

MINUTES
PUBLIC SAFETY COMMISSION
JUNE 12, 2014
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on June 12, 2014. Attending the meeting were Chairman Cynthia Leon, Commissioners Steven Mach, Randy Watson and Faith Johnson. A quorum was present at the meeting. DPS staff members and guests were also present.

Chairman Leon introduced our newest Commissioner, Faith Johnson. Johnson is a managing attorney of Faith Johnson and Associates LLP and a former State District Judge of the 363rd Judicial District Court in Dallas County. She is a member of the State Bar of Texas, Dallas Bar Association, J.L. Turner Legal Association, Irving Chamber of Commerce, and U.S. Christian Chamber of Commerce. She is a past member of the State Bar of Texas Judicial Ethics and Indigent Defense committees. She is secretary and a board member of The Potter's House of Dallas, and a past board member of the Dallas Can Academy, Holmes Street Foundation Advisory Board, and Nexus Advisory Board. She is also past chair of the Dallas County Committee on Indigent Defense, and a past member of the Cancer Prevention and Research Institute of Texas Oversight Committee, Family and Protective Services Council, Dallas County Juvenile Board, and American Judges Association. Johnson received a bachelor's degree and a master's of education in community counseling from Georgia State University, and a law degree from Texas Southern University.

Call to Order (0:04:02)

The meeting was called to order by Chairman Leon at 9:05 a.m. Proper notice had been posted.

Approval of Minutes (0:04:48)

A motion was made by Commissioner Mach seconded by Commissioner Watson approving the minutes as submitted for April 10, 2014. Motion passed.
Commissioner Johnson abstained from voting as she was not yet a member of the Commission.

Public Comment (0:05:13)

None

Directors Report (0:05:20)

A. Recognition of Service for Carin Barth, Former Commissioner, Texas Public Safety Commission

Former Commissioner, Carin Barth, was recognized for her service to the Public Safety Commission and the Department. She was presented with a Proclamation, Yellow Rose, Texas Flag and named as an Honorary Texas Ranger Captain.

B. Presentations (0:18:30)

Presentation of Keys From 100 Club

Rick Hartley, Executive Director, Ted Lyons, President, and Randy Russell, Chairman of the 100 Club, presented the keys to a Lenco Bear Cat Armored Vehicle to DPS' Region II Special Response Team. The armored vehicle is valued at \$300,872, which makes a total contribution to DPS of \$2.5 million.

Department Fitness Award

DPS named as winner in the Large Agency category of the Second Annual "GetFitTexas!" Challenge

Unit Citation

Austin Crime Laboratory DNA Casework Section

Commissioners' Medal of Valor

Trooper David Granado

Javier Arana Top Trooper Awards

Top Female Trooper – Trooper Dina Ortiz

Top Male Trooper – Trooper Grant Belvin

Life Saving Awards

Trooper Eliezer Badillo

Trooper Alex Goch

Director's Awards

Curtis Steger

Julie Steger

Cray Steger

Service Awards

Charles Ingram – 50 years
Roger Martin – 40 years
Johnnie Berkley – 35 years
Joseph Birt – 35 years
Howard Brothers – 35 years
Mack Cowan Jr – 35 years
Reynaldo Gonzalez – 35 years
Carl Lecocke – 35 years
Ronald Stanfield – 35 years
Terry Vogler – 35 years
Larry Vaughan – 35 years
Mary Ann Gold – 30 years
Jennifer Hall – 30 years
Barbara Hubbard – 30 years
James Martin – 30 years
Joanne Scarbrough – 30 years
Lisa Thieme – 30 years
Robert Ynclan – 30 years

(1:03:36) Break 10:04 a.m. – 10:25 a.m.

C. Update on Human Trafficking (1:04:00)

Director McCraw acknowledged the following individuals who were present at the meeting:

John Wielmaker – Legislative Budget Board
Heather Hill – Governor's Office
John Hryhorchuk – Lieutenant Governor's office

- Director McCraw advised that Lieutenant Jeff Buuck will be providing a case briefing on a human trafficking investigation during executive session.
- Thirteen indictments were announced yesterday in response to the investigation that led to the rescue of 13 females from Mexico and South America.
- Human Trafficking is a \$32 billion dollar a year industry – high profit margin and low risk
- Texas is one of the top 4 destination points for victims and traffickers in the nation
- Concerned over the amount of unaccompanied children coming across the Rio Grande Valley
- Increase of 312% from 2011 to 2013 in unaccompanied children – projecting over 120,000 this year

- DPS Strategic Plan (5 year plan – defining strategies based on threat) is due to the Legislature on July 7, 2014
- DPS Mobile Application – developing mobile application for smart phones and tablets
 - *Inform the Public
 - *Provide Services
 - *Improve Awareness for Safety
 - *Enable the Public to Report Crime
 - *Application will be launched through social media and a press event in July
- Recently a Driver License employee recognized suspicious behavior resulting in an outcry. We need to duplicate training efforts with our front line employees (customer service and Driver License employees) as we do with our commissioned employees.

New Business (1:30:56)

A. Report and discussion on the DPS Mentor Program with Reilly Elementary

Kathleen Murphy provided an update on the Mentor Program with Reilly Elementary:

- Children at Reilly Elementary are 90% classified as economically disadvantaged and many of the children have parents and family that are in the criminal justice system
- Program began during the 1997-1998 school year with 10 mentors, currently have over 120 mentors
- Largest mentor program with AISD and Central Texas
- Employees meet weekly with the children, conduct annual school supply drives, donate clothing to the families, conduct fundraisers to help school with field trips and events and adopt families for the holidays (meals and gifts)
- Yearend party held since 2004, now known as the helicopter party
- Named Business Partner of the Year by Austin Partner In Education – there are 128 schools in the AISD with a total of 800 mentors

Commissioner Johnson would like to know the long range impact of the mentor program. The District is trying to quantify the impact and Kathleen will follow-up to see what information is available.

Commissioner Mach would like to see if a program like this could be incorporated at all our regional offices.

B. Report, discussion, and possible action on the AY 2016-2017 Legislative Appropriations Request including Exceptional Items (1:42:47)

-AD Hudson is not seeking approval as they will present it to the Commission during the August meeting

-11 Items on Exceptional Items (\$600 million with 1,000 employees - not in priority order): Operation Rescue, Operation Strong Safety, Save Texas Lives, Protect State Highway Infrastructure, Texas Anti-Gang Initiative, Driver License Expanding Rural & High Volume Areas to Meet Demand, Tactical Training, Cyber Security, Facilities, Reducing Licensing Delivery Time and Law Enforcement State & Local Training

-Rider Changes – Historical Museum, Hardships, Increasing Personnel, Estimating Federal Funds, State Disaster Staging Centers, Deferred Maintenance and removal of outdated riders no longer needed (no money is associated with these changes)

C. Report, discussion, and possible action on the IT Staff Augmentation Plan (1:53:57)

AD Sarandos and DAD Wilson reported an estimate of \$8.7 million is needed for FY 2015 for 50 resources (an increase from \$6.2 million)

Commissioner Mach volunteered to be the liaison for staff augmentation.

A motion was made by Commission Mach seconded by Commissioner Johnson approving the proposed IT Staff Augmentation Plan. Motion passed unanimously. Copy is attached.

D. Report, discussion, and possible action on proposals made pursuant to Government Code, Section 2001.039, Agency Review of Existing Rules for publication to receive public comment: (2:14:41)

1. Amendments to Organization and Administration Rule: 37 TAC Section 1.41, concerning Americans with Disabilities Act Grievance Procedures

2. Repeal of Organization and Administration Rule: 37 TAC Section 1.60, concerning Alleged Abuse or Neglect Investigations

3. Repeal of Organization and Administration Rule: 37 TAC Section 1.21, concerning Laboratory Fees

4. Repeal of Organization and Administration Rule: 37 TAC Section 1.123, concerning Motor Carrier Lease Fees

5. Repeal of Organization and Administration Rule: 37 TAC Section 1.124, concerning Safety Responsibility Bureau Fees

6. Amendments of Organization and Administration Rule: 37 TAC Section 1.131, concerning Fee for National Driver Register (NDR) Search

A motion was made by Commissioner Johnson seconded by Commissioner Watson approving New Business, Item D, 1 thru 6, for publication to receive public comment. Motion passed unanimously.

