

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

**Notice of Availability of Fifteen-Day Language
Electronic Course Certification Process
Regulations 1053, 1054, 1055, 1058, and 1070**

August 15, 2007

The California Commission on Peace Officer Standards and Training (POST) has revised the proposed regulations for the Electronic Course Certification Process. The notice of proposed regulatory action for these regulations was published on September 1, 2006.

POST has converted the content of most of the forms used for the course certification process to an electronic format. Course presenters will use the POST Electronic Data Interchange (EDI) Course Certification Process for course certification transactions. The attached proposed additions to the regulation language specifically identify the fields of information that presenters of POST-certified courses must submit for POST approval. Two changes in the language attached to this notice make non-substantive grammar or spelling corrections.

POST will accept written comments regarding the proposed changes that are the topic of this 15-day notice between August 16 and August 30, 2007 at 5:00 P.M., inclusive. Submit all written comments to the Rulemaking Analyst via FAX at 916.227.5271, by email to Patti.Cassidy@post.ca.gov, or via U.S. mail at the following address:

Patricia Cassidy, Rulemaking Analyst
Commission on Peace Officer Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

POST will review and respond to all written comments received by 5:00 P.M. on August 30, 2007, which pertain to the indicated changes, as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

The new changes appear as double underlines and/or strikeouts, in an orange font; the original changes appear as single underlines and/or strikeouts. The original notice documents are available at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

Attachment

1053. Course Certification Request and Review Process.

- (a) **Course Certification Request.** Any person or organization desiring to have a course certified shall first telephonically contact a POST Training Delivery consultant for an evaluation of the factors described in Regulation 1052(a). If the evaluation is favorable, a complete request for course certification request package shall be submitted to POST via the Electronic Data Interchange (EDI) System. ~~Submission of the following forms and related materials information, provided via the EDI, shall constitute a complete course certification request package:~~

- (1) **Course Administration Information Certification Request** (POST 2-103, rev. 5/00) collected via EDI shall consist of the following:

- (A) Agency submitting request
- (B) Course title
- (C) College affiliation
- (D) Plan requested
- (E) Course length – hours
- (F) Format: Hours per day, days per week, weeks
- (G) Presentations per year
- (H) Units granted: semester or quarter
- (I) Participating law enforcement agencies and estimated number of yearly trainees from each agency
- (J) Enrollment restrictions
- (K) Maximum number of students
- (L) Address of course site
- (M) Facilities - number and size of classrooms
- (N) Course objectives and narrative description of course
- (O) Method of presentation - all techniques used: lecture, demonstration, simulation, role playing, conference, other
- (P) Number of instructors
- (Q) Training aids used
- (R) Required project
- (S) Method of evaluating stated objectives
- (T) Name and title of person requesting course certification
- (U) Contact number
- (V) Date of request
- (W) Secondary course title
- (X) Fiscal year
- (Y) Variable/fixed format
- (Z) Course is specific to dispatchers: yes or no
- (AA) Publish in POST course catalog: yes or no
- (BB) Categories
- (CC) Course is a legislative mandate: yes or no
- (DD) Course is in response to POST regulatory training requirements: yes or no
- (EE) Course requires standardized curriculum: yes or no
- (FF) Revisit content prior to course
- (GG) Course is highly dynamic: yes or no
- (HH) Course requires a safety guideline: yes or no
- (II) Subventions
- (JJ) Pre-requisites required: yes or no
- (KK) Proposed presentation dates
- (LL) On-site/Off-site presentations
- (MM) Material agency fees
- (NN) E-mail address

- (2) **Course Instructor Resume** (~~POST 2-112, 4/03~~), completed by the course presenter for each instructor assigned to instruct in any POST certified/approved course. The presenter Attestation/Evaluation section of the resume form shall be completed for each instructor of a “Specialized Training Subject” listed in Regulation 1070 and has been evaluated and found to meet the instructor training requirements of Regulations 1070 and 1082. The Course Instructor Resume information collected via EDI shall consist of the following:

- (A) Instructor’s name (first, middle, last)
- (B) Current occupation
- (C) Current employer (primary)
- (D) Business address: street city state zip
- (E) Business phone number
- (F) Business email
- (G) Course assigned to instruct
- (H) Training presenter
- (I) POST presenter number
- (J) Course number if known
- (K) Subject(s) assigned to instruct (e.g., firearms, legal update)
- (L) Highest degree
- (M) Year obtained
- (N) Major
- (O) Education / teaching credential
- (P) College / university (include city and state)
- (Q) Types of general law enforcement experience relative to this instructional assignment (e.g., patrol, swat, traffic), number of years
- (R) Other law enforcement-related experience relative to this instructional assignment (e.g., college instructor, attorney), number of years
- (S) Instructor development training (general instructor skills: adult learning, assessment, presentation skills, testing): Course titles – POST-certified, course control number, total hours, completion date
- (T) Instructor development training (general instructor skills: adult learning, assessment, presentation skills, testing): Course titles – non POST-certified, presenter, total hours, completion date
- (U) Instructor training specific to this course – initial training and any update training (e.g., driver instructor course, driver instructor update course): course titles – POST-certified, course control number, total hours, completion date
- (V) Instructor training specific to this course – initial training and any update training (e.g., driver instructor course, driver instructor update course): course titles – non post-certified, presenter, total hours, completion date
- (W) Professional license certificates relevant to this course (e.g., EMT, NAUI, R.N.)
- (X) Any specialized subject the instructor is assigned to teach, the required instructor training course title, and the corresponding section number listed in regulation 1082 (e.g., firearms instructor, section 10): specialized subject assigned; required instructor course; regulation 1082 course title
- (Y) Completion of POST-certified instructor course – regulation 1070(b): course titles – post-certified, course control number, hours
- (Z) Equivalency evaluation for instructor course – regulation 1070(c): course titles / subject areas, course control number if known, hours, date, presenter
- (AA) Attestation for (Y) or (Z) above: presenter / designee, position title, date
- (BB) Titles of directly related courses/subjects taught
- (CC) Other teaching experience (course titles/subjects)
- (DD) Presenter / designee authorized to approve instructor
- (EE) Presenter’s contact information: office number, cell number, fax number, email address

- (3) **Course Budget** (POST 2-106, rev. 7/93), if the proposed course will require a tuition. (Reference Regulation 1054, Requirements for Course Budget.) Course Budget information collected via EDI shall consist of the following:
- (A) Agency presenting the course
 - (B) Course category
 - (C) Course title
 - (D) Direct costs - services: instruction, coordination, clerical, printing/reproduction
 - (E) Direct costs - supplies: books/pamphlets/handouts, certificates, notebooks, paper/office supplies
 - (F) Direct costs – equipment
 - (G) Direct costs - travel: coordinator, instructors
 - (H) Direct costs – miscellaneous
 - (I) Indirect costs
 - (J) Subventions
 - (K) Name of person submitting budget and date
 - (L) Services – instruction: name, number of instructor hours, hourly rate
 - (M) Services – coordination: name, number of coordinator hours, hourly rate
 - (N) Services – clerical: name, number of hours, hourly rate
 - (O) Services – printing/reproduction: item, cost
 - (P) Supplies - books/pamphlets/handouts: item, quantity, cost
 - (Q) Supplies - certificates: item, quantity, cost
 - (R) Supplies - notebooks: item, quantity, cost
 - (S) Supplies - office supplies: item, quantity, cost
 - (T) Equipment: item, specific cost
 - (U) Travel: coordinator’s name, origin & destination, mode of transportation, specific costs (e.g., transportation, per diem, etc.)
 - (V) Miscellaneous: item, cost
 - (W) Subventions: source of subventions, type of subventions (cash, equipment, services, etc.), cash value of subvention
 - (X) General coordination
 - (Y) Presentation coordination
 - (Z) Site indicator
 - (AA) Course facilities cost
- (4) **Expanded course outline** that minimally includes subject topics to the third level of detail to sufficiently indicate the technical information in the subject areas. See 1054(c) (2) for an exception.
- (5) **Hourly distribution schedule** indicating, by day of the week, the instructors and topics scheduled during each course hour. (Example formats are available from POST.)
- (6) **Course safety policies and procedures** for courses that include manipulative skills training. (Reference *POST Guidelines for Safety in Certified Courses for clarification and sample policies.*) The policies and procedures must minimally address:
- (A) Rules of Safety and Conduct,
 - (B) Reporting and Handling Injuries,
 - (C) Ratios of Instructional Staff to Students.
- (7) **The presenter's signature of instructor approval and commitment to adhere to the POST-approved expanded course outline, hourly distribution, assigned instructor(s), safety policy, budget, and conditions of certification.**

