

**TO: Chairman and Members**

**DATE: July 22, 2013**

**SUBJECT: Requesting Approval of the Standards and Training for Corrections (STC) Executive Steering Committee's Recommendations for Revisions to the STC Program Regulations and to begin the Administrative Procedure Act Rulemaking Process**

**AGENDA ITEM: G**

**ACTION: X**  
**INFORMATION:**

**RESOURCE PERSON: Barbara Fenton**

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**Summary:** At the September 2012 meeting of the Board of State and Community Corrections (BSCC), the Board approved the establishment of an Executive Steering Committee (ESC) to review the Standards and Training for Corrections (STC) program, regulations, and policies to improve program effectiveness and efficiency.

This agenda item requests that the Board accept the ESC recommended regulation revisions, and requests permission to commence the Administrative Procedure Act process.

**Background:** The STC program was created in 1980 to standardize the selection and training procedures of local corrections agencies throughout California. At that time, regulations and policies were adopted to make specific the provisions of Penal Code Sections 6035-6040 which provide authority for the STC program. The BSCC Board established an ESC in September 2012, appointed Member Baca as the chair and subsequently appointed Member Arnold as the co-chair of the committee. At the November 2012 BSCC Board meeting, the Board approved the ESC membership and the project timeline.

The ESC met in February, April, and June 2013. During those meetings the committee reviewed proposed STC improvement strategies, examined the results of a field survey, and considered additional issues that were generated by field contact and presented by STC staff. The ESC established two workgroups: a workgroup to discuss policy issues, and a workgroup to discuss regulation issues. The recommendations from the policy workgroup were approved by the ESC and reviewed and approved by the Board at the May 9, 2013 meeting. Those policy changes are currently being implemented. The recommendations from the regulation workgroup were approved by the ESC and are being presented to the Board for approval.

**Discussion:** The regulation workgroup, Chaired by Alameda County Sheriff Gregory Ahern, met on May 29, 2013. The workgroup reviewed each of the regulations along with the directives from the ESC and the comments received from the field survey. Based upon this review, the workgroup developed proposed revisions. The majority of the revisions are non-substantial and seek to correct names, provide clarity, and bring the regulations in line with established practice.

The two significant proposed changes are:

Article 5, Section 233, Regular Certification and Revocation.

The proposed change extends the length of certification from one year to two year. This change improves efficiency and is a time and cost saving measure for both State employees reviewing the certifications and the local level employees submitting them. The proposed change eliminates the need for annual certification for courses where material is stable and constant.

Article 7, Section 303, Quarterly Report. The quarterly reports were used prior to the advent of the STC on-line systems. In the paper system, it was a useful tool that allowed the Field Representative to monitor an agency's training progress and use of funds during the year. The development of the online system and frequent field contact eliminates the need for additional reporting. The proposal to change the submittal requirement from "shall" to "may be required to" significantly lessens the workload for the local training manager, but permits the Field Representative to require quarterly reports in the event an agency is having trouble with compliance or spending all their funds.

The recommendations of the regulation workgroup were presented to the ESC on June 12, 2013. The ESC approved the revisions to the current regulations. The attached document contains the STC regulations with the recommended revision using cross-out and underline format.

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**Recommendation/Action Needed:**

1. Approve the proposed revisions to the STC Title 15 regulations.
2. Authorize staff to proceed with the Administrative Procedure Act process and prepare for publication of the Notice and commencement of the public comment period

TITLE 15, DIVISION 1, CHAPTER 1, CORRECTIONS STANDARDS AUTHORITY  
BOARD OF STATE AND COMMUNITY CORRECTIONS

SUBCHAPTER 1. STANDARDS AND TRAINING OF LOCAL CORRECTIONS AND  
PROBATION OFFICERS

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TITLE 15, DIVISION 1, CHAPTER 1, CORRECTIONS STANDARDS AUTHORITY BOARD  
OF STATE AND COMMUNITY CORRECTIONS

SUBCHAPTER 1. STANDARDS AND TRAINING OF  
LOCAL CORRECTIONS AND PROBATION OFFICERS

ARTICLE 1. General Provisions

§ 100. Introduction.

The purpose of these regulations is to implement and make specific Chapter 1148 of the Statutes of 1979 (~~SB 924~~) as codified in Sections 6035-~~6043-6040~~ of the Penal Code. These provisions are contained in Articles 2 and 3 of Chapter 5 of Title 7 of Part 3 of the Penal Code entitled "Standards and Training of Local Corrections and Probation Officers" and "Corrections Training Fund."

Under the provisions of Article 3, a county or city may apply to the State ~~Corrections Standards Authority Board of State and Community Corrections~~, hereafter referred to as the Board, for funds for training of eligible adult corrections officers, juvenile ~~counselors~~corrections officers, and probation officers to improve the level of competence of such staff. Such application and approval is governed by these regulations, policies, and procedures established by the Board, subject to the availability of funds.

Funds for this program are appropriated by the Legislature from the Corrections Training Fund which is derived from a percentage designated by law of the penalty assessments on bail forfeitures and fines levied by the courts.

It is the intent of the Board that each county and city have maximum flexibility in assessing and meeting its training needs consistent with the intent of the legislation and proper accountability of public funds.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

§ 101. Objectives.