E. Report, discussion, and possible action on proposed amendments to Controlled Substance Rules: 37 TAC Section 13.1, concerning Definitions, Section 13.23 and Section 13.25, concerning Registration, and Sections 13.71, 13.72, and 13.82, concerning Texas Prescription Program (2:22:16)

AD Bowie is seeking approval to publish Rules 13.1, 13.23, 13.25, 13.71, 13.72 and 13.82 to receive public comment.

A motion was made by Commissioner Mach seconded by Commissioner Johnson approving Controlled Substance Rules: Sections 13.1, 13.23, 13.25, 13.71, 13.72 and 13.82 to receive public comment. Motion passed unanimously.

F. Report, discussion, and possible action on proposed amendments to Driver License Rule: 37 TAC Section 15.84, concerning Hearing (2:23:41)

G. Report, discussion, and possible action on proposed amendments to Driver License Rule: 37 TAC Section 15.89, concerning Moving Violations

AD Peters is seeking approval to publish Rules 15.84 and 15.89 to receive public comment.

A motion was made by Commissioner Mach seconded by Commissioner Johnson approving Rules 15.84 and 15.89 for publication to receive public comment. Motion passed unanimously.

ONGOING BUSINESS

A. Report, discussion, and possible action regarding CAO preliminary audit plan and proposed CAO budget for FY 2015 (2:28:22)

-Ten reports were issued since April 2014:

1. Proposal for FY 2015 CAO Audit Strategy – seeking approval
2. Data Support to Local Law Enforcement – Confidential
3. Driver License Bookkeeping Process
4. Commercial Driver License Issuance Process – Confidential
5. Audit of Contract Compliance: Municipal Service Bureau
6. Audit of Contract Compliance: Appriss, Inc.
7. Internal Audit of Federal Grant Management Compliance
8. Information Technology Vulnerability Management – Confidential
9. Statewide Communications Interoperability Plan
10. Audit of the Payroll Process

-Proposal for the FY 2015 Audit Strategy concentrates on five critical areas:

1. Federal Grant Funding
2. Driver License Compliance
3. Contract Compliance
4. Physical Security

5. Cyber Security

A motion was made by Commissioner Mach seconded by Commissioner Watson to approve the FY 2015 audit plan and budget. Motion passed unanimously.

Copy is attached.

B. Update report, discussion and possible action regarding recruitment (2:32:10)

AD Woodall provided the following update:

-107 recruits will graduate on June 20th

-B-2014 Recruit Class is set for July 13, 2014 (106 applications approved/66 in background)

-A-2015 Recruit Class – received 783 applications (over 200 didn't meet requirements and 509 are being processed)

C. Report, discussion, and possible adoption of the following previously published rules (2:34:26)

1. Amendments to 37 TAC Section 15.45, concerning Fingerprints

AD Peters reported no comments were received regarding Rule 15.45.

A motion was made by Commissioner Mach seconded by Commissioner Johnson adopting amendments to Section 15.45, concerning fingerprints. Motion passed unanimously.

2. New 37 TAC Section 15.62, concerning Additional Requirements for Examinations

AD Peters reported three comments were received regarding Rule 15.62.

A motion was made by Commissioner Mach seconded by Commissioner Johnson to adopt Section 15.62, concerning additional requirements for examinations. Motion passed unanimously.

3. Reorganization of 37 TAC Chapter 18, including: repeal of former Chapter 18 and adoption of new Chapter 18, concerning Driver Education

AD Peters reported six comments were received regarding the repeal and adoption of new Chapter 18.

A motion was made by Commissioner Johnson seconded by Commissioner Mach adopting the repeal and adoption of the new Chapter 18, concerning Driver Education. Motion passed unanimously.

D. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code Chapter 411, Secs. 411.005, 411.006 and 411.0071 (2:43:11)

None.

E. Report, discussion and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (2:43:19)

None.

F. Report, discussion and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

To be discussed during Executive Session.

REPORTS (2:43:31)

A. Commission member reports and discussion - none

B. Finance Report - none

C. Chief Auditor's Office - none

D. Division status reports on activities and action - none

CONSENT ITEMS (2:43:56)

A. Discussion and possible action on the Director's action of discharging probationary employees: Christina Famiglietti

B. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Rickey L. Bentley, Tony R. Bynum, Billy D. Davis, Gary K. Home, Franklin B. Munsinger, Michael D. Scott, Elmer D. Stehle, and Bobby S. Turner; Special Texas Rangers: Thomas W. Davis, Dewayne O. Goll, Howard D. Henderson and Roger W. Millican

C. Donations:

1. (One) Horse, Bonnie's Black Pearl – Region 7, Capitol Complex

2. Grainger \$1,680.00 donation for travel expenses (room and airfare) for Facilities Management Seminar – Administration Division, Facilities

3. Additional donation items, as needed

Commander Ortiz recognized Kay Ginsburg who donated Bonnie's Black Pearl and is now on mounted patrol in Region 7.

A motion was made by Commissioner Watson seconded by Commissioner Mach approving Consent Items A thru C. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:49:14)

-Demonstration of DPS Mobile App

-AY 2016-2017 LBB Request and Exceptional Items

DATE FOR FUTURE MEETING (2:49:30)

Discharge hearings will be scheduled on August 13, 2014, and the regular Public Safety Commission meeting is scheduled for August 14, 2014.

ADJOURN INTO EXECUTIVE SESSION (2:49:43)

The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 12:08 p.m.

(2:50:27) The Public Safety Commission reconvened this open session at 5:00 p.m. Commissioners present were Chairman Leon, Commissioners Faith Johnson, Steven Mach and Randy Watson.

ADJOURN

A motion was made by Commissioner Mach seconded by Commissioner Johnson to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 5:01 p.m.

Read and approved this 14th day of August, 2014.



