NORTH CAROLINA SHERIFFS’ EDUCATION AND TRAINING STANDARDS COMMISSION

PROPOSED RULE AMENDMENT
12NCAC 10B .0905 Terms and Conditions of Detention Officer Instructor Cert.
12NCAC 10B .0909 Terms and Conditions of Limited Lecturer Cert.
12NCAC 10B .0915 Terms and Conditions of Telecommunicator Instructor Cert.

Public Hearing
01/21/2021 110:00am
1700 Tryon Park Drive
Raleigh, NC 27610

Full Commission Vote
March 11, 2021
Guilford County, NC

Instructions for Oral and Written Comments

The public comment period begins on January 4, 2021, and ends at 5:00 p.m. on March 5, 2021. 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: On September 18, 2020, the North Carolina Sheriffs’ Education and Training Standards Commission proposed an amendment to 12NCAC 10B .0407 to further clarify the process for a former elected or appointed Sheriff to obtain justice officer certification upon leaving office.

Fiscal Impact: None
***If approved, change would be effective May 1, 2021***

**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)]

CHECK APPROPRIATE BOX:

X 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 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:


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

☐ ADOPTION:

☐ READOPT with substantive changes:

☐ READOPT without substantive changes:

X AMENDMENT: 12NCAC 10B .0905; 12NCAC 10B .0909; 12NCAC 10B .0915

☐ REPEAL:

4. Proposed effective date: 05/01/2021

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

If yes: Public Hearing date: 1/21/2021
       Public Hearing time: 10:00 am
       Public Hearing Location: 1700 Tryon Park Drive. Raleigh, NC 27610

ORIGINAL 06/17/2019
7. Explain Reason For Proposed Rule(s):

12NCAC 10B .0905: Updates/corrects the requirements for Detention Officer Instructor Certification
12NCAC 10B .0909: Updates/corrects the requirements for Limited Lecturer Instructor Certification
12NCAC 10B .0915: Updates/corrects the requirements for Telecommunicator Instructor Certification

Detention Officer and Telecommunicator Instructor Certifications are contingent on General Instructor Certification which is issued by and maintained with the Criminal Justice Education and Training Standards Commission.

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 N. Konopka
Address: Post Office Box 629
Raleigh, NC 27602

Phone (optional):
Fax (optional):
E-Mail (optional): dkonopka@ncdoj.gov

10. Comment Period Ends: 3/5/2021

11. Fiscal impact (check all that apply).
   If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.
   ☐ State funds affected 12NCAC 10B .2005
   ☐ Environmental permitting of DOT affected - Analysis submitted to Board of Transportation
   ☐ Local funds affected 12NCAC 10B .2005
   ☐ Substantial economic impact ($1,000,000) 12NCAC 10B .2005
   ☐ Approved by OSBM 12NCAC 10B .2005
   ☐ No fiscal note required by G.S. 150B-21.4
   ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Diane N. Konopka
   Address: 1700 Tryon Park Drive
   Raleigh, NC 27610
   Phone: 919-662-4375
   E-Mail: dkonopka@ncdoj.gov
   Agency contact, if any:
   Phone:
   E-Mail:

13. The Agency formally proposed the text of this rule(s) on Date: 9/18/2020

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

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

   Typed Name: Diane N. Konopka
   Title: Director
12 NCAC 10B .0905 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0905 TERMS AND CONDITIONS OF DETENTION OFFICER INSTRUCTOR CERTIFICATION

(a) An applicant meeting the requirements for certification as a Detention Officer Instructor shall serve a probationary period. The probationary period shall be set to expire concurrently with the expiration of the instructors' General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. The expiration dates of any existing commission-issued Probationary General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructors' General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date is less than one year, then the eight hours of instruction shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be issued provided all other conditions for Full status as set out in Paragraph (b) of this Section are met. If the applicant has a Full General Instructor certification with no expiration date, the expiration date for the Probationary Detention Officer Instructor Certification shall be set for a period of one year from date of issue.

