

# TEXAS COMMISSION ON FIRE PROTECTION

January 16, 2014, 10:00 a.m.

1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

1. Roll call – 10:00 a.m. (including consideration of whether to excuse absences).
2. Adoption of the September 26, 2013 and October 3, 2013 commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on January 16, 2014 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency budget and strategic plan. The subcommittees may meet separately or together.
4. Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
5. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, and the State Fire Marshal's Office.
6. Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
7. Discussion and possible action concerning report from the Commission representative to the Homeland Security Council.
8. New matters from the commission, staff, or public which may be discussed in future commission meetings.
9. Discussion and possible action on future meeting dates.
10. Discussion and possible action on presentation from the Texas Fire Chief's Association regarding the Fire Chief's Academy program, and Fire Officer III and IV commission certification.
11. Discussion and possible action on the National Fire Protection Association (NFPA) 1851 Standard.
12. Discussion and possible action on request from Danny Kistner regarding Life Safety Initiative number nine with regards to a statewide tracking program.
13. Discussion and possible action on request from Danny Kistner regarding Title 37, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, §429.201, Minimum Standards for Fire Inspector Personnel, §429.203, Minimum Standards for Basic Fire Inspector Certification, §429.205, Minimum Standards for Intermediate Fire Inspector Certification, §429.207, Minimum Standards for Advanced Fire Inspector Certification, and §429.211, International Fire Service Accreditation Congress (IFSAC) Seal.
14. Discussion and possible action on the report from the executive director regarding findings and scope of work related to a commission study on the administrative attachment of the commission to another state agency.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals and rule reviews as follows:**

1. Proposed amendments to title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement To Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.
2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited to, §427.301, General Provisions for Training Programs--On-Site and Distance Training Providers, §427.303, Training Approval process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, and §427.307, On-Site and Distance Training Provider Staff Requirements.
3. Proposed amendments to title 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.1, Minimum Standards for Arson Investigation Personnel, §431.3, Minimum Standards for Basic Arson Investigator Certification, §431.5, Minimum Standards for Intermediate Arson Investigator Certification, §431.7, Minimum Standards for Advanced Arson Investigator Certification, §431.9, Minimum Standards for Master Arson Investigator Certification, §431.11, Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel, and §431.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, §431.201, Minimum Standards for Fire Investigation Personnel, §431.203, Minimum Standards for Fire Investigator Certification, §431.205, Minimum Standards for Intermediate Fire Investigator Certification, §431.207, Minimum Standards for Advanced Fire Investigator Certification, §431.209, Minimum Standards for Master Fire Investigator Certification, and §431.211, International Fire Service Accreditation Congress (IFSAC Seal— Fire Investigator.
4. Proposed amendments to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.1, Purpose and Scope, §437.3, Certification Fees, §437.5, Renewal Fees, §437.7, Standards Manual and Certification Curriculum Manual Fees, §437.11, Copying Fees, and §437.13, Processing Fees for Test Application, §437.15, International Fire Service Accreditation Congress (IFSAC) Seal Fees, and §437.17, Records Review Fees.
5. Proposed amendments to title 37 TAC, Chapter 457, Incident Safety Officer, including but not limited to, §457.1, Incident Safety Officer Certification, §457.3, Minimum Standards for Incident Safety Officer Certification, and §457.5, Examination Requirements.
6. Proposed amendments to Title 37, Chapter 423, Fire Suppression, Subchapter A, Minimum Standards for Structure Fire Protection Personnel Certification, §423.1, Minimum Standards for Structure Fire Protection Personnel, §423.3, Minimum Standards for Basic Structure Fire Protection Personnel Certification, §423.5, Minimum Standards for Intermediate Structure Fire Protection Personnel Certification, §423.7, Minimum Standards for Advanced Structure Fire Protection Personnel Certification, §423.9, Minimum Standards for Master Structure Fire Protection Personnel Certification, §423.11, Higher Levels of Certification, and §423.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.201, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.203, Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification, §423.205, Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification, §423.207, Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification, §423.209, Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certifications, and §423.211, International Fire Service Accreditation Congress (IFSAC) Seal.
7. Proposed amendments to Title 37 TAC, Chapter 425, Fire Service Instructors, including but not limited to, §425.1, Minimum Standards for Fire Service Instructor Certification, §425.3, Minimum Standards for Fire Service Instructor I Certification, §425.5, Minimum Standards

for Fire Service Instructor II Certification, §425.7, Minimum Standards for Fire Service Instructor III Certification, §425.9, Minimum Standards for Master Fire Service Instructor III Certification, and §425.11, International Fire Service Accreditation Congress (IFSAC) Seal.

8. Proposed amendments to Title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, §429.201, Minimum Standards for Fire Inspector Personnel, §429.203, Minimum Standards for Basic Fire Inspector Certification, §429.205, Minimum Standards for Intermediate Fire Inspector Certification, §429.207, Minimum Standards for Advanced Fire Inspector Certification, and §429.211, International Fire Service Accreditation Congress (IFSAC) Seal.
  9. Proposed amendments to Title 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper, §433.1, Driver/Operator-Pumper Certification, §433.3, Minimum Standards for Driver/Operator-Pumper Certification, §433.5, Examination Requirements, and §433.7, International Fire Service Accreditation Congress (IFSAC) Seal.
  10. Proposed amendments to Title 37 TAC, Chapter 439, Examinations For Certification, Subchapter A, Examinations For On-Site Delivery Training, §439.1, Requirements—General, §439.3 Definitions, §439.5, Procedures, §439.7, Eligibility, §439.9, Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing, and §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201 Requirements—General, §439.203, Procedures, and §439.205 Performance Skill Evaluation.
  11. Proposed amendments to Title 37 TAC, Chapter 451, Fire Officer, Subchapter A, Minimum Standards for Fire Officer I, §451.1 Fire Officer I Certification, §451.3, Minimum Standards for Fire Officer I Certification, §451.5, Examination Requirements, and §451.7, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Fire Officer II, §451.201, Fire Officer II Certification, §451.203, Minimum Standards for Fire Officer II Certification, §451.205, Examination Requirements, and §451.207 International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter C, Minimum Standards For Fire Officer III, §451.302, Fire Officer III Certification, §451.303, Minimum Standards for Fire Officer III Certification, and §451.305, Examination Requirements, Subchapter D, Minimum Standards For Fire Officer IV, §451.401 Fire Officer IV Certification, §451.403, Minimum Standards for Fire Officer IV Certification, and §451.405, Examination Requirements.
  12. Proposed amendments to Title 37 TAC, Chapter 453, Subchapter A, Minimum Standards for Hazardous Materials Technician, §453.1, Hazardous Materials Technician Certification, §453.3, Minimum Standards for Hazardous Materials Technician Certification, §453.5, Examination Requirements, and §453.7, International Fire Service Accreditation Congress (IFSAC) Seal. Subchapter B, Minimum Standards for Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander Certification, §453.203, Minimum Standards for Hazardous Materials Incident Commander, and §453.205, Examination Requirements.
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
1. Proposed amendments to title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement To Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.
  2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, including but not limited to, Subchapter A, On-Site Certified Training Provider, §427.1, Minimum Standards for Certified Training Facilities for Fire Protection Personnel, §427.3, Facilities, §427.5, Apparatus, §427.7, Protective Clothing, §427.9, Equipment, §427.11, Reference Materials, §427.13, Records, §427.18, Live Fire Training Evolutions, §427.19, General Information, Subchapter B, Distance Training Provider, §427.201, Minimum Standards for Distance Training Provider, §427.203, Records, §427.209, General Information, Subchapter C, Training Programs For On-Site and Distance Training Providers, §427.301, General Provisions for

Training Programs—On-Site and Distance Training Providers, §427.303, Training Approval Process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, §427.307, On-Site and Distance Training Provider Staff Requirements, Subchapter D, Certified Training Facilities, §427.401, General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas, §427.403, Financial Standards, §427.405, Policy Regarding Complaints, §427.407, School Responsibilities Regarding Instructors, §427.409, Advertising, §427.411 Cancellations or Suspensions and §427.41, Liabilities.

3. Proposed amendments to title 37 TAC, Chapter 439, Examinations For Certification, including but not limited to, Subchapter A, Examinations For On-Site Delivery Training, §439.1, Requirements—General, §439.3, Definitions, §439.5, Procedures, §439.7, Eligibility, §439.9, Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing and §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201, Requirements—General, §439.203, Procedures and §439.205, Performance Skill Evaluation.
  4. Proposed amendments to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.1, Objective, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspection Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor, and §441.23, Continuing Education for Wildland Fire Fighter.
16. Discussion and possible action on matters from the Executive Director.
- A. Report on decisions of the Executive Director in contested cases and consent orders.
  - B. Status of division functions.
17. Executive session pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position.
18. Open session for further discussion and possible action regarding preceding agenda item.
19. Adjourn meeting.

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. Roll call – 10:00 a.m. (including consideration of whether to excuse absences).

