

HEARING OFFICER'S REPORT

RULE: 23 NCAC 02E .0405 "Training for Public Safety Agencies"

ACTION	DATE	STATUS
Initiated by State Board	August 16, 2007	COMPLETED
Deadline for submission to NC Register	August 24, 2007	COMPLETED
Publication in NC Register	September 17, 2007	COMPLETED
Written Comment Period Ends	November 16, 2007	COMPLETED
Rule Presented to State Board for Adoption	April 18, 2008	PENDING
Deadline to Submit to Rules Review Commission	April 21, 2008	
Consideration by the Rule Review Commission	May 15, 2008	
Effective Date of Rule	June 1, 2008	

THE HEARING OFFICER RECOMMENDS ADOPTION OF THE RULE WITHOUT CHANGES AND WITH INSTRUCTIONS TO THE RULE-MAKING COORDINATOR TO MAKE NON-SUBSTANTIVE CHANGES AS NEEDED.

Adopt the proposed text for 23 NCAC 023 .0405 as published in the North Carolina Register Volume 22, Issue 6 on pages 386-391 with changes.

23 NCAC 02E .0405 - TRAINING FOR PUBLIC SAFETY AGENCIES

(a) Training for Public Law Enforcement Agencies.

- (1) When a college is an accredited and designated direct delivery agency for initial certification training for public law enforcement agencies and funds 50% or greater of the instructional cost and the school director's salary, the college shall report the hours generated from the instruction for full budget FTE when the training is delivered in accordance with all other budget FTE and program requirements. [] For the purposes of this subsection (a)(1), the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any training course shall be open to all students who satisfy any course prerequisites, and who meet the requirements for admission of trainees imposed by the NC Criminal Justice Education and Training Standards Commission in 12 NCAC 09B .0203. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents unless required by the NC Criminal Justice Education and Training Standards Commission.
- (2) When a public law enforcement agency external to a college is the accredited and designated direct delivery agency for initial certification training, the college may deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.
 - (A) A college shall provide initial certification law enforcement training for an accredited and designated direct delivery public law enforcement agency under a written agreement. The agreement shall:
 - (i) confirm that the public law enforcement agency does not have the funds to provide the training;
 - (ii) designate the source of funds for the training;
 - (iii) list the courses to be taught;
 - (iv) state the total hours of instruction to be delivered; and
 - (v) be signed by the president or the president's designee, and the senior official of the public law enforcement agency.
 - (B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.

- (3) A college may deliver in-service training for designated direct delivery public law enforcement agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budget FTE and program requirements. A college providing in-service training for public law enforcement agencies is not subject to subparagraph (a)(1) or (a)(2) of this Rule.

(b) Training for Public Fire and Rescue Agencies.

- (1) When a college is a designated direct delivery agency for initial certification training for public fire and rescue services agencies and funds 50% or greater of the instructional cost, the college shall report hours generated from instruction for full budget FTE when the training is offered in accordance with all other budget FTE and program requirements. [] For the purposes of this subsection (b)(1), the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any training course shall be open to all students who satisfy any course prerequisites. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents.
- (2) When a public fire and rescue agency external to a college is the designated direct delivery agency for initial certification training, the college may deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.
- (A) A college shall provide initial fire and rescue training for a designated direct delivery public fire and rescue agency under a written agreement. The agreement shall:
- (i) confirm that the public fire and rescue agency does not have the funds to provide the training;
 - (ii) designate the source of funds for the training;
 - (iii) list the courses to be taught;
 - (iv) state the total hours of instruction to be delivered; and
 - (v) be signed by the president or the president's designee, and the senior official of the public fire and rescue agency.
- (B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.
- (3) A college may deliver in-service training for public designated direct delivery fire and rescue agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budgetary FTE and program requirements. A college providing in-service training for public fire and rescue agencies is not subject to subparagraph (b)(1) or (b)(2) of this Rule.

(c) Training for Emergency Medical Services Agencies.