Chairman

IT Staff Augmentation Plan



FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
Technical Support 2	All Projects	Performs critical operational and technical support / design work for the agency. Resource is critical to maintaining tools and service levels needed to support all agency divisional customers.	\$45.00	2000	\$90,000	9/1/2014	8/31/2015
Developer 3	Driver License and Licensing Projects / Legislation	Performs essential quality assurance duties on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. Strategy A.1.3 Border Security, A.2.2 Intelligence, Objective B.2 Improve Interoperability, Strategy D.4.3 Information Technology	\$90.00	2000	\$180,000	9/1/2014	8/31/2015
Technical Support 1	All Projects	Performs critical operational and technical support / design work for the agency. Resource is critical to maintaining tools and service levels needed to support all agency divisional customers.	\$32.00	2000	\$64,000	9/1/2014	8/31/2015
Database Administrator 3	All Projects	Performs complex and critical database administration and works to ensure data is available for law enforcement use as well as special requests from other state, federal and local business partners.	\$100.00	2000	\$200,000	9/1/2014	8/31/2015
Software Test Analyst 3	Driver License and Licensing Projects / Legislation	Performs essential quality assurance duties on behalf of major technology initiatives such as those in Driver License : Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. Strategy D.4.3 Information Technology	\$90.00	2000	\$180,000	9/1/2014	8/31/2015
System Analyst 3	Driver License and Licensing Projects / Legislation	Performs complex technical support of our agency software infrastructure that connects the U/I to the databases, including driver license systems, etc.	\$95.95	2000	\$191,900	9/1/2014	8/31/2015
Technical Support	All Projects	Performs critical operational and technical support / design work for the agency. Resource is critical to maintaining tools and service levels needed to support all agency divisional customers.	\$45.00	2000	\$90,000	9/1/2014	8/31/2015
Software Test Analyst 3	Driver License and Licensing Projects / Legislation	Performs essential quality assurance duties on behalf of major technology initiatives such as those in Regulatory Services: OBJECTIVE D.3 Regulatory, STRATEGY D.3.1 Regulatory Services Issuance, STRATEGY D.3.2 Regulatory Services Compliance, STRATEGY D.3.3 Regulatory Services Modernization, STRATEGY D.4.3 Information Technology	\$90.00	2000	\$180,000	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
Enterprise Architect 1	All Projects	Provides support to the Enterprise Architecture team to support complex agency technology initiatives.	\$119.00	2000	\$238,000	9/1/2014	8/31/2015
Business Analyst 3	Driver License and Licensing Projects / Legislation	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License : Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$90.00	2000	\$180,000	9/1/2014	8/31/2015
Business Analyst 3	Licensing Services and Law Enforcement / Legislative	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$80.85	2000	\$161,700	9/1/2014	8/31/2015
Business Analyst 3	Licensing Services and Law Enforcement / Legislative	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$85.00	2000	\$170,000	9/1/2014	8/31/2015
Project Manager 2	Infrastructure and Operational Projects	Performs senior level project management functions for the agencies most complex and challenging technology initiatives, such as Mobile Device Management, Roadside Tablet Deployment with SCCM, etc.	\$105.00	2000	\$210,000	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
Enterprise Architect 1	Regulatory Services Projects	Performs development and design tasks on complex technology initiatives such as the strategic replacement of Regulatory Services Division's legacy applications.	\$110.00	2000	\$220,000	9/1/2014	8/31/2015
Project Manager 2	Law Enforcement Projects	Performs development and design tasks on complex technology initiatives such as the Drawbridge application and other critical law enforcement systems.	\$125.00	2000	\$250,000	9/1/2014	8/31/2015
Network Engineer 1	Driver License and Licensing Projects / Legislation	Performs critical operational and technical support / design work for the agency with specific focus on driver license systems. Resource is critical to maintaining tools / networks and service levels needed to support all agency divisional customers.	\$91.90	2000	\$183,800	9/1/2014	8/31/2015
Software Test Analyst 3	Licensing Services and Law Enforcement / Legislative	Performs essential quality assurance duties work on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. Strategy A.1.3 Border Security, A.2.2 Intelligence, Objective B.2 Improve Interoperability, Strategy D.4.3 Information Technology	\$82.00	2000	\$164,000	9/1/2014	8/31/2015
Java Developer	Driver License and Licensing Projects / Legislation	Performs development and design tasks on complex technology initiatives such as the DL application and other critical licensing systems.	\$97.00	2000	\$194,000	9/1/2014	8/31/2015
Java Developer	Driver License and Licensing Projects / Legislation	Performs development and design tasks on complex technology initiatives such as the DL application and other critical licensing systems.	\$90.00	2000	\$180,000	9/1/2014	8/31/2015
Software Test Analyst 2	Licensing Services and Law Enforcement / Legislative	Performs essential quality assurance duties work on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. Strategy A.1.3 Border Security, A.2.2 Intelligence, Objective B.2 Improve Interoperability, Strategy D.4.3 Information Technology	\$75.00	2000	\$150,000	9/1/2014	8/31/2015
Developer 3	Driver License and Licensing Projects / Legislation	Performs development and design tasks on complex technology initiatives such as the DL application and other critical licensing systems.	\$99.00	2000	\$198,000	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
Developer 3	Regulatory Services Projects	Performs development and design tasks on complex technology initiatives such as the strategic replacement of Regulatory Services Division's legacy applications.	\$106.00	2000	\$212,000	9/1/2014	8/31/2015
Developer 3	Regulatory Services Projects	Performs development and design tasks on complex technology initiatives such as the strategic replacement of Regulatory Services Division's legacy applications.	\$103.00	2000	\$206,000	9/1/2014	8/31/2015
System Analyst 3	Infrastructure Upgrades	Performs complex development, design and upgrade work on applications such as SharePoint which is widely used across the agency by Divisions with goals to combat terrorism and crime, enhance public safety, infrastructure, provide essential services.	\$95.00	2000	\$190,000	9/1/2014	8/31/2015
Technical Support 3	Infrastructure and Operational Projects	Performs critical operational and technical support / design work for the agency. Resource is critical to maintaining tools and service levels needed to support all agency divisional customers.	\$73.45	2000	\$146,900	9/1/2014	8/31/2015
Project Manager 2	Infrastructure Upgrades	Project Management expertise is critical to successful delivery of complex technology projects. The projects that this resource will support directly relate to the agencies mission goals and strategy and successful fulfillment of these efforts on time and on budget are of immense importance to the Department.	\$105.00	2000	\$210,000	9/1/2014	8/31/2015
Business Analyst 3	Licensing Services and Law Enforcement / Legislative	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License, Law Enforcement and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$90.00	2000	\$180,000	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
Business Analyst 3	Licensing Services and Law Enforcement / Legislative	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License, Regulatory Services and Law Enforcement Support: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$86.00	2000	\$172,000	9/1/2014	8/31/2015
System Analyst 3	Infrastructure and Operational Projects	Performs development and design tasks on complex systems which are directly dependent on enterprise storage infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions.	\$102.00	2000	\$204,000	9/1/2014	8/31/2015
System Analyst 3	Cyber Security, SCCM Upgrade	Performs development and design tasks on complex systems which are directly dependent on enterprise storage infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions.	\$100.00	700	\$70,000	9/1/2014	12/31/2014
Security Engineer	Cyber Security, SCCM Upgrade	Performs highly technical and critical cyber security operational work to safeguard our critical infrastructure from cyber attack. Works to ensure SCCM upgrade for Tablet deployment meets all security requirements.	\$110.00	700	\$77,000	9/1/2014	12/31/2014
Project Manager 2	BorderStar	Performs senior level project management functions for the technology initiative to Rewrite the BorderStar application used by agency law enforcement personnel.	\$125.20	2000	\$250,400	9/1/2014	8/31/2015
Developer 3	BorderStar	Performs development and design tasks on complex technology initiatives for the BorderStar Rewrite.	\$109.39	2000	\$218,780	9/1/2014	8/31/2015
Project Manager 2	Disaster Recovery and Operations	Performs senior level project management functions for complex operational technology initiatives such as Disaster Recovery, End of Life Server Refresh,	\$125.20	2000	\$250,400	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
System Analyst 3	Disaster Recovery and Operations	Performs operational strategy, development and design tasks on complex systems which are directly dependent on enterprise infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions. Projects include Disaster Recover, IT Cloud Strategy, Mobile Device Management, Mainframe CICS Upgrades, RS6000 Risk Mitigation Initiative, etc.	\$106.40	2000	\$212,800	9/1/2014	8/31/2015
Software Test Analyst 3	Driver License and Licensing Projects / Legislation	Performs essential quality assurance duties work on behalf of major technology initiatives such as those in Driver License, Law Enforcement, and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety.	\$96.43	2000	\$192,860	9/1/2014	8/31/2015
Database Administrator 3	Infrastructure Upgrades	Performs complex and critical database administration and works to ensure data is available for law enforcement use as well as special requests from other state, federal and local business partners. Supports IT infrastructure projects such as Oracle Conversion, Omnixx V Upgrade, DL Web logic migration, SQL N1 Cluster Deployment, etc.	\$118.72	2000	\$237,440	9/1/2014	8/31/2015
Developer 3	Driver License and Licensing Projects / Legislation	Performs essential development and design work on behalf of major technology initiatives such as those in Driver License, Law Enforcement, and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety.	\$109.39	2000	\$218,780	9/1/2014	8/31/2015
Network Engineer 1	Infrastructure Upgrades	Performs critical operational and technical support / design work for the agency. Resource is critical to maintaining tools / networks and service levels needed to support all agency divisional customers. Projects include Netbackup Upgrade, Migrate AFIS to DPS network backbone, Migrate TDEM to DPS network backbone and collapse SOC domain into TLE, DPSNET Support, MPLS deployment, etc.	\$99.07	2000	\$198,140	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
System Analyst 3	Infrastructure and Operational Projects	Performs development and design tasks on complex systems which are directly dependent on enterprise storage infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions. Projects include Active Directory 2012 and supporting upgrades/maintenance, Move DPS Internet (DPSWWW) to new, redundant servers behind the F5, Servers with End of Life Operating Systems, Moving Print Services to DIR, remove local administrator privileges from all users, Migration from legacy virtual environment to new virtual environment, etc.	\$106.40	2000	\$212,800	9/1/2014	8/31/2015
Enterprise Architect 1	All Projects	Provides support to the Enterprise Architecture team to support complex agency technology initiatives in a solutions architect role.	\$143.75	2000	\$287,500	9/1/2014	8/31/2015
Technical Support 2	SCCM Upgrade and THP Tablet	The contractor will assist with agency Windows and SCCM administration - packages applications for deployment, pushes of security updates, resolves SCCM client issues, works in active directory and group policy. Projects include Tablet Deployment and SCCM Upgrades for Windows 8.	\$66.58	2000	\$133,160	9/1/2014	8/31/2015
Developer 3	Infrastructure and Operational Projects	Performs development and design tasks on complex technology initiatives to upgrade DPS Net to SharePoint, SharePoint 2013 upgrade, SharePoint agency support, SharePoint business intelligence, etc.	\$109.39	2000	\$218,780	9/1/2014	8/31/2015
System Analyst 3	Infrastructure and Operational Projects	Performs development and design tasks on complex systems and IT toolsets which are directly dependent on enterprise storage infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions.	\$106.40	2000	\$212,800	9/1/2014	8/31/2015
Business Analyst 3	Driver License and Licensing Projects / Legislation	Performs essential business analysis work on behalf of major technology initiatives such as those in Driver License and Regulatory Services: Objective D.2 Driver License, Strategy D.2.1 DL Services, Strategy D.2.2 Driving and Motor Vehicle Safety. The duties this resource provides helps to support our business areas in achieving mission critical division and agency objectives in regard to technology projects, for which there are many. Most technology projects fail due to poor requirements analysis, lack of documentation, and planning. This resource is primarily tasked with ensuring that mission critical initiatives are delivered on time, on budget, and to customer expectations.	\$106.02	2000	\$212,040	9/1/2014	8/31/2015