**2. Adoption of September 26, 2013, and October 3, 2013 commission meeting minutes.**

## TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 8:20 a.m. called the September 26, 2013 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Elroy Carson Jody Gonzalez* Leonardo Perez	Pat Ekiss John Green Ron Poynter	Yusuf Farran Joseph Gutheinz* Steve Tull	Carl Giles John McMakin*	John Gillette Robert Moore
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\*absent entire meeting

\*\*absent part of meeting

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Staff	Alma Craig	Deborah Cowan	Andrew Lutostanski, Assistant Attorney General
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1. Roll call      On September 26, 2013, Presiding Officer, Steve Tull called roll and a quorum was present.

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2. Executive Session      Presiding Officer, Steve Tull called the Executive Session at 8:20 a.m.

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3. Open Session      Presiding Officer, Steve Tull called the commission back into open session at 7:10 p.m.

A motion was made by Robert Moore and seconded by Yusuf Farran to not accept the candidates interviewed and to repost the position with redefined qualifications of a two year associate degree as a minimum qualification and with a bachelor's degree preferred and to keep Tim Rutland as the Interim Director. After discussion, the motion was withdrawn.

A motion was made by Robert Moore and seconded by Yusuf Farran to not accept the candidates interviewed and to repost the position with the redefined qualifications as developed by the commission today. The motion carried.

A motion was made by Pat Ekiss and seconded by John Green to remove the current posting from the web site and wait at least 48 hours after the redefined position is posted before posting to the website again. The motion carried.

A motion was made by Robert Moore and seconded by Leonardo Perez to have Tim Rutland remain the Interim Executive Director until the job is filled. The motion carried.

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4. Adjourn      A motion to adjourn was made by John Green and seconded by Ron Poynter. The motion carried.

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Steve Tull, Presiding Officer

## TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Steve Tull, at 10:00 a.m. called the October 3, 2013 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Elroy Carson	Pat Ekiss	Yusuf Farran	Carl Giles	John Gillette
	Joseph Gonzalez	John Green	Joseph Gutheinz**	John McMakin	Robert Moore
	Leonardo Perez*	Ronald Poynter**	Steve Tull		

\*absent entire meeting  
\*\*absent part of meeting

Staff	Tim Rutland	Deborah Cowan	Paul Maldonado	Mary Hunt	Mollie Clakley
	Andrew Lutostanski, Assistant Attorney General				

Guests	Larry Wright	Thomas McMorigle	Lynn Bizzell	Eric Hill	Joey Craddock
	Wendell Burton	Mike Hunt	Brandi Plunkett	Laura Corn	Annstine Foley
	Michael Collier	Scott Kerwood	Ken Dozier	John Brown	Mike Higgins
	Luis Valdez	Chris Barron	Victor Conley	Brent Parker	John Sullivan
	Donnie Norman	Gary Estep	Ed Wellman	Mark Lee	Eric Thompson
	Kelly Miller	Randy Safer	Betty Wilkes	Lisa Craven	Glenn Deshields
	Leonard Chan	Jim Reidy			

1. Roll call    John Gillette, Secretary called roll and a quorum was present. Commissioner Leonardo Perez was granted an excused absence.
2. Adoption    A motion to approve the minutes of the July 11, 2013 commission meeting minutes was made of            by Pat Ekiss and seconded by Carl Giles. The motion carried.  
minutes
3. Budget and    The subcommittees met together to review the agency's budget and performance measures.  
Strategic Plan  
Subcommittee  
Meeting
4. Subcommittee    No action taken.  
Reports
5. Reports from    Brief reports were given by the Texas State Association of Fire Fighters, Texas Fire Chiefs  
Fire Service        Association, State Firemen's and Fire Marshals' Association, and National Fire Protection  
Association.
6. Report from    Commission representative Michael Hunt provided a brief update from last meeting.  
Fire Service  
School Advisory  
Board & TEEX
7. New Matters    Life Safety Initiative No. 9    NFPA 1851
8. Future meeting    The commission scheduled its next meeting for January 16, 2014 beginning at 10:00 a.m.  
dates

9. Homeland Security Council Appointment      A motion was made by John McMakin and seconded by Yusuf Farran to appoint Commissioner Joseph Gonzalez as the agency representative with Commissioner Robert Moore serving as alternate. The motion carried.
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10. Commission study on administrative attachment      A motion was made by John Gillette and seconded by Elroy Carson to have commission staff, the Presiding Officer and one other commissioner, with the input of the stakeholders, research for the proposed hiring of an independent facilitator to conduct a study for determining the viability of the agency to meet the needs of the citizens of Texas and the fire service. The Interim Executive Director shall report to the commission the findings and the scope of the work related to this motion at the next commission meeting. The motion carried.

A motion was made by Yusuf Farran and seconded by John McMakin to nominate Commissioner Pat Ekiss as the other commissioner to serve with the Presiding Officer and the Executive Director as stated in previous motion. The motion carried.

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11. Matters from Fire Fighter Advisory Committee
- A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 421, §421.5 as discussed was made by Robert Moore and seconded by Carl Giles. The motion carried.
2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 423, §423.3, as discussed was made by Elroy Carson and seconded by Pat Ekiss. The motion carried.
3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §§455.3, 455.5 and 455.7 as discussed was made by Pat Ekiss and seconded by Yusuf Farran. The motion failed (3 for, 8 against, 2 absent).
- After discussion, a motion to send the rule back to the fire fighter advisory committee to clarify the language regarding having to hold structure fire protection certification in order to obtain Intermediate Wildland Certification. After further discussion, the motion was withdrawn.
- Another motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §§455.3, 455.5 and 455.7 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried (9 for, 2 against, 2 absent).
- B. 1. A motion to propose for publication proposed amendments to 37 TAC, Chapter 421, §421.5 as discussed was made by Joseph Gonzales and seconded by Elroy Carson. The motion carried.
2. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 427, §42.7307, as discussed was made by John McMakin and seconded by Elroy Carson. The motion carried.
3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 431, §§431.1, 431.3, 431.5, 431.7 and 431.209 as discussed was made by John Gillette and seconded by Joseph Gonzalez. The motion carried.

4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 437, §§437.1, 437.3, 437.5, 437.7, 437.15 and 437.17 as discussed was made by Elroy Carson and seconded by Carl Giles. The motion carried.
  5. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 457, §457.3 as discussed was made by Carl Giles and seconded by Robert Moore. The motion carried.
- C. Tim Rutland, Interim Executive Director gave a brief overview of the agency's review of the ProBoard Certification process of the Texas A&M Engineering Extension Service.
- D. 1. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 423, §423.3 and §423.203 as discussed was made by John McMakin and seconded by Joseph Gonzalez. The motion carried.
2. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 425, §§425.3, 425.5 and 425.7 as discussed was made by Carl Giles and seconded by Ron Poynter. The motion carried.
  3. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 429, §429.203 as discussed was made by Joseph Gonzalez and seconded by John McMakin. The motion carried.
  4. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 433, §433.3 as discussed was made by Carl Giles and seconded by Ron Poynter. The motion carried.
  5. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 439, §439.1 as discussed was made by Pat Ekiss and seconded by John Green. The motion carried.
  6. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 451, §§451.3, 451.203, 451.303 and 451.403 was made by Ron Poynter and seconded by Joseph Gonzalez. The motion carried.
  7. A motion to propose for publication the proposed amendments to 37 TAC, Chapter 453, §453.3 and §453.203 as discussed was made by Carl Giles and seconded by Pat Ekiss. The motion carried.
- E. Grace Wilson, staff liaison to the Testing & Curriculum Advisory Committee presented the committees recommended curricula changes.
- A motion to approve the recommended curricula changes for Basic Fire Suppression Curriculum Firefighter I, Firefighter II, outlines and reference list with an effective date of January 1, 2014 was made by John Gillette and seconded by Elroy Carson. The motion carried.

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12. Matters from Executive Director
- a. Mr. Rutland, Interim Executive Director provided commissioners information on new consent orders and contested cases since the last commission meeting.

- b. Mr. Rutland, Interim Executive Director provided commissioners information regarding division functions. Mr. Rutland informed commissioners the agency had hired three new employees. He also informed commissioners the agency currently has 2 vacant positions with one of those two being posted in the very near future. He also informed commissioners the agency had issued over 13,400 certifications in fiscal year 2013; the most the agency had ever issued.

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13. Executive  
Session

Presiding Officer, Steve Tull called for the Executive Session at 4.33 p.m.

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14. Open  
Session

Presiding Officer called for open session at 5:27 p.m.

A motion to reopen the job application process and repost for the position of executive director beginning October 7<sup>th</sup>, 2013 and to remain open no more than 30 days was made by Pat Ekiss and seconded by Robert Moore. The motion carried.

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15. Adjournment

A motion to adjourn was made by John McMakin and seconded by Robert Moore. The motion carried.

