Training Advisory Board



# Course Number 3003

**Texas Commission on Law Enforcement**

**Training Advisory Board Course**

**Revised January 2016**

ABSTRACT

TRAINING ADVISORY BOARD COURSE #3003

The Texas Commission on Law Enforcement (TCOLE) serves as the regulatory agency responsible for the development and enforcement of law enforcement standards. TCOLE was created and granted statutory authority under Chapter 1701 of the Texas Occupations Code to develop additional rules and guidelines consistent with the regulatory standards set by the Texas Legislature.

One of the many responsibilities of the Commission is the establishment of standards governing law enforcement training programs and schools. The Occupations Code, Section 1701.252, stipulates that before a training program can be licensed, the school must have an advisory board for developing curriculum.

***Note to Training Provider:***

*This guide is designed to assist the instructor in developing the appropriate lesson plan/plans to teach the course learning objectives. The learning objectives are the minimum required content of Training Advisory Board Training course. The instructor may expand on this information to further enhance the program.*

***It is the responsibility of both the training coordinator and instructor to ensure individual copies of the course are up to date. Refer to curriculum and legal resources for changes in subject matter or laws relating to this topic as well as the Texas Commission on Law Enforcement website at*** [***www.tcole.texas.gov***](http://www.tcole.texas.gov) ***for edits due to course review or changes in TCOLE rules.***

**Target Population:**

* Advisory Board Members
* Training Administrators

**Number of Participants:**

* Determined by the agency. It is important to consider the ability to engage in meaningful group discussions.

**Prerequisites for Participation:**

* None

**Instructor Prerequisites:**

* TCOLE Instructor, or
* Subject Matter Expert

**Length of Course:**

Minimum 1 hour. Maximum 8 hours.

(\*) Note: substantial additional content and a revised lesson plan with content would be required to reflect 8 hours. An example might be to include Attorney General’s video and discussion on open meetings and open records training.

**Facility Requirements:**

Standard classroom environment - amount of space, type of room set-up, breakout rooms, etc., determined by agency based upon class size.

**Method of Instruction:**

* Lecture
* Group Discussion
* Case-Scenarios and Role-play

**Training Materials:**

* Printed copies of presentation with “notes” sections, or equivalent individual digital access to notetaking.
* Printed copy or individual digital access to key portions of the Texas Occupations Code 1701, TCOLE rules, and Penal Code Chapters 1, 36, 37 and 39.
* Sign in Roster
* Multimedia Projector
* Lap-Top or other Computer
* Dry erase marker and board or flip-paper

**Student Materials and Handouts**

* Notetaking materials
* Printed or digital copies of reference materials and program outlined above
* Copy of the “Training Advisory Board Eligibility Form” (Available on TCOLE web page.)

**Assessment:**

Instructors are responsible for assessing and documenting student mastery of all objectives in this course.

In addition, the Commission highly recommends a variety of testing/assessment opportunities throughout the course which could include: oral and written testing, interaction with instructor and students, case study and scenario, and other means of testing students’ application of skills, as the instructor or department deems appropriate.

**References**

1. Texas Occupations Code 1701
2. TCOLE Rules
3. Texas Code of Criminal Procedure
4. Texas Penal Code

**Learning Objectives:**

By the end of the presentation, the student will be able to:

* 1. Define the three (3) types of training contracts
  2. Describe the role and responsibility of an advisory board member under TCOLE rules.
  3. List the minimum qualifications to serve on the advisory board.
  4. Explain the duties and responsibilities of the agency Training Coordinator.
  5. Define “public servant.”

1.6 List at least 3 possible Chapter 36, Chapter 37 and Chapter 39 Penal Code Offenses related to duties and responsibility of advisory board role

**Reference by Code:**

Occupations Code 1701

§1701.003 Application of this Chapter

§1701.252. Program and School Requirements; Advisory Board

§1701.052. Eligibility of Public Members

Commission Rule §215

§215.3. Law Enforcement Academy Training Provider

§215.5. Other Training Providers

§215.6. Academic Alternative Training Provider

§215.7. Training Provider Advisory Boards

Texas Penal Code

P.C. Chapter 1.07, Definition: Public Servant

P.C. Chapter 36, Offenses Against Public Administration

P.C. Chapter 37.10, Tampering with Governmental Record

P.C. Chapter 39.06, Misuse of Official Information

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Training Provider Advisory Board

