

## **INITIAL STATEMENT OF REASONS**

### **POST Basic Courses Test Management and Security Protocols**

### **Regulations 1005, 1007, 1008, and 1052 and Procedures D-1 and D-10**

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At the October 22, 2015 meeting, the Commission approved proposed amendments to the POST Basic Courses Test Management and Security Protocols and the POST Administrative Manual (PAM), Section B - Regulations 1005, 1007, 1008, and 1052 and Section D - Procedures D-1 and D-10.

In 2010, POST established a basic course Test Task Force Committee consisting of basic course directors and coordinators. As part of an ongoing process the committee reviewed and modified the current security documentation used by POST and recommended many changes related to test administration and security. There are non-substantive grammar and punctuation changes made throughout the document. Substantive changes were made regarding policy and procedures as well as incorporating requirements for the use of POST-provided proctor training for individuals administering written tests and restricting instructor access to specific test item content. Justification for these changes is described below. To assist in reviewing these changes, the justification is presented in a legend format.

#### **Justification for Proposed Revisions**

All changes to Regulations begin with recommendations from law enforcement practitioners or in some cases as the result of a compromise of test material. POST then facilitates meetings with advisors and subject matter experts (SMEs) who recommend changes to existing Regulations. These recommendations, related to test security, are submitted for review to the Consortium Advisory Council (CAC), which is comprised of directors and coordinators of POST-certified basic courses. The recommendations are then reviewed by all presenters at the Basic Course Consortium meetings facilitated by POST. The Consortium reviewed these proposed changes at its January and September 2015 meetings and the Commission approved them at the October 22, 2015 Commission meeting, subject to the Notice of Proposed Regulatory Action process.

#### **Regulations 1005, 1007, 1008, and 1052**

Inserted new amendment dates.

#### **Procedures D-1 and D-10**

Terminology Sections 1-3(a)(4), 1-4(a)(4), 1-7(a)(4), and 10-2(a)(4)- Learning Activity - Removed a portion of the last sentence to eliminate confusion on testing. The way the sentence is written makes it sound as if you can coach or provide feedback during a test.

1-3(a)(8), 1-3(d)(2), 1-4(a)(6), and 1-4(d)(2)- Removal of the pretest (LD 99) requirement.

1-3(d)(2), 1-3(e)(3), 1-4(d)(2), and 10-2(d)(3)- Adds a requirement for all proctors to complete POST-provided proctor training in order to administer any written test. This requirement applies to individuals currently proctoring if they have not previously completed the online course.

1-3(d)(2)(G), 1-3(e)(3)(J), 1-4(d)(2)(G), 1-7(d)(2)(D), and 10-2(d)(3)(D)- Clarifies retesting and removes all references to reviews, remedial training and study time. The sections will reflect information pertaining only to retesting and the specifics/differences for each type of test.

PC 832 Arrest and Firearms Course, Procedure 1-7- Revised testing language for consistency with all other POST-certified basic courses.

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Inserted new amendment dates.

**Test Management and Security Protocols**

Tale of Contents- made changes to reflect those in the body of the document

Guideline 3.1- Added a note regarding test keys and not printing them until needed for review.

Guideline 3.2.1- Clarifies the requirement that the titles of those responsible for the reproduction of test material must be indicated in the policy.

Guideline 3.2.3- Added requirement to list, by title, those with access to secure test storage.

Guideline 3.2.4- Clarifies the requirement that the titles of those responsible for the destruction of test material must be indicated in the policy. Also, requires presenter to describe how they will ensure no test material will be compromised during destruction.

Guideline 4.1- Clarifies the requirement that the titles of those responsible for scheduling and administering tests must be indicated in the policy.

Guideline 4.2- Clarifies that POST has only provided Test Administration Procedures for written tests. Removes reference to the Basic Course Informational Website due to the migration of the site to the POST website. Added additional requirements for recording scenario test sessions.

Guideline 4.3- Integrated language from 7.2 into this section.

Guideline 4.4- Added requirement for POST provided proctor training for written testing. Added information regarding PC 832 proctor requirements.

Guideline 5.1- Added information to clarify which tests require the scoring processes to be covered in the policy. Also clarifies the requirement that the titles of those responsible for scoring tests must be indicated in the policy.

Guideline 5.2- Added a minimum standard process for the Administrative Test Review. The process eliminates the need for instructors to have access to specific test item content.

Guideline 5.3- Added information which clarifies acceptable item exclusion.

Guideline 6.3- Added information to clarify which tests require the remedial training processes to be covered in the policy. Clarifies what information can be used during remedial training.

Guideline 6.4- Revised retest language to be consistent with PAM and specific for each type of test.

Guideline 7.0- Added the PAM cheating definition into this section. Removed allowance for instructor access to test material based on the process outlined for the Administrative Test Review.

Guideline 7.2- Integrated this language into 4.3.

Guideline 8.0- Added a paragraph indicating who a presenter should contact if they have questions regarding an accommodation.

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Guideline 9.1- Clarifies the current restriction where an individual who teaches a tested learning domain shall not access the testing system, TMAS. This does not affect their ability to proctor other learning domain tests, it only restricts TMAS access.

Page 18- Requires staff supervision of students in the staging area during scenario testing. This will dissuade conversation between students regarding the testing process particularly for those students who have yet to complete those scenario tests.

Page 19- Removed information that is covered in the student contract.

Page 20- Added information that requires any report written based on a POST secure scenario test be completed on site during the testing process. The students are not allowed to go home and write reports based on secure scenario tests.

Page 21- Moved information from section F(3) to F(2) to clarify this restriction. It does not just apply to computer-based tests. This restriction is applicable to all tests acquired through the testing system. There have been a number of instances recently where a system user provided system access to an individual who was not trained by POST staff.

Page 23- Expanded on what a student is not permitted to do. Added a requirement that access to secure test material be restricted to as few staff members as possible.

Page 24- Added a requirement that the contents of POST report writing test videos cannot be provided to students outside of the testing process.

Pages 30 and 32- Added a step in the test administration process where no student may leave the room once the first student has completed the test and exited the room. Additionally, added a requirement that the proctors walk the room to ensure compliance with the student contract.

Exhibit 4- Integrated both student contracts into one document.

Exhibit 5- Combined a few sections that were similar in nature. Added a requirement for notifying POST of a compromise. Clarified information on a few requirements. Changed will to shall for consistency with student contract.

### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, 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 this proposed action.

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**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**

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons that the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

**Economic Impact Analysis**

*Impact of Jobs/New Business:*

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, 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.

*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.

*Benefits of the Regulation:*

The benefits of proposed amendments to the regulation will increase the requirements for security and handling of POST-constructed test materials and hold accountable those individuals involved in cheating. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.