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Steve Tull, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees will meet on January 16, 2014 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency budget and strategic plan. The subcommittees may meet separately or together.**

Key	Division	FY14 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY14 YTD Sum	FY14 Target	% Target ytd/tar	Measures/Explanation
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**Output:** A quantifiable indicator of the number of goods or services an agency produces

□	Lib	01-01-01:01	78			78	565	14%	Number of requests for agency library resources.
						Cumulative			
■	Lib	01-01-01:02	30			30	255	12%	Number of research requests for agency information resource center.
						Cumulative			
■	Std	02-01-01:01	254			254	1,120	23%	Number of inspections of regulated entities.
						Cumulative			
□	Std	02-01-01:02	3,587			3,587	9,000	40%	Number of new certifications issued to individuals.
						Cumulative			
□	Std	02-01-01:03	29,278			29,278	29,500	99%	Number of certifications renewed (individuals).
						Cumulative			
■	Std	02-01-01:04	1,776			1,776	9,510	19%	Number of examinations administered.
						Cumulative			
□	Adm	04-01-01:01	\$1,266			\$1,266	\$13,000	10%	Dollar value of HUB contacts awarded.
						Cumulative			

**Explanatory (Annual):** An indicator of factors, agency resources, or requests received that affect a state entity's performance.

■	Std	02-01-01:01	91.39%			91.39%	91%	100%	Pass Rate (Percent)
						Non-Cumulative			
■	Std	02-01-01:02	29,810			29,810	31,250	95%	Number of individuals certified by the Commission.
						Non-Cumulative			
■	Std	02-01-01:03	251			251	260	97%	Number of training providers certified by the Commission.
						Non-Cumulative			

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance; otherwise, a measure is non-cumulative.

Non-Cumulative Measure: A measure which, in order to determine year-to-date performance, must be calculated for the entire reporting period and not on the basis of adding together the performance



Key Division	FY14 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY14 YTD Sum	FY14 Target	% Target ytd/tar	Measures/Explanation
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from separate reporting periods

**Efficiency** A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units

Std 02-01-01:01 \$397 \$397 \$550 72% Average cost per inspection of regulated facilities.

Non-Cumulative

**Outcome (Annual)** A quantifiable indicator of the public and customer benefits from an agency's actions

Std 02-01:01 56 56 155 36% Number of inspected certificate holders with uncorrected violations.

Non-Cumulative

Fin 04-01:01 6% 6.0% 10% 60% Percent of total dollar value of purchasing contracts awarded to HUBs.

Non-Cumulative

1st quarter performance is below the 10% target due to less purchases/needs from HUB vendor.

Note: Explanations are provided for measures that are 5% or more off target.



# Texas Commission on Fire Protection

## Fiscal Year 2014 - Operating Budget

Updated: 12/08/13

Thru: November 30, 2013

### Summary

Goals:	FY14 Budget	FY14 Expended	Balance	%
Education, Information and Assistance	89,074.92	22,103.66	66,971.26	
Fire Department Standards	798,157.45	187,427.39	610,730.06	
Indirect Administration	708,453.26	168,243.71	540,209.55	
Merit Budget				
<b>1001 - Salaries &amp; Wages:</b>	<b>1,595,685.63</b>	<b>377,774.76</b>	<b>1,217,910.87</b>	<b>76%</b>
Education, Information and Assistance	3,028.37	710.51	2,317.86	
Fire Department Standards	27,317.06	5,023.33	22,293.73	
Indirect Administration	39,702.96	5,159.23	34,543.73	
<b>1002 - Other Personnel Costs</b>	<b>70,048.39</b>	<b>10,893.07</b>	<b>59,155.32</b>	<b>84%</b>
Education, Information and Assistance	475.00	0.00	475.00	
Fire Department Standards	4,036.00	0.00	4,036.00	
Indirect Administration	9,849.00	774.00	9,075.00	
<b>2001 - Professional Fees and Services:</b>	<b>14,360.00</b>	<b>774.00</b>	<b>13,586.00</b>	<b>95%</b>
Education, Information and Assistance	5,180.00	350.44	4,829.56	
Fire Department Standards	9,516.00	667.85	8,848.15	
Indirect Administration	4,071.40	497.58	3,573.82	
<b>2003 - Consumable Supplies:</b>	<b>18,767.40</b>	<b>1,515.87</b>	<b>17,251.53</b>	<b>92%</b>
Education, Information and Assistance	0.00	0.00	0.00	
Fire Department Standards	8,416.00	1,710.94	6,705.06	
Indirect Administration	0.00	0.00	0.00	
<b>2004 - Utilities:</b>	<b>8,416.00</b>	<b>1,710.94</b>	<b>6,705.06</b>	<b>80%</b>
Education, Information and Assistance	3,000.00	0.00	3,000.00	
Fire Department Standards	77,807.67	11,335.59	66,472.08	
Indirect Administration	30,950.00	9,089.49	21,860.51	
<b>2005 - Travel:</b>	<b>111,757.67</b>	<b>20,425.08</b>	<b>91,332.59</b>	<b>82%</b>
Education, Information and Assistance	180.00	1.16	178.84	
Fire Department Standards	0.00	9.85	-9.85	
Indirect Administration	247.00	126.96	120.04	
<b>2006 - Rent - Building (storage):</b>	<b>427.00</b>	<b>137.97</b>	<b>289.03</b>	<b>68%</b>
Education, Information and Assistance	1,117.23	207.49	909.74	
Fire Department Standards	10,353.93	1,763.74	8,590.19	
Indirect Administration	5,840.36	1,244.97	4,595.39	
<b>2007 - Rent - Machine and Other:</b>	<b>17,311.52</b>	<b>3,216.20</b>	<b>14,095.32</b>	<b>81%</b>
Education, Information and Assistance	13,275.43	761.64	12,513.79	
Fire Department Standards	48,442.94	10,640.84	37,802.10	
Indirect Administration	30,067.01	5,831.58	24,235.43	
<b>2009 - Other Operating Expense:</b>	<b>91,785.39</b>	<b>17,234.06</b>	<b>74,551.33</b>	<b>81%</b>
Education, Information and Assistance	0.00	0.00	0.00	
Fire Department Standards	17,500.00	5,135.05	12,364.95	
Indirect Administration	0.00	0.00	0.00	
<b>4000 - Grants:</b>	<b>17,500.00</b>	<b>5,135.05</b>	<b>12,364.95</b>	<b>71%</b>
Education, Information and Assistance	0.00	0.00	0.00	
Fire Department Standards	0.00	0.00	0.00	
Indirect Administration	0.00	0.00	0.00	
<b>5000 - Capital Expenditures:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
<b>TOTAL - ALL EXPENDITURES</b>	<b>1,946,059.00</b>	<b>438,817.00</b>	<b>1,507,242.00</b>	<b>77%</b>

**Texas Commission on Fire Protection**  
**Fiscal Year 2014 - Operating Budget**

*Thru: November 30, 2013*

## Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
<b>Budget:</b>	<b>89,074.92</b>	<b>0.00</b>	<b>0.00</b>	<b>89,074.92</b>	0
Expended:	22,103.66	0.00	0.00	22,103.66	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>66,971.26</b>	<b>0.00</b>	<b>0.00</b>	<b>66,971.26</b>	<b>75%</b>
Other Personnel Costs:					
7017- One-Time Merit	0.00	0.00		0.00	
7022- Longevity Pay	600.00	0.00		600.00	
7023- Lump Sum Termination	0.00	0.00		0.00	
7040- ERS-Retirement Contribution	110.51	0.00		110.51	
<b>Budget:</b>	<b>3,028.37</b>	<b>0.00</b>	<b>0.00</b>	<b>3,028.37</b>	0
Expended:	710.51	0.00	0.00	710.51	
<b>1002 - Balance Other Personnel Costs</b>	<b>2,317.86</b>	<b>0.00</b>	<b>0.00</b>	<b>2,317.86</b>	<b>77%</b>
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0.00	0.00		0.00	
7245- Financial & Accounting Services	0.00	0.00		0.00	
7253- Other Professional Fees (EAP)	0.00	0.00		0.00	
7274- Temporary Employment Agencies	0.00	0.00		0.00	
7275- Computer Programming Services	0.00	0.00		0.00	
<b>Budget:</b>	<b>475.00</b>	<b>0.00</b>	<b>0.00</b>	<b>475.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>2001 - Balance Professional Fees and Services:</b>	<b>475.00</b>	<b>0.00</b>	<b>0.00</b>	<b>475.00</b>	<b>100%</b>
<b>Budget:</b>	<b>555.00</b>	<b>4,625.00</b>		<b>5,180.00</b>	0
Expended:	35.10	315.34		350.44	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>519.90</b>	<b>4,309.66</b>	<b>0.00</b>	<b>4,829.56</b>	<b>93%</b>
Utilities:					
7501- Electricity	0.00	0.00		0.00	
7503- Telecommunications-Long Distance	0.00	0.00		0.00	
7504- Telecommunications-Monthly Charge	0.00	0.00		0.00	
7514- Telecommunications-Maint & Repair	0.00	0.00		0.00	
7516- Telecommunications-Other Charges (reg voice/internet)	0.00	0.00		0.00	
7517- Telecommunications Equipment	0.00	0.00		0.00	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>2004 - Balance Utilities:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
Travel:					
7101- Travel I/S - Public Transportation Fares	0.00	0.00		0.00	
7102- Mileage	0.00	0.00		0.00	
7104- Travel I/S - Actual Expense Overnight	0.00	0.00		0.00	
7105- Travel I/S - Incidental Expenses	0.00	0.00		0.00	
7106- Travel I/S - Meals & Lodging	0.00	0.00		0.00	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	0.00		0.00	
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00		0.00	
7111- Travel OOS - Public Transportation Fares	0.00	0.00		0.00	
7112- Travel OOS - Mileage	0.00	0.00		0.00	
7115- Travel OOS - Incidental Expenses	0.00	0.00		0.00	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00		0.00	
7135- Travel I/S - State Occupancy Tax	0.00	0.00		0.00	
7136- Travel I/S - State Occupancy Tax Galveston	0.00	0.00		0.00	
<b>Budget:</b>	<b>3,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,000.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>2005 - Balance Travel:</b>	<b>3,000.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,000.00</b>	<b>100%</b>
<b>Budget:</b>	<b>180.00</b>	<b>0.00</b>	<b>0.00</b>	<b>180.00</b>	0
Expended:	1.16	0.00	0.00	1.16	
<b>2006 - (7470) Balance Rent - Building (storage):</b>	<b>178.84</b>	<b>0.00</b>	<b>0.00</b>	<b>178.84</b>	<b>99%</b>