The objective of the ~~program of Standards and Training of Local Corrections and Probation Officers~~ Program is to raise the level of competence of such officers. This objective is carried out by:

- (a) Establishing minimum standards for selection and training of adult corrections officers, juvenile ~~counselors~~corrections officers, and probation officers, and
- (b) Allocating available funds to local correctional institutions, local juvenile institutions, and local probation departments of a county or city which formally agrees to adhere to the standards and requirements established by the Board.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

§ 102. Definitions.

- (a) "College" is a community college, college or university accredited as such by:
- (1) The Department of Education of the state in which the community college, college or university is located, or
  - (2) The recognized national accrediting body, or
  - (3) The state university in the state in which the community college, college or university is located.
  - (4) The state agency authorized by the state's legislature to accredit post-secondary education for vocational colleges.
- (b) "Administrator" means the top levels of administration of a department and includes the following types of positions:
- (1) County Sheriff
  - (2) Undersheriff/Assistant Sheriff
  - (3) Chief Deputy or Commander in charge of ~~multi~~-detention facilities
  - (4) County Probation Officer
  - (5) Assistant County Probation Officer
  - (6) County Director of Corrections
  - (7) Assistant Director of Corrections
  - (8) Chief of Police
  - (9) Assistant Chief of Police
- ~~(c) "Annual Training Plan" is a plan which includes an assessment of a department's training needs, the number of eligible staff, the types of courses to be completed, and a training schedule for the fiscal year. This training plan is included as part of the county's application for funds.~~
- ~~(d)~~ (d) "Application" means the document prepared by a county or city by which it requests funds to provide training for adult corrections officers, juvenile ~~counselors~~ corrections officers, and/or probation officers pursuant to the Standards and Training of Local Corrections and Probation Officers Program. The application includes the annual training plan.
- ~~(e)~~ (e) "Board" means the ~~State Corrections Standards Authority~~ Board of State and Community Corrections, a unit of the California Department of Corrections and Rehabilitation.
- ~~(f)~~ (f) "Certified Course" is a formal program of instruction approved by the Board for training of corrections and probation officers.
- ~~(g)~~ (g) "Department" means a probation department, sheriff's department, county correctional agency, or city police department established pursuant to applicable charter, statute and/or ordinance.
- ~~(g)~~ "Department Head" means the ~~county probation officer, county sheriff, chief administrative officer of a county correctional agency, or chief of police.~~
- ~~(h)~~ "Detention Facility Manager" is a position in charge of an adult detention facility. Included are titles such as ~~correctional lieutenant, captain, and commander.~~
- ~~(i)~~ (h) "Eligible staff" means those persons who meet all of the following criteria for full ~~or~~ limited participation:
- ~~(1) Full participation:~~
    - Are employed full time or as regular part-time employees provided that at least 51% of their working hours are in a local detention facility, probation department, or correctional services agency and have as a primary duty the responsibility for custody

and/or for correcting the behavior of adult and/or juvenile offenders under local jurisdictions. This is defined to include custodial positions such as corrections officer or administrative or staff positions such as training officer and administrative service officer. Training for employees in staff or administrative positions is to be appropriate and essential to improve their professional competence in the area of the Standards and Training of Local Corrections and Pro probation Officers' Program operations. The determination to include such administrative or staff positions is to be made by the department head administrator.

~~(2) Limited participation:~~

~~Are employed full time by a law enforcement agency and have as one of their duties the responsibility for the custody and/or supervision of adult or juvenile offenders, but work in that capacity less than 51% of their time and have not completed the entry level core course as specified in Section 1020, Title 15 or the Jail Management Supplemental Training as specified in Section 1023, Title 15.~~

~~(j) "Encumbered funds" means funds reserved by a county by means of a legal obligation such as a contract, purchase order, or other commitment to expend the funds.~~

~~(k)(j)~~ "Entry Adult Corrections Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one-year continuous employment in an adult detention facility which is preparatory to advancement to the journey level correctional-corrections officer. Incumbents learn procedures and techniques of custody, supervision and counseling of inmates.

~~(k)~~ "Entry Juvenile CounselorCorrections Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one-year continuous employment in a juvenile institution which is preparatory to the journey level counselorcorrections officer. Incumbents learn the procedures and techniques of custody, supervision, and counseling of juvenile offenders.

~~(m)(l)~~ "Entry Probation Officer" is a position in which the incumbent has not fully complied with Section 131 (a) (1 through 7) of these regulations nor has completed one-year continuous employment in a probation department which is preparatory to advancement to the journey level deputy probation officer. Incumbents learn to perform complex investigations and casework supervision.

~~(n)(m)~~ "First Level Supervisory Position" is a position in which the incumbent plans, assigns, and reviews the work of entry/journey level employees of a department. Typical titles include supervising probation officer I, sergeant, supervising juvenile counselor and supervising corrections officer.

~~(n)~~ "Job classification category" means those types of classifications assigned in a juvenile facility, adult detention facility, or probation department which are eligible for funding under the act, e.g., entry probation officer, journey-juvenile counselorcorrections officer, supervising corrections officer, probation manager, etc.