Course #3003

**Unit 1 Goal: To familiarize members of the advisory boards of the statutory authority under which they are appointed, as well as details about the rules promulgated by the Commission regarding the duties, functions, and responsibilities of an advisory board.**

Introduction

The Texas Commission on Law Enforcement (TCOLE) is responsible for the oversight of training provided to law enforcement officers, telecommunicators and county jailers. (Municipal jailers are not formally licensed by TCOLE.) Because of the geographical size of Texas, as compared to the resources available within TCOLE, the role of training must be contracted out to responsible and professional training providers in order to fulfill the legislative mandates. It is through the use of this contractual joint-venture that Texas criminal justice personnel are able to receive quality training. Both TCOLE and the general public served by these law enforcement agencies rely on the insight, integrity and advice from local representatives through the use of advisory boards in helping to fulfill the contractual obligations.

**1.1 Define the three (3) types of training contracts**

TCOLE issues contracts to three (3) types of training providers:

1. Licensed law enforcement academy;
2. Other training providers; or
3. Licensed academic alternative provider.

Definition for #1 --- 211.1, (a), (37) under definitions:   Law enforcement academy--A school operated by a governmental entity which may provide basic licensing courses and continuing education under contract with the commission.

Definition for #2 ---   211.1, (a), (67) Training provider--A governmental body, law enforcement association, alternative delivery trainer, or proprietary entity credentialed by or authorized under a training provider contract with the commission to provide preparatory or continuing training for licensees or potential licensees.

Definition for #3 ---   211.1, (a), (1) Academic alternative program--A program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools and the Texas Higher Education Coordinating Board, authorized by the commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

**1.2 Describe the role and responsibility of an advisory board member under TCOLE rules**

It is the requirement for each training provider to appoint an advisory board as part of the application process. The purpose and function of an advisory board is to serve the training provider by providing guidance in the establishment of curriculum, training needs, frequency & location of courses, standards for admission to training programs, class size, attendance requirements, and retention. This includes policies and procedures, as well as confirmation of compliance with TCOLE rules and other regulations.

The composition of the board provides many perspectives to the issues mentioned in the previous paragraph. The diversity of experience among board members should assist the training provider to better assess the needs of the training program which, in turn, will deliver better service to the constituents who utilize the training program for the professional development of law enforcement officers, jailers, and telecommunicators.

Serving as a member of the advisory board for a law enforcement training provider is more than an honor. Serving as a board member carries with it a duty and responsibility that will impact the professional development of those who serve in a law enforcement capacity and, equally important, the community in which the law enforcement personnel serve.

***Instructor Note:***

*This training will provide a background regarding the statutory authority and TCOLE rules that establishes and defines the purpose and function of the advisory board. Each statute and rule regarding advisory board functions will be presented, building a foundation of understanding of the duties and responsibilities required of the advisory board.*

*Everyone is encouraged to ask questions. Questions generate discussion and it is through discussion that we gain knowledge and understanding of board duties which is necessary in advancing the development and delivery of professional law enforcement services to our deserving community.*

Occupations Code 1701

***Instructor Note:***

*We will review the provision of the code that requires training providers to establish an advisory board. The Occupation Code is the legislative or statutory law that establishes the authority of the Advisory Board.*

Sec. 1701.003. APPLICATION OF CHAPTER.

(a) Except as expressly provided by this chapter, this chapter does not:

(1) limit the powers or duties of a municipality or county; or

(2) affect Chapter 143, Local Government Code.

(b) This chapter does not affect a constable or other officer or county jailer elected under the Texas Constitution before September 1, 1985, and does not affect a person who held the office of sheriff before January 1, 1994.

(c) This chapter does not prevent an employing agency from establishing qualifications and standards for hiring or training officers, county jailers, or telecommunicators that exceed the commission's minimum standards.

§1701.252. Program and School Requirements; Advisory Board

1. Unless a school has created an advisory board for developing a curriculum, the commission may not issue a license to the school or approve a training program or course for officers or county jailers other than a program created by the Bill Blackwood Law Enforcement Management Institute of Texas.

A training provider must establish an advisory board for developing a curriculum to meet the statutory requirement for a training provider to be licensed. Curriculum can be legislatively mandated, required by TCOLE rule, or can be curriculum, other than that which is required by statute or rule, that is developed as continuing education to advance the knowledge, skills, or abilities of law enforcement personnel. Frequently, current trends in society and advances in technology necessitate changes or additions to training received by law enforcement personnel.