FY15 IT Staff Augmentation Plan

DIR Title	Project	Justification	Rate / Hour	FY 15 HRS	\$\$ Not to Exceed	FY15 Start Date	FY15 End Date
System Analyst 3	Infrastructure and Operational Projects	Performs development and design tasks on complex systems which are directly dependent on enterprise storage infrastructure to function, ensuring they are optimally configured and maintained is critical to the agency and all of the agency's missions. Projects include Active Directory 2012 and supporting upgrades/maintenance, Move DPS Internet (DPSWWW) to new, redundant servers behind the F5, Servers with End of Life Operating Systems, Moving Print Services to DIR, remove local administrator privileges from all users, Migration from legacy virtual environment to new virtual environment, etc.	\$106.40	2000	\$212,800	9/1/2014	8/31/2015
Enterprise Architect 1	All Projects	Provides support to the Enterprise Architecture team to support complex agency technology initiatives in a solutions architect role.	\$143.75	2000	\$287,500	9/1/2014	8/31/2015
Technical Support 2	SCCM Upgrade and THP Tablet	The contractor will assist with agency Windows and SCCM administration - packages applications for deployment, pushes of security updates, resolves SCCM client issues, works in active directory and group policy. Projects include Tablet Deployment and SCCM Upgrades for Windows 8.	\$66.58	2000	\$133,160	9/1/2014	8/31/2015

State of Texas Department of Public Safety

Chief Auditor's Office



**Proposal for FY 2015 CAO Audit Strategy
Report #14-18**

June 2014

DPS CHIEF AUDITOR'S OFFICE

MISSION STATEMENT

Our mission is to assist the Department in achieving its operational goals by:

- Using innovative and disciplined methods to objectively evaluate the effectiveness, efficiency, and integrity of Department operations and governance processes.
- Making recommendations to improve operational performance and governance processes.

PROJECT TEAM

Solomon Brown, Auditor

Steven Clark, Auditor

Catherine A. Melvin, CPA, CIA, CLEA, Audit Manager

Steve Goodson, CIA, CISA, CGAP, CCSA, CLEA, CRMA, Chief Auditor

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Proposal for FY2015 CAO Audit Strategy

Introduction

This document presents the Chief Auditor's Office (CAO) proposed FY 2015 Audit Strategy and summarizes the risk assessment methodology used to prepare it, as required by the Texas Internal Auditing Act and professional auditing standards¹.

The CAO has a statutorily and professionally required duty to independently and objectively audit all divisions of the department, and has unlimited access to all department operations, records, physical properties, activities, and employees pertinent to the performance of its duties.

Texas Government Code Chapter 2102, also known as the Texas Internal Auditing Act (See **Appendix 1**), establishes requirements for internal auditing in state agencies. Texas Government Code Chapter 411 (See **Appendix 2**) formally establishes the office of audit and review in DPS, which is the CAO as defined in the CAO Charter last reviewed and approved by the Public Safety Commission in April 2013.

These laws establish the purpose of the internal audit function as assisting agency administrators and governing boards by furnishing independent analyses, appraisals, and recommendations about the adequacy and effectiveness of a state agency's systems of internal control, policies and procedures, governance processes and the quality of performance in carrying out assigned responsibilities.

For FY2015, the CAO was asked to focus its attention on five critical areas – Federal Grant Funding, Driver License Compliance, Contract Compliance, Physical Security and Cyber Security. In addition, the CAO was asked to build an *audit strategy* that would include a continuous audit protocol. Accordingly, our plan allocates our resources to these directed priorities. This proposal is the blueprint by which the CAO will provide assurance and advisory services that help the Commissioners and Department management meet agency goals and objectives.

Methodology

This proposal is the result of a conscientiously applied risk assessment process that systematically evaluated risks related to agency activities designed to achieve the Department's Strategic Plan Goals and Strategies.

The CAO risk assessment process included the following steps:

- Examined applicable statutes, laws, and regulations.
- Solicited input from the Public Safety Commissioners, the Director, Deputy Directors, Assistant Directors, Deputy Assistant Directors, and Regional Commanders.
- Assessed prior audit history.

¹ Government Auditing Standards issued by the Government Accountability Office (GAO) and the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors (IIA).

- Gathered input from CAO management and staff.
- Analyzed DPS organizational units using risk factors, such as:
 - Budget
 - Federal grant funding
 - Turnover
- Identified the projects to be included in the final proposed plan.

These steps resulted in the proposed CAO Audit Strategy for FY 2015, presented in the tables that follow.

The activities on this list generally indicate that the services being provided or the functions for which they are responsible are by nature higher risk activities because of factors such as having a large amount of expenditures and revenues, a high level of liquid assets such as cash, or a high degree of public interest. Presence on this list does not mean that the activity is being managed ineffectively or that it is not functioning properly. Presence on the list more accurately presumes opportunities to address activities which are mission critical, provide substantial support for other Department operations, reflect high public need, or consume significant financial resources. The overall results identify the activities that would benefit from audit services.

Available Resources

The Texas Internal Auditing Act requires the governing board of a state agency to periodically review the resources dedicated to the audit program and determine whether existing resources can ensure the coverage of identified risks within a reasonable time frame.

The proposed CAO Audit Strategy for FY 2015 is based on the full staffing level (i.e., 17 FTE auditors, 2 FTE audit managers, 2 FTE administrative staff, and 1 FTE Chief Auditor) and a proposed budget of \$1,608,429. To achieve the proposed strategy, the Chief Auditor respectfully requests approval of the proposed budget.

The Chief Auditor asserts that funding and staffing at this level are adequate to accomplish the proposed audit strategy. Additional audit coverage would require additional resources. Conversely, funding and staffing at less than the proposed level would require projects to be removed from this proposed plan.

Proposed FY15 CAO Audit Strategy

FY15 Proposed Assurance & Advisory Efforts (Note: Multiple projects are planned under some areas)	
Continuous Audit Protocols	<p><i>Develop, and conduct continuous audit protocols in the following areas:</i></p> <ul style="list-style-type: none"> • <i>Driver License Transactions</i> • <i>Grants Management</i>
Field Administration Audits	<p><i>Ensure Audit presence in field administration through a concentrated program of the following:</i></p> <p><i>Conduct reviews of Driver License field offices:</i></p> <ul style="list-style-type: none"> • <i>Driver License Transactions</i> • <i>Driver License Office Security</i> • <i>Building/Physical Security</i> <p><i>Review the following at each Regional Office:</i></p> <ul style="list-style-type: none"> • <i>Crash Report Sales</i> • <i>Fixed Assets</i> • <i>Imprest Funds</i> • <i>Cyber Security</i>
Cyber Security	<i>Coordinate with the Chief Information Security Officer to ensure audit efforts are directed in areas of greatest risk and greatest need for review.</i>
Federal Grants Management	<i>Continue efforts to ensure agency compliance with federal grant management requirements.</i>
Contracts	<i>Select agency contracts based on risk assessment. Review contracts for compliance, performance, and adequate oversight/monitoring.</i>
Follow-Up Audit	<i>Select previous CAO audit - perform follow-up audit to determine if reported conditions have been corrected.</i>
2015 TDEM Conference	<i>Review conference revenue and expenditures.</i>
Performance Measures	<p><i>Evaluate selected agency key performance measures to assure:</i></p> <ul style="list-style-type: none"> • <i>Internal controls are in place and operating effectively for the collection, calculation, and retention of key performance measures data.</i> • <i>Data was accurately reported into the ABEST database.</i>
E-Procurement System	<i>Evaluate the new E-Procurement system to determine whether the functionality and controls are adequate.</i>
CAO Semi-Annual Follow-Up	<i>The implementation status of all corrective action plans is assessed and presented in mid-year and annual follow-up reports to the Public Safety Commission.</i>