**Texas Commission on Fire Protection**  
**Fiscal Year 2014 - Operating Budget**

*Thru: November 30, 2013*

## Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	143.44	0.00		143.44	
7411- Rental - Computer Equipment	64.05	0.00		64.05	
<b>Budget:</b>	<b>1,117.23</b>	<b>0.00</b>	<b>0.00</b>	<b>1,117.23</b>	0
Expended:	207.49	0.00	0.00	207.49	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>909.74</b>	<b>0.00</b>	<b>0.00</b>	<b>909.74</b>	<b>81%</b>
Other Operating Expense:					
7042- ERS Insurance Payment	221.04	0.00		221.04	
7201- Membership Dues	0.00	0.00		0.00	
7071 Employee Moving Expense	0.00	0.00		0.00	
7203- Registration Fees-Employee Training	0.00	0.00		0.00	
7295 Fees & Other Charges (DPS) (7210)	0.00	0.00		0.00	
7211- Awards	0.00	0.00		0.00	
7216- Insurance Premiums - appvd by oag	0.00	0.00		0.00	
7262 -Maint & Repair - Computer Software	213.74	0.00		213.74	
7267- Maint & Repair - Computer Equipment	0.00	0.00		0.00	
7273- Reproduction & Printing	0.00	0.00		0.00	
7276- Communication Services (T-1 Line)	0.00	0.00		0.00	
7281- Advertising Services	0.00	0.00		0.00	
7286- Freight & Delivery Services	0.00	0.00		0.00	
7291- Postage & Postal Services	26.10	0.00		26.10	
7299- Purchased Contracted Services	0.00	0.00		0.00	
7303- Subscriptions, Periodicals and Info Services	0.00	0.00		0.00	
7266- Maintenance/Repair - Building	0.00	0.00		0.00	
7328 supp. /mater. -constr/hardware	0.00	0.00		0.00	
7330- Parts -equip, furn	0.00	0.00		0.00	
7334- Furnishings & Equipment -Expensed	0.00	0.00		0.00	
7335- Parts -Computer Equipment - Expensed	0.00	0.00		0.00	
7354- Bldg Remodel - State Leased -Expensed	0.00	0.00		0.00	
7367- Personal Property - Maint & Repair	0.00	0.00		0.00	
7374- Personal Property-Furn & Equip - Controlled	0.00	0.00		0.00	
7377- Computer Equipment - Expensed	0.00	0.00		0.00	
7378- Computer Equipment - Controlled	0.00	0.00		0.00	
7379- Computer Equipment - Cap (>1,000)	0.00	0.00		0.00	
7380- Computer Software - Expensed	113.55	0.00		113.55	
7382- Books - Expensed	0.00	0.00		0.00	
7806- Interest on Delayed Payment	0.01	0.00		0.01	
7947- Workers Compensation Transfer (SORM)	118.62	0.00		118.62	
7312- Medical Supplies	0.00	0.00		0.00	
7961- STS Transfers-Telecommunications (TexAn)	18.25	0.00		18.25	
7962- Capitol Complex (CCTS)	50.33	0.00		50.33	
<b>Budget:</b>	<b>13,275.43</b>	<b>0.00</b>	<b>0.00</b>	<b>13,275.43</b>	0
Expended:	761.64	0.00	0.00	761.64	
<b>2009 - Balance Other Operating Expense:</b>	<b>12,513.79</b>	<b>0.00</b>	<b>0.00</b>	<b>12,513.79</b>	<b>94%</b>
Grants:					
7623 Grants	0.00	0.00		0.00	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>4000 - Balance Grants:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
Capital Expenditures:					
7341 Real Property - Capitalized	0.00	0.00		0.00	
7361 Personal Property-Capitalized	0.00	0.00		0.00	
7373 Personal Property-furn&equip-Cap	0.00	0.00		0.00	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>5000 - Balance Capital Expenditures:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
<b>Budget:</b>	<b>110,705.95</b>	<b>4,625.00</b>	<b>0.00</b>	<b>115,330.95</b>	
Expended:	23,819.56	315.34	0.00	24,134.90	
<b>TOTAL BALANCE</b>	<b>86,886.39</b>	<b>4,309.66</b>	<b>0.00</b>	<b>91,196.05</b>	<b>79%</b>

## Texas Commission on Fire Protection

### Fiscal Year 2014 - Operating Budget

*Thru: November 30, 2013*

## Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
<b>Budget:</b>	<b>0.00</b>	<b>354,971.88</b>	<b>182,780.65</b>	<b>215,568.00</b>	<b>44,836.92</b>	<b>798157.45</b>	0.00
<b>Expended:</b>	<b>0.00</b>	<b>89,812.98</b>	<b>31,731.27</b>	<b>54,523.91</b>	<b>11,359.23</b>	<b>187,427.39</b>	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>0.00</b>	<b>265158.90</b>	<b>151,049.38</b>	<b>161044.09</b>	<b>33,477.69</b>	<b>610730.06</b>	<b>77%</b>
Other Personnel Costs:							
7017- One-Time Merit	0.00	0.00	0.00	0.00	0.00	0.00	
7022- Longevity Pay	0.00	1,560.00	780.00	1,680.00	160.00	4,180.00	
7023- Lump Sum Termination	0.00	0.00	0.00	0.00	0.00	0.00	
7040- ERS Retirement Contribution	0.00	449.04	117.90	219.60	56.79		
7984- Unemployment/TWC	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>5,538.00</b>	<b>8,276.26</b>	<b>4,642.15</b>	<b>7,933.47</b>	<b>927.18</b>	<b>27,317.06</b>	0
<b>Expended:</b>	<b>0.00</b>	<b>2,009.04</b>	<b>897.90</b>	<b>1,899.60</b>	<b>216.79</b>	<b>5,023.33</b>	
<b>1002 - Balance Other Personnel Costs</b>	<b>5,538.00</b>	<b>6,267.22</b>	<b>3,744.25</b>	<b>6,033.87</b>	<b>710.39</b>	<b>22,293.73</b>	<b>82%</b>
Professional Fees and Services:							
7242- Consulting Services - IT Computer	0.00	0.00	0.00	0.00	0.00	0.00	
7245- Financial & Accounting Services	0.00	0.00	0.00	0.00	0.00	0.00	
7253- Other Professional Fees (EAP)	0.00	0.00	0.00	0.00	0.00	0.00	
7274- Temporary Employment Agencies	0.00	0.00	0.00	0.00	0.00	0.00	
7275- Computer Programming Services	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>4,036.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4,036.00</b>	0.00
<b>Expended:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>2001 - Balance Professional Fees and Service</b>	<b>4,036.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4,036.00</b>	<b>100%</b>
<b>Budget:</b>	<b>3,016.00</b>	<b>700.00</b>	<b>3,400.00</b>	<b>2,300.00</b>	<b>100.00</b>	<b>9,516.00</b>	0.00
<b>Expended:</b>	<b>214.09</b>	<b>0.00</b>	<b>0.00</b>	<b>453.76</b>	<b>0.00</b>	<b>667.85</b>	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>2,801.91</b>	<b>700.00</b>	<b>3,400.00</b>	<b>1,846.24</b>	<b>100.00</b>	<b>8,848.15</b>	<b>93%</b>
Utilities:							
7501- Electricity	0.00	0.00	0.00	0.00	0.00	0.00	
7503- Telecommunications-Long Distance	0.00	0.00	0.00	0.00	0.00	0.00	
7504- Telecommunications-Monthly Charge	0.00	608.88	0.00	0.00	0.00	608.88	
7517- Telecommunications Equipment	0.00	0.00	0.00	0.00	0.00	0.00	
7516- Telecommunications-Other Charges (reg voice/int)	0.00	1,102.06	0.00	0.00	0.00	1,102.06	
7510- Telecommunications Parts & Supplies	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>0.00</b>	<b>8,416.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>8,416.00</b>	0.00
<b>Expended:</b>	<b>0.00</b>	<b>1,710.94</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,710.94</b>	
<b>2004 - Balance Utilities:</b>	<b>0.00</b>	<b>6,705.06</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6,705.06</b>	<b>80%</b>
Travel:							
7101- Travel I/S - Public Transportation Fares	0.00	2,476.15	0.00	375.50	0.00	2,851.65	
7102- Mileage	0.00	2,221.89	0.00	188.14	0.00	2,410.03	
7104- Travel I/S - Actual Expense Overnight	0.00	0.00	0.00	0.00	0.00	0.00	
7105- Travel I/S - Incidental Expenses	0.00	1,134.15	0.00	409.34	0.00	1,543.49	
7106- Travel I/S - Meals & Lodging	0.00	2,877.34	0.00	1,133.48	0.00	4,010.82	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	199.75	0.00	93.10	0.00	292.85	
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	0.00	0.00	0.00	0.00	
7111- Travel OOS - Public Transportation Fares	0.00	0.00	0.00	10.00	0.00	10.00	
7112- Travel OOS - Mileage	0.00	0.00	0.00	0.00	0.00	0.00	
7114- Travel OOS -	0.00	0.00	0.00	0.00	0.00	0.00	
7115- Travel OOS - Incidental Expenses	0.00	0.00	0.00	0.00	0.00	0.00	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	140.58	0.00	140.58	
7135- Travel I/S - State Occupancy Tax	0.00	55.05	0.00	21.12	0.00	76.17	
7136- Travel I/S - State Occupancy Tax Galveston	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>0.00</b>	<b>48,125.00</b>	<b>1,700.00</b>	<b>27,182.67</b>	<b>800.00</b>	<b>77,807.67</b>	0.00
<b>Expended:</b>	<b>0.00</b>	<b>8,964.33</b>	<b>0.00</b>	<b>2,371.26</b>	<b>0.00</b>	<b>11,335.59</b>	
<b>2005 - Balance Travel:</b>	<b>0.00</b>	<b>39,160.67</b>	<b>1,700.00</b>	<b>24,811.41</b>	<b>800.00</b>	<b>66,472.08</b>	<b>85%</b>
7462- Rent office space - building	0.00	0.00				0.00	
7470- Rent Space - storage	9.85	0.00				9.85	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
<b>Expended:</b>	<b>9.85</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>9.85</b>	
<b>2006 - Balance Rent - Building :</b>	<b>(9.85)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(9.85)</b>	<b>#DIV/0!</b>

