

**NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING
STANDARDS COMMISSION**

PROPOSED RULE AMENDMENT

**12 NCAC 10B .0510: CERTIFICATION AND TRAINING FOR SCHOOL
RESOURCE OFFICERS**

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS



Public Hearing

August 1, 2019 8:30am
1700 Tryon Park Drive
Raleigh, NC 27610

Instructions for Oral and Written Comments

The public comment period begins on July 15, 2019, and ends at 5:00 p.m. on September 13, 2019. Public comments shall be in writing and shall be directed to:

Diane Konopka
North Carolina Department of Justice
Sheriffs' Education and Training Standards Division
Post Office Box 629
Raleigh, NC 27602-0629

"Public comment" is defined by NCGS 150B-21.3A(a)(5) as a written objection to all or part of a rule. Additionally, pursuant to NCGS 150B-21.3A(c)(2), in order for the Rules Review Commission to determine whether the public comment has merit, the public comment must address the specific substance of the rule and address any of the standards of Commission review, as set forth in NCGS 150B-21.9(a).

Statutory Authority for Proposed Rules Changes: NCGS 17E

*****If approved, change would be effective January 1, 2020*****

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- ☐ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency:

NC Sheriffs' Education and Training Standards Commission

2. Link to agency website pursuant to G.S. 150B-19.1(c):

<https://www.ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Sheriffs-Education-and-Training-Standards/All-Commissioners>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☒ AMENDMENT:

12 NCAC 10B .2005

12 NCAC 10B .0510

☐ REPEAL:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☐ REPEAL through READOPTION:

4. Proposed effective date: 01/01/2020

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: Public Hearing date: 08/01/2019

Public Hearing time: 8:30am

Public Hearing location: 1700 Tryon Park Drive, Raleigh, NC 27610

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s):

12 NCAC 10B .2005: sets out annual in-service training topics for 2020.

12 NCAC 10B .0510: defines and further clarifies certification and training requirements for School Resource Officers.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Diane Konopka

Address:

Post Office Box 629

Raleigh, NC 27602

Phone (optional):

Fax (optional):

E-Mail (optional):

10. Comment Period Ends: 09/13/2019

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☒ State funds affected
- ☒ Local funds affected
- ☒ Substantial economic impact (\geq \$1,000,000)
- ☒ Approved by OSBM
- ☐ No fiscal note required

12. Rule-making Coordinator:

Diane Konopka

Phone: 919-662-4375

E-Mail:

dkonopka@ncdoj.gov

Additional agency contact, if any:

Phone:

E-mail:

13. The Agency formally proposed the text of this rule(s) on

Date: 12/14/2018 (.2005) and 06/14/2019 (.0510)

14. Signature of Agency Head* or Rule-making Coordinator:

Diane N. Konopka

Typed Name: Diane Konopka

Title: Director, Sheriffs' Standards Division

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*

1 12 NCAC 10B .2005 IS PROPOSED TO BE AMENDED AS FOLLOWS:

3 12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

5 (a) A Sheriff or Department Head may use a lesson plan developed by the North Carolina Justice Academy or a
6 lesson plan for any of the topic areas developed by another entity. The Sheriff or Department Head may also use a
7 lesson plan developed by a certified instructor, provided that the instructor develops the lesson plan in accordance
8 with the Instructional Systems Development model as taught in Criminal Justice Instructor Training and as
9 described in 12 NCAC 09B .0209. Lesson plans shall be designed to be delivered in hourly increments. A student
10 who completes the training shall receive the number of credits that correspond to the number of hours assigned to
11 the course, regardless of the amount of time the student spends completing the course, where each hour of
12 instruction shall be worth one credit (e.g., "Legal Update" is designed to be delivered in four hours and will yield
13 four credits). With the exception of Firearms Training and Requalification, successful completion of training shall
14 be demonstrated by passing tests as developed by the delivering agency or as written by the North Carolina Justice
15 Academy. A written test comprised of at least five questions per hour of training shall be developed by the
16 delivering agency, or the agency may use the written test developed by the North Carolina Justice Academy, for
17 each in-service training topic. A student shall pass each test by achieving 70 percent correct answers. Firearms
18 Training and Requalification shall be demonstrated qualification with a firearm as set out in Section .2100 of this
19 Subchapter.

