification Course.
- 12 (d) A trainee who ~~is deficient~~ has an identified deficiency or in essential knowledge or skill in three or more
13 subject-matter or topical areas at the conclusion of the course delivery shall complete a subsequent program in its
14 entirety.

15
16 *History Note: Authority G.S. 17E-4; 17E-7;*

17 *Eff. April 1, 2001;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
19 *2018.*

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Burgos, Alexander N

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Seth

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Have a great week,
Robin

Burgos, Alexander N

From: Ascher, Seth M
Sent: Thursday, July 9, 2026 1:41 PM
To: Pendergraft, Robin; Rules, Oah
Cc: Jones, Sirena C; Draper, Steven; STRICKLAND, JENNIFER J; Burgos, Alexander N
Subject: Re: [External] Sheriffs' Commission Response

Robin,

Thanks for your prompt response.

It looks like you highlighted but did not underline the additional language you added, please update that and resend.

On the "grandfather" issue, I agree that you should keep the term for consistency in your rules, and the specific reference to statute definitely helps the clarity. Next time 12 NCAC 10B .0103 goes through rulemaking, you may want to consider adding "grandfather certification" or something similar to your definition rule as an explicitly defined term.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Tuesday, July 7, 2026 12:37 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Jones, Sirena C <scjones@ncdoj.gov>; Draper, Steven <sdraper@ncdoj.gov>; STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>
Subject: [External] Sheriffs' Commission Response

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Seth

Please find attached the Sheriffs' Commission response to request for changes along with the rewritten rules. If you have any questions or concerns, please feel free to contact me.

Thanks
Robin



ROBIN P PENDERGRAFT
Projects Manager
Criminal Justice Standards Division
Office: (919) 779-8203
rpendergraft@ncdoj.gov
1700 Tryon Park Drive
Raleigh, North Carolina 27602-0149
ncdoj.gov

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Burgos, Alexander N

From: Jones, Sirena <Scjones@ncdoj.gov>
Sent: Wednesday, July 1, 2026 9:29 AM
To: Ascher, Seth M; Pendergraft, Robin
Cc: Burgos, Alexander N
Subject: [External] Re: RFC for SHETS - July 2026

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Thanks

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, June 30, 2026 2:06 PM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>; Jones, Sirena <Scjones@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RFC for SHETS - July 2026

EXTERNAL SENDER: This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Sheriffs' Education and Training Standards Commission for the July 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, July 30, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on July 14, 2026.

Please let me know if you have any questions of concerns.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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