Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: November 17, 2015

Bulletin: No. 2015-27

Subject: **Notice of Proposed Regulatory Action –** *Amend the POST Basic Courses Test Management and Security Protocols 2014,* Regulations 1005, 1007, 1008, 1052 and Procedures D-1 and D-10

At the October 22, 2015 meeting, the Commission approved proposed amendments to the POST Basic Courses Test Management and Security Protocols 2014, Commission Regulations 1005, 1007, 1008, 1052 and Commission Procedures D-1 and D-10.

The proposed changes include:

- POST-provided proctor training requirements for any individual administering a POST-supplied written test.
- Elimination of instructor access to specific written test item content.
- Clarification of the retesting process.

The attached notice describes the proposed changes, includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST Website http://www.post.ca.gov/regulatory-actions.aspx:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons
- Basic Courses Test Management and Security Protocols

Questions regarding this proposed regulatory action may be directed to Jennifer Hardesty, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, by email at jennifer.hardesty@post.ca.gov or by telephone at (916) 227-3917. The backup contact is Diane Hrepich, diane.hrepich@post.ca.gov. General questions regarding the regulatory process may be directed to Patti Kaida at (916) 227-4847, patti.kaida@post.ca.gov, or FAX (916) 227-4547.

ROBERT A. STRESAK
Executive Director

Attachment: Notice of Proposed Regulatory Action

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 11, 2016, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

POST is responsible for managing both the development of, and security requirements for, 82 Learning Domain, Mid-Term, and Final Tests. These tests are required for successful completion of the Regular Basic and Modular Format Courses, Specialized Investigators' Basic Course, Requalification Course, and PC 832 Laws of Arrest Course. The development process involves the use of subject matter resource groups to ensure the accuracy and validity of the material being tested and POST staff to ensure statewide applicability. This work is costly, time consuming, and labor intensive. The security of the test material is especially important. If one test is compromised it affects all tests for each course and requires new questions to be developed and validated.

The *POST Basic Courses Test Management and Security Protocols 2014* (protocols) require each presenter to create written policies and procedures regarding test administration and test security. The Test Task Force Committee regularly reviews the protocols in order to propose changes that are designed to strengthen testing policy content requirements. One notable change is the elimination of instructor access to specific test item content. The elimination of access will restrict the use of test item content during classroom instruction and will redirect focus to the learning objective content rather than test item content.

The implementation of these changes will greatly reduce the likelihood of test materials being compromised or misused by assuring that all presenters have an understanding of the sanctions related to cheating and compromising test material. These changes will help to ensure the continued integrity of entry-level law enforcement training and testing.

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be to promote fairness for all individuals taking POST Basic Course tests through stronger test management and security protocols. There would be no effect to benefits in

regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Documents Incorporated by Reference: *POST Basic Courses Test Management and Security Protocols, 2016*.

Adoption of Proposed Regulations

Following 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 made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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 sections 17500 - 17630 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 not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact 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.

Results of Economic Impact Assessment per Gov. Code section 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to hold accountable those individuals involved in cheating who compromise the security of POST test materials and ensure the integrity of entry-level law enforcement training and testing. There would be no impact that would affect worker safety or the State's environment.

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 affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Jennifer Hardesty, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at jennifer.hardesty@post.ca.gov, or (916) 227-3917. The back-up contact is Diane Hrepich at diane.hrepich@post.ca.gov. General questions regarding the regulatory process may be directed to Patti Kaida at (916) 227-4847, patti.kaida@post.ca.gov, or FAX (916) 227-5271.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: http://www.post.ca.gov/regulatory-actions.aspx.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.