## Texas Commission on Fire Protection

### Fiscal Year 2014 - Operating Budget

*Thru: November 30, 2013*

## Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Rent - Machine and Other:							
7406- Rental - Furnishings & Equipment (copier)	1,219.24	0.00	0.00	0.00	0.00	1,219.24	
7411- Rental - Computer Equipment	544.50	0.00	0.00	0.00	0.00	544.50	
<b>Budget:</b>	<b>10,353.93</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>10,353.93</b>	0.00
Expended:	1,763.74	0.00	0.00	0.00	0.00	1,763.74	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>8,590.19</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>8,590.19</b>	<b>83%</b>
Other Operating Expense:							
7042- ERS Insurance Payment	0.00	898.17	235.80	439.16	113.58	1,686.71	
7071- Employee Moving Expense	0.00	0.00	0.00	0.00	0.00	0.00	
7201- Membership Dues	0.00	0.00	0.00	0.00	0.00	0.00	
7203- Registration Fees-Employee Training	0.00	0.00	0.00	0.00	0.00	0.00	
7210- Fees & Other Charges (DPS)	0.00	0.00	0.00	0.00	0.00	0.00	
7211- Awards	0.00	0.00	0.00	0.00	0.00	0.00	
7216- Insurance Premiums - appvd by oag	0.00	250.00	0.00	0.00	0.00	250.00	
7262- Maint & Repair - Computer Equipment	1,816.81	0.00	0.00	1,212.00	0.00	3,028.81	
7267- Maint & Repair - Computer Equipment	0.00	0.00	0.00	0.00	0.00	0.00	
7273- Reproduction & Printing	0.00	0.00	0.00	0.00	0.00	0.00	
7276- Communication Services (T-1 Line)	0.00	0.00	0.00	0.00	0.00	0.00	
7281- Advertising Services	0.00	0.00	0.00	0.00	0.00	0.00	
7286- Freight & Delivery Services	0.00	0.00	0.00	1,515.55	0.00	1,515.55	
7291- Postage & Postal Services	221.84	0.00	0.00	0.00	0.00	221.84	
7299- Purchased Contracted Services	0.00	0.00	0.00	0.00	0.00	0.00	
7303- Subscriptions, Periodicals and Info Services	0.00	0.00	0.00	0.00	0.00	0.00	
7266- Maintenance/Repair - Building	0.00	0.00	0.00	0.00	0.00	0.00	
7328- supp. /mater. -constr/hardware	0.00	0.00	0.00	0.00	0.00	0.00	
7330- Parts -equip, furn	0.00	0.00	0.00	0.00	0.00	0.00	
7334- Furnishings & Equipment -Expensed	0.00	0.00	0.00	0.00	0.00	0.00	
7335- Parts -Computer Equipment - Expensed	0.00	0.00	0.00	0.00	0.00	0.00	
7354- Bldg Remodel - State Leased -Expensed	0.00	0.00	0.00	0.00	0.00	0.00	
7367- Personal Property - Maint & Repair	0.00	0.00	0.00	969.00	0.00	969.00	
7374- Personal Property-Furn & Equip - Controlled	0.00	0.00	363.90	0.00	0.00	363.90	
7377- Computer Equipment - Expensed	0.00	0.00	0.00	0.00	0.00	0.00	
7378- Computer Equipment - Controlled	0.00	0.00	0.00	0.00	0.00	0.00	
7379- Computer Equipment - Cap (>1,000)	0.00	0.00	0.00	0.00	0.00	0.00	
7380- Computer Software - Expensed	965.16	0.00	0.00	0.00	0.00	965.16	
7382- Books - Expensed	0.00	0.00	48.49	0.00	0.00	48.49	
7806- Interest on Delayed Payment	0.13	0.00	0.00	0.00	0.00	0.13	
7947- Workers Compensation Trnasfer (SORM)	1,008.27	0.00	0.00	0.00	0.00	1,008.27	
7312- Medical Supplies	0.00	0.00	0.00	0.00	0.00	0.00	
7961- STS Transfers-Telecommunications (TexAn)	155.13	0.00	0.00	0.00	0.00	155.13	
7962- STS transfer to GR (CCTS)	427.85	0.00	0.00	0.00	0.00	427.85	
<b>Budget:</b>	<b>21,894.82</b>	<b>7,192.52</b>	<b>3,945.30</b>	<b>14,555.94</b>	<b>854.37</b>	<b>48,442.94</b>	0.00
Expended:	4,595.19	1,148.17	648.19	4,135.71	113.58	10,640.84	
<b>2009 - Balance Other Operating Expense:</b>	<b>17,299.63</b>	<b>6,044.35</b>	<b>3,297.11</b>	<b>10,420.23</b>	<b>740.79</b>	<b>37,802.10</b>	<b>78%</b>
Grants:							
7623 Grants							
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>17,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>17,500.00</b>	0.00
Expended:	0.00	0.00	5,135.05	0.00	0.00	5,135.05	
<b>4000 - Balance Grants:</b>	<b>0.00</b>	<b>0.00</b>	<b>12,364.95</b>	<b>0.00</b>	<b>0.00</b>	<b>12,364.95</b>	<b>71%</b>
Capital Expenditures:							
7341 Real Property - Capitalized	0.00	0.00	0.00		0.00	0.00	
7361 Personal Property-Capitalized	0.00	0.00	0.00	0.00	0.00	0.00	
7373 Personal Property-furn&equip-Cap	0.00	0.00	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
Expended:	0.00	0.00	0.00	0.00	0.00	0.00	
<b>5000 - Balance Capital Expenditures:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
<b>Budget:</b>	<b>44,838.75</b>	<b>427,681.66</b>	<b>213,968.09</b>	<b>267,540.08</b>	<b>47,518.47</b>	<b>1,001,547.06</b>	0.00
Expended:	6,582.87	103,645.46	38,412.41	63,384.24	11,689.60	223,714.58	
<b>TOTAL BALANCE</b>	<b>38,255.88</b>	<b>324,036.20</b>	<b>175,555.68</b>	<b>204,155.84</b>	<b>35,828.87</b>	<b>777,832.48</b>	<b>78%</b>

