



**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd  
Sacramento, CA 95816-7083  
[www.post.ca.gov](http://www.post.ca.gov)

**Date:** July 25, 2008

**Bulletin:** No. 2008-10

**Subject:** Notice of Proposed Regulatory Action – POST Basic Courses Test Administration and Security Agreement Guidelines, Regulations 1005, 1007, 1008, and 1052, and 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. This 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.

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.

The attached notice describes the proposed changes and 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 at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp):

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

Please direct inquiries about this proposed regulatory action to Dave Spisak, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at [Dave.Spisak@post.ca.gov](mailto:Dave.Spisak@post.ca.gov), by telephone at 916.227.0539, or by FAX at 916.227.5271. Jennifer Imlay is the back-up contact person for this proposal. Jennifer is available by telephone at 916.227.3917, or by email at [Jennifer.Imlay@post.ca.gov](mailto:Jennifer.Imlay@post.ca.gov).

PAUL A. CAPPITELLI  
Executive Director

Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PROPOSED REGULATORY ACTION**  
**POST Basic Courses Test Administration and Security Agreement Guidelines**  
**Regulations 1005, 1007, 1008, and 1052, and Procedures D-1 and D-10**

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Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 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 §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 September 8, 2008, 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 916.227.5271 or by letter to the:

Commission on POST  
Attention: Dave Spisak  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes to the proposal.

**Authority and Reference**

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

**Informative Digest/Policy Statement Overview**

POST currently requires all presenters of the Regular Basic Course to enter into a formal test security agreement with POST. The *POST Basic Courses Test Use and Security Agreement* identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, comprehensive, scenario, and exercise tests.

With this notice, 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. This will apply to all POST basic course presenters that have access to POST-developed and supplied tests. The purpose of this proposal is to ensure the integrity and safe handling of POST-developed and supplied tests.

In 2003, POST staff investigated a basic academy presenter for violations of the *POST Basic Courses Test Use and Security Agreement*. 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. POST staff was forced

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to decertify the basic academy presenter involved in the violation after an extensive in-depth investigation into the nature and extent of the test security issues.

POST brought several identified issues 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 for implementation 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 approved this proposal and related regulation and procedure changes at its April 2006 Commission meeting. POST subsequently published the regulatory changes and the new guidelines document for public comment and adoption into POST regulations.

Additional review of the draft policy and procedure guidelines found them to be incomplete because they were initially applicable only to presenters of the Regular Basic Course academy. To reduce the likelihood of test security violations, the requirement to develop and comply with a presenter-specific policy must extend to 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. In April 2008, the Commission approved the revised version that expands the policy requirement to all basic course presenters with access to POST-supplied test material and that corrects related inconsistencies in the previously proposed submitted document.

The changes made to Regulations 1005, 1007, 1008, and 1052 and Procedure D-10 will:

- Either correct or add the location of references and make one grammar change.
- Add new effective dates to the incorporation by reference statements for historical accuracy.
- Incorporate the *POST Basic Courses Test Administration and Security Guidelines – 2009* publication by reference.
- Require that the presenters of the POST Regular Basic Course, Specialized Investigators' Basic Course, and PC 832 Arrest and Firearms Course establish and comply with a test administration and security policy.
- Require compliance with *POST Basic Courses Test Administration and Security Guidelines – 2009*.
- Specify 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*.

A revised version of the guidelines previously published and the related regulatory and procedure changes is now submitted for public comments. The implementation of these guidelines and regulation and procedure change will greatly reduce the likelihood of compromised or misused testing material by assuring that all presenters have published policies and procedures specifically designed to control test use and administration at the local site. They will also ensure the continued integrity of entry-level law enforcement training. 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. Implementation is proposed for January 1, 2009.

**Local Mandate**

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This proposal does not impose a mandate on local agencies or school districts.

**Fiscal Impact Estimates**

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

**Costs or Savings to State Agencies**

POST anticipates no additional costs or savings to state agencies.

**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 §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.

**Assessment Regarding Effect on Jobs/Businesses**

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

**Cost Impacts on Representative Private Persons or Businesses**

The Commission 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**

None

**Alternatives**

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, 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.

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**Contact Persons**

Please direct inquiries or written comments about the proposed regulatory action to the following:

Dave Spisak  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
916.227.0539 or [Dave.Spisak@post.ca.gov](mailto:Dave.Spisak@post.ca.gov)  
916.227.5271 (FAX)

*or*

Jennifer Imlay  
Commission on POST  
1601 Alhambra Boulevard  
Sacramento, CA 95816-7083  
916.227.3917 or [Jennifer.Imlay@post.ca.gov](mailto:Jennifer.Imlay@post.ca.gov)

**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 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

**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 prepared, submit a written request to the contact person(s) name above.