Commission on Peace Officer Standards and Training
1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: **September 1, 2006**

Bulletin: **No. 2006-15**

Subject: **Notice of Proposed Regulatory Action – Electronic Course Certification - Regulations 1053, 1054, 1055, 1058, and 1070**

At its July 2006 meeting, the Commission approved proposed amendments to POST regulations to implement the Electronic Course Certification Process. This proposal supports Strategic Plan B.2, which directs staff to simplify and expedite the course certification process. Course presenters will be invited to move to the electronic version this fall; full implementation is intended for January 1, 2007. At that time, electronic screens will be completed, through the Electronic Data Interchange (EDI) System, to perform course certification functions.

The following information regarding the proposed regulatory action is located on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Pursuant to provisions in the Administrative Procedure Act, the Commission invites written input on this proposal. POST must receive all written comments related to the proposed actions no later than October 16, 2006; see the attached notice for information about making written comments, under "Public Comment."

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons, or duly authorized representatives, may request that POST hold a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email to Pat.Cassidy@post.ca.gov or by telephone at 916.227.4847. If Patricia is unavailable, please contact Gregory Murphy by email at Gregory.Murphy@post.ca.gov or by telephone at 916.227.3918.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

PROPOSED LANGUAGE
Electronic Course Certification Process
Regulations 1053, 1054, 1055, 1058, and 1070

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend, adopt, or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code §13503 - powers of the Commission on POST, and §13506 - Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and educations courses, and §13519.12 - Commission on POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

Informative Digest/Policy Statement Overview

POST provides a web-based, secure Electronic Data Interchange System (EDI) that connects to its law enforcement records database. The system allows approved users to submit required information to POST, automatically updates law enforcement records, and gives the users access to pertinent POST database content and reports. EDI System users are law enforcement personnel in POST-participating law enforcement agencies and presenters of POST-certified courses POST approves each user request before granting EDI access and does not permit full-agency access. Access is limited to performing specific functions available through the EDI System; an approved user may not access all areas of the EDI System.

POST Strategic Plan Objective B.2 directs staff to simplify and expedite the course certification process. To meet this objective, staff is developing and implementing the Electronic Data Interchange (EDI) Course Certification Process. POST staff has been actively engaged in the process of design and development of the EDI Course Certification; several testing sessions have been conducted with volunteer presenters from throughout the state in which valuable feedback was obtained and acted upon by staff. The next phase of the system life cycle is the implementation phase. The implementation phase comprises making the system available to all presenters and requires presenters to submit new course certification requests using the EDI Course Certification Application.

Because presenters will be required to use the EDI system, existing regulations will no longer accurately describe the method of requesting and review new course certifications. Proposed amendments to POST regulations implement this phase of Objective B.2, simplify, and expedite, by requiring that all presenters use the EDI Course Certification Application to submit request for new course certifications. The proposed amendments also remove any reference to existing forms that used to submit requests for new course certification. POST expects that the process of obtaining course certification will be simplified and expedited due to factors such as minimizing the need to provide redundant data on multiple forms. This significantly reduces the amount of time required when POST returns a request to the requestor for correction and offers many benefits inherent to contemporary real-time data validation features and relational database information models. If approved, presenters will have the capability of submitting their request for new course certification with a higher level of confidence that all required information is contained in the original request.

The effect of the proposed changes will require all presenters requesting new course certification to access EDI and submit their request via the EDI Course Certification Application. Presenters who do not currently have EDI access will be required to apply for and obtain the necessary security certificate(s) and register for EDI access.

The proposed changes to POST Regulations implement the Electronic Data Interchange Course Certification application. The State's course presenters as well as POST will benefit from the capabilities provided by contemporary information technology systems by migrating to the EDI course certification process. By implementing this enterprise model system, which is similar to online systems used by commercial corporations and other government agencies, POST can streamline the course certification process. POST is streamlining the process by eliminating many of the inefficiencies inherent in the current paper based process. The current suite of forms that course presenters must complete to request a course certification inherently includes data redundancy, incomplete data, invalid data, etc. Consequently, the user interface presented to the user via the EDI Course Certification application replaces and eliminates the need for preformatted paper forms. Because the EDI Course Certification application exploits the power of relational database design, and minimizes data redundancy because there is no need to collect the name of an instructor more than one time. This application provides data validation (an eight-hour block of training cannot be part of a 4-hour training course); real-time status checks are available, and greatly reduces delays for items needing correcting.

POST has converted the content of POST forms used for the course certification process to an electronic format. Course presenters will use the POST Electronic Data Interchange (EDI) Course Certification Process instead of the paper forms. The electronic format captures the content of the paper forms, with exceptions indicated in the proposed language and statement of reasons documents. The "new" items collect information needed to better evaluate the certification request and, in several cases, collect needed information that POST staff currently obtains by telephone. The "deleted" items are either redundant, collected in another part of the Course Certification process, or are not applicable in the EDI process (EDI access approval replaces signature).

The January 1, 2007 effective date of the regulation has been set in consideration of the time taken for presenters to plan for implementing and using the EDI Course Certification application. Developed of this implementation date is based on the timelines required for software development, user guide development, staff training, and demonstration to course administrators by Area Consultants.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be available, at least 15 days before adoption, to all persons whose comments POST received during the public comment period, and to all persons who request notification from POST of the availability of such changes. Address any requests for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is located on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the above documents by calling 916.227.4847 or by submitting a written request to the **Contact Persons** listed below. Please refer to POST Bulletin 2006-15. The rulemaking file contains the above-mentioned documents and all information considered for this proposal. The Commission will maintain the file for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST via the above phone number, or by writing to the address under **Contact Persons** (see below) in this notice.

Public Comment

The Commission hereby requests written comments related to the proposed actions. Please direct all comments to Executive Director Kenneth J. O'Brien. POST must receive all written comments before 5:00 p.m. on October 16, 2006, by fax 916.227.527 or by U.S. Mail and addressed to the Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative may request that POST hold a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Gregory Murphy, Senior Consultant; contact him by telephone at 916.227.3918, or by email at Gregory.Murphy@post.ca.gov.

Estimate of Economic Impact

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training 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 Peace Officer Standards and Training has found that the proposed amendments will have no effect 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.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.