~~(o)~~ "Journey Adult Corrections Officer" is a position in an adult detention facility which, with minimal supervision, performs the full range of custody, supervision, and counseling of inmates and have complied with Section 131 of these regulations. Incumbents may also have lead responsibility.

~~(o)~~ "Journey Juvenile CounselorCorrections Officer" is a position in a juvenile institution which, with minimal supervision, performs the full range of custody, supervision and

counseling of juvenile offenders and has complied with Section 131 of these regulations. Incumbents may also have lead responsibility.

- | ~~(q)~~ “Journey Probation Officer” is a position in a probation department which performs the full range of juvenile and/or adult case investigation, supervision, or probation programs and has complied with Section 131 of these regulations.
- | ~~(r)~~ “Manager” means those middle management classifications above the first supervisory level and below the assistant department head level. Typical titles include juvenile institution manager, detention facility manager, lieutenant, and probation manager.
- | ~~(t)~~ “Supervisor” is a position which plans, assigns, and reviews the work of a group of entry/journey juvenile counselors, local corrections or probation officers. This is the first supervisory level. Incumbents may also function in a staff capacity.
- | ~~(u)~~ “Training Plan” is a plan which includes an assessment of a department’s training needs, the number of eligible staff, the types of courses to be completed, and a training schedule for the fiscal year. This training plan is included as part of the county’s application.
- | ~~(s)~~ “Supervisor Position” is a position in which the incumbent plans, assigns, and reviews the work of entry/journey level employees of a department. Typical titles include supervising probation officer, sergeant, corporal, and supervising corrections officer.
- | ~~(t)~~ “Training Provider” means a college, department, person, or organization authorized by the Board to ~~conduct~~ deliver certified courses.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 (d), Penal Code.~~

**§ 103. Technical Assistance and Consultation.**

The Board shall provide technical assistance and consultation to the counties, cities, and providers upon request or in response to changing conditions and local needs in the continuing operations, development, and implementation of the Standards and Training ~~for of Local Corrections~~ and Probation Officers Program.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 104. Waiver.**

- (a) Within statutory limits, the Board may grant a waiver from any standards or program requirements for good and sufficient reason. Such a waiver may be granted only upon written application from the local department seeking the waiver.
- (b) A county or city shall not take action on the requested waiver until receipt of the Board’s written approval.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 106. Severability.**

If any article, section, subsection, sentence, clause, or phrase of these regulations is for any reason held to be unconstitutional, contrary to statute, exceeding the authority of the Board, or otherwise inoperative, such decision shall not affect the validity of the remaining portion of those regulations.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

## ARTICLE 2. Minimum Standards for Selection

### § 130. Purpose of Article.

The purpose of this article is to set forth the minimum selection standards which will assure and/or increase the level of competence of persons selected for entry probation officer positions, entry juvenile ~~counselor-corrections officer~~ positions, and entry adult corrections officer positions.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 131. Minimum Selection Standards.

- (a) In addition to the requirements set forth in Section 830 et seq. of the Penal Code and Section 1029 et seq. of the Government Code, the standards set forth below shall apply. These standards for entry probation officer positions, entry juvenile ~~counselor-corrections officer~~ positions, and entry adult corrections officer positions shall include but not be limited to the following:
- (1) Basic abilities and other characteristics important for successful job performance as demonstrated by passing the Board's written examination. An alternative examination may be substituted pursuant to Section 132.
  - (2) Competence in oral communication as demonstrated in an interview.
  - (3) Past behavior compatible to job requirements as demonstrated by a background investigation.
  - (4) Competence in the knowledge, skills and abilities necessary for entry-level job performance, as demonstrated by successful completion of the required core curriculum.
  - (5) Competence in the performance of entry-level duties as demonstrated by successful completion of the probationary period.
  - (6) The ability to perform the essential job functions of the position as demonstrated by meeting the Board's current ~~guidelines-standards~~ for Vision, Hearing, and Medical Screening. An alternative may be substituted pursuant to Section 132.
  - (7) A minimum of 18 years of age prior to appointment.
- (b) The level of competence in (a)(2) and (a)(3) above shall be commensurate with the needs of the individual job classifications of each county or city. The level of competence in (a) (1) above shall be commensurate to the cutoff score that is chosen by the county or city and is consistent with research validation.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 132. Counties and Cities with ~~Existing Alternate~~ Selection Standards.

- (a) Counties and cities maintaining standards that meet or exceed the minimum selection standards shall be deemed to be in compliance with the minimum standards. Those agencies choosing an alternative selection ~~examination standard~~ must:
- (1) ~~Ensure the examination selection standard~~ measures the knowledge, skills, abilities and other personal characteristics identified by the Board as necessary for successful job performance.
  - (2) ~~have validated that~~ the ~~examination selection standard~~ tests for the knowledge, skills, abilities and other personal characteristics.

- (3) ~~Verified that~~ the ~~examination-selection standard~~ meets the fairness doctrines of the Federal Uniform Guidelines for Selection Procedures, ~~and~~
  - (4) ~~have established~~ a cutoff score within a range ~~that is~~ consistent with their validation research study.
- (b) Each county and city is encouraged to maintain or improve standards that exceed the minimum selection standards consistent with the goal of ~~increased job~~ competency.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

#### § 133. Effective Term of Selection Standards.

The selection standards described in Section 131 shall remain in effect until modified by the Board. The Board may modify the selection standards consistent with ~~future~~ job analyses data collection, revalidation research, and selection procedure development.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### ARTICLE 3. Minimum Standards for Training

#### § 169. Purpose of Article.

The purpose of this article is to set forth the courses and the hours which are the minimum training standards. These courses are to be established in a manner to provide maximum flexibility for instruction and encourage the use of varied instructional methods.