FY15 Proposed Assurance & Advisory Efforts (Note: Multiple projects are planned under some areas)	
Prompt Payment	<p><i>Evaluate Finance processes and operational controls related to the Prompt Payment Act to ensure:</i></p> <ul style="list-style-type: none"> • <i>Compliance with the Prompt Payment Act</i> • <i>Any interest paid is calculated and paid accurately and timely</i> • <i>Vendors are paid timely to reduce extent of late payment interest assessed</i>
Hiring Process	<p><i>Evaluate operational controls to ensure the DPS hiring process is:</i></p> <ul style="list-style-type: none"> • <i>Compliant with relevant laws and regulations</i> • <i>Fair, objective and supportable</i> • <i>Efficient and effective</i>
Xerox Contract	<p><i>Management has requested CAO review of two Xerox contracts which provide DPS Headquarters and Regions with Xerox services. CAO will review both contracts for accuracy of billing and services provided.</i></p>
Special Requests (up to 3 projects)	<p><i>Hours are reserved for requests for formal CAO assistance that might arise during the year. Any projects proposed under these hours would be brought before the PSC for approval. A discussion of Public Safety Commission special request audits is a standing agenda item for Public Safety Commission meetings. We have specifically set aside resources for three such requests. Depending on the availability of resources, additional special requests may be substituted for the projects included in this proposal or may require additional resources as approved by the Public Safety Commission.</i></p>
FY14 Carry-Over Projects	<p><i>Hours have been set aside to complete those projects initiated in FY14 that will carry over to FY15.</i></p>
External Auditor Liaison	<p><i>The Chief Auditor serves as the liaison with the Texas State Auditor's Office (SAO) and other state and federal external entities having oversight audit and review responsibility for Department activities.</i></p>
Risk and Control Self-Assessment	<p><i>These efforts assist management in proactively evaluating operational risks (including fraud) and the presence of controls to manage them.</i></p>
Department Training Classes	<p><i>CAO offers Department-wide training on such topics as Federal Grants Management, Internal Controls, Information Technology Controls, Preparing for an Audit, and Emerging Topics</i></p>
General Assurance and Advisory Services	<p><i>Additional hours are also reserved for informal general assurance and advisory services on emerging or ongoing issues throughout the year. Such efforts by the CAO typically require 80 hours or less each and do not result in an audit report.</i></p>

Ongoing and Administrative CAO Activities
Quality Assurance Review (QAR) of the CAO
Annual Internal Audit Reporting
Annual Audit Strategy Development
CAO Quality Assurance & Improvement Functions
CAO Procedures Updates
Participation in Professional Organizations
Required Continuing Professional Education and Professional Development of CAO Staff
Quality Assurance Review (QAR) of Two (2) Other State Agencies

Adjustment to the FY 2014 Approved Audit Plan

Management has requested a financial audit of the 2014 Texas Emergency Management Conference. The Chief Auditor's Office seeks approval through this proposal to initiate that audit in FY 2014 in place of the planned audit of Operation Drawbridge.

Acceptable Level of Risk

This proposal for FY2015 results from our consideration of a wide variety of risks within the parameters of the direction given. The proposal does not, nor does it intend to, address or provide coverage for all agency responsibilities. We believe that it does optimize our available resources to provide *reasonable* coverage.

For FY2015, the CAO was asked to focus its attention on five critical areas – Federal Grant Funding, Driver License Compliance, Contract Compliance, Physical Security and Cyber Security. In addition, the CAO was asked to build an *audit strategy* that would include a continuous audit protocol. Accordingly, our plan allocates our resources to these directed priorities.

Based on our risk assessment efforts, the Chief Auditor asserts that the proposed FY2015 Audit Strategy addresses critical risks and priorities of the Department at this time.

Special Requests

A discussion of Public Safety Commission special request audits is a standing agenda item for Public Safety Commission meetings. Resources have been set aside for three such requests. Additional special requests may be substituted for the projects included in this proposal with the approval of the Public Safety Commission.

Follow-Up

Follow-up on open audit issues is required by professional standards. The implementation status of all corrective action plans is assessed and presented in mid-year and annual follow-up reports to the Public Safety Commission. Follow-up reporting continues until all recommended actions and corrective action plans are either implemented or the specific risk reported is otherwise mitigated or accepted.

External Auditor Liaison

The Chief Auditor serves as the liaison with the Texas State Auditor's Office (SAO) and other state and federal external entities having oversight responsibility for Department activities. CAO staff will assist these external entities with their projects as appropriate and to the extent that professional and organizational responsibilities allow. CAO will conduct examinations in a manner that allows for minimum coverage overlap and maximum audit coordination and efficiency.

Risk and Control Self-Assessment

CAO offers Risk and Control Self-Assessment Facilitation Services to management upon request. These efforts assist management in proactively evaluating operational risks (including fraud) and the presence of controls to manage them. Specifically, the facilitated sessions assist management and staff to systematically:

- Identify their most important operational objectives.
- Identify and assess the risk related to those objectives.
- Develop risk mitigation strategies to assure the accomplishment of the objectives.

Management Controls

Management is responsible for establishing a system of management/internal controls that reasonably assure established objectives are accomplished. Management/internal controls are most effective when they are built into the organization's infrastructure and are an integral part of management's philosophy.

The CAO promotes an assurance continuum model to provide agency managers with a framework for internal control processes and procedures. The framework includes four levels of assurance:

- Supervisory oversight,
- Line quality control / inspections,
- Assistant director quality control, and
- CAO review

Each of these assurance levels is dependent on the one before it. Absence of a level erodes the foundation for providing assurance.

Use of this model supports quality and empowerment initiatives, increases accountability, avoids unnecessary costs, and enables a quick response to changing conditions. The TxDPS Assurance Continuum Model is illustrated in **Appendix 3**.

Changes Subsequent to Approval

Changes in operations, priorities, workloads, and timing of Department initiatives, management requests, and staff availability may affect the risk assessment and suggest changes to the approved audit strategy. The CAO will assess emerging risks and monitor the audit strategy throughout the year and consult with the Public Safety Commission and executive management to adjust the strategy as needed.

Material recommendations for change to the audit strategy will be submitted to the Public Safety Commission for approval at the next regularly scheduled meeting.

Closing

The Chief Auditor's Office thanks its management partners and the Public Safety Commission for their contributions to this proposal. We look forward to helping the Department managers throughout the year as we accomplish the approved Audit Strategy.

For further information on the Chief Auditor's Office or the FY 2015 CAO Audit Strategy, please contact Chief Auditor Steve Goodson at (512) 424-2158 or by email at steve.goodson@dps.texas.gov.



Steve Goodson, CIA, CISA, CGAP, CCSA, CLEA, CRMA
Chief Auditor

Appendices

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Texas Internal Auditing Act

GOVERNMENT CODE
TITLE 10. GENERAL GOVERNMENT
SUBTITLE C. STATE ACCOUNTING, FISCAL MANAGEMENT, AND PRODUCTIVITY
CHAPTER 2102. INTERNAL AUDITING

Sec. 2102.001. SHORT TITLE. This chapter may be cited as the Texas Internal Auditing Act.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2102.002. PURPOSE. The purpose of this chapter is to establish guidelines for a program of internal auditing to assist agency administrators and governing boards by furnishing independent analyses, appraisals, and recommendations about the adequacy and effectiveness of a state agency's systems of internal control policies and procedures and the quality of performance in carrying out assigned responsibilities. Internal auditing is defined as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 380, Sec. 1, eff. Sept. 1, 2003.

Sec. 2102.003. DEFINITIONS. In this chapter:

- (1) "Administrator" means the executive head of a state agency.
- (2) "Assurance services" means an examination of evidence for the purpose of providing an independent assessment of risk management, control, or governance processes for an organization. Assurance services include audits as defined in this section.
- (3) "Audit" means:
 - (A) a financial audit described by Section 321.0131;
 - (B) a compliance audit described by Section 321.0132;
 - (C) an economy and efficiency audit described by Section 321.0133;
 - (D) an effectiveness audit described by Section 321.0134; or
 - (E) an investigation described by Section 321.0136.
- (4) "Consulting services" means advisory and related client service activities, the nature and scope of which are agreed upon with the client and are intended to add value and improve an organization's operations. Consulting services include counsel, advice, facilitation, and training.
- (5) "State agency" means a department, board, bureau, institution, commission, or other agency in the executive branch of state government.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1122, Sec. 11, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 380, Sec. 2, eff. Sept. 1, 2003.