**Texas Commission on Fire Protection**  
**Fiscal Year 2014 - Operating Budget**

*Thru: November 30, 2013*

## Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%	
	<b>Budget:</b>	<b>520,101.26</b>	<b>188,352.00</b>	<b>0.00</b>	<b>708,453.26</b>	0.00
	Expended:	130,270.70	37,973.01	0.00	168,243.71	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>389,830.56</b>	<b>150,378.99</b>	<b>0.00</b>	<b>540,209.55</b>	<b>76%</b>	
Other Personnel Costs:						
7004- Non-Permanent Full-Time Employee	0.00	0.00	0.00	0.00		
7017- One-Time Merit	0.00	0.00	0.00	0.00		
7022- Longevity Pay	2,020.00	1,500.00	0.00	3,520.00		
7023- Lump Sum Termination	0.00	0.00	0.00	0.00		
7040- ERS Retirement Contribution	569.36	189.87	0.00	759.23		
7984- Unemployment/TWC	880.00	0.00	0.00	880.00		
	<b>Budget:</b>	<b>16,078.30</b>	<b>23,624.66</b>	<b>0.00</b>	<b>39,702.96</b>	0.00
	Expended:	3,469.36	1,689.87	0.00	5,159.23	
<b>1002 - Balance Other Personnel Costs</b>	<b>12,608.94</b>	<b>21,934.79</b>	<b>0.00</b>	<b>34,543.73</b>	<b>87%</b>	
Professional Fees and Services:						
7242- Consulting Services - IT Computer	0.00	0.00	0.00	0.00		
7245- Financial & Accounting Services	0.00	774.00	0.00	774.00		
7253- Other Professional Fees (EAP)	0.00	0.00	0.00	0.00		
7274- Temporary Employment Agencies	0.00	0.00	0.00	0.00		
7275- Computer Programming Services	0.00	0.00	0.00	0.00		
	<b>Budget:</b>	<b>2,323.00</b>	<b>7,526.00</b>	<b>0.00</b>	<b>9,849.00</b>	0.00
	Expended:	0.00	774.00	0.00	774.00	
<b>2001 - Balance Professional Fees and Services:</b>	<b>2,323.00</b>	<b>6,752.00</b>	<b>0.00</b>	<b>9,075.00</b>	<b>92%</b>	
	<b>Budget:</b>	<b>1,549.40</b>	<b>2,522.00</b>	<b>0.00</b>	<b>4,071.40</b>	0.00
	Expended:	270.36	227.22	0.00	497.58	
<b>2003 - (7300) Balance Consumable Supplies:</b>	<b>1,279.04</b>	<b>2,294.78</b>	<b>0.00</b>	<b>3,573.82</b>	<b>88%</b>	
Utilities:						
7517- Telecommunications Equipment	0.00	0.00	0.00	0.00		
7503- Telecommunications-Long Distance	0.00	0.00	0.00	0.00		
7504- Telecommunications-Monthly Charge	0.00	0.00	0.00	0.00		
7514- Telecommunications-Maint & Repair	0.00	0.00	0.00	0.00		
7516- Telecommunications-Other Charges (reg voice/internet)	0.00	0.00	0.00	0.00		
7510- Telecommunications Parts & Supplies	0.00	0.00	0.00	0.00		
	<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0.00
	Expended:	0.00	0.00	0.00	0.00	
<b>2004 - Balance Utilities:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>	
Travel:						
7101- Travel I/S - Public Transportation Fares	73.00	0.00	3,266.97	3,339.97		
7102- Mileage	0.00	0.00	3,098.58	3,098.58		
7104- Travel I/S - Actual Expense Overnight	0.00	0.00	0.00	0.00		
7105- Travel I/S - Incidental Expenses	61.98	0.00	283.28	345.26		
7106- Travel I/S - Meals & Lodging	121.42	0.00	0.00	121.42		
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	0.00	6.04	6.04		
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	2,127.70	2,127.70		
7111- Travel OOS - Public Transportation Fares	0.00	0.00	0.00	0.00		
7112- Travel OOS - Mileage	0.00	0.00	0.00	0.00		
7115- Travel OOS - Incidental Expenses	0.00	0.00	0.00	0.00		
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	0.00		
7135- Travel I/S - State Occupancy Tax	5.82	0.00	44.70	50.52		
7136- Travel I/S - State Occupancy Tax Galveston	0.00	0.00	0.00	0.00		
	<b>Budget:</b>	<b>4,000.00</b>	<b>350.00</b>	<b>26,600.00</b>	<b>30,950.00</b>	0.00
	Expended:	262.22	0.00	8,827.27	9,089.49	
<b>2005 - Balance Travel:</b>	<b>3,737.78</b>	<b>350.00</b>	<b>17,772.73</b>	<b>21,860.51</b>	<b>71%</b>	
	<b>Budget:</b>	<b>240.00</b>	<b>7.00</b>	<b>0.00</b>	<b>247.00</b>	0
	Expended:	120.00	6.96	0.00	126.96	
<b>2006 - (7470) Balance Rent - Building (storage):</b>	<b>120.00</b>	<b>0.04</b>	<b>0.00</b>	<b>120.04</b>	<b>49%</b>	

**Texas Commission on Fire Protection**  
**Fiscal Year 2014 - Operating Budget**

*Thru: November 30, 2013*

### Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0.00	860.64	0.00	860.64	
7411- Rental - Computer Equipment	0.00	384.33	0.00	384.33	
<b>Budget:</b>	<b>0.00</b>	<b>5,840.36</b>	<b>0.00</b>	<b>5,840.36</b>	0.00
Expended:	0.00	1,244.97	0.00	1,244.97	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>0.00</b>	<b>4,595.39</b>	<b>0.00</b>	<b>4,595.39</b>	<b>79%</b>
Other Operating Expense:					
7042- ERS Insurance Payment	1,302.73	379.74	0.00	1,682.47	
7071- Employee Moving Expense	0.00	0.00	0.00	0.00	
7201- Membership Dues	0.00	0.00	0.00	0.00	
7203- Registration Fees-Employee Training	723.50	0.00	0.00	723.50	
7210- Fees & Other Charges (DPS)	0.00	0.00	0.00	0.00	
7211- Awards	0.00	0.00	0.00	0.00	
7216- Insurance Premiums - appvd by oag				0.00	
7262- Maint & Repair - Computer Software	0.00	1,282.45	0.00	1,282.45	
7266- Maint & Repair - Building	0.00	0.00	0.00	0.00	
7267- Maint & Repair - Computer Equipment	0.00	0.00	0.00	0.00	
7273- Reproduction & Printing	0.00	0.00	0.00	0.00	
7276- Communication Services (T-1 Line)	0.00	0.00	0.00	0.00	
7281- Advertising Services	0.00	0.00	0.00	0.00	
7286- Freight & Delivery Services	0.00	0.00	0.00	0.00	
7291- Postage & Postal Services	0.00	156.60	0.00	156.60	
7299- Purchased Contracted Services	0.00	0.00	0.00	0.00	
7303- Subscriptions, Periodicals and Info Services	0.00	0.00	0.00	0.00	
7312- Medical Supplies	0.00	0.00	0.00	0.00	
7328- supp. /mater. -constr/hardware	0.00	0.00	0.00	0.00	
7330- Parts -equip, furn	0.00	0.00	0.00	0.00	
7334- Furnishings & Equipment -Expensed	0.00	0.00	0.00	0.00	
7335- Parts -Computer Equipment - Expensed	0.00	0.00	0.00	0.00	
7354- Bldg Remodel - State Leased -Expensed	0.00	0.00	0.00	0.00	
7367- Personal Property - Maint & Repair	0.00	0.00	0.00	0.00	
7374- Personal Property-Furn & Equip - Controlled	0.00	0.00	0.00	0.00	
7377- Computer Equipment - Expensed	181.95	0.00	0.00	181.95	
7378- Computer Equipment - Controlled	0.00	0.00	0.00	0.00	
7379- Computer Equipment - Cap (>1,000)	0.00	0.00	0.00	0.00	
7380- Computer Software - Expensed	0.00	681.29	0.00	681.29	
7382- Books - Expensed	0.00	0.00	0.00	0.00	
7806- Interest on Delayed Payment	0.00	0.09	0.00	0.09	
7947- Workers Compensation Transfer (SORM)	0.00	711.72	0.00	711.72	
7354- Bldg Remodel - State Leased -Expensed	0.00	0.00	0.00	0.00	
7961- STS Transfers-Telecommunications (TexAn)	0.00	109.50	0.00	109.50	
7962- STS transfer to GR (CCTS)	0.00	302.01	0.00	302.01	
<b>Budget:</b>	<b>12,409.59</b>	<b>17,657.42</b>	<b>0.00</b>	<b>30,067.01</b>	0.00
Expended:	2,208.18	3,623.40	0.00	5,831.58	
<b>2009 - Balance Other Operating Expense:</b>	<b>10,201.41</b>	<b>14,034.02</b>	<b>0.00</b>	<b>24,235.43</b>	<b>81%</b>
Capital Expenditures:					
7341 Real Property - Capitalized	0.00	0.00	0.00	0.00	
7361 Personal Property-Capitalized	0.00	0.00	0.00	0.00	
7373 Personal Property-furn&equip-Cap	0.00	0.00	0.00	0.00	
<b>Budget:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	0
Expended:	0.00	0.00	0.00	0.00	
<b>5000 - Balance Capital Expenditures:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>#DIV/0!</b>
<b>Budget:</b>	<b>556,701.55</b>	<b>245,879.44</b>	<b>26,600.00</b>	<b>829,180.99</b>	0.00
Expended:	136,600.82	45,539.43	8,827.27	190,967.52	
<b>TOTAL - BALANCE</b>	<b>420,100.73</b>	<b>200,340.01</b>	<b>17,772.73</b>	<b>638,213.47</b>	<b>77%</b>



**Texas Commission on Fire Protection  
Strategy Budget Transfer  
Request Form**

Fiscal Year: 14 Transfer Number: 01 Date Transferred: 11/12/13

Justification for additional funds or transfer of funds (check one):

Increase in Cost  
 Unforeseen Expense  
 Other budget transfer

Explanation: X This transfer is to cover end of the year expenses in fund 0001.

