

## **10A NCAC 27G .3903 OPERATIONS**

### **(a) Population Served:**

- (1) Each school shall be designed primarily to serve individuals who are using drugs at the experimental, social-recreational or abusive levels, but who are not drug dependent or engaged in drug dealing.
- (2) First offenders referred by the court in accordance with G.S. 90-96 and G.S. 90-113.14 (Conditional Discharges and Expunction of Records for First Offense) shall be served.
- (3) Each school shall establish a written policy regarding participation of persons referred from other sources. These persons may be enrolled on a space-available basis.

(b) Initial assessment. Each school shall provide an initial assessment for each potential student prior to the first class session to determine whether the student is eligible to attend the school and to determine if referral to a treatment resource is appropriate.

### **(c) Class Size:**

- (1) Class size shall be limited to a maximum of 35 participants; however, the affective education portions of the class shall be limited to a maximum of 20 participants.
- (2) Provisions shall be made for family members and guardians of students to audit classes; however, such individuals shall not be counted in the maximum class size.

(d) Curriculum. School instructors shall use a curriculum approved by the Division. Instructors may use the curriculum specified in the "North Carolina Curriculum Manual for Drug Education Schools" (DMH/DD/SAS publication APSM 125-2). Instructors who desire to use a different curriculum shall submit it to the Division for prior approval. The Division shall review the proposed curriculum to determine that it follows professionally accepted standards to meet the course objectives of reducing the prevalence of drug taking by modifying the behavior of course participants and of reducing the impact of drug use on the criminal justice system.

- (1) The program of instruction shall consist of not less than 15 hours of classroom instruction as specified in the curriculum in Paragraph (d) of this Rule.
- (2) Each school may provide up to five additional hours of activity for classroom time and such activities as parent/child communication session, data gathering or a summary conference with students.

(e) Class Schedule. Each school shall provide a written notice to each student referred by the court as to the time and location of all classes which the student is scheduled to attend.

- (1) Each student shall be scheduled to attend all sessions as described in the approved curriculum.
- (2) Classes shall be scheduled to avoid the majority of employment and educational conflicts.
- (3) Each school shall have a written policy which allows for students to be excused from assigned classes by the instructor provided that the excused absence is made up and does not conflict with Subparagraph (e)(1) of this Rule.
- (4) Students shall have an opportunity to complete classes within the 150 day time limit for the course specified in G.S. 90-96 and 90-113.14 (Conditional Discharges and Expunction of Records for First Offense). The course instructor shall monitor the 150 day time limit and notify the court if the student does not complete the school within that time limit.
- (5) No class session shall be scheduled or held for more than three hours excluding breaks on any day or evening.

### **(f) Court Liaison:**

- (1) Each school shall develop and implement written procedures of liaison with the court. These procedures shall include at least the following:
  - (A) the procedure used to obtain referral of offenders from the court;
  - (B) a provision that the school shall notify each student of the time, date, and location of assigned classes;
  - (C) the procedure for notifying the court of a student's successful completion of the course;
  - (D) communicating to students in writing the requirements for successfully completing the course and developing a procedure to notify the court of noncompliance cases.
- (2) These procedures shall be agreed upon and signed by the designated employee of the school and, if possible, by the clerk of court, judge and district attorney.

*History Note: Authority G.S. 90-96; 90-96.01; 90-113.14; 143B-147; Eff. May 1, 1996;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.*