NOTE: ~~AUTHORITY CITED~~ Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

#### § 171. Training Courses.

- (a) There are ~~7-seven~~ training courses in the program as follows:
  - (1) Probation Officer Core Course.
  - (2) Juvenile ~~Counselor-Corrections Officer~~ Core Course.
  - (3) ~~Adult~~ Corrections Officer Core Course.
  - (4) ~~Adult~~ Corrections Officer ~~Basic Academy~~ Supplemental Core Course.
  - (5) Supervisor Core Course.
  - (6) Manager/Administrator Core Course.
  - (7) Annual Training Courses.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

#### § 172. Training Required.

The training requirements set forth in these regulations are mandatory for all eligible staff employed by participating county and city departments and are in addition to any other training required by law.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

#### § 173. Probation Officer Core Course.

The probation officer core course consists of a minimum of 196 hours of instruction in specific performance/instructional objectives. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 176. Juvenile ~~Counselor~~ Corrections Officer Core Course.**

The juvenile ~~counselor~~ corrections officer core course consists of 160 hours of instruction in specific performance/instructional objectives. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 179. Adult Corrections Officer Core Course.**

The adult corrections officer core course consists of a minimum of 176 hours, in specific performance/instructional objectives. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests. Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 180. Adult Corrections Officer ~~Basic Academy~~ Supplemental Core Course.**

The adult corrections officer ~~basic academy~~ supplemental core course consists of a minimum of 56 hours of instruction in specific performance/instructional objectives. It is for the corrections officer who has successfully completed the POST Basic Academy Course for peace officers. Entry-level staff must successfully complete these course objectives as demonstrated by a satisfactory level of proficiency on relevant achievement tests, ~~within the first year of employment.~~ Entry-level core training shall be completed in the first year of employment.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 181. Supervisor Core Course.**

(a) The supervisor core course consists of a minimum of 80 hours of instruction to be completed during the first year of employment as a supervising adult corrections officer, supervising probation officer, or supervising juvenile ~~counselor~~ corrections officer, as defined in these regulations.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 182. Manager/Administrator Core Course.**

(a) The manager/administrator core course consists of a minimum of 80 hours of instruction in general management/administration subjects. This course shall be completed by an employee during the first year of assignment as a manager or administrator, as defined in these regulations.

(b) The Board may allow credit under its criteria for comparable courses previously completed.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 184. Annual Required Training.**

- (a) Each full participation eligible staff member shall complete annual training, during any year he/she is not participating in a core course as identified in Section 171 of these regulations.
- (1) Journey probation officer - 40 hours.
  - (2) Journey juvenile ~~counselor~~ corrections officer - 24 hours.
  - (3) Journey adult corrections officer - 24 hours.
  - (4) Probation supervisor - 40 hours.
  - (5) Supervising juvenile ~~counselor~~ corrections officer - 40 hours.
  - (6) Supervising adult corrections officer - 24 hours.
  - (7) ~~Manager - 40 hours.~~ Probation manager and administrator - 40 hours.
  - (8) ~~Administrator - 40 hours.~~ Juvenile institution manager and administrator - 40 hours.
  - (9) ~~Jails or adult institution manager and administrator - 24 hours.~~
- (b) Annual training is designed to provide ~~updating~~ updated and refresher instruction. Flexibility is permitted in course content and method of instruction in order to meet changing conditions and local needs.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 185. Deadline for Compliance.**

All counties and cities participating in this program shall be in ~~full~~ compliance with the standards and requirements set forth in these regulations no later than June 30<sup>th</sup> of each year.

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NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**ARTICLE 5. Certification of Training Courses**

**§ 230. Purpose.**

The purpose of this article is to set forth the requirements and criteria for certification and delivery of courses.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 231. Certification of Courses.**

- (a) The Board may certify courses based upon criteria and procedures established by the Board.
- (b) Criteria for certification include, but are not limited to:
- (1) A demonstrated need for the course.
  - (2) Demonstrated capability to provide quality instruction based on qualifications of instructors, instructional performance objectives, curriculum standards, and facilities.
  - (3) The cost of providing the instruction as related to the benefits.
  - (4) The extent to which eligible staff from any participating county or city may attend the course.
  - (5) The frequency of which the instruction can be provided in relation to the need.
  - (6) The ability to provide the instruction within the State of California.
  - (7) Adherence to fiscal policies and procedures as established by the Board.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 232. Application for Certification of Course.**

- (a) A training provider shall apply for certification of each course according to procedures established by the Board.
- (b) Such application for certification shall be for all or part of the training requirements as determined by the Board.
- (c) The application shall include but not be limited to a synopsis statement of the course, a course outline giving hours of instruction in each topic, performance objectives and standards of achievement, length of course, instruction methodology, instructor experience and education, and costs associated with delivery.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 233. Regular Certification and Revocation.**