***Instructor Note:***

*Introduce discussion on examples such as: homeland security, trends in increased jail deaths, digital crime, etc. Stress the importance that an advisory board has in providing direction to agencies to keep law enforcement updated.*

Examples of curriculum that is not required by statue or rule are courses designed to improve skills in the use of law enforcement equipment, officer safety, public service, emergency response, etc. The learning objectives for this type courses are developed by the training provider or some other training entity and are not mandated by law or rule.

Examples of statutorily mandated curriculum are courses which are required of officers to earn advanced proficiency certificates. Other legislatively mandated courses are those which must be completed within a specific time period such as a training unit (2 years) or training cycle (4 year). These courses have specific learning objectives which must be uniformly taught to officers throughout the state during a specific time period in order for an officer to maintain an active license (peace officer license, jailer license, or telecommunicator license).

Courses required by Commission rule are those courses which TCOLE requires for completion of the Basic Peace Officer Course (BPOC) the Basic County Corrections Course (BCCC), or the Basic Telecommunicator Certification Course (BTCC). As with legislatively mandated courses, the BPOC, BCCC and BTCC courses have specific learning objectives which must be uniformly taught to each student/cadet in order for the student to earn an endorsement to take the state licensing exam (peace officer, jailer, or telecommunicator licensing exam).

**1.3 List the minimum qualifications to serve on the advisory board**

***Instructor Note:***

*Instructor should provide a copy of the Advisory Board Eligibility Form (available on the TCOLE web page) for all members, both public and non-public members. This would be a good time to complete the forms.*

1. At least one-third of the members of an advisory board under Subsection (a) must be public members who meet the qualifications required of a public member of the commission.

Public member qualification is found in §1701.052 of the Occupations Code.

§1701.052. Eligibility of Public Members

A person is not eligible for appointment as a public member of the commission if the person or the person's spouse:

1. is registered, certified, or licensed by an occupational regulatory agency in the field of law enforcement;
2. is employed by or participates in the management of a business entity or other organization regulated by the commission or receiving funds from the commission;
3. owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving funds from the commission;

1. uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or
2. is an officer, employee, or paid consultant of a law enforcement labor union.

*Instructor Note:*

*Instructor should engage class discussion on the reasons for these limitations and potential conflicts of interest.*

Commission Rule §215

The Occupations Code §1701.151. General Powers of Commission; Rulemaking Authority. This statute grants the Commission the authority to promulgate rules for the administration and implementation of the statutory requirements delegated to the Commission in the development and regulation of law enforcement standards set forth in §1701.

It is from the rule making authority granted to the Commission by the legislature that the Texas Commission on Law Enforcement rules have been promulgated.

As previously mentioned, there are three (3) types of training providers and each is required to appoint an advisory board.

215.3. Law Enforcement Academy Licensing Provider

215.5. Other Training Providers

215.6. Academic Alternative Licensing

An advisory board must be appointed and must have complied with the provisions within §215.7 prior to a license or contract being awarded to the training provider applicant. This means that the advisory board has a critical function in building the foundation in the development of the curriculum standards for a training program, as well as other standards as stipulated in §215.7.

Advisory Board duties will vary, depending on the type of training provider contract as describe above. The Advisory Board will have key involvement in helping to establish admission standards for Academies or Contractual Training Providers that conduct licensing courses for peace officers, telecommunicators or jailers. Most of the curriculum for licensing programs is standardized in that it is statutorily required or required by TCOLE. Both of these type training providers conduct continuing education courses, requiring the Advisory Board to assist the training provider in assessing training needs for current officers, telcommunicators and jailers. Keep in mind that the prescribed courses are minimal standards. The Advisory Boards can provide direction and insight in expanding those minimal standards based upon local community standards.

Boards that serve Academic Alternative Licensing training providers may have a more limited role as to the input on admission standards for Academic Alternative Licensing courses, as entry into these programs are typically established by the college through regulatory oversight by one the regional college accreditation entities. Curriculum for alternative licensing programs is standardized; however, the college may offer continuing education classes, including those for college credits, which will require the board to assist the training provider by identifying training needs for those law enforcement personnel that serve in the training provider’s area of service.