**FROM:**

Appropriation Number	Strategy Name	Current Budget	DEBIT Amount	Revised Budget
13014	Standards and Certification	\$1,115,267	\$131,220	\$984,047

Amount Appropriated To Strategy	Cumulative Amount Transferred In Fiscal Year	Percent Transferred in Fiscal Year
13014 \$1,115,267	(\$131,220)	(11.77%)

\_\_\_\_\_  
(Division Director Signature)

\_\_\_\_\_  
(Date)

Mary Hunt  
(Budget Manager Signature)

11-12-13  
(Date)

**TO:**

Appropriation Number	Strategy Name	Current Budget	CREDIT Amount	Revised Budget
13008	Fire Safety Information Program	\$108,561	\$6,770	\$115,331
13800	Indirect Administration	\$704,731	\$124,450	\$829,181

\_\_\_\_\_  
(Division Director Signature)

\_\_\_\_\_  
(Date)

[Signature]  
(Executive Director Signature)

11/12/13  
(Date)

- 4. Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.**

5. **Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas A&M Texas Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, and the State Fire Marshal's Office.**

- 6. Discussion and possible action concerning reports by the commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

- 7. Discussion and possible action concerning report from the Commission representative to the Homeland Security Council.**

8. **New matters from the commission, staff, or public which may be discussed in future commission meetings.**

**9. Discussion and possible action on future meeting dates.**

- 10. Discussion and possible action on presentation from the Texas Fire Chief's Association regarding the Fire Chief's Academy program, and Fire Officer III and IV commission certification.**

**11. Discussion and possible action on the National Fire Protection Association (NFPA) 1851 Standard.**

**12. Discussion and possible action on request from Danny Kistner regarding Life Safety Initiative number nine with regards to a statewide tracking program.**

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## LifeSAFETYInitiatives.com

### Firefighter Life Safety Initiative Tools & Resources

#### The 16 Firefighter Life Safety Initiatives

1. Define and advocate the need for a cultural change within the fire service relating to safety, incorporating leadership, management, supervision, accountability and personal responsibility.
2. Enhance the personal and organizational accountability for health and safety throughout the fire service.
3. Focus greater attention on the integration of risk management with incident management at all levels, including strategic, tactical, and planning responsibilities.
4. All firefighters must be empowered to stop unsafe practices.
5. Develop and implement national standards for training, qualifications, and certification (including regular recertification) that are equally applicable to all firefighters based on the duties they are expected to perform.
6. Develop and implement national medical and physical fitness standards that are equally applicable to all firefighters, based on the duties they are expected to perform.
7. Create a national research agenda and data collection system that relates to the initiatives.
8. Utilize available technology wherever it can produce higher levels of health and safety.
9. Thoroughly investigate all firefighter fatalities, injuries, and near misses.
10. Grant programs should support the implementation of safe practices and/or mandate safe practices as an eligibility requirement.
11. National standards for emergency response policies and procedures should be developed and championed.
12. National protocols for response to violent incidents should be developed and championed.
13. Firefighters and their families must have access to counseling and psychological support.
14. Public education must receive more resources and be championed as a critical fire and life safety program.
15. Advocacy must be strengthened for the enforcement of codes and the installation of home fire sprinklers.
16. Safety must be a primary consideration in the design of apparatus and equipment.

#### Firefighter Life Safety Initiatives Resources



#### Watch Media Resources:

- » [Overview & Explanation: View | Download](#)
- » [Initiative 1: Culture - View | Download](#)
- » [Initiatives 1 - 4 - View | Download](#)
- » [Initiatives 5 - 8 - View | Download](#)
- » [Initiatives 9 - 12 - View | Download](#)
- » [Initiatives 13 - 16 - View | Download](#)

#### Related Resources:

- » [16 Initiatives in Español](#)
- » [Power Point Presentations: Part 1 | Part 2](#)
- » [Resolution: Home Fire Sprinklers \(Initiative 15\)](#)

#### In Print:

- » [16 Firefighter Life Safety Initiatives Handout](#)
- » [16 Firefighter Life Safety Initiatives Poster](#)
- » [Everyone Goes Home® Bookmark](#)

#### For Your Computer:

- » [16 Initiatives Desktop Wallpaper](#)

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13. Discussion and possible action on request from Danny Kistner regarding Title 37, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, §429.201, Minimum Standards for Fire Inspector Personnel, §429.203, Minimum Standards for Basic Fire Inspector Certification, §429.205, Minimum Standards for Intermediate Fire Inspector Certification, §429.207, Minimum Standards for Advanced Fire Inspector Certification, and §429.2112, International Fire Service Accreditation Congress (IFSAC) Seal.

## CHAPTER 429

### MINIMUM STANDARDS FOR FIRE INSPECTORS

#### SUBCHAPTER B

#### MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

##### **§429.201 Minimum Standards for Fire Inspector Personnel.**

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties must be certified, as a minimum, as a basic fire inspector as specified in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification) within one year of initial appointment to such position.
- (b) Prior to being appointed to fire code enforcement duties, all personnel must complete a Commission-approved basic fire inspection training program and successfully pass the Commission examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification shall be required to comply with the continuing education requirements in §441.13 of this title (relating to Continuing Education for Fire Inspection Personnel).
- (d) Code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.

##### **§429.203 Minimum Standards for Basic Fire Inspector Certification.**

In order to be certified as a basic fire inspector, an individual must:

- (1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Inspector I, Inspector II, and Plans Examiner I; or
- (2) complete a Commission-approved Basic Fire Inspector program and successfully pass the Commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic fire inspection training program shall consist of one or any combination of the following:
  - (A) completion of the Commission-approved Basic Fire Inspector Curriculum, as specified in Chapter 4 of the Commission's Certification Curriculum Manual; or
  - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the Commission for evaluation and found to meet the minimum requirements as listed in the Commission-approved Basic Fire Inspector Curriculum as specified in Chapter 4 of the Commission's Certification Curriculum Manual; or
  - (C) successful completion of the following college courses:
    - (i) Fire Protection Systems, three semester hours;
    - (ii) Fire Prevention Codes and Inspections, three semester hours;
    - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
    - (iv) Hazardous Materials I, II, or III, three semester hours. (Total semester hours, 12).

**§429.205 Minimum Standards for Intermediate Fire Inspector Certification.**

- (a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:
- (1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification); and
  - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
    - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
    - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
    - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

**§429.207 Minimum Standards for Advanced Fire Inspector Certification.**

- (a) Applicants for Advanced Fire Inspector Certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector Certification); and
  - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
    - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
    - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
    - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)

- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

**§429.209 Minimum Standards for Master Fire Inspector Certification.**

- (a) Applicants for Master Fire Inspector Certification must complete the following requirements:
  - (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
  - (2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Inspector Certification.

**§429.211 International Fire Service Accreditation Congress (IFSAC) Seal.**

- (a) Individuals who hold commission Fire Inspector certification prior to January 1, 2005, may be granted International Fire Service Accreditation Congress (IFSAC) seals for Inspector I and Inspector II by making application to the commission for the IFSAC seals and paying applicable fees.
- (b) Individuals who hold commission Fire Inspector certification prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.
- (c) Individuals who pass the applicable section of the state examination on or after January 1, 2005, may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:
  - (1) To receive the IFSAC Inspector I seal, the individual must:
    - (A) complete the Inspector I section of a commission-approved course; and
    - (B) pass the Inspector I section of a commission examination.
  - (2) To receive the IFSAC Inspector II seal, the individual must:
    - (A) complete the Inspector II section of a commission-approved course;
    - (B) document possession of an IFSAC Inspector I seal; and
    - (C) pass the Inspector II section of a commission examination.
  - (3) To receive the IFSAC Plan Examiner I seal, the individual must:
    - (A) complete the Plan Examiner I section of a commission-approved course; and

(B) pass the Plan Examiner I section of a commission examination.

14. Discussion and possible action on the report from the Executive Director regarding findings and scope of work related to a commission study on the administrative attachment of the commission to another state agency.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 1. Proposed amendments to Title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement to be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.**

**CHAPTER 421**  
**STANDARDS FOR CERTIFICATION**

**§421.1 Procedures for Meetings.**

- (a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.
- (b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.
- (c) Quorum. A majority of members shall constitute a quorum.
- (d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.
- (e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.
- (f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.
- (g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.
- (h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

**§421.3 Minimum Standards Set by the Commission.**

- (a) General statement. It shall be clearly understood that the specified minimum standards described in this section are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.
- (b) Functional position descriptions.

- (1) Structural Fire Protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. Successfully complete a commission approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.
  - (B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the commission's Certification Curriculum Manual.
- (2) Aircraft Rescue Fire Fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.
  - (B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the commission's Certification Curriculum Manual.
- (3) Marine Fire Protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the commission's Certification Curriculum Manual.

(4) Fire Inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the commission's Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and

moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

- (B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the commission's Certification Curriculum Manual.
- (6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a commission approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.
- (B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the commission's Certification Curriculum Manual.
- (7) Hazardous Materials Incident Commander personnel. The following general position description for Hazardous Materials Incident Commander serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Hazardous Materials Incident Commander operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for awareness and operations level personnel, the Hazardous Materials Incident Commander is an individual who has met all the job performance requirements of Hazardous Materials Incident Commander as defined in Chapter 8 of NFPA 472, Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction. The individual should demonstrate knowledge in the policies, plans, and procedures regarding hazardous materials response as adopted by the local jurisdiction; and all components of the incident command system and their proper utilization.
- (B) Competency. In addition to the competencies of awareness and operations level personnel, a Hazardous Materials Incident Commander must demonstrate competency in such areas as: analyzing an incident via the collection of information and an estimation of potential outcomes; planning appropriate response operations; implementing a planned response; evaluating the progress of a planned response and revising as necessary; terminating an incident; conducting a post-incident critique; and reporting and documenting an incident in a manner consistent with local, state, and federal requirements.
- (8) Driver/Operator-Pumper personnel. The following general position description for driver/operator-pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator-pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions;

ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.

(B) Competency. A driver/operator-pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the commission's Certification Curriculum Manual.

(9) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(10) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(11) Fire Officer III personnel. The following general position description for Fire Officer III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions. In addition to the qualifications and competency for Fire

Officer II, the Fire Officer III is an individual who has met all the job performance requirements of Fire Officer III as defined in Chapter 6 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

(B) Competency. A Fire Officer III must demonstrate competency doing research; analyzing data and using evaluative techniques; developing proposals; developing, preparing, and implementing various procedures and programs within an organization; managing personnel resources; preparing and managing budgets; utilizing techniques to encourage personnel participation and development; and working in top-level positions within the incident command system.

(12) Fire Officer IV personnel. The following general position description for Fire Officer IV personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer IV operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions. In addition to the qualifications and competency for Fire Officer III, the Fire Officer IV is an individual who has met all the job performance requirements of Fire Officer IV as defined in Chapter 7 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer IV level include: administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

(B) Competency. A Fire Officer IV must demonstrate competency in appraising and evaluating departmental programs to ensure adherence to current laws and best practices; developing medium and long-range plans for organizations; and assuming a top-level leadership role in both the organization and community.

(13) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-

keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(14) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(15) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(16) Incident Safety Officer personnel. The following general position description for Incident Safety Officer personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Incident Safety Officer operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, Standard for Fire Officer Professional Qualifications and Chapter 6 of NFPA 1521, Standard for Fire Department Safety Officer and has the knowledge, skill, and abilities to manage incident scene safety. Typical Incident Safety Officer duties include risk and resource evaluation; hazard identification and communication; action plan reviews; safety briefings; accident investigation; post incident analysis; and participation in safety committee activities.

(B) Competency. An Incident Safety Officer must demonstrate competency in management of incident scene safety through a working knowledge of the various emergency operations as prescribed by the local jurisdiction; an understanding of building construction; fire

science and fire behavior; managing an organization's personnel accountability system; and incident scene rehabilitation methodology.

(17) Basic Wildland Fire Protection personnel. The following general position description for Basic Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Basic Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Basic Wildland Fire Fighter is an individual who has met the requirements of Chapter 5 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: wildland fire behavior; fireline safety and use; limitations of personal protective equipment; fire shelter use; fire suppression tactics and techniques in wildland settings; and have an understanding of the fire fighter's role within the local incident management system.

(B) Competency. A Basic Wildland Fire Fighter must demonstrate competency in such areas as: maintaining personal protective equipment and assigned fire suppression tools and equipment; the ability to quickly prepare for a response when notified; recognizing hazards and unsafe situations in a wildland fire; securing a fire line; mopping up a fire area; and patrolling a fire area so as to ensure fire control.

(18) Intermediate Wildland Fire Protection personnel. The following general position description for Intermediate Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Intermediate Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications and competency for the Basic Wildland Fire Fighter, the Intermediate Wildland Fire Fighter is an individual who has met the requirements of Chapter 6 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: basic map reading; use of a locating device such as a compass; radio procedures as adopted by the local jurisdiction; and record keeping.

(B) Competency. An Intermediate Wildland Fire Fighter must demonstrate competency in such areas as: the ability to lead a team of fire fighters in the performance of assigned tasks while maintaining the safety of personnel; implementing appropriate fireline construction methods and other techniques for protection of exposed property; operation of water delivery equipment; securing an area of suspected fire origin and associated evidence; and serving as a lookout in a wildland fire.

#### **§421.5 Definitions**

The following words and terms, when used in the Standards Manual, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the commission. The types of appointments are:

- (A) permanent appointment--the designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, **Chapter 419**, §419.032); and
- (B) probationary or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the commission's certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, **Chapter 419**, §419.032).
- (3) Approved training--Any training used for a higher level of certification must be approved by the commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.
- (4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the commission and has been permanently appointed, as defined in this section, to the particular discipline.
- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).
- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.
- (12) Commission--Texas Commission on Fire Protection.

(13) Commission-recognized training--A curriculum or training program which carries written approval from the commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.

(14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).

(15) Expired--Any certification that has not been renewed on or before the end of the certification period.

(16) Federal fire fighter--A person as defined in the Texas Government Code, **Chapter 419, §419.084(h)**.

(17) Fire chief--The head of a fire department.

(18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.

(19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.

**(20) [Fire Safety Inspection – Also called a fire code inspection.] Fire Code Inspection- Also called Fire Safety Inspection as referenced in Texas Government Code, Chapter 419, §419.909. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code. A determination of failure to comply with the adopted fire code may result in the issuance of citations or the invoking of other remedies so as to ensure compliance.**

**(21)[(20)]** Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.

**(22)[(24)]** Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.

**(23)[(22)]** Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.

**(24)[(23)]** High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.

**(25)[(24)]** Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

**(26)[(25)]** Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

**(27)** ~~[(26)]~~ Instructor:

- (A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.
- (B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.
- (C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.

**(28)** ~~[(27)]~~ Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155)

**(29)** ~~[(28)]~~ Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.

**(30)** ~~[(29)]~~ National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

**(31)** ~~[(30)]~~ National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.

**(32)** ~~[(31)]~~ National Wildfire Coordinating Group (NWCG)--An Operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies

**(33)** ~~[(32)]~~ Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

**(34)** ~~[(33)]~~ Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

**(35)** ~~[(34)]~~ Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

**(36)** ~~[(35)]~~ Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

**(37)** ~~[(36)]~~ Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982, and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

**(38)**~~(37)~~ Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;
- (E) levee improvement district;
- (F) drainage district;
- (G) irrigation district;
- (H) water improvement district;
- (I) water control and improvement district;
- (J) water control and preservation district;
- (K) freshwater supply district;
- (L) navigation district;
- (M) conservation and reclamation district;
- (N) soil conservation district;
- (O) communication district;
- (P) public health district;
- (Q) river authority;
- (R) municipal utility district;
- (S) transit authority;
- (T) hospital district;
- (U) emergency services district;
- (V) rural fire prevention district; and
- (W) any other governmental entity that:
  - (i) embraces a geographical area with a defined boundary;
  - (ii) exists for the purpose of discharging functions of the government; and
  - (iii) possesses authority for subordinate self-government through officers selected by it.

**(39)**~~(38)~~ Reciprocity for IFSAC seals--Valid documentation of accreditation from the International Fire Service Accreditation Congress used for commission certification may only be used for obtaining an initial certification.

**(40)**~~(39)~~ Recognition of training--A document issued by the commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.

**(41)**~~(40)~~ School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

**(42)**~~(41)~~ Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

**(43)**~~(42)~~ Trainee--An individual who is participating in a commission approved training program.

**(44)**~~(43)~~ Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

**(45)**~~(44)~~ Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the commission.

**(46)**~~(45)~~ Years of experience--For purposes of higher levels of certification or fire service instructor certification:

- (A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:
  - (i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
  - (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
  - (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or
  - (iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of

at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

- (B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

**§421.9 Designation of Fire Protection Duties.**

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
- (1) fire protection personnel;
  - (2) a part-time fire protection employee; or
  - (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.
- (c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

**§421.11 Requirement To Be Certified Within One Year.**

- (a) Fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the Commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable Commission examination, whichever is less. The Commission shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's

fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.

- (b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

#### **§421.13 Individual Certificate Holders.**

- (a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.
- (b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

#### **§421.15 Extension of Training Period.**

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;
- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the commission, the extension shall become effective immediately; and
- (3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

#### **§421.17 Requirement to Maintain Certification.**

- (a) All full-time or part-time employees of a fire department or local government who are assigned duties identified as fire protection personnel duties must maintain certification by the commission in the discipline(s) to which they are assigned for the duration of their assignment.
- (b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the commission standards manual.
- (c) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).
- (d) The commission will provide proof of current certification to individuals whose certification has been renewed.

- (e) All certificate holders are subject to the requirements of §57.491 of the Texas Education Code regarding license renewal and default on student loans.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited to, §427.301, General Provisions for Training