20 *(b) Training described in 12 NCAC 10B .2005(a) shall satisfy the in-service training requirement for topic areas of*
21 *the Sheriffs' or Department Head's choosing; or the Sheriff or Department Head may chose training delivered*
22 *pursuant to National Certification Programs administered by the International Association of Directors of Law*
23 *Enforcement Standards and Training (IADLEST) completed during the mandated in-service year to satisfy these*
24 *topics in part or in whole. It is not required that this IADLEST training be written in the Instructional Systems Design*
25 *(ISD) format or delivered by a Commission certified instructor.*

26 ~~(b) The 2018 Law Enforcement In-Service Training Program requires 24 credits of training and successful~~
27 ~~completion in the following topic areas:~~

- 28 ~~(1) Legal Update;~~
29 ~~(2) Strategies to Improve Law Enforcement Interactions and Relationships with Minority Youth;~~
30 ~~(3) Equality in Policing;~~
31 ~~(4) Communications Skills With Persons In Crisis—De-escalation Techniques;~~
32 ~~(5) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this~~
33 ~~Subchapter; and~~
34 ~~(6) Any topic areas of the Sheriff's choosing.~~

35 ~~(c) The 2018 Detention Officer In-Service Training Program requires 16 credits of training and successful~~
36 ~~completion in the following topic areas:~~

- 37 ~~(1) Recognizing Warning Signs and Strategies Associated with Mental Illness;~~

- ~~1 (2) Equality in Detention Practices;~~
~~2 (3) Communications Skills With Persons In Crisis De-escalation Techniques;~~
~~3 (4) Career Survival; and~~
~~4 (5) Any topic areas of the Sheriff's or Department Head's choosing.~~
- ~~5 (d) The 2018 Telecommunicator In-Service Training Program requires 16 credits of training and successful~~
~~6 completion in the following topic areas:~~
- ~~7 (1) Communications Center Trainer;~~
~~8 (2) Equality in Policing;~~
~~9 (3) Communications Skills With Persons In Crisis De-escalation Techniques; and~~
~~10 (4) Any topic areas of the Sheriff's or Department Head's choosing.~~
- 11 (c) ~~(e)~~ The 2019 Law Enforcement In-Service Training Program requires 24 credits of training and successful
12 completion in the following topic areas:
- 13 (1) Legal Update;
14 (2) Juvenile Law Update;
15 (3) Individual Wellness: Coping with Stress and PTSD;
16 (4) Best Practices for Officers During Community Dissent;
17 (5) Law Enforcement Intelligence Update: Gangs and Divisive Groups;
18 (6) Domestic Violence: Law and Procedure Update;
19 (7) Opioid Awareness and Response;
20 (8) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this
21 Subchapter; and
22 (9) Any topic areas of the Sheriff's choosing.
- 23 (d) ~~(f)~~ The 2019 Detention Officer In-Service Training Program requires 16 credits of training and successful
24 completion in the following topic areas:
- 25 (1) Detention Officer Legal Update;
26 (2) Detention Intelligence Update: Gangs and Divisive Groups;
27 (3) Individual Wellness: Coping with Stress and PTSD;
28 (4) Inmate Suicide Prevention;
29 (5) Opioid Awareness and Response; and
30 (6) Any topic areas of the Sheriff's or Department Head's choosing.
- 31 (e) ~~(g)~~ The 2019 Telecommunicator In-Service Training Program requires 16 credits of training and successful
32 completion in the following topic areas:
- 33 (1) Individual Wellness: Coping with Stress and PTSD;
34 (2) Civil Liability for Telecommunicators;
35 (3) Human Fatigue in Shift Work; Strategies for Improving Performance;
36 (4) Handling Difficult Callers; and
37 (5) Any topic areas of the Sheriff's or Department Head's choosing.

(f) The 2020 Law Enforcement In-Service Training Program requires 24 credits of training and successful completion in the following topic areas:

- (1) 2020 Legal Update;
- (2) 2020 Long-Term Effects of Childhood Adversity;
- (3) 2020 The Signs Within: Suicide Prevention Education and Awareness;
- (4) 2020 Career Survival: Training and Standards Issues;
- (5) 2020 Communication Strategies When Encountering Persons Who are Deaf or Hard of Hearing;
- (6) 2020 Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority;
- (7) 2020 Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (8) Any topic areas of the Sheriff's choosing.

(g) The 2020 Detention Officer In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) 2020 Overcoming Negativity in the Detention Center;
- (2) 2020 Documenting the Incident Refresher;
- (3) 2020 The Signs Within: Suicide Prevention Education and Awareness
- (4) 2020 Career Survival: Training and Standards Issues;
- (5) 2020 Recognizing Signs of assaultive Behavior; and
- (6) Any topic areas of the Sheriff's or Department Head's choosing.

(h) The 2020 Telecommunicator In-Service Training Program requires 16 credits of training and successful completion in the following topic areas:

- (1) 2020 Suicide Callers;
- (2) 2020 Overcoming Negativity in the Communications Center;
- (3) 2020 Processing Calls/Quality Assurance;
- (4) 2020 Responding to Domestic Violence Callers;
- (5) 2020 Career Survival: Training and Standards Issues; and
- (6) Any topic areas of the Sheriff's or Department Head's choosing.