Contractual Training Provider programs primarily provide in-service or continuing educational training to peace officers and jailers who are already licensed; consequently admission standards may be of less importance than the need to College identify training needs of current officers and jailers in their service area. The exception of course is in determining prerequisites for specialty courses. If the training is opened to law enforcement personnel outside the agency, the Advisory Board will assist in setting class entry standards, class size, and a standard that will prioritize students who request enrollment into continuing education training programs.

***Instructor Note:***

*For advisory boards associated with college academic programs, the instructor can expound on the impact of nationally recognized regional accreditation and the requirements for college credit courses.*

*For all providers associated with colleges, the instructor should explain that the contract with TCOLE states that all of the records, files, and course material are the property of TCOLE. As such TCOLE’s right to access such records, including personnel records for instructors and all student records for attendees of the TCOLE courses is unrestricted. Federal Education Rights and Privacy Act (FERPA), Health Insurance Portability and Accountability Act (HIPPA), or similar regulations are not applicable. Failure to make all training program files, including minutes of the advisory board, can result in termination of the training contract by TCOLE.*

§215.7. Training Provider Advisory Boards

1. All training providers approved by the commission must establish and maintain an advisory board, as required by §1701.252 of the Texas Occupations Code. The board must have at least three members who are appointed by the sponsoring organization. Board membership must not fall below a quorum for more than 30 days. A quorum of the advisory board is defined as a minimum of 51% of the voting membership.
2. The board may have members who are law enforcement personnel; however, one-third of the members must be public members, as defined in §1701.052 of the Texas Occupations Code, having the same qualification as any commissioner who is required by law to be a member of the general public. The chief administrator, or head of the sponsoring organization, and the designated training coordinator may only serve as ex-officio, non-voting members.
3. TCOLE and the Texas Legislature recognize the importance of transparency in a law enforcement related agency or organization because of the public-social contract in granting law enforcement’s authority. Agencies should ensure that the advisory board adequately represents the community and provides a sufficiently broad spectrum of views so as to ensure adequate representation of the community served.

***Instructor Note:***

*Instructor should emphasize the need to round up in calculating the required numbers in order to meet public membership or quorum requirements as shown in (a) and (b).*

*TCOLE now posts an Advisory Board Eligibility form on the TCOLE web site for ALL advisory board members to complete and for the agency to maintain on file. This document meets several rule requirements. Review the document, always use the most current version through the web site.*

1. A board must meet at least once each calendar year. More frequent meetings may be called by the board chair, the training coordinator, or the person who appoints the board.

TCOLE has established in §215.7(d) a minimum standard with regard to meeting requirements. It should be obvious that Advisory Boards will have to meet more frequently when a program is in its infancy and training needs are being assessed and standards are being developed. Advisory Boards should continually review needs and standards as changes in the program continually evolve, requiring the training program to adapt to changes as they occur to promote the effectiveness and efficiency of the training program. Evolutionary change requires the Advisory Board implement a review process that will assist the training provider in meeting the ever changing needs of the students and community they serve. On-going communication can be established between and among the Training Coordinator, the Advisory Board Chair, and the Head of the Agency. Additional meetings may be called to get the full board to provide direction and input into the training program or topic at hand.

***Instructor Note:***

***TCOLE recommends a minimum of two regularly scheduled meetings per year. This helps prevent missing the minimal meeting requirement due to inability to achieve a quorum when the only meeting is scheduled near the end of the calendar year and during the peak holiday season. This is a best practices recommendation.***

1. A board will keep written minutes of all meetings. These minutes must be retained for at least five years and a copy forwarded to the commission upon request.

It is important that this duty be assigned in order to maintain continuity in required record keeping and archiving of the minutes of the meeting. Minutes should reflect the following as a minimum:

1. List of appointed members and any vacancies.
2. List of who attended.
3. Confirmation of a quorum being met.
4. Agenda topics.
5. Recommendations, motions, votes, and decisions regarding discussions
6. Summary of the discussion and direction provided by the board.

***Instructor Note:***

*Instructor may provide examples of minutes from Robert’s Rules of order or samples of minutes from the TCOLE quarterly meetings as best practice options.*

1. Board members will be appointed by the following authority:
2. For an agency academy, by the chief administrator as defined in §211.1 of this chapter;

(Note definition 211.1, (11) Chief administrator--The head or designee of a law enforcement agency. This includes, Chief of Police, Sheriff, Constable, etc.)