(b) The probationary instructor shall be awarded full Detention Officer Instructor Certification at the end of the probationary period if the instructors certification required in 12 NCAC 10B .0904(a)(2) .0904(a) remains valid, and that the instructor through application, submits to the Division either:

(1) a favorable recommendation from a school director accompanied by certification on a commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of eight hours as specified in Paragraph (e) of this Rule in a basic commission-certified Detention Officer Certification Course, or in a commission recognized Detention Officer In-Service Course, during his/her probationary year; or

(2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission member or staff member based on an on-site classroom evaluation of the probationary instructor in a commission-certified Detention Officer Certification Course. Such evaluation shall be certified on a commission Instructor Evaluation Form. In addition, instructors evaluated by a commission or staff member must also teach a minimum of eight hours in a commission-certified Detention Officer Certification Course during his/her probationary year.

(c) The expiration dates of any existing commission-issued Full General Detention Officer Instructor Certifications shall be set to expire concurrently with the expiration of the instructors' Probationary General Instructor Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the expiration date shall be less than three years, then the 12 hours of instruction shall be waived for this shortened term and Full General Detention Officer Instructor Certification shall be renewed. If the applicant has a Full General Instructor Certification with no expiration date, the expiration date for the Full Detention Officer Instructor Certification shall be set for a period of three years from the date of issue. Full Detention Officer Instructor Certification is continuous so long as the instructor's certification required in 12 NCAC 10B .0904(a)(2)
.0904(a) remains valid, and that the instructor submits to the Division every three years a renewal application which includes either:

(1) a favorable recommendation from a school director accompanied by certification on a commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a commission-certified Detention Officer Certification Course, or in a commission recognized Detention Officer In-Service Course, during the previous two three year period. The date full Instructor Certification is originally issued shall be the anniversary date from which each two three year period is figured; or

(2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission member or staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a commission-certified Detention Officer Certification Course.

(d) In the event a General Detention Officer Instructor Certification (either Probationary or Full) is terminated for failure to have been satisfactorily evaluated for 12 hours of instruction in a Detention Officer Certification Course, the individual may re-apply for certification meeting the initial conditions for such certification, but must also provide documentation that he/she has audited the number of hours of instruction that he/she failed to teach in a delivery of an certified Detention Officer Certification Course.

(e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

(1) Instructional ability includes the instructor's:

(A) voice quality (projection, articulation, speech rate);

(B) verbal skill (fluency and clarity);

(C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);

(D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and

(E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).

(2) Student participation includes the instructor's:

(A) use of questions to stimulate and encourage discussion and response to student questions;

(B) ability to stimulate and encourage class participation, maintain the students' attention and engagement of all students effectively;

(C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
exercise of control and discipline of the students to maintain proper behavior and
orderliness in the classroom, ability to remain in control during classroom discussions
and handle of class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:

(A) full coverage of the lesson plan;
(B) presentation of information in logical sequence;
(C) timing of presentation to allow for sufficient time for questions and discussion;
(D) transition of subjects with continuous progression and development of lesson;
(E) emphasis of key points and frequent summarization of topics to entire lesson or course
and use of vivid examples to clarify the subjects; and
(F) frequent establishment of relevance of the topics to entire lesson or course and use of
vivid examples to clarify the subjects; and
(G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of
hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means
accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor
from fulfilling the teaching requirement.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;
Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002; January 1, 1996; January 1,
1992;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018;
Amended Eff. May 1, 2021.
12 NCAC 10B .0909 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0909  TERMS AND CONDITIONS OF A LIMITED LECTURER CERTIFICATION

(a) An applicant meeting the requirements for certification as a Limited Lecturer shall serve a probationary period. The expiration dates of any existing commission-issued Limited Lecturer Certifications, where the individual holds instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, shall be set to expire concurrently with the other instructor certification(s) issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event such instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. Where the instructor holds no certification through either Commission, certification as a Limited Lecturer shall remain effective for 12 months from the date of issuance. The lecturer shall apply for Full Limited Lecturer Certification at or before the expiration date. If the time-period before the expiration date is less than one year, then the four hours of instruction shall be waived for this shortened term and Full Limited Lecturer Certification shall be issued provided all other conditions for Full status as set out in this Section are met.