Sec. 2102.004. APPLICABILITY.

- (a) Sections 2102.005-2102.012 apply only to a state agency that:
 - (1) has an annual operating budget that exceeds \$10 million;

- (2) has more than 100 full-time equivalent employees as authorized by the General Appropriations Act; or
- (3) receives and processes more than \$10 million in cash in a fiscal year.
- (b) Sections 2102.013 and 2102.014 apply to each state agency that receives an appropriation and that is not described by Subsection (a).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 1, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 291, Sec. 1, eff. June 18, 2003.

Sec. 2102.005. INTERNAL AUDITING REQUIRED. A state agency shall conduct a program of internal auditing that includes:

- (1) an annual audit plan that is prepared using risk assessment techniques and that identifies the individual audits to be conducted during the year; and
- (2) periodic audits of the agency's major systems and controls, including:
 - (A) accounting systems and controls;
 - (B) administrative systems and controls; and
 - (C) electronic data processing systems and controls.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1122, Sec. 12, eff. Sept. 1, 1997.

Sec. 2102.006. INTERNAL AUDITOR; STAFF.

- (a) The governing board of a state agency or the administrator of a state agency that does not have a governing board shall appoint an internal auditor.
- (b) An internal auditor must:
 - (1) be a certified public accountant or a certified internal auditor; and
 - (2) have at least three years of auditing experience.
- (c) The state agency shall employ additional professional and support staff the administrator determines necessary to implement an effective program of internal auditing.
- (d) The governing board of a state agency, or the administrator of a state agency if the state agency does not have a governing board, shall periodically review the resources dedicated to the internal audit program and determine if adequate resources exist to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 380, Sec. 3, eff. Sept. 1, 2003.

Sec. 2102.007. DUTIES OF INTERNAL AUDITOR.

- (a) The internal auditor shall:
 - (1) report directly to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board;
 - (2) develop an annual audit plan;
 - (3) conduct audits as specified in the audit plan and document deviations;
 - (4) prepare audit reports;

- (5) conduct quality assurance reviews in accordance with professional standards as provided by Section 2102.011 and periodically take part in a comprehensive external peer review; and
 - (6) conduct economy and efficiency audits and program results audits as directed by the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board.
- (b) The program of internal auditing conducted by a state agency must provide for the auditor to:
- (1) have access to the administrator; and
 - (2) be free of all operational and management responsibilities that would impair the auditor's ability to review independently all aspects of the state agency's operation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 3, eff. Sept. 1, 2001.

Sec. 2102.008. APPROVAL OF AUDIT PLAN AND AUDIT REPORT. The annual audit plan developed by the internal auditor must be approved by the state agency's governing board or by the administrator of a state agency if the state agency does not have a governing board. Audit reports must be reviewed by the state agency's governing board and the administrator.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 4, eff. Sept. 1, 2001.

Sec. 2102.009. ANNUAL REPORT. The internal auditor shall prepare an annual report and submit the report before November 1 of each year to the governor, the Legislative Budget Board, the Sunset Advisory Commission, the state auditor, the state agency's governing board, and the administrator. The state auditor shall prescribe the form and content of the report, subject to the approval of the legislative audit committee.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1122, Sec. 13, eff. Sept. 1, 1997.

Sec. 2102.0091. REPORTS OF PERIODIC AUDITS.

- (a) A state agency shall file with the Sunset Advisory Commission, the Governor's Office of Budget, Planning, and Policy, the state auditor, and the Legislative Budget Board a copy of each report submitted to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board by the agency's internal auditor.
- (b) Each report shall be filed not later than the 30th day after the date the report is submitted to the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board.
- (c) In addition to the requirements of Subsection (a), a state agency shall file with the Governor's Office of Budget, Planning, and Policy, the state auditor, and the Legislative Budget Board any action plan or other response issued by the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board in response to the report of the state agency's internal auditor.
- (d) If the state agency does not file the report as required by this section, the Legislative Budget Board or the Governor's Office of Budget, Planning, and Policy may take appropriate action to compel the filing of the report.

Added by Acts 1999, 76th Leg., ch. 281, Sec. 7, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 4, eff. Sept. 1, 2001. Amended by: Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 50, eff. September 1, 2013.

Sec. 2102.010. CONSULTATIONS. An internal auditor may consult the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board, the governor's office, the state auditor, and legislative agencies or committees about matters affecting duties or responsibilities under this chapter.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 804, Sec. 4, eff. Sept. 1, 2001.

Sec. 2102.011. INTERNAL AUDIT STANDARDS. The internal audit program shall conform to the Standards for the Professional Practice of Internal Auditing, the Code of Ethics contained in the Professional Practices Framework as promulgated by the Institute of Internal Auditors, and generally accepted government auditing standards.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 380, Sec. 4, eff. Sept. 1, 2003.

Sec. 2102.012. PROFESSIONAL DEVELOPMENT.

- (a) Subject to approval by the legislative audit committee, the state auditor may make available and coordinate a program of training and technical assistance to ensure that state agency internal auditors have access to current information about internal audit techniques, policies, and procedures and to provide general technical and audit assistance to agency internal auditors on request.
- (b) The state auditor is entitled to reimbursement for costs associated with providing the services under the terms of interagency cooperation contracts negotiated between the state auditor and each agency. The costs may not exceed those allowed by the General Appropriations Act. Work performed under this section by the state auditor is subject to approval by the legislative audit committee for inclusion in the audit plan under Section 321.013(c).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 33, eff. Sept. 1, 2003.

Sec. 2102.013. ANNUAL RISK ASSESSMENT; REPORT.

- (a) A state agency described by Section 2102.004(b) shall conduct each year a formal risk assessment consisting of an executive management review of agency functions, activities, and processes.
- (b) The risk assessment must:
 - (1) evaluate the probability of occurrence and the likely effect of financial, managerial, and compliance risks and of risks related to the use of information technology; and
 - (2) rank risks according to the probability of occurrence and likely effect of the risks evaluated.
- (c) The state agency shall submit the written risk assessment to the state auditor in the form and at the time prescribed by the state auditor.

Added by Acts 2003, 78th Leg., ch. 291, Sec. 2, eff. June 18, 2003.

Sec. 2102.014. EVALUATION OF RISK ASSESSMENT REPORTS; AUDITS.

- (a) Based on risk assessment and subject to the legislative audit committee's approval of including the work described by this subsection in the audit plan under Section 321.013(c), the state auditor shall:
 - (1) evaluate each report submitted under Section 2102.013;
 - (2) identify agencies with significant financial, managerial, or compliance risk or significant risk related to the use of information technology; and
 - (3) recommend to the governor that the identified agencies obtain an audit to address the significant risks identified by the state auditor.
- (b) The governor may order an agency identified under this section to:
 - (1) obtain an audit under governmental auditing standards;
 - (2) submit reports and corrective action plans as prescribed by Section 2102.0091; and
 - (3) report to the state auditor the status of the agency's implementation of audit recommendations in the form and addressing issues as prescribed by the state auditor.
- (c) The governor may provide funds to agencies as necessary to pay the costs of audits ordered under this section from any funds appropriated to the governor for this purpose.

Added by Acts 2003, 78th Leg., ch. 291, Sec. 2, eff. June 18, 2003.

Sec. 2102.015. PUBLICATION OF AUDIT PLAN AND ANNUAL REPORT ON INTERNET.

- (a) Notwithstanding Section 2102.003, in this section, "state agency" means a board, commission, department, institute, office, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including an institution of higher education as defined by Section 61.003, Education Code.
- (b) Subject to Subsection (c), at the time and in the manner provided by the state auditor, a state agency shall post on the agency's Internet website:
 - (1) the agency's internal audit plan approved as provided by Section 2102.008; and
 - (2) the agency's annual report required under Section 2102.009.
- (c) A state agency is not required to post information contained in the agency's internal audit plan or annual report if the information is excepted from public disclosure under Chapter 552.
- (d) A state agency shall update the posting required under this section at the time and in the manner provided by the state auditor to include a detailed summary of the weaknesses, deficiencies, wrongdoings, or other concerns, if any, raised by the audit plan or annual report.
- (e) A state agency shall update the posting required under this section to include a summary of the action taken by the agency to address the concerns, if any, that are raised by the audit plan or annual report.

Added by Acts 2013, 83rd Leg., R.S., Ch. 840 (H.B. 16), Sec. 1, eff. June 14, 2013.