- (1) When a college is a designated direct delivery agency for initial certification training for public emergency medical services training and funds 50% or greater of the instructional costs, the college shall report hours generated from instruction for full budget FTE when the training is offered in accordance with all other budget FTE and program requirements. [] For the purposes of this subsection (c)(1), the college shall supervise the school director and instructors. The college must also maintain full authority and control over the curriculum. Enrollment for any training course shall be open to all students who satisfy any course prerequisites. Enrollment shall not be limited or restricted to the members, employees, associates, or trainees of any direct delivery agent or agents.
- (2) When a public emergency medical services agency external to a college is the designated direct delivery agency for initial certification training, the college may deliver a maximum of 25% of the total program hours and shall receive full budget FTE for the hours generated. A college shall not receive any state funds for hours generated above 25% of the total program hours.
 - (A) A college shall provide initial emergency medical services training for a direct delivery public emergency medical services agency under a written agreement. The agreement shall:
 - (i) confirm that the public emergency medical services agency does not have the funds to provide the training;
 - (ii) designate the source of funds for the training;
 - (iii) list the courses to be taught;
 - (iv) state the total hours of instruction to be delivered; and
 - (v) be signed by the president or the president's designee, and the senior official of the emergency medical services agencies.
 - (B) The college shall receive full budget FTE for hours generated when the training is delivered in accordance with this agreement and all other budget FTE and program requirements. The college shall maintain a copy of the agreement on file until released from audit.
- (3) A college may deliver in-service training for designated direct delivery public emergency medical services agencies beyond the initial certification training and receive full budget FTE for hours generated when the training is delivered in accordance with all other budgetary FTE and program requirements. A college providing in-service training for public emergency medical services agencies is not subject to subparagraphs (c)(1) or (c)(2) of this Rule.

History Note: ~~Statutory~~ Authority G.S. 115D-5

Eff. August 1, 2003;

Amended Eff. May 1, 2008.



Recd 10/5

NORTH CAROLINA DEPARTMENT OF JUSTICE
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WAYNE WOODARD
DIRECTOR

MEMORANDUM

TO: Rule-Making Coordinator
North Carolina Community College System

FROM: Wayne Woodard, Director
Criminal Justice Standards Division *Wayne Woodard*

DATE: October 3, 2007

RE: 23 NCAC 2E .0405 (a)(1)

In accordance with the Administrative Procedures Act, please consider these comments in reference to the aforementioned proposed rule which states that "the college must open up any training course to all who meet the college entrance requirements." Specifically, in reference to Basic Law Enforcement Training, school directors are required by North Carolina Administrative Code to ensure that trainees meet minimum standards set by the North Carolina Criminal Justice Education and Training Standards Commission as set forth in **12 NCAC 9B .0203**.

We would, therefore, request that the verbiage in **23 NCAC 2E .0405(a)(1)** be amended to include verbiage to address such NCAC mandates for BLET and other state-regulated training involving law enforcement personnel.

Proposed verbiage:

"... shall be open to all who meet the college entrance requirements and any other requirements mandated by the state-certifying agency, if applicable."

If you have questions, please do not hesitate to contact this office at 919.716.6470.

Thank you in advance for your attention in this matter.



CENTRAL PIEDMONT COMMUNITY COLLEGE

November 15, 2007

Mr. David Sullivan
Assistant to President Legal Affairs
North Carolina Community College System
5001 Mail Service Center
Office Location 171C
Raleigh, NC 27699-5001

Dear David:

Thank you for the opportunity to provide comments regarding the proposed amendment to 23 NCAC 02E.0405 - Training for Public Safety Agencies. We have carefully reviewed the proposed rules and seek clarification on the following questions:

1. When the college entrance requirements differ from a professional standard, state requirement, or federal requirement which prevails?
2. How do you define "supervisory responsibilities" for the director?
3. If a class is promoted in the same way to the broader audience and the enrollees are all from the same agency, is this a problem?
4. How do you define public or "open-to-all who meet the college entrance requirements ..."? Does this refer to general entrance requirements or to program specific requirements, e.g. - the requirement to be a certified EMT before taking certain skills upgrade classes?
5. Is the intent of the proposed rules to allow anyone that meets the college entrance requirement to participate in public safety training?
6. If there is only one professional agency in the college's service area, and the college offers a class, who would be the enrollee?

Please note that many Public Safety training agencies have their own policies and like to train staff together for that reason. Any move to discourage that is not particularly helpful for the agencies or the College.

Central Piedmont Community College remains committed to compliance with all regulations and appreciates your assistance with this inquiry. Thank you for your time and effort.

Best regards,

Brenda

Brenda Merricks Leonard, EdD, CBM, CICA
Associate Vice President, Auditing Services & Reporting

c: Ms. Janet Chernega
Dr. Kathy H. Drumm

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