

1 **12 NCAC 09B .0301 is being proposed for amendment as follows:**

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3 **SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS**

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5 **12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS**

6 (a) A person participating in a Commission-certified criminal justice training course or program as an instructor,
7 teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the
8 Commission as an instructor.

9 (b) The Commission shall certify instructors under the following categories: General Instructor Certification,
10 Specialized Instructor Certification, or Professional Lecturer Certification as outlined in Rules .0302, .0304 and .0306
11 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience,
12 education, and training in accordance with the requirements of this Section and as stated on the applicant's **Request**
13 **for Instructor Certification Form. Application for Instructor or Professional Lecturer Certification, F-12.**

14 (c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a
15 Commission-certified course shall remain competent in his or her specialized areas. Such competence shall include
16 remaining current in the instructor's area of expertise, which shall be demonstrated by attending and completing all
17 updated instructor training courses required by the Commission.

18 (d) If a person certified as an instructor by the Commission is found to have knowingly and willfully violated any
19 provision or requirement of the rules in this Subchapter, the Commission shall take action to correct the violation and
20 to ensure that the violation does not recur, including:

- 21 (1) issuing an oral warning and request for compliance;
- 22 (2) issuing a written warning and request for compliance;
- 23 (3) issuing an official written reprimand;
- 24 (4) suspending the individual's certification for ~~a specified period of time or until acceptable corrective~~
25 ~~action is taken by the individual; and no more than three years; and~~
- 26 (5) revoking the individual's certification.

27 (e) The Commission shall deny, suspend, or revoke an instructor's certification when the Commission finds that the
28 person:

- 29 (1) has failed to meet and maintain any of the requirements for qualification;
- 30 (2) has failed to remain competent in the person's areas of expertise;
- 31 (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the
32 "Instructor Training Manual" as found in Rule .0209 of this Subchapter;
- 33 (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course
34 Management Guide" as found in Rule .0205 of this Subchapter;
- 35 (5) has demonstrated "unprofessional personal" conduct in the delivery of Commission approved or
36 mandated training. For the purposes of this Subparagraph, unprofessional personal conduct is
37 identified as:
 - 38 (A) job-related conduct that constitutes a violation of state or federal law;
 - 39 (B) a conviction or commission of a criminal offense, as set out in 12 NCAC 09A .0204;

- 1 (C) the willful violation of rules of this Chapter;
- 2 (D) conduct that is detrimental to instruction in the Commission's mandated courses. Conduct
- 3 is "detrimental to instruction" if the conduct is demeaning or disruptive to the learning
- 4 environment;
- 5 (E) the physical or verbal abuse of a client or student who the instructor is teaching or
- 6 supervising; or
- 7 (F) falsification of an instructor application or other employment documentation;
- 8 (6) is an instructor, School Director, or Qualified Assistant and is involved in the instruction of (for
- 9 instructors) or oversight of (for School Directors and Qualified Assistants) a student with whom the
- 10 instructor, School Director, or Qualified Assistant has a close personal relationship such as, familial,
- 11 financial, dating, or sexual, even if consensual; and fails to take immediate and appropriate
- 12 corrective action. Appropriate corrective action requires the instructor, School Director, or Qualified
- 13 Assistant to notify his or her managing personnel in writing of the relationship and requires the
- 14 instructor, School Director, or Qualified Assistant to stop instructing or overseeing the student with
- 15 whom the relationship exists:
- 16 (A) the written notice to managing personnel shall include:
- 17 (i) school/agency name;
- 18 (ii) name of course;
- 19 (iii) name of the instructor, School Director, or Qualified Assistant;
- 20 (iv) name of student;
- 21 (v) name of managing personnel; and
- 22 (vi) nature of the relationship;
- 23 (B) the written notice from the school/agency managing personnel to the Standards Division
- 24 shall be submitted within 10 days of receipt of notice from the instructor, School Director,
- 25 or Qualified Assistant and shall include:
- 26 (i) school/agency name;
- 27 (ii) name of course;
- 28 (iii) name of the instructor, School Director, or Qualified Assistant;
- 29 (iv) name of student;
- 30 (v) name of managing personnel;
- 31 (vi) nature of the relationship; and
- 32 (vii) explanation of action taken to ensure the named instructor, School Director, or
- 33 Qualified Assistant is not in violation of this Rule;
- 34 (7) has demonstrated instructional incompetence;
- 35 (8) has knowingly and willfully obtained or attempted to obtain instructor certification by deceit, fraud,
- 36 or misrepresentation;

