

INITIAL STATEMENT OF REASONS
POST Basic Courses Test Administration and Security Agreement Guidelines
Regulations 1005, 1007, 1008, and 1052; Procedures D-1 and D-10

The Commission on Peace Officer Standards and Training (POST) proposes to implement a requirement for written policies and procedures regarding test administration and test security, including sanctions for not complying with this regulation.

In 2003, POST staff investigated a basic academy presenter for violations of the *POST Basic Courses Test Use and Security Agreement*. The agreement between a training presenter and POST identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, and comprehensive, scenario, and exercise tests. In this case, the act of actually providing students with answers to high-stakes written tests prior to the test administration compromised several test forms.

Following an extensive investigation into the nature and extent of the test security issues, POST staff was forced to decertify the presenter involved in the violation. Several issues were identified which POST brought before the Consortium of California Academy Directors. The Consortium reviewed the findings and appointed an ad-hoc committee on test security to draft policy and procedure guidelines that could be implemented by consortium member academies. The guidelines were created to assist in preventing occurrences like those at the decertified academy. In September 2004, the Consortium voted to approve the draft guidelines and to invite voluntary compliance with the guidelines for one year. At that time, the Consortium would recommend either making the guidelines mandatory or to keeping them a voluntary procedure.

In December 2005, following the one year trial period, the Consortium voted unanimously to recommend that the guidelines become a mandatory part of Basic Course certification. The POST Commission subsequently approved this proposal and related regulation and procedure changes at its April 2006 Commission meeting. The regulatory changes and the new guidelines document were published for public comment and subsequent adoption into POST regulations. The regulations and guidelines document were subsequently withdrawn to allow for additional, needed changes.

Additional review of the draft policy and procedure guidelines found the document to be incomplete. The requirements within the document were initially applicable only to the Regular Basic Course academy presenters. The requirement to develop and comply with a presenter-specific policy must extend to presenters of all basic course presenters who have access to POST-supplied test materials. This includes presenters of the Regular Basic course, Specialized Investigators' Basic Course, PC 832 Arrest and Firearms Course, and the Requalification Course. This revision is necessary to ensure statewide applicability to all basic course presenters approved for access to POST-supplied test material.

Justification - Regulation 1005

Amendments to Regulation sections 1005 (a) (3), (4), and (6) either correct or add the location of references and make one grammar change.

New effective dates are added to the incorporation by reference statements for historical accuracy.

Added language incorporates the *POST Basic Courses Test Administration and Security Guidelines – 2009* by reference.

Justification - Regulation 1007

New effective date is added to one incorporation by reference statement for historical accuracy.

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Added language incorporates the *POST Basic Courses Test Administration and Security Guidelines – 2009* by reference.

Justification - Regulation 1008

New effective date is added to one incorporation by reference statement for historical accuracy.

Added language incorporates the *POST Basic Courses Test Administration and Security Guidelines – 2009* by reference.

Justification - Regulation 1052

New language specifies a test administration and security policy for POST regular basic courses and the Specialized Investigators' Basic Course in Regulation 1052.

Added language specifies the requirements to comply with the POST-developed Test-Use and Security Agreement and the requirement to establish and comply with the Test Administration and Security Policy. Both documents are contained in the *POST Basic Courses Test Administration and Security Guidelines – 2009*, which is incorporated by reference in POST regulations.

Justification - Procedure D-1

New language requires that the presenters of the POST Regular Basic Course, Specialized Investigators' Basic Course, and PC 832 Arrest and Firearms Course establish a test administration and security policy. Added language also specifies sanctions for failure to establish the policy and/or to comply with the policy, as specified in the new *POST Basic Courses Test Administration and Security Guidelines – 2009*. This added language specifies the requirements to develop and comply with agency-specific, and clearly indicates the sanctions for failure to follow this regulation. POST intends to protect its tests, which are expensive to develop, and to maintain the integrity of POST-certified basic courses, while assisting its academies in following this regulation.

Amendments to Regulation sections 1005 (a) (3), (4), and (6) either correct or add the location of references and make one grammar change.

New effective dates are added to the incorporation by reference statements for historical accuracy.

Justification - Commission Procedure D-10

New language requires that course presenters establish a test administration and security policy. This added language specifies the requirements to develop and comply with agency-specific, and clearly indicates the sanctions for failure to follow this regulation. Added language also specifies sanctions for failure to establish the policy and/or to comply with the policy, as specified in the new *POST Basic Courses Test Administration and Security Guidelines – 2009*. POST intends to protect its tests, which are expensive to develop, and to maintain the integrity of POST-certified basic courses, while assisting its academies in following this regulation.

New effective date is added to the incorporation by reference statement for historical accuracy.

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Justification - POST Basic Courses Test Administration and Security Guidelines – 2009

One change has been made to the document the Commission approved for seeking public comment. The POST-Certified Course(s) Test Use and Security Agreement document requires that the examining agency (presenter) and POST both sign the document. POST Executive Director Paul Cappitelli has delegated the signature authority for POST to Ken Krueger, Chief of the Standards and Evaluation Services Bureau. Therefore, the last page of the agreement shows Mr. Krueger's name in place of Mr. Cappitelli. Because this is not a monetary agreement that is being signed, the delegation of authority has been made.

A revised version of the guidelines previously published is now being submitted for public comments due to the need to expand the policy requirement to all POST-certified presenters and to correct related inconsistencies in the previous language. The revised policy and procedure guidelines also require presenters of the PC 832 and Modular basic courses to develop and implement a policy to address basic course test administration and security. The previous requirements are applicable only to the Regular Basic Course academy presenters. This revision will ensure statewide applicability to all basic courses presenters that are given access to POST supplied test material.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business

The Commission has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on POST has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Consideration of Alternatives

Before the Commission takes this action, it must determine that no reasonable alternative it has considered, or that is otherwise identified and brought to the Commission's attention, would be more effective in carrying out the purpose of the proposed action, or would be as effective as and less burdensome to affected private persons than the proposed action.