Texas Department of Public Safety

GOVERNMENT CODE
TITLE 4. EXECUTIVE BRANCH
SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION
CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS
SUBCHAPTER I. INTERNAL OVERSIGHT

Sec. 411.241. OFFICE OF AUDIT AND REVIEW. The commission shall establish the office of audit and review. The office shall coordinate activities designed to promote effectiveness in departmental operations and to keep the commission and the legislature fully informed about deficiencies within the department. The office shall:

- (1) inspect and audit departmental programs and operations for efficiency, uniformity, and compliance with established procedures and develop recommendations for improvement;
- (2) coordinate and be responsible for promoting accountability, integrity, and efficiency in the department; and
- (3) provide the commission with information relevant to its oversight of the department.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

Sec. 411.242. DIRECTOR OF AUDIT AND REVIEW.

- (a) The commission shall appoint the director of the office of audit and review. The director of audit and review serves until removed by the commission.
- (b) The director of audit and review must satisfy the requirements to be the agency's internal auditor under Section 2102.006(b) and is considered to be the agency's internal auditor for purposes of Chapter 2102.
- (c) The department shall provide the director of audit and review with access to any records, data, or other information necessary to fulfill the purposes of this section and Section 411.243.
- (d) The director of audit and review shall, with the advice and consent of the commission, determine which audits and inspections to perform and may publish the findings and recommendations of the office of audit and review.
- (e) The director of audit and review shall:
 - (1) report to the commission regarding audits and inspections planned and the status and findings of those audits and inspections; and
 - (2) report to the director for administrative purposes and keep the director informed of the office's findings.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

Sec. 411.243. POWERS AND DUTIES.

- (a) The office of audit and review shall:
 - (1) independently and objectively inspect all divisions of the department to:
 - (A) ensure that operations are conducted efficiently, uniformly, and in compliance with established procedures; and
 - (B) make recommendations for improvements in operational performance;
 - (2) independently and objectively audit all divisions of the department to:
 - (A) promote economy, effectiveness, and efficiency within the department;

- (B) prevent and detect fraud, waste, and abuse in department programs and operations;
and
- (C) make recommendations about the adequacy and effectiveness of the department's
system of internal control policies and procedures;
- (3) advise in the development and evaluation of the department's performance measures;
- (4) review actions taken by the department to improve program performance and make
recommendations for improvement;
- (5) review and make recommendations to the commission and the legislature regarding rules,
laws, and guidelines relating to department programs and operations;
- (6) keep the commission, director, and legislature fully informed of problems in department
programs and operations; and
- (7) ensure effective coordination and cooperation among the state auditor's office, legislative
oversight committees, and other governmental bodies while attempting to avoid
duplication.

(b) Chapter 2102 applies to the office of audit and review.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

Appendix 3

TxDPS Assurance Continuum Model

Texas Department of Public Safety Assurance Continuum							
	Assurance Level	Lead	Support	Time	Involvement in Process by Lead	Coverage	Reports go to:
Operating	Supervisory Oversight	Field – Sgt. Level / Team Lead / Managers	Field Chain of Command / Division	Continually	Total	Every Transaction	Field Chain of Command
Monitoring	Line Quality Check / Inspection	Regional Commander Designee	Division / CAO	Quarterly	Some	Sample of Transactions	Regional Commander / Division AD / CAO
Oversight	Assistant Director Quality Check / Inspection	Assistant Director Designee	CAO / Field	Periodically	Little	Subsample of Transactions	Deputy Director / CAO
Internal Audit	Chief Auditor's Office (CAO) Review	CAO	Division / Field	Annually	None	Isolated Items – Risk Based Objectives	Director / CAO / PSC

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.45

The Texas Department of Public Safety (the department) adopts the amendments to Section 15.45, concerning Fingerprints. This section is adopted without changes to the proposed text as published in the May 2, 2014 issue of the *Texas Register* (39 TexReg 3568) and will not be republished.

Driver licenses or identification cards issued by the department are a key link to public safety, privacy, and national security. For the safety, security, and peace of mind of Texas residents, the department must produce a recognizably reliable source of identification and, at the same time, reduce exposure to identity theft and fraud. A driver license or identification card is often used by financial institutions, retailers, law enforcement, and other entities to establish the cardholder's identity. To this end, the department has put in place several application requirements meant to address issues of fraud and to protect the integrity of a driver license or identification card issued by the department.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, Texas Transportation Code, Section 521.005, which authorizes the department to adopt rules to administer Chapter 521 of the Transportation Code, and Texas Transportation Code, Section 521.142, which authorizes the department to set driver license and identification card identity requirements.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'A. Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section 15.62

The Texas Department of Public Safety (the department) adopts new Section 15.62, concerning Additional Requirements for Examinations. This section is adopted with a change to the proposed text as published in the May 2, 2014 issue of the *Texas Register* (39 TexReg 3568) and will be republished.

Texas Transportation Code, Section 521.142(e) authorizes additional requirements to prove competency and eligibility for a driver license and Section 521.005 authorizes the department to adopt rules to administer the chapter. This rule is necessary to inform the public of the requirement for applicants under 18 years of age to complete the Impact Texas Teen Drivers program.

The department accepted comments on the proposed rules through June 2, 2014. Written comments were submitted by Carlos Reyna, representing Texas Driving School. One wording change was made based on the comments received. The comments, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding the authorization to develop new requirements for obtaining a driver license in Texas, Mr. Reyna challenges the department's authority to develop the rule requiring completion of the Impact Texas Teen Driver (ITTD) program, stating that the power to develop new requirements belongs to the Texas Legislature.

RESPONSE: The department disagrees with this comment. Transportation Code, Section 521.142(e) provides the authority for the department to require other information to determine the applicant's eligibility as required by the department or state law.

COMMENT: Mr. Reyna recommended that the department provide additional information about rule proposals and the rule making process available to the public and contends that the department has exceeded its rulemaking authority in proposing Section 15.62.

RESPONSE: The department disagrees with this comment. The department follows the rulemaking process established by state law and the Texas Secretary of State. The rulemaking authority to administer Transportation Code, Chapter 521 is granted by the legislature under Transportation Code, Section 521.005.

COMMENT: Mr. Reyna suggests that the language in 15.62 be revised as it is restrictive and unnecessary.

RESPONSE: The department disagrees with these comments. This rule language is necessary to ensure that all applicants, including those who choose to be tested by the department instead of a third party will be subjected to the same requirements, including completion of the ITTD program in a timely manner to maximize its effectiveness in deterring unsafe driving behavior. Timing of the ITTD program completion is important as the information is topical and should be reviewed after completion of the driver education program and prior to skills testing. The department did change the text of Section 15.62 (b) from viewed to completed as the suggested language is more inclusive. In the future, if the ITTD program is incorporated into the standards for driver education training, this rule will be revisited to determine if 15.62(b) is still applicable.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, Section 521.142(e), which authorizes additional application requirements, and Section 521.005, which allows the department to adopt rules to administer this section.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter A
Sections 18.1 – 18.4

The Texas Department of Public Safety (the department) adopts the repeal of Sections 18.1 – 18.4, concerning Commercial Driver Training School Testing and Issuance of Learner License. These sections are repealed without changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1685) and will not be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update was necessary. The repeal of this subchapter is filed simultaneously with proposed new Chapter 18, which informs the public of changes to driver education requirements due to laws passed by the Texas Legislature.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section; Texas Education Code, Chapter 1001; and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter B
Sections 18.21 – 18.25

The Texas Department of Public Safety (the department) adopts the repeal of Sections 18.21 – 18.25, concerning Parent Taught Driver Education. These sections are repealed without changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1689) and will not be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update was necessary. The repeal of this subchapter is filed simultaneously with proposed new Chapter 18, which informs the public of changes to driver education requirements due to laws passed by the Texas Legislature.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section; Texas Education Code, Chapter 1001; and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter C
Sections 18.31 – 18.33

The Texas Department of Public Safety (the department) adopts the repeal of Sections 18.31 – 18.33, concerning Department Approved Driver Education Courses. These sections are repealed without changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1691) and will not be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update was necessary. The repeal of this subchapter is filed simultaneously with proposed new Chapter 18, which informs the public of changes to driver education requirements due to laws passed by the Texas Legislature.

No comments were received regarding the adoption of this repeal.