(b) The probationary instructor shall be eligible for full Limited Lecturer status at the end of the probationary period if the instructor, through application, submits to the Commission:

1. documentation on a commission Form LL1 of at least four hours of instruction occurring within the probationary period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and

2. documentation that all other certifications required in 12 NCAC 10B .0908 remain valid.

(c) The expiration dates of any existing commission-issued Full Limited Lecturer Certifications shall be set to expire concurrently with the expiration of the corresponding instructors' certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. In the event such instructor does not hold instructor certification under the North Carolina Criminal Justice Education and Training Standards Commission, but holds another instructor certification(s) issued through this Commission, the expiration date shall be set to expire concurrently with the other instructor certification(s) issued by this Commission. The lecturer shall apply for recertification at or before the expiration date. If the time period before the expiration date is less than three years, then the six hours of instruction shall be waived for this shortened term and Full Limited Lecturer Instructor Certification will be renewed provided all other conditions for Full status as set out in Subparagraph (2) of this Paragraph are met. Full Limited Lecturer Certification shall be continuous so long as the lecturer submits to the Division every two three (3) years:

1. documentation on a commission Form LL1 of at least six hours of instruction occurring within the three-year certification period in an area of the instructor's expertise related to each topic for which Limited Lecturer Certification was granted; and
(2) A renewal application to include documentation that all other certifications required in 12 NCAC 10B 0908 remain valid.

(d) In the event a Limited Lecturer Instructor Certification (either Probationary or Full) is terminated for failure to have provided documentation of the minimum number of hours of instruction occurring within the respective certification periods in an area of the instructor’s expertise related to each topic for which Limited Lecturer Certification was granted, the individual may re-apply for certification meeting the initial conditions for such certification, but must also provide documentation on a commission Form LL2 that he/she has audited the number of hours of instruction he/she failed to teach in the topic area for which Limited Lecturer Certification was granted in the respective area of expertise.

(e) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor from fulfilling the teaching requirement.

History Note: Authority G.S. 17E-4;

Eff. January 1, 1989;

Amended Eff. January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996;

January 1, 1994; January 1, 1992; January 1, 1991;

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

Amended Eff. May 1, 2021.
12NCAC 10B .0915 IS PROPOSED TO BE AMENDED AS FOLLOWS:

12 NCAC 10B .0915    TERMS AND CONDITIONS OF TELECOMMUNICATOR INSTRUCTOR
CERTIFICATION

(a) An applicant meeting the requirements for certification as a Telecommunicator Instructor shall serve a
probationary period. The Telecommunicator Instructor Certification probationary period shall be set to automatically
expire concurrently with the expiration of the instructor’s General Instructor Certification issued by the North
Carolina Criminal Justice Education and Training Standards Commission. The expiration dates of any existing
commission-issued Probationary General Telecommunicator Instructor Certifications shall be set to expire
concurrently with the expiration of the instructors, instructor’s Probationary General Instructor Certification issued
by the North Carolina Criminal Justice Education and Training Standards Commission. If the time-period before the
expiration date is less than one year, then the eight hours of instruction shall be waived for this shortened term and
Full General Telecommunicator Instructor Certification shall be issued provided all other conditions for Full status
as set out in Paragraph (b) of this Rule are met. If the applicant has a Full General Instructor Certification with no
expiration date for the Probationary Telecommunicator Officer Instructor Certification shall be set for one (1) year
from date of issue.

(b) The probationary instructor shall be awarded full Telecommunicator Instructor Certification at the end of the
probationary period if the instructor’s certification required in 12 NCAC 10B .0914(a)(2) .0914(a) remains valid, and
that the instructor through application, submits to the Division either:

(1) a favorable recommendation from a school director accompanied by certification on a commission
Instructor Evaluation Form that the instructor satisfactorily taught a minimum of eight hours as
specified in Paragraph (e) of this Rule in a commission-certified Telecommunicator Certification
Course Course, or in a commission recognized Telecommunicator In-Service Training Course
during his/her probationary year; or

(2) an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission
member or staff member based on an on-site classroom evaluation of the probationary instructor in
a commission-certified Telecommunicator Certification Course. Such evaluation shall be certified
on a commission Instructor Evaluation Form. In addition, instructors evaluated by a commission
or staff member must also teach a minimum of eight hours in a commission-certified
Telecommunicator Certification Course during his/her probationary year.