- (a) A regular certification of a course is valid for ~~one~~ two years after issuance by the Board unless revoked by the Board.
- (b) Certification of a course may be revoked by the Board, under the guidelines set forth by the Board when:
  - (1) There is no longer a demonstrated need for the course; or
  - (2) Evaluation indicates that an acceptable quality of instruction is not being provided; or
  - (3) There is failure to comply with the criteria set forth in these regulations.
- (c) In lieu of revocation, the Board may instead certify the course on a provisional basis under Section 233.5.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 233.5. Provisional Certification.**

- (a) The Board may certify a course on a provisional basis under the guidelines set forth by the Board.
- (b) In lieu of revocation of a regular certification, the Board may grant a provisional certification.
- (c) Such provisional certification is valid for a maximum of one year and shall not be renewed.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 234. Attendance Determined by Counties and Cities.**

Participation in any certified course is determined by each county's or city's training needs. Certification of a course by the Board does not carry the assurance or implication of minimum attendance.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 235. ~~Auditing~~ Monitoring of Courses.**

The Board may at any time ~~audit~~ monitor a training course to assist in the determination of whether the objectives and qualitative aspects of the course are being met and that it is being presented as certified.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

## ARTICLE 6. Certificates of Completion of Training.

### § 260. Purpose of Article.

The purpose of this article is to set forth the criteria under which the ~~Corrections Standards Authority~~ Board of State and Community Corrections may issue certificates of completion of training and to provide a means for recognizing specialized training completed by eligible staff.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 261. Certificates of Completion of Training.

- (a) The ~~Corrections Standards Authority~~ Board of State and Community Corrections may grant a certificate of completion upon completion of each of the following courses:
- (1) Probation Officer Core Course.
  - (2) Juvenile ~~Counselor~~ Corrections Officer Core Course.
  - (3) Adult Corrections Officer Core Course.
  - (4) Adult Corrections Officer ~~Basic Academy~~ Supplemental Core Course.
  - (5) Supervisor Core Course.
  - (6) Manager/Administrator Core Course.
  - (7) Annual ~~Required~~ Training Courses.
- (b) Upon successful completion of a certified course by eligible staff, the training provider may issue a certificate of completion to such staff.
- (c) The training provider shall notify the Board in writing of the following:
- (1) Name, title, and organization of the eligible staff who completed the training.
  - (2) Name of the course and the date of completion.
  - (3) Documentation that the specific requirements of the course were fully met by each person.
  - (4) Other information as may be required by the ~~Corrections Standards Authority~~ Board of State and Community Corrections.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 262. Specialized Course Completion Certificates.

- (a) The ~~Corrections Standards Authority~~ Board of State and Community Corrections may grant course completion certificates in recognition of specialized training under procedures established by the Board.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 263. Revocation of Certificate.

The ~~Corrections Standards Authority~~ Board of State and Community Corrections may revoke a certificate of completion if it was issued through administrative error, or was obtained through misrepresentation or fraud.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

## ARTICLE 7. Administration of Funds

### § 290. Purpose of Article.

This article sets forth the policies governing application for and administration of funds disbursed to participating counties and cities.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 291. Adherence to Standards.

- (a) As provided in Section 6035 of the Penal Code, a county or city department receiving subvention under this program shall adhere to the standards for selection and training established by the Board. No allocation of funds shall be made to any county or city department which is not adhering to ~~these regulations,~~ and ~~the guidelines~~ policies and procedures established by the Board.
- (b) A county or city, which, despite good faith efforts in the administration of its program, is unable to fully meet the requirements set forth in these regulations, may apply for a waiver under Section 104 of these regulations.
- ~~(c) In the event that the state subvention is less than declared for the fiscal year, the Board may relieve a county or city from its responsibility to fully implement its training plan(s).~~

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, 6041, 6042, Penal Code.~~

### § 292. Exclusion of "POST" Subvented Courses.

~~As provided in Section 6043 of the Penal Code,~~ jurisdictions employing peace officer personnel which are eligible for training subventions pursuant to Section 13500 et seq. of the Penal Code (Peace Officer Standards and Training) (POST) are not eligible to receive subventions under this program except that peace officers assigned full time to correctional duties may participate in training and their jurisdictions receive subventions under this program, provided that the same training for the same individuals is not also reimbursed under the POST program.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6043, Penal Code.~~

### § 293. Use of Funds for Matching Grant Funding.

A county or city may use funds allocated by the Board under this program for purposes of matching grant funds for purposes of selection or training which are consistent with this chapter provided that such funding arrangements are not prohibited by the granting agency.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

### § 295. Application.

- (a) The application, which includes the annual training plan for each department participating in the program, shall be submitted by the county or city in the manner prescribed by the ~~guidelines~~ policies and procedures established by the Board.
- (b) The application shall include but not be limited to:

- (1) A certified copy of the adopted ordinance or resolution.
- (2) A certification that the department(s) will not use state subvention from this program to pay for costs of training, if funding is received from any other state source to pay for the same costs.
- (3) An annual training plan in the format prescribed by the Board, which includes the following:
  - (A) The total number of staff, by department and job classification category, who are eligible for full or limited participation in the program.
  - (B) The number of eligible staff, by department and job classification category, who are scheduled for training during the fiscal year.
  - (C) ~~A training schedule, by each quarter, for the entire fiscal year setting forth an estimate of time when staff will be scheduled to attend courses.~~ The minimum number of training hours planned for each eligible staff.
  - (D) ~~The estimated expenditure schedule of state subvention to provide the training, by each quarter, and the total for the fiscal year.~~ The total amount of state subvention being requested for purposes of training eligible staff for the entire fiscal year.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6041, Penal Code.~~

#### § 296. Date for Submission of Application.

A county or city shall submit an application and annual training plan for participation in the program no later than April 15<sup>th</sup>, of each calendar year, to be effective for the following fiscal year starting July 1<sup>st</sup>.