This repeal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Section 2001.039, which requires state agencies to review their rules and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section; Texas Education Code, Chapter 1001; and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter A
Sections 18.1 – 18.4

The Texas Department of Public Safety (the department) adopts new Sections 18.1 – 18.4, concerning Issuance and Examination Requirements for Learner and Provisional Licenses. Section 18.1 – 18.3 are adopted without changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1686) and will not be republished. Section 18.4 is adopted with changes to the proposed text as previously published in the March 7th issue of the *Texas Register* and will be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules were necessary to reflect the current requirements as determined by Texas Transportation Code, Sections 521.1655, 521.205, and 545.424, and Texas Education Code, Chapter 1001. The department approves parent taught driver education courses and new language is necessary to update the rules to reflect legislative changes relating to parent taught driver education providers and instructors and general driver education requirements. These rules also update and clarify language.

The department accepted comments on the proposed rules through April 7, 2014. Written comments were submitted by Patrick Barrett, representing Driver Ed in a Box and Carlos Reyna, representing I Drive Safely. Substantive comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding Section 18.1(f), Mr. Barrett recommended that the time limit of ninety (90) days to complete and pass all required examinations start after the first failed skills examination.

RESPONSE: The department disagrees with this recommendation. The ninety (90) day limit for completion of all required examinations begins on the day the receipt for that transaction is issued. Most applications are completed the same day as the first examination so the person has a full 90 days to pass the test. The department administers the testing requirement consistently with all examinations, including vision, written and skills, allowing three attempts in a 90 day period for completion of the exams. Using the receipt/temporary license date allows customers flexibility to visit different driver license offices and ensures that employees apply the testing policy consistently.

COMMENT: Regarding Section 18.4, Mr. Barrett is concerned that parent taught driver education course providers will not have the same ability to update test questions as commercial

providers because the rule requires that the test be purchased from DPS. He suggests that outdated questions could be dropped from a bank of available questions leaving plenty of questions to use in testing.

RESPONSE: The department disagrees with implementing this suggestion at this time. The ability for parent taught driver education students to take the written test online is part of this rule adoption and since it is new, the department wants to gain some insight into the mechanism for course providers to obtain and administer the examinations before making changes. As the department implements new technology, efficiencies like this will be more practical and easily implemented.

COMMENT: Regarding the title of Section 18.4, Mr. Carlos Reyna recommended the addition of the word “licensed” when referencing the driver education school and parent taught education course provider to mirror similar language in statute.

RESPONSE: The department disagrees with this recommendation, as the statute already provides a definition for authorized schools. The purpose of this rule is to clarify requirements not specifically defined in the statute.

COMMENT: Regarding Section 18.4(a), Mr. Reyna made a recommendation to replace the terms commercial and public schools with the general term driver education school.

RESPONSE: The department agrees with this recommendation and the rule text has been revised to driver education school.

COMMENT: Regarding Section 18.4(a)(2), Mr. Reyna recommended several changes, including the allowance for exams to be administered electronically rather than just by paper means and the ability of schools to reproduce the exams internally rather than purchasing them from the department’s General Stores. Mr. Reyna also recommended allowing driver education schools the ability to provide exams in other languages and orally rather than referring them to the department.

RESPONSE: The department agrees with the recommendations for allowing reproduction of exams at the driver education school as long as the current exam available from the department is being reproduced, and agrees with allowing the exam to be administered electronically. The rule text has been revised to reflect these recommendations. The department disagrees with the recommendation for allowing driver education schools the ability to conduct alternate methods for examination. The ability to prevent and deter fraud regarding alternate methods is essential and these exceptions to the general procedure should be referred to the department.

COMMENT: Regarding Section 18.4, Mr. Reyna recommended test banks to allow driver education schools to store exam questions, and the ability to use random questions from test banks to retest students who miss more than 30% of the exam questions.

RESPONSE: The department disagrees with this recommendation as the revision to allow electronic methods for testing does not require this level of detail to be defined by the rule.

Order Adopting New Sections 18.1 – 18.4
June 12, 2014

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, Chapter 1001, and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.



A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter B
Section 18.11

The Texas Department of Public Safety (the department) adopts new Section 18.11, concerning Parent Taught Driver Education. This section is adopted with changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1688) and will be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules were necessary to reflect the current requirements as determined by Texas Transportation Code, Sections 521.1655, 521.205, and 545.424, and Texas Education Code, Chapter 1001. The department approves parent taught driver education courses and new language is necessary to update the rules to reflect legislative changes relating to parent taught driver education providers and instructors and general driver education requirements. These rules also update and clarify language.

The department accepted comments on the proposed rules through April 7, 2014. Written comments were submitted by Patrick Barrett, representing Driver Ed in a Box. The comments received, as well as the department's responses, thereto, are summarized below:

COMMENT: Regarding Section 18.11(a), Mr. Barrett recommended that the submission process for the parent taught driver education packet be changed from current practice and the fee submission not be required until the student comes into the driver license office to make application for the learner license.

RESPONSE: The department disagrees with implementing this recommendation at this time. The department's manual processes at headquarters are due, in part, to limitations of the department's technology and the Driver License System (DLS). Mr. Barrett mentioned that pre-payment of the fee to obtain the parent taught packet is a holdover from the 1990's when everything was processed by mail. The Driver License Division (DLD) still has manual processes that require information to be sent through the mail and dedicates a full team of employees to administering the parent taught driver education program. In the future, new technology will allow the department to update processes and change rules to reflect additional efficiencies and customer convenience. However, at this time, the process will not change.

COMMENT: Regarding Section 18.11(d), Mr. Barrett recommended a correction to the requirement that the 44 hours of behind the wheel instruction be taught under one program. The

wording is confusing and indicates no flexibility for the additional 30 hours that must be supervised by a qualified person over 21 years of age.

RESPONSE: The department agrees with this recommendation and the rule text has been revised to clarify that the additional 30 hours of instruction must be completed in the presence of a driver qualified by Texas Transportation Code, Section 521.222(d)(2).

COMMENT: Regarding Section 18.11(f), Mr. Barrett recommended deleting this statement and indicated that it is not applicable to the parent taught program.


RESPONSE: The department disagrees with this recommendation. Any classroom location, whether in the home or a commercial setting, should be conducive to learning. The rule is permissible and provided as guidance for the instructor.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, Chapter 1001, and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

A handwritten signature in blue ink, appearing to read 'A. Cynthia Leon', is written over a horizontal line.

A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 12, 2014, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver Education
Title 37 T.A.C. Part I, Chapter 18
Subchapter C
Section 18.21 and Section 18.22

The Texas Department of Public Safety (the department) adopts new Section 18.21 and Section 18.22, concerning Department Approved Driver Education Course. These sections are adopted without changes to the proposed text as published in the March 7, 2014 issue of the *Texas Register* (39 TexReg 1690) and will not be republished.

Pursuant to Texas Government Code, Section 2001.039, the department reviewed this chapter and determined an update to these rules were necessary to reflect the current requirements as determined by Texas Transportation Code, Sections 521.1655, 521.205, and 545.424, and Texas Education Code, Chapter 1001. The department approves parent taught driver education courses and new language is necessary to update the rules to reflect legislative changes relating to parent taught driver education providers and instructors and general driver education requirements. These rules also update and clarify language.

No comments were received regarding the adoption of this proposal.

This proposal is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Education Code, Chapter 1001, and Texas Transportation Code, Chapter 521 and Chapter 545.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge these employees:

Employee Name	Employee Title/Division	Date of Discharge
Christina Famiglietti	Information Specialist IV/Driver License Division	04/14/14

Approved:

A. Cynthia Leon, Chair
Public Safety Commission
Date: June 12, 2014

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
June 12, 2014



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Bentley, Rickey L.	THP	HP/Tulia	11/30/08	30 years	
Bynum, Tony R.	THP	CVE/Mt. Pleasant	05/31/01	28 years	
Davis, Billy D.	CID	Beaumont	08/31/07	26 years	
Horne, Gary K.	CID	Victoria	02/28/14	25 years	
Munsinger, Franklin B.	THP	HP/Mt. Pleasant	09/30/91	22 years	
Scott, Michael D.	PSC	Audit&Inspection/Aust	03/31/02	28 years	
Stehle, Elmer D.	THP	CVE/Devine	08/31/01	24 years	
Turner, Bobby S.	CID	Waco	08/31/09	27 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Davis, Thomas W.	Texas Rangers	Tyler	04/30/14	27 years	
Goll, Dewayne O.	Texas Rangers	Midland	04/30/14	27 years	
Henderson, Howard D.	Texas Rangers	Austin	04/30/14	29 years	
Millican, Roger W.	Texas Rangers	San Antonio	03/31/14	19 years	

Approved by the Public Safety Commission on:

Date:

6/12/14