1. for a college academy, by the dean or other person who appoints the training coordinator;

1. for a regional academy, by the head of the council of governments or other sponsoring entity holding the academy license from names submitted by chief administrators from that area;
2. for a contractual training provider, by the chief administrator; or
3. for an academic alternative provider, by the dean or other person who appoints the training coordinator.

***Instructor Note:***

*Instructor should stress that the Training Coordinators, Deputy Chiefs, Chief Deputy of Sheriff Department, and Program Chairs in colleges have no authority to make appointments to the advisory board. This ensures that the Chief Administrator retains that exclusive authority to make appointments to the board.*

1. A member may be removed by the appointing authority.
2. A board is generally responsible for advising on the development of curricula and any other related duty that may be required by the commission.
3. The board must, as specific duties:
4. Discharge its responsibilities and otherwise comply with commission rules;

1. set policies and procedures for the academy with the consent of the chief administrator;
2. advise on the need to study, evaluate, and identify specific training needs;

In §215.3(d), 215.5(c), & 215.7(d) you will find that each applicant must complete a comprehensive needs assessment as part of the application for licensing as a training provider. The Advisory Board serves a valuable function in performing this assessment by assisting in identifying the students they intend to serve as well as student training needs.

As a member of the Advisory Board it is important that you have an understanding of the importance of your appointment to the board. Your duty is to advise and assist the training provider in making available current, up-to-date professional training for the officers being served. You are also advising on the program policies and procedures for the training program. Any changes to policies and procedures, or development of new policies and procedures, are expected to be reviewed by the Advisory Board. In some cases, it may be necessary for the Training Coordinator, Chair, or Chief Administrator to call for a specially scheduled meeting to address such issues.

***Instructor Notes:***

*Instructor may engage discussion and examples of each of the duties outlined. Of particular importance is recognition that cadets or program students that begin an academy under a set of policies and procedures continue under those guidelines. Any new policies and procedures enacted are applicable to all future cadets and students.*

The quality of the training delivered to the officer will be reflected in the quality of service the officer provides the community in which they serve. As you can see, your service as a member of the Advisory Board impacts the level and quality of law enforcement service that is delivered to the communities in which you live…your neighbors, your family, your schools, and you.

1. advise on the determination of the types, frequency, and location of courses to be offered;

1. advise on the establishment of the standards for admission, prerequisites, minimum and maximum class size, attendance, and retention; and

It is the duty of the Advisory Board to participate in developing admission standards for students wishing to attend a training program and advise the training provider in adopting admission standards which are equal to, or are more stringent than, the minimum standards for enrollment established by TCOLE.

As pointed out earlier in discussion of 1701.003, admission standards developed by the Advisory Board and the training provider may exceed the minimum standards set forth by TCOLE.

1. advise on the order of admission preference among employees or prospective appointees of the sponsoring organization and other persons, if any.

It is the duty of the Advisory Board to assist the training provider in establishing the priority for admission to training programs among students and agencies. For example, agency students could be given priority for admission over students from outside the agency. If the training provider is a Council of Government or an academy serving the training needs for multiple law enforcement agencies, the Advisory Board should assist the training provider in establishing guidelines on the number of students each agency will be allowed enroll in a training class. Likewise, each program may have special needs or limitations and the number of students attempting to enroll may exceed the class size. The agency should have guidelines as to how determinations are made when such situations arise. Many proscribe in the guidelines that the Training Coordinator makes the determination based upon the agency needs, the available space, the prerequisites, and other factors on a course-by-course basis in advance of posting the course.

***Instructor Notes:***

*Instructor should use this as an example of the importance of having written guidelines for the training program that have been reviewed by the Advisory Board.*

1. No person may be admitted to a training course without meeting the admission standards. The admission standards for licensing courses must be available for review by the commission upon request.

Once the Advisory Board and the training provider develop and adopt admission standards for the training program, each student MUST meet the admission standards or the student will be prohibited from being admitted into the course. This is especially important when the Advisory Board and the training provider work jointly to develop and adopt admission standards which are more stringent, exceeding the minimum standards established by TCOLE.