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NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6041, Penal Code.~~

#### § 297. Approval of Application.

The Board shall review and approve the application and annual training plan submitted by a county or city provided the standards and requirements contained in these regulations and the application guidelines are met. The amount of subvention approved shall not exceed the amount available to the county or city as calculated under Section 298 of these regulations.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6041, Penal Code.~~

#### § 298. Calculation of Available Funds.

- (a) Funds to be available for allocation to ~~a~~ counties and cities shall be determined by the Board and based on the following:
  - (1) ~~The~~ amount of funds appropriated by the Legislature for direct training for the fiscal year.
  - (2) ~~The~~ number of annual eligible staff positions in all participating jurisdictions.
  - (3) ~~The~~ number of core eligible staff positions in all participating jurisdictions, with such positions receiving a 50% greater amount than annual eligible staff positions.
  - (4) ~~The~~ requirements of a prudent contingency fund.The allocation to each county or city will be equitable based on the number of annual and core eligible staff positions. ~~This allocation will be announced by the Board to each participating county or city by February 15 of each year, to be effective for the following fiscal year starting July 1.~~

- (b) For purposes of calculation of available funds, no county or city shall be deemed to have less than eleven eligible staff positions.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6037, Penal Code.~~

**§ 299. Allocation and Use of Funds Based on Annual Training Plan.**

- (a) Funds allocated to a county or city shall be based on the training plan submitted by the county or city and approved by the Board. The allocation of funds shall not exceed the amount eligible to the county or city for the fiscal year. Such funds shall be used for Board certified training. Upon application, the Board may approve use of funds for training needs ~~assessment~~ to meet changing conditions and local needs.
- (b) Funds can be used to pay costs associated with the training such as tuition, per diem, and travel. ~~Tuition expenses shall not exceed guidelines established in SAM.~~ Travel and per diem expenses shall be paid pursuant to county or city regulations.  
An agency may use funds to pay the associated costs of staff who attend training on regularly scheduled time off or who replace employees attending training.
- (c) For part time positions, allocation of funds shall be based on the number of full time equivalent positions which are filled with regular employees working half-time or more.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, 6037 and 6042, Penal Code.~~

**§ 300. Quarterly Disbursement of Funds.**

- (a) Upon approval of the county's or city's annual training plan by the Board, the Board shall certify to the State Controller the amount of funds to be disbursed quarterly to the county.
- (b) The state shall disburse funds to a county or city, insofar as is practicable, in advance during the first month of each quarter.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 and 6042, Penal Code.~~

**§ 301. Separate Account in County or City.**

Each county or city receiving subvention shall establish a separate account for receipt and disbursement of program funds. Such funds shall be used only to pay costs associated with Board certified training, pursuant to the annual training plan approved by the Board, and Section 299 of these regulations.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6041, Penal Code.~~

**§ 302. Reallocation of Funds.**

The Board may periodically adjust the amount of funds to be made available for allocation to participating counties and cities based upon criteria established by the Board. Factors for consideration include the amount available in the Corrections Training Fund, the amount necessary for a prudent contingency fund, the number of counties and cities participating in the program and other relevant considerations.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 302.5. Special Allocation of Funds.**

Notwithstanding the provisions of Sections 298 and 299, in unusual circumstances such as a significant increase in eligible staff and/or substantial unanticipated training needs, the Board may allocate funds (from contingency funds) to a county or city in excess of the county's or city's regular allocation. Such special allocation shall be subject to availability of funds.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 303. Quarterly Report.**

- (a) Within 45 calendar days after the end of each quarter, the county or city ~~shall~~ may be required to submit verification of training completed during the quarter pursuant to the training plan.
- (b) The quarterly report shall contain information required by the Board, and shall include but not be limited to:
  - (1) The number of staff trained, certified courses completed, and hours completed.
  - (2) The total subvention expenditures for costs necessary to pay staff who attend training on regularly scheduled time off or who replace employees attending training.
  - (3) The total subvention expenditures for the entire training program.
  - (4) Significant changes, problem areas, and any other significant data or observations regarding the program or deviations from the training plan.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 and 6041, Penal Code.~~

**§ 304. Modification of Annual Training Plan.**

A county or city may request a modification of its annual training plan at any time prior to ~~April 30~~ March 31<sup>st</sup> during the fiscal year in which the plan is in effect. Approval of the modification by the Board is required before a county or city may implement the modified plan. The Board shall normally notify a county or city of its decision on the modification not later than 30 days after receipt.