History Note: Authority G.S. 17E-4; 17E-7;
Eff. January 1, 2007;
Amended Eff. January 1, 2018; January 1, 2017; January 1, 2016; January 1, 2015;
February 1, 2014; January 1, 2013; February 1, 2012; January 1, 2011; January 1, 2010;
January 1, 2009; January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018;
Amended Eff. January 1, 2020; August 1, 2019; January 1, 2019.

1 12 NCAC 10B .0510 IS PROPOSED TO BE AMENDED AS FOLLOWS:

2
3 12 NCAC 10B .0510 CERTIFICATION AND TRAINING FOR SCHOOL RESOURCE OFFICERS

4 (a) ~~The School Resource Officer training course for law enforcement officers shall provide the trainee with the skills~~
5 ~~and knowledge to perform in the capacity of a School Resource Officer. The course shall be for a period of 40 hours.~~
6 School Resource Officer (SRO) is defined as any law enforcement officer assigned to one or more public schools
7 within a public school unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar
8 year to assist with all of the following:

9 (1) School safety;

10 (2) School security;

11 (3) Emergency preparedness;

12 (4) Emergency response; and,

13 (5) Any additional responsibilities related to school safety or security assigned by the officer's employer
14 while the officer is acting as a School Resource Officer.

15 These requirements shall be consistent with any written memorandum of understanding between the public school
16 unit and the law enforcement agency governing the School Resource Officer.

17 (b) ~~The "School Resource Officer Training" course published by the North Carolina Justice Academy shall be used~~
18 ~~as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:~~

19 ~~Sheriffs' Standards Division~~

20 ~~North Carolina Department of Justice~~

21 ~~1700 Tryon Park Drive~~

22 ~~Post Office Drawer 149~~

23 ~~Raleigh, North Carolina 27602~~

24 ~~and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following~~
25 ~~address:~~

26 ~~North Carolina Justice Academy~~

27 ~~Post Office Drawer 99~~

28 ~~Salemburg, North Carolina 28385~~

29 (b) Deputy Sheriffs assigned by their agency to perform duties as a School Resource Officer shall:

30 (1) have been issued general certification by the North Carolina Sheriffs' Education and Training Standards
31 Commission as a deputy sheriff; and

32 (2) have until December 31, 2020 to complete the Basic School Resource Officer training course if they
33 are acting in the capacity of a School Resource Officer between January 1, 2019 and December 31, 2019.

34 Any officer assigned as a School Resource Officer effective 1/01/2020 or later shall complete the "Basic
35 School Resource Officer Training" course pursuant to Paragraph (f) of this Rule, within one year after
36 being assigned as a School Resource Officer. Deputy Sheriffs who previously completed the training
37 pursuant to Paragraph (f) of this Rule and who have been continually assigned as an SRO pursuant to

Paragraph (a) of this Rule shall be credited with completion of the "Basic School Resource Officer Training" course.

(c) A deputy sheriff assigned to one or more public schools within a public school unit, who works in a school at least 20 hours per week for more than 12 weeks per calendar year and who has not completed the initial training as established by Paragraph (f) of this Rule shall not work in a school as a School Resource Officer until the officer has completed the initial training as established by Paragraph (f) of this Rule.

(d) The agency head shall submit to the Sheriffs' Standards Division a Form F-20 Commission School Resource Officer Assignment Form for the person(s) selected to act as a School Resource Officer for the agency. The Form F-20 is located on the agency's website: <https://ncdoj.gov> and must be completed in its entirety.

(e) The term of certification as a School Resource Officer is indefinite, provided the School Resource Officer completes during each calendar year a minimum of one hour of School Resource Officer refresher training authored by North Carolina Justice Academy. For School Resource Officers who complete the basic SRO training requirement in 2020 or earlier, this requirement becomes effective January 1, 2021. Otherwise, this requirement becomes effective the year following the officer's successful completion of the Basic School Resource Officer Training course. A certified School Resource Officer who has not completed the refresher training during a calendar year as established by this section shall not work in a school as a School Resource Officer until the officer has completed the required refresher training as established by this Section.

~~Deputy Sheriffs assigned by their agency to perform duties as a School Resource Officer shall:~~

- ~~(1) — have been issued general certification by the NC Sheriffs' Education and Training Standards Commission as a law enforcement officer; and~~
- ~~(2) — have completed, or complete within one year after being assigned as a School Resource Officer, the School Resource Officer the "School Resource Officer Training" course pursuant to Paragraph (b) of this Rule.~~

(f) The School Resource Officer training course for deputy sheriffs shall provide the trainee with the skills and knowledge to perform in the capacity of a School Resource Officer. The "Basic School Resource Officer Training" course authored by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the:

Sheriffs' Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 629
Raleigh, North Carolina 27602

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

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

- 1 *History Note:* *Authority G.S. 17E-4; 17E-7*
- 2 *Eff. January 1, 2019.*
- 3 *Amended Eff. January 1, 2020*