Licensing academies, Contractual Training Providers, Academic Alternative Providers, and their Advisory Boards are the gatekeepers to those who would like to enter into public service as a member of a law enforcement agency, those who would like to be serving in a law enforcement capacity in your communities. Many applicants are deserving of such public trust, but some, though they may qualify within the minimum standards established by TCOLE, are not desirable as public servants, especially as law enforcement officers, jailers, or telecommunicators.

Advisory Boards, because of the diversity of its membership, which includes members of the public and of law enforcement, provide valuable input and represent the best interest of the community in the development of admission standards to which applicants must meet to be accepted into a law enforcement training program, to enter the gate into public service. When both, the community and the law enforcement, demand more than the minimum standard for entry into their training programs, the Advisory Board stands as a pillar of support for the training provider when standards for enrollment exceed the minimum standards established by TCOLE.

In most every law enforcement training program there are applicants who apply for enrollment but have had recent life experiences in which they failed to show good judgment in decisions they have made or have participated in some event that raises questions as to their level of integrity.

As a society we place a great deal of trust in a peace officer’s decisions. In fact, our society, through statutes and laws, has granted peace officers permission and authority to take a life if they deem it necessary. No other profession or occupation in our society or culture possesses such authority, responsibility, or duty.

As the gatekeeper to becoming a public servant in law enforcement, the community not only expects, but demands that training providers ensure that students possess and exhibit ethical decision making skills and display a level of integrity demanded of their desired position in a law enforcement capacity. The first screening tool available to a training provider to eliminate students who are less than desirable is the admission standards. It is much easier to deny the undeserving entry into a program than it is to remove them from a program once they have entered the gate, the training program.

When an applicant has been denied entry into a program because they do not meet the higher admission standard established by the recommendation of the Advisory Board, the applicant often challenges their denial into the program by pointing out that they meet TCOLE minimum standards and, as such, should be allowed entry into the training program. TCOLE standards are MINIMUM standards, but your community, who is represented by the Advisory Board, desires to have students that exceed minimum standard.

By virtue of the fact that the Advisory Board has developed and recommended adoption of higher admission standards, a training provider has a much broader base of support in defending the implementation of a higher admission standard. The Advisory Board provides legitimacy and represents community support for the higher admissions standards adopted by the training provider. As previously stated in this learning module, serving as a member of an Advisory Board is more than fulfilling a responsibility, it is performing a duty to the communities it represents.

1. A board may, when discharging its responsibilities, request that a report be made or some other information be provided to them by a training or course coordinator.

TCOLE grants the authority for the Advisory Board to request reports and information in order that they can better fulfill the role and responsibility as a board member.

The Advisory Board serves a key role in the community through the development of effective and efficient training program guidelines and advisory support. Advisory Board members are held to a high standard of public trust and ethical conduct. Violations of that trust, or engaging in unethical conduct as a member, can have a serious impact on the community and upon you as an individual. Let’s review a few potential pitfalls.

**1.4 Duties and Responsibilities of the Training Coordinator (Rule 215.9)**

In order to even hold the position as a “Training Coordinator,” that person must

1. Hold a valid instructor license. (This means that not only must they have completed the required training qualification, but the person must actually submit for and obtain the instructor license from TCOLE), and
2. Be a full-time paid employee.

A Training Coordinator must perform the following duties and responsibilities as outlined in 215.11 (b):

  (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;

     (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; and

  (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.

**1.5 Define Public Servant**

Penal Code 1.07 Definitions: “Public Servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:

1. An officer, employee, or agent of government…

Because you serve as an advisory board member to a governmental entity, you become a “Public Servant.” With that comes additional responsibility to maintain the highest standards of ethical conduct.

Responsibility: a particular burden of obligation upon one who is responsible.

Duty: the binding or obligatory force of something that is morally or legally right; moral or legal obligation.

**1.6 List at least 3 possible Chapter 36, Chapter 37, and Chapter 39 Penal Code Offenses related to duties and responsibilities of the advisory board.**

***Instructor Notes:***

*Instructor should lead discussion and use hypothetical or real case examples (delete the actual names of agency or persons when appropriate) for each major category of offense in this section.*

*Discussion Example: A computer company tries to bribe an Advisory Board Member to push for an agenda item that will benefit that company.*

Penal Code, Chapter 36; Bribery and Corrupt Influence

Definition: “Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Offense under this chapter range from Class A misdemeanor to felony of the second degree. All can result in a serious fine, jail time or both.