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NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6041, Penal Code.~~

**§ 305. Unused Funds.**

- (a) In no case shall a county or city retain funds, on an annual basis, in excess of 100 percent of actual costs incurred, not to exceed the amount of subvention available, in the implementation of the training plan. Any funds determined to be inappropriately or erroneously spent, including that resulting from non-compliance, as well as overpayments resulting from county or city plan modifications or other causes, shall upon written notification, be repaid to the State. Such repayment may be by county or city warrant and/or may be withheld from subsequent quarterly allocations at the discretion of the Board.
- (b) The county or city shall liquidate any outstanding financial obligation ~~within 60 days after the end of the fiscal year~~ not later than August 31<sup>st</sup> following the end of the fiscal year.
- (c) Any funds not expended by a county or city pursuant to the approved training plan during the fiscal year shall revert to the state. This repayment may be made by:
  - (1) County or city warrant payable to the state within 30 calendar days of the date of notification; or

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- (2) Deduction by the Board of the amount to be repaid by the county or city from quarterly disbursement(s) in the following fiscal year by the state; or
- (3) A combination of (1) and (2) above.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6042, Penal Code.~~

**§ 306. Annual Financial Statement.**

| ~~Within 90 days after~~ Not later than September 30<sup>th</sup> following the end of the fiscal year, the county or city shall submit a financial statement of the total amount of subvented expenditures and revenues during the fiscal year. The report shall be submitted to the Board in a format prescribed by the Board. Any unused funds shall be repaid to the state pursuant to Section 305 of these regulations.

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| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6042, Penal Code.~~

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**§ 307. Maintenance of Accounting Records.**

A participating county or city shall maintain adequate accounting records of subvention expenditures and revenues established according to generally accepted governmental accounting principles in sufficient detail to allow an audit.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 308. County/City Withdrawal from Program.**

A County Board of Supervisors or City Council may withdraw an agency(ies) from participation in this program by written notice to the Board. Such withdrawal shall not be effective earlier than 45 calendar days following receipt of the county's or city's notice to the Board.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**ARTICLE 8. Monitoring of Program Administration and Evaluation**

**§ 315. Purpose of Article.**

This article sets forth the methods and procedures for monitoring and evaluating this program.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 317. Records.**

- (a) Each county or city participating in the Standards and Training of Local Corrections and Probation Officers Program shall maintain records to permit monitoring of the administration of the program. Such records shall include but need not be limited to:
  - (1) The names, job classifications, and courses, including the number of hours, attended by eligible staff during the year.
  - (2) Expenditure records of eligible staff attending training covering the following categories:
    - (A) Tuition, ~~fees and expenses paid to training organizations and consultants.~~
    - (B) Personnel replacement salaries and benefits.
    - (C) Per diem expenses incurred by eligible staff attending training.
    - (D) Travel expenses incurred by eligible staff attending training.

(b) It is the intent of this section that these requirements not supersede normal county or city accounting procedures, but rather supplement such procedures to permit monitoring.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 and 6044, Penal Code.~~

**§ 318. Monitoring of Program.**

The Board shall monitor during each fiscal year the administration of the county or city Standards and Training of Local Corrections and Probation Officers Program to assess the progress and see that the program is operating in accordance with the approved application, these regulations, and the law.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 and 6044, Penal Code.~~

**§ 319. Auditing of Records.**

The state reserves the right to audit the total accounting records of counties or cities relating to the administration of the Standards and Training of Local Corrections and Probation Officers Program. Any improper expenditures disclosed in such audits will be recovered by the state through deductions from future quarterly allocations or repayment by the responsible county or city.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036 and 6044, Penal Code.~~

**§ 320. Program Evaluation.**

- (a) The Board shall evaluate the effectiveness of the Standards and Training of Local Corrections and Probation Officers Program.
- (b) Factors to be considered in evaluation include but are not limited to:
  - (1) Cost effectiveness of the training course;
  - (2) Development and maintenance of a file for the collection of job task analysis data;
  - (3) Job relatedness and revalidation of the training courses and standards;
  - (4) Job relatedness and revalidation of the selection standards;
  - (5) Effectiveness of the training courses taken as applied to employee capability or increased competence;
  - (6) Selection and training delivery systems.

| NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, and 6044, Penal Code.~~

**ARTICLE 9. Appeal Procedures**

**§ 350. Purpose of Article.**

The appeal hearing procedures are intended to provide a review concerning the application and enforcement of standards and regulations governing the administration of the Standards and Training of Local Corrections and Probation Officers Program. A county or city may appeal on the basis of alleged misapplication, capricious enforcement of regulations, or substantial differences of opinion as may occur concerning the proper application of regulations or procedures.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 351. Definitions.**

The following definitions shall apply to this article:

- (a) "Appeal hearing" means an administrative procedure providing an appellant with an opportunity to present the facts of the appeal for the formal decision concerning matters raised in Section 350 of these regulations. Such hearing may be conducted using oral and/or written testimony as specified by the Board or its Executive ~~Director~~Officer.
- (b) "Appellant" means a county or city that files a request for an appeal hearing.
- (c) "Executive ~~Director~~Officer" means the Executive ~~Director~~Officer of the Board.
- (d) "Request for appeal hearing" means a clear written expression of dissatisfaction about a procedure or action taken, including a request for a hearing on the matter filed with the Executive ~~Director~~Officer or the Board.
- (e) "Filing date" means the date a request for an appeal hearing is received by the Executive ~~Director~~Officer or the Board.
- (f) "Authorized representative" means an individual authorized by the appellant to act as his representative in any or all aspects of the hearing.
- (g) "Hearing panel" means a panel of three members of the Board who shall be selected by the ~~Chairman~~ at the time the appeal is filed. A fourth member may be designated as an alternate. Members designated to the hearing panel shall not work for or reside in the county or city submitting the appeal.
- (h) "Proposed decision" means a written recommendation from the hearing panel/hearing officer to the full Board containing a summary of facts and a recommended decision on the appeal.
- (i) "Notice of decision" means a written statement by the Executive ~~Director~~Officer or the Board which contains the formal decision of the Executive ~~Director~~Officer or the Board and the reason for that decision.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 352. Levels of Appeal.**

- (a) There are two levels of appeal as follows:
  - (1) Appeal to the Executive ~~Director~~Officer.
  - (2) Appeal to the Board.
- (b) An appeal shall first be filed with the Executive ~~Director~~Officer.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 353. Appeal to the Executive ~~Director~~Officer.**

- (a) If a county or city is dissatisfied with an action of the Board staff, it may appeal the cause of the dissatisfaction to the Executive ~~Director~~Officer. Such appeal shall be filed within 30 calendar days of the notification of the action with which the county or city is dissatisfied.
- (b) The appeal shall be in writing and:
  - (1) State the basis for the dissatisfaction.
  - (2) State the action being requested of the Executive ~~Director~~Officer.
  - (3) Include any correspondence or other documentation related to the cause for dissatisfaction.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 354. Executive ~~Director-Officer~~ Appeal Procedures.**

- (a) The Executive ~~Director-Officer~~ shall review the correspondence and related documentation and render a decision on the appeal within 30 calendar days, except in those cases where the appellant withdraws or abandons the appeal.
- (b) The procedural time requirement may be waived with the mutual consent of the appellant and the Executive ~~Director-Officer~~.
- (c) The Executive ~~Director-Officer~~ may render a decision based on the correspondence and related documentation provided by the appellant and may consider other relevant information.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 355. Executive ~~Director's-Officer's~~ Decision.**

The decision of the Executive ~~Director-Officer~~ shall be in writing and provide the rationale for the decision.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 356. Request for Appeal Hearing by Board.**

- (a) If a county or city is dissatisfied with the decision of the Executive ~~Director-Officer~~, it may file a request for an appeal hearing with the Chair of the Board. Such appeal shall be filed within 30 calendar days after receipt of the Executive ~~Director's-Officer's~~ decision.
- (b) The request shall be in writing and:
  - (1) State the basis for the dissatisfaction.
  - (2) State the action being requested of the Board.
  - (3) Include all correspondence and any information related to the appeal.

NOTE: Authority cited: Sections 6035, 6036, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 357. Board Hearing Procedures.**

- (a) The hearing shall be conducted by a hearing panel designated by the Chair of the Board at a reasonable time, date, and place, but not later than 30 days after the filing of the request for hearing with the Board, unless delayed for good cause. The Board shall mail or deliver to the appellant or authorized representative a written notice of the time and place of hearing not less than 7 days prior to the hearing.
- (b) The procedural time requirements may be waived with mutual consent of the appellant and the Board.
- (c) Appeal ~~hearing~~ matters shall be set for hearing, heard, and disposed of by a notice of decision within 60 days from the date of the request for appeal hearing, except in those cases where the appellant withdraws or abandons the request for hearing or the matter is continued for what is determined by the hearing panel to be good cause.
- (d) An appellant may waive a personal hearing before the hearing panel; and under such circumstances, the hearing panel shall consider the written information submitted by the appellant and other relevant information.

- (e) The hearing is not formal or judicial in nature. Pertinent and ~~relative-relevant~~ information, whether written or oral, will be accepted. Hearings will be ~~tape~~ recorded.
- (f) After the hearing has been completed, the hearing panel shall submit a proposed decision in writing to the Board at its next regular public meeting.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~

**§ 358. ~~Corrections Standards Authority~~ Board of State and Community Corrections Decision.**

- (a) The Board, after receiving the proposed decision, may:
  - (1) Adopt the proposed decision;
  - (2) Decide the matter on the record with or without taking additional evidence, or,
  - (3) Order a further hearing to be conducted if additional information is needed to decide the issue.
- (b) After the hearing panel's proposed decision is adopted, or an alternative decision is rendered by the Board, or notice of a new hearing ordered, notice of decision or other such actions shall be mailed or otherwise delivered by the Board to the appellant with verification of delivery.
- (c) The record of the testimony exhibits, together with all papers and requests filed in the proceedings and the hearing panel's proposed decision, shall constitute the exclusive record for decision and shall be available to the appellant at any reasonable time for one year after the date of the Board's notice of decision in the case.
- (d) The decision of the Board shall be final.

NOTE: Authority cited: Sections 6035, ~~6036~~, Penal Code. ~~Reference: Section 6036, Penal Code.~~