

PUBLICATION IN *TEXAS REGISTER*

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §215.9, Training Coordinator, without changes to the proposed text as published in the January 31, 2025 issue of the *Texas Register* (50 TexReg 642-644). The rule will be republished.

This adopted amended rule requires training coordinators to report to the Commission the failure by an applicant of a medical examination (L-2) or psychological examination (L-3), which conforms with the addition of Texas Occupations Code §1701.167 made by Senate Bill 1445 (88R).

The public comment period began on January 31, 2025, and ended on March 4, 2025, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment: Training Coordinator Daniel Looney of the Hunt County Sheriff's Office asked why the responsibility to report failed medical (L-2) and psychological (L-3) examinations is placed on the training coordinator? This does not capture the agencies that are not training providers. Why are agency heads not responsible for reporting failed medical (L-2) and psychological (L-3) examinations if they are required to submit appointment applications (L-1s)?

Commission Response: A corresponding rule change to 37 Tex. Admin. Code §211.29(h) would also require chief administrators of law enforcement agencies to report failed medical (L-2) and psychological (L-3) examinations to the Commission. There are three entities that obtain medical (L-2) and psychological (L-3) examinations for enrollment, licensing, or appointment purposes: 1) law enforcement agencies; 2) providers of basic licensing courses; and 3) the Commission. Requiring both agency chief administrators and training coordinators to report to the Commission any failed medical (L-2) or psychological (L-3) examination would capture all agencies and providers of basic licensing courses.

The amended rule is adopted under Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and §1701.306, Psychological and Physical Examination. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.153 requires the Commission to establish reporting standards and procedures for matters the Commission considers necessary for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.167 requires the reporting to the Commission of a failed examination. Texas Occupations Code §1701.306 requires the Commission to adopt rules to establish appropriate standards and measures to be used by a law enforcement agency in reporting medical (L-2) and psychological (L-3) examinations.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of the Commission; Rulemaking Authority, §1701.153, Reports from Agencies and Schools, §1701.167, Policy Regarding Examination of a License Holder or Applicant, and

§1701.306, Psychological and Physical Examination. No other code, article, or statute is affected by this adoption.

The adopted amended rule has been reviewed by legal counsel and found to be a valid exercise of the Commission's legal authority.

§215.9. Training Coordinator.

(a) A training coordinator must hold a valid instructor license or certificate and must be a full-time paid employee of that Training Provider.

(b) The training coordinator must:

(1) ensure compliance with commission rules and guidelines;

(2) prepare, maintain, and submit the following reports within the time frame specified:

(A) reports of training:

(i) basic licensing course shall be submitted prior to students attempting a licensing exam; and

(ii) within 30 days of completion of continuing education course;

(B) self-assessment reports as required by the commission;

(C) a copy of advisory board minutes during an on-site evaluation;

(D) training calendars-schedules must be available for review and posted on the internet, or another public venue, no later than 30 days prior to the beginning of each calendar quarter or academic semester. A continually updated and posted (live) calendar will meet this requirement; and

(E) any other reports or records as requested by the commission;

(3) be responsible for the administration and conduct of each course, including those conducted at ancillary sites, and specifically:

(A) appointing and supervising qualified instructors;

(B) maintaining course schedules and training files. At a minimum, training files shall contain:

(i) complete lesson plan;

(ii) clear learning objectives;

(iii) instructor biography indicating subject matter expertise and teaching experience;

(iv) approved class roster and original sign-in sheet; and

(v) course evaluation;

(C) enforcing all admission, attendance, retention, and other standards set by the commission and approved by the advisory board;

(D) securing and maintaining all facilities necessary to meet the inspection standards of this section;

(E) controlling the discipline and demeanor of each student and instructor during class;

(F) distributing a current version of the Texas Occupations Code, Chapter 1701 and commission rules to all students at the time of admission to any course that may result in the issuance of a license;

(G) distributing learning objectives to all students at the beginning of each course;

(H) ensuring that all learning objectives are taught and evaluated;

(I) proctoring or supervising all examinations to ensure fair, honest results; and

(J) maintaining training files, records of tests, and other evaluation instruments for a period of five years;

(4) receive all commission notices on behalf of the training provider and forward each notice to the appointing authority;

(5) attend or have a designee attend each academy coordinator's workshop conducted by the commission. No person may serve as a representative for more than one provider per conference. Each representative must be affiliated with the training provider; and

(6) notify the commission of any failed medical (L-2) or psychological (L-3) examination within 30 days on a form prescribed by the commission.

(c) If the position of training coordinator becomes vacant, upon written request from the chief administrator of the training provider the commission may, at the discretion of the executive director, waive the requirements for a period not to exceed six months.

(d) Upon written request from the chief administrator of a training provider that does not have a full-time paid staff, the commission may, at the discretion of the executive director, waive the requirements in subsection (a) of this section.

(e) The effective date of this section is May 1, 2025.