(c) The expiration dates of any existing commission-issued Full General Telecommunicator Instructor Certifications
shall be set to expire concurrently with the expiration of the instructors’ Probationary General Instructor
Certification issued by the North Carolina Criminal Justice Education and Training Standards Commission. If the
time-period before the expiration date is less than three years, then the 12 hours of instruction shall be waived for
this shortened term and Full General Telecommunicator Instructor Certification shall be renewed. If the applicant
has a Full General Instructor Certification with no expiration date, the expiration date for the Full Telecommunicator
Officer Instructor Certification shall be set for three (3) years from the date of issue. Full Telecommunicator
Instructor Certification is continuous so long as the instructor's certification required in 12 NCAC 10B .0904(a)(2) remains valid, and that the instructor submits to the Division every three years a renewal application and either:

1. a favorable recommendation from a school director accompanied by certification on a commission Instructor Evaluation Form that the instructor satisfactorily taught a minimum of 12 hours as specified in Paragraph (e) of this Rule in a commission-certified Telecommunicator Certification Course, or a commission recognized Telecommunicator In-Service Training Course during the previous two-year three (3) year period. The date full Instructor Certification is originally issued is the anniversary date from which each three year period is figured; or

2. an acceptable written evaluation as specified in Paragraph (e) of this Rule by a commission member or staff member based on a minimum 12 hours, on-site classroom observation of the instructor in a commission-certified Telecommunicator Certification Course.

(d) In the event a General Telecommunicator Instructor Certification (either Probationary or Full) is terminated for failure to have been evaluated for the required minimum number of hours of instruction in a Telecommunicator Certification Course, the individual may re-apply for certification meeting the initial conditions for such certification, but must also provide documentation that he/she has audited the number of hours of instruction that he/she failed to teach in a delivery of a certified Telecommunicator Certification Course.

(e) An Instructor Evaluation Form records a rating of instructional ability, student participation, and presentation of the lesson plan consistent with the requirements for successfully completing the Criminal Justice Instructor Training as set out in 12 NCAC 09B .0209.

1. Instructional ability includes the instructor's:
   (A) voice quality (projection, articulation, speech rate);
   (B) verbal skill (fluency and clarity);
   (C) physical appearance and mannerisms (attire, posture, body language, eye contact, movement);
   (D) personal qualities of the instructor (knowledge, self-confidence, tact, enthusiasm, sensitivity); and
   (E) selection and use of training aids (use of writing surface and other aids, effective use of multimedia, transparencies, and slides, relates aids to objectives, and use of aids when scheduled).

2. Student participation includes the instructor's:
   (A) use of questions to stimulate and encourage discussion and response to student questions;
   (B) ability to stimulate and encourage class participation, maintain the students attention and engagement of all students effectively;
   (C) organization in the arrangement of the classroom for maximum effect, ensuring all training tools/items are ready when needed, and presentation for the class lesson; and
(D) exercise of control and discipline of the students to maintain proper behavior and
orderliness in the classroom, ability to remain in control during classroom discussions
and handle of class disruptions and problems.

(3) Presentation of lesson plan includes the instructor's:

(A) full coverage of the lesson plan;
(B) presentation of information in logical sequence;
(C) timing of presentation to allow for sufficient time for questions and discussion;
(D) transition of subjects with continuous progression and development of lesson;
(E) emphasis of key points and frequent summarization of topics to reinforce learning;
(F) frequent establishment of relevance of the topics to entire lesson or course and use of
vivid examples to clarify the subjects; and
(G) consistency of presentation in following the lesson plan.

(f) Individuals may, for just cause, be granted an extension to successfully teach the required minimum number of
hours instruction on a one-time basis only not to exceed 12 months. For purposes of this Rule, just cause means
accident, illness, emergency, course cancellation, or other exceptional circumstances which precluded the instructor
from fulfilling the teaching requirement.

History Note: Authority G.S. 17E-4;
Eff. April 1, 2001;
Amended Eff. February 1, 2006; January 1, 2005; August 1, 2002;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,
2018.