

Texas Forensic Science Commission – Licensing Advisory Committee Minutes from August 30, 2021 Meeting

The Licensing Advisory Committee of the Texas Forensic Science Commission met virtually via Zoom at 9:30 a.m. on August 30, 2021 as authorized under Government Code section 551.125 pursuant to Governor Greg Abbott’s March 13, 2020 proclamation of a state of disaster and August 29, 2021 extended proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor’s March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act.

Members of the Committee were present as follows:

Members Present: Deborah Smith
Sandy Parent
Bill Hines
Erin Reat
Emily Esquivel
Donna Eudaley
Crystina Vachon
Aliece Watts
Calli Bailey

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Robert Smith, Senior Staff Attorney
Rodney Soward, Licensing Program Specialist
Maggie Sowatzka, Program Specialist I

1. Call meeting to order. Roll call for members.

Reat called the meeting to order and called roll.

2. Instructions for public participation.

Tomlin gave instructions for public comment and participation during the meeting.

3. Review and adoption of minutes from July 15, 2021 meeting.

Members will discuss and vote on the July 15, 2021 meeting minutes draft at the October 21, 2021 committee meeting.

4. Discuss plans for voluntary licensure program for forensic disciplines not required to be licensed including:

- a. Forensic Anthropology;**
- b. Crime Scene Reconstruction;**
- c. Crime Scene Investigation;**

- d. Latent Print Examination;**
- e. Digital Evidence;**
- f. Breath specimen testing under Transportation Code, Chapter 725, limited to analysts who perform breath alcohol calibrations; and**
- g. Document Examination.**

Members discussed the disciplines being considered for voluntary licensing programs. The Committee discussed beginning with Document Examination, Forensic Anthropology and Crime Scene Reconstruction. The Document Examination program requirements were developed when document examiners were subject to mandatory licensure.

5. Discuss whether voluntary licensure program applies only to accredited entities or to all forensic practitioners.

Members discussed whether voluntary licensure should apply only to accredited entities or to all forensic practitioners, whether working for an accredited laboratory or not. Members discussed the negative consequences of offering a voluntary license to only accredited laboratory employees. The dichotomy may spur confusion and questions in court. If not offered a voluntary license option, unaccredited practitioners would largely remain unregulated, with no training requirements or threshold requirements by the Commission. Members generally agreed that voluntary licensing should eventually extend to practitioners working in unaccredited laboratories, but were concerned about the quality components in an accredited laboratory being met—such as proficiency testing, internal quality control, etc. Members discussed different ways a laboratory can fulfill some of the more critical components of accreditation. Reat suggested an intracomparative process for unaccredited laboratories to verify the laboratory's quality of work, including external proficiency tests and interlaboratory comparisons.

Members discussed that a voluntary license offered to practitioners in unaccredited laboratories is one way to establish at least some incremental steps towards the ultimate long-term goal of achieving accreditation.

Garcia discussed different ways the Commission may assist laboratories with cost barriers to obtaining proficiency tests. Garcia suggested the Commission reach out to NIST as they may have some suggestions on how the tests are created and administered. Parent suggested that CSAFE is another resource that may be helpful. Members also discussed the main proficiency test providers, CTS, Forensic Assurance (FTS), and Ron Smith and Associates. Ron Smith and Associates creates custom tests for practitioners.

6. Discuss and recommend order of forensic disciplines eligible for voluntary licensure.

Because the document examination licensing program rules have already been developed, staff will work on documenting those requirements for voluntary licensure first, following with the other unaccredited disciplines.

7. Discuss components and requirements for licensure by forensic discipline, including education requirements, review draft recommendations from the Commission's crime scene reconstruction committee on voluntary licensure.

Members directed staff to create a matrix of requirements by forensic discipline outlining the requirement of each program, including whether and what degree is required. Members will review and discuss the matrix at the October 21, 2021 committee meeting.

8. Exam question-writing training with ACS Ventures for committee members participating in question writing for the second version of the General Forensic Analyst Licensing Exam.

Jaime Kavanaugh, a psychometrician from the Commission's contracted psychometrician firm, ACS Ventures, gave a basic training on item/question writing for the next version of the General Forensic Analyst Licensing Exam. Kavanaugh explained members should consider the validity, reliability, and fairness of questions when creating test material. Members were instructed to write test materials using a three-step process. Steps: (1) focus on one concept that you want to measure; (2) craft a clear and concise stem and include the central idea. Write in the form of a question. Use positive phrasing rather than negative. Only measure opinion if attributed to a reasonable source; (3) create response options by starting with the key. Use common errors that are plausible for distractors. Avoid phrases like, "all of the above" or "none of the above." Kavanaugh will share an outline of the instructions with committee members drafting questions.

9. Schedule and location of future meetings, including October 21, 2021 meeting.

The Committee will meet again October 21, 2021 in-person in Austin, Texas.

10. Hear public comment.

No public comment other than that noted throughout the agenda above.

11. Adjourn.