Penal Code 36.03 Coercion of Public Servant. (a) A person commits and offense if by means of coercion he: (1) influences or attempts to influence a public servant in a specific exercise of his official power or a specific performance of his official duty or influences or attempts to influence a public servant to violate the public servant’s known legal duty;

Penal Code 36.05 Tampering with Witness (a) A person commits an offense if, with intent to influence the witness, he offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding, or he coerces a witness or a prospective witness in an official proceeding: (1) to testify falsely; (2) to withhold any testimony, information, document, or thing; (3) to elude legal process summoning him to testify or supply evidence; (4) to absent himself from an official proceeding to which he has been legally summoned; or (5) to abstain from, discontinue, or delay the prosecution of another. (b) A witness or prospective witness in an official proceeding commits an offense if he knowingly solicits, accepts, or agrees to accept any benefit on the representation of understanding that he will do any of the things specified in Subsection (a).

***Instructor Note:***

*Discussion Example: An agency is in litigation and an advisory board member tries to coerce a business owner to testify that the company provided training that was not actually provided.*

Penal Code 37.10 Tampering with Governmental Record. (a) A person commits an offense if he: (1) knowingly makes a false entry in, or false alteration of, a governmental record; (2) makes, resents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record; (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record; (4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully; (5) makes, presents, or uses a governmental record with knowledge of its falsity; or (6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

***Instructor Note:***

*Discussion Example: A training coordinator signs a training roster verifying that a person attended and completed a 3-day field training officer course even though the person never actually attended class.*

Penal Code 39.06 Misuse of Official Information. (a) A public servant commits an offense if, in reliance on information to which he has access by virtue of his office or employment and that has not been made public, he: (1) acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information; (2) speculates or aids another to speculate on the basis of the information; or (3) as a public servant, including as a principal of a school, coerces another into suppressing or failing to report that information to a law enforcement agency. (b) A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, he discloses or uses information for a nongovernmental purpose that: (1) he has access to by means of his office or employment; and (2) has not been made public. (c) A person commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he solicits or receives from a public servant information that: (1) the public servant has access to by means of his office or employment; and (2) has not been made public.

This information is provided to you for educational purposes. By knowing and hearing of potential problems, you can avoid the dangers. It is much like teaching a child not to touch a hot stove or run into the road. You would hope they made the right choice, and by pointing out the dangers it allows for better and safer decisions to be made.

***Instructor Note:***

*Conclude this section by reminding them that they are being informed of these pitfalls in order to avoid problems in the future.*

Review:

Review of the initial learning objectives and see if we achieved them.

1. Define the three (3) types of training contracts
2. Describe the role and responsibility of an advisory board member under TCOLE rules.
3. List the minimum qualifications to serve on the advisory board.
4. Explain the duties of the agency Training Coordinator.
5. Define “public servant.”
6. List at least 3 Chapter 36, Chapter 37 or Chapter 39 Penal Code Offenses related to duties and responsibilities of the advisory board role.

***Instructor Notes:***

*The instructor can develop a written exam covering these specific learning objectives or conduct an oral review with the class.*

Conclusion

As you can see, as an Advisory Board member you hold an enormous amount of responsibility to the community, the law enforcement profession (police, jailer, and telecommunicator), the agency or training organization, and yourself.

As a member of the Advisory Board, you can be assured that the agency administrator that has requested or made your appointment to the Advisory Board has confidence that you will serve the best interest of the agency or organization that will be providing the training; the officers, jailers and telecommunicators that will be attending the training; and the community that the law enforcement agency serves.

Admission standards are the screening tool used by academies to identify those who most deserve to enter into a law enforcement program. The Advisory Board’s participation in assisting the training provider in developing and implementing standards provides legitimacy to those standards as the board is representative of the will of the training provider, the chief administrator, and the community. This legitimacy provides the necessary support required of the training provider to effectively regulate entry into a law enforcement training program, denying those who are less desirable from having access into public service in a law enforcement capacity.

The Advisory Board is a member of the training provider team. Together, with the agency and chief administrator, the team serves to assess and identify training needs that will serve the agency, the officer and the community. The quality of the training available to law enforcement will be reflected in the quality of the service provided to the community in which they serve. Advisory Board’s serve an important role, and a duty, in ensuring the training program meets the quality standards the community and law enforcement demand.

***Instructor Note:***

*Ask students for any final questions and administer class evaluation.*