- 1 (9) has failed to meet or maintain good moral character as defined in: In re Willis, 288 N.C. 1, 215
2 S.E.2d 771, appeal dismissed, 423 U.S. 976 (1975); State v. Harris, 216 N.C. 746, 6 S.E.2d 854
3 (1940); In re Legg, 325 N.C. 658, 386 S.E. 2d 174 (1989); In re Applicants for License, 143 N.C.
4 1, 55 S.E. 635 (1906); In re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309
5 N.C. 538, 308 S.E.2d 647 (1983); and later court decisions that cite these cases as authority, and as
6 required to discharge the duties of a criminal justice instructor;
- 7 (10) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement
8 Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102;
- 9 (11) has knowingly and willfully aided or attempted to aid any person in obtaining qualification or
10 certification under the Qualified Retired Law Enforcement Officers Firearms Qualification
11 Certification Program by deceit, fraud, or misrepresentation;
- 12 (12) has committed or been convicted of an offense that could result in the denial, suspension, or
13 revocation of an officer's law enforcement certification, pursuant to 12 NCAC 09G .0504; or
- 14 (13) has knowingly made a material misrepresentation of any information required for certification or
15 accreditation.

16 (f) When a person certified as a law enforcement officer by the North Carolina Criminal Justice Education and
17 Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards
18 Commission (Sheriffs' Commission), the North Carolina Department of Insurance, Office of State Fire Marshal, Fire
19 Rescue Commission (Fire Commission), Office of Emergency Medical ~~Services Services, and the~~ North Carolina
20 Company/Campus Police Program; or a North Carolina, out of state or federal approving, certifying or licensing
21 agency; has been denied certification or had his or her certification suspended or revoked by their respective
22 Commission, or agency the State or local law enforcement officer shall report the suspension or revocation to the
23 Criminal Justice Standards Division within five days. The General Instructor Certification (if applicable) shall be
24 automatically suspended or revoked for the same time period as his or her respective Commission certification in
25 accordance with the following:

- 26 (1) this suspension or revocation of the General Instructor certification shall also include suspension or
27 revocation to any Commission recognized specialized or additional instructor certification, as
28 outlined in Rule .0304 of this Section;
- 29 (2) if the term of suspension or revocation exceeds the expiration date of the instructor's initial
30 certification expiration date, he or she shall forfeit their certifications as a General Instructor and
31 Specialized Instructor and shall be required to obtain certification pursuant to the requirements of
32 Rule .0302 of this Section before any instruction may be delivered in any Commission-approved or
33 mandated training, including the completion of a subsequent ~~General Instructor's training~~ **Instructor**
34 **Training** course in its entirety; and
- 35 (3) if the term of suspension or revocation does not exceed the expiration date of the instructor's initial
36 certification expiration date, the instructor shall be reinstated as a General Instructor only upon
37 reinstatement of his or her law enforcement officer certification by the Commission. The terms of

1 renewal for the existing General Instructor and Specialized Instructor certifications shall remain
2 subject to all renewal requirements pursuant to Rule .0303(d) of this Section by the next expiration
3 date.

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5 *History Note:* Authority G.S. 17C-6;
6 Eff. January 1, 1981;
7 Amended Eff. December 1, 2018; October 1, 2017; October 1, 2009; August 1, 2004; April 1, 1999;
8 July 1, 1991; January 1, 1985;
9 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
10 2019;
11 Amended Eff. January 1, 2024; October 1, 2020; August 1, 2019.
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