(b) Course Certification Review.

- (1) Within 14 calendar days of receiving ~~pt of a course certification request package, the Commission~~ POST shall review the ~~documents included in the package~~ request and notify the requestor, ~~in writing that the package is either complete or incomplete via the Electronic Data Interchange (EDI) System,~~ of the status of the request. ~~In the event the file is incomplete, the Commission shall inform the requestor of the document(s) that must be submitted.~~ If the request is incomplete, POST will identify the areas needing completion and shall return the request via the EDI System before further action will be taken to consider certification of the course.
- (2) The Commission shall review each complete ~~request for course certification request package~~ request and base its decision on evaluation of those factors enumerated in Regulation 1052. Within 60 calendar days of receiving ~~pt of a complete package~~ the course certification request, ~~POST will notify;~~ the requestor ~~shall be notified, in writing,~~ of the Commission's decision to approve or disapprove certification of the course.
- (3) Any requestor not satisfied with a certification action may submit an appeal to the Commission in accordance with Regulation 1058.

(c) Changes to Course Certification Modifications. After a course is certified by the Commission under the conditions specified in the Course Certification Request, the course shall not be changed or modified, as described below, without POST approval. Course presenters must report any change(s) to the conditions of course certification or to the elements of the course: budget, course content, hours of presentation, instructors, location, number of presentations, hourly schedule, and scheduled times). Any modifications to a POST-certified course must be submitted to POST for approval prior to a presentation (e.g., changes in content, hours, budget, number of presentations, instructors)

- (1) Modifications are changes to a Course Presentation Request submitted to POST and approved by POST prior to the course presentation.
- (2) Modification Exception. An exception to the requirement to submit modifications for POST approval shall be allowed for the courses listed below. After a presenter receives an initial certification for any of the courses listed below, a POST 2-141 (07/05), Expanded Course Outline Exemption, shall be submitted in lieu of the expanded course outline for any POST-directed changes to prescribed curriculum specified in the training and testing specifications adopted pursuant to the Administrative Procedure Act. However, an updated, expanded course outline shall still be submitted for all topics not prescribed by POST.

Regular Basic Course
PC832 Arrest and Firearms Course
Reserve Officer Level III Module (Part 2)
Reserve Officer Level II Module
Reserve Officer Level I Module
Specialized Investigators' Basic Course
Requalification Course
Public Safety Dispatchers' Basic Course
Investigation and Trial Preparation Course

- (3) Corrections are changes to a Course Presentation Request submitted to POST and approved by POST after the course presentation.

1054. Requirements for Course Budget.

Course coordinators presenting or planning to present a POST-certified tuition-based course are to use the following tuition and budget requirements and limits ~~are to be used in~~ submitting the ~~completing the~~ Course Certification Request (POST 2-103, rev. 5/00) ~~Administration Information and Course Budget (POST 2-106, rev. 7/93) via the EDI System~~ by a course coordinators presenting or planning to present a POST-certified tuition-based course. Allowable per presentation costs for establishing tuition and course budgets are as follows:

- (a) **Instructional Costs.** Up to \$35 per hour, except as noted below, for each hour of instruction, per instructor, may be claimed. Fringe benefits and instructor preparation shall be included in this amount. Up to \$90 per instructional hour may be approved in instances of special need for particular expertise, based upon written justification from the presenter. On those limited occasions where it may be necessary to obtain special expertise to provide training, the maximum of \$90 per instructional hour may be exceeded upon prior approval of the Executive Director.
- (b) **Development Costs for Tuition-Based Courses.** When POST has specifically requested development of a new course or revision of an existing course, development costs may be negotiated with POST. When approved by the Executive Director, such costs shall be prorated as a portion of tuition for an agreed-upon number of presentations.
- (c) **Coordination.** Coordination costs may be requested based on the type of services performed. Coordination is categorized as:
 - (1) General Coordination, and
 - (2) Presentation Coordination.

General Coordination: General Coordination is the performance of tasks associated with the development, pre-planning, and maintenance of any certified course. Maintenance includes: scheduling, selecting instructors, eliminating duplicative subject matter, providing alternate instructors/instruction as necessary, allocating instructional time to each subject, evaluating instructors, selecting training sites, supervising support staff, and administrative reporting. General Coordination costs may be charged at the rate of \$55 per 8 hours of instruction, but may not exceed \$440 per presentation.

Presentation Coordination: Presentation Coordination is the performance of tasks related to course quality control, i.e., observing and evaluating instructors at the instructional site; identifying the need and arranging for the appearance of alternate instructors, when assigned instructors are not available; and being responsible for the development of a positive learning environment. It is required that the Presentation Coordinator be in the classroom, or its immediate vicinity, to resolve problems that may arise relating to the presentation of a course. Approved rates for presentation coordination, per instructional hour, may range from \$15 to \$25. Rates that exceed \$15 per hour must be supported by written justification that substantiates the higher cost of the coordinator.

- (d) **Clerical Support.** Actual hourly rates for clerical support may be allowed up to \$15 per instructional hour in accordance with the following formula:

Course Length	Maximum Hours of Clerical Support Permitted
24 hours or less	24 hours
25 to 40	40 hours
<u>More than</u> Over 40 hours	100 hours

- (e) **Printing/Reproduction.** The actual cost for printing of brochures and handouts may be allowed. Requests for reproduction costs shall not exceed 9 cents per page. Student workbooks are not considered handouts.
- (f) **Books/Films/Videotapes/Instructional Materials/Equipment.** Actual expenses may be allowed, provided each expense is identified. Expendables, such as programmed texts, may be allowed in the same manner. A one-time expenditure for purchase of textbooks may be allowed, provided the textbooks will be used in future course presentations. Films, videotapes, and instructional aids should be rented or obtained without charge. When rental costs for multiple presentations will exceed the cost of acquisition, purchase may be authorized by POST. If a film/videotape, instructional material, or equipment purchase is authorized by POST in advance, such materials shall be used in future course presentations and will remain the property of POST. Purchase cost shall be prorated over a reasonable number of presentations based on the item's anticipated service life. If the course is decertified, or if the purchased books, films, videotapes, instructional materials, or equipment ~~is~~ no longer necessary for use in the course, they shall be delivered to POST.
- (g) **Paper/Office Supplies/Mailing.** Actual expenses may be allowed, provided each expense is identified.
- (h) **Coordinator/Instructor(s) Travel.** An estimate is to be made of necessary travel expenses for advance budget approval. Expenses for local area travel are allowable only when travel exceeds 25 miles one-way, or if travel is necessary to an additional course site. If a course presentation is authorized outside of a 25-mile radius of the presenter's principle place of business, travel expenses may be allowed in accordance with existing State regulations covering travel and per diem.
- (i) **Miscellaneous.** Any other cost of materials and other direct items of expense may be approved by POST, based upon documented costs.
- (j) **Indirect Costs.** Indirect costs are allowable for expenses not assignable as direct costs. Indirect costs may not exceed 20% of the total direct costs.
- (k) **Calculation of tuition.** All budgeted costs (direct and indirect) are added to determine the total cost. The tuition cost per student shall be determined by dividing the total cost by the maximum number of students approved per presentation (See Regulation 1055(f)). For each presentation, course presenters may exceed the maximum enrollment up to 20% to compensate for unavoidable under-enrollments due to late cancellations.

However, it is the presenter's responsibility to monitor over-enrollment so that by the end of the fiscal year, the total number of students does not exceed the approved maximum number established by the terms of certification. In the event over-enrollment is not properly managed and adjusted during the fiscal year, the Commission may:

- (1) Reduce the course tuition,
- (2) Require the presenter to conduct presentation(s) without tuition,
- (3) Require the presenter to provide prorated refunds to trainees, or
- (4) Decertify the course.

(l) Subventions.

Course presenters shall include ~~on~~ in the Course Budget (~~POST 2-106, rev 7/93~~) any outside subventions ~~that provided to~~ support presentation of the proposed course.

1055. Requirements for Course Presentation.

[(a) – (c) continued ***]

~~(d) **Changes to Course or Course Budget:** A course, once certified under the conditions specified in the Course Certification Request, shall not be changed or modified without prior POST approval. Changes in subventions from outside sources received to support courses shall be reported in writing to POST within 30 days of the change.~~

~~(ed) **Course Presentation Request Announcements:** A Course Presentation Request Announcement (POST 2-110 Rev. 8/89) shall be submitted to POST via the Electronic Data Interchange (EDI) System for each proposed course presentation. POST must receive the Course Presentation Request Announcement must be submitted to POST at least 30 calendar days prior to the course presentation of the course. An hourly distribution schedule must be attached to each Course Announcement. A course control number, issued by POST upon approval of the presentation, must be used when making references pertaining to a particular course offering.~~

The Course Presentation Request submitted via EDI shall consist of the following information:

- (1) Course certification number
- (2) Certified course title/skills and knowledge module title
- (3) Course presenter
- (4) Address where training will be presented
- (5) Course presentation starting date and time and ending date and time.
- (6) Total number of training days
- (7) Maximum enrollment
- (8) Tuition
- (9) Driver Training Fee
- (10) For travel required for off-site course instruction; whether transportation is furnished by trainee / other, number of miles to other site from original site (round trip), number of required trips
- (11) Second course site

~~(fe) **Limitations on Course Enrollments:** The Commission shall designate the maximum number of students ~~who~~ that may attend each course during a fiscal year.~~

~~(g) **Modification Procedures:** If, subsequent to the Commission having approved of a Course Announcement, the course coordinator becomes aware of the need to make any changes related to presentation of the course, such as dates of presentation, scheduled times, location, or hours of presentation, the Commission must be notified and approve such changes prior to the presentation.~~

~~(hf) **Cheating:** Students who cheat, as defined in Commission Regulation 1001(h), shall be subject to discipline and possible dismissal in the following entry-level, mandated training courses:~~

- ~~(1) the~~ Arrest & Firearms Course, Regulation 1081(a)(1);
- ~~(2) the~~ Aviation Security Course, Regulation 1081(a)(2);
- ~~(3) the~~ Reserve Peace Officer training courses, Modules A, B, C, and D, Regulation 1081(a)(11);
- ~~(4) the~~ School Peace Officer Course, Regulation 1081(a)(20); and
- ~~(5) All~~ basic training courses, (Commission Procedure D-1-1)
- ~~(6) the~~ Modular Format - Levels III, II, and I, Regulations 1081 (a) (3) and 1081 (a) (11).

(ig) Required Documents to be Submitted Upon Completion of Presentation: A completed Course Roster (POST 2-111, Rev. 7/96) shall be prepared and submitted to the Commission after completion of each certified course presentation. The following documents shall accompany each Course Roster:

- ~~(1) A Course Evaluation Instrument (POST 2-245 Rev. 9/81) completed by each trainee,~~
- ~~(2) POST Course Evaluation Control Sheet (Scantron Form No. F-374 POST Rev. 1/94),~~
- (31) Any Training Reimbursement Requests (POST 2-273 Rev. 8/93)** that are provided to the presenter by trainees, and
- (42) A written statement from the course coordinator** explaining how successful completion was accomplished when a trainee is reported as completing the course, but has missed more than five percent of the certified hours of the Regular Basic Course (or modules of any of its formats) or ten percent of the certified hours of any other POST-certified course.

All documents must be submitted to the Commission no later than 10 calendar days following the ending date of the presentation. Subsequent to submission of these documents, the coordinator shall contact the Commission about needed corrections.

(jh) Retention of Certification Documents: For any POST-certified course, a current copy of the documents required by Regulation 1053(a) must be kept on file at the presenter's facility for inspection by POST.

(ki) Certificate of Completion: Any presenter of a POST-certified instructor development course listed in Regulation 1070 or presenters of the Academy Director/Coordinator Workshop or Recruit Training Officer Workshop shall issue certificates to students who successfully complete the training. The certificate of completion must include title of course, dates of course, hours completed, and the POST course control number.

Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

1058. Appeals Process.

(a) Any course certification/decertification decision may be appealed to the POST Executive Director. The appeal, and all relevant course documentation the appellant believes supports the appeal, must be submitted in writing to the Executive Director within 30 calendar days of the date of the certification/ decertification notice.

Within 30 calendar days of ~~the receipt of~~receiving the appeal, the Executive Director shall respond to the appellant in writing with a decision and ~~the associated~~ reasons ~~for upon which~~ the decision ~~is based~~.

(b) The Executive Director's decision may be appealed to the Commission. The appeal, and all relevant course documentation the individual believes supports the appeal, must be submitted in writing to the Commission within 30 calendar days of the date of the Executive Director's decision.

Appeals received at least 45 calendar days prior to the next scheduled Commission meeting will be heard at that meeting. Appeals received with less than 45 calendar days remaining prior to the next scheduled Commission meeting will be heard at a subsequent meeting. The Commission shall notify the appellant of the date, time, and location of the hearing within 10 calendar days of the receipt of the appeal to the Commission. The appellant or appellant's designated representative(s) shall have the right to present evidence at the hearing. The

Executive Director shall notify the appellant in writing of the Commission's decision within 10 calendar days following the conclusion of the hearing.

Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

1070. Minimum Training Standards for Instructors of POST-Certified Specialized Subjects.

- (a) **Minimum training standards.** Instructors of any of the specialized subjects* listed in subsection (b) below shall successfully complete the corresponding training course listed in subsection (b), or complete the equivalency process outlined in subsection (c).

Presenters who employ instructors of specialized subjects shall ~~complete an attestation on the~~, via the EDI Course Instructor Resume (2-112) ~~form attesting~~, that the instructor(s) ~~has met~~ meet this minimum training standard applicable to instructors as follows:

[(1) – (3) continued ***]

[(b) continued ***]

- (c) **Equivalency Process.** The training course specified in (b) above may be satisfied through an equivalency evaluation performed by the employing presenter. An individual requesting an evaluation to meet the minimum training course standard shall submit to the presenter an expanded course outline for each course to be considered in the evaluation. The course outline(s) must specify the course title(s), training date(s), and training institution(s). Presenters will base their evaluations on a comparison of the submitted expanded course outline(s) against the minimum content requirements specified in Regulation 1082. Documentation for approved equivalencies shall be retained by the employing presenter. Although presenters are not required to submit the documentation to POST, ~~their signed~~ attestation of equivalency, via the EDI Course is required on the Instructor Resume ~~(1-112, 11/02)~~ submitted to POST, pursuant to Regulation 1053.

[(d) continued ***]

Authority cited: Sections 13503, 13506 and 13519.12, Penal Code.
Reference: Section 13503(e), 13519.4, and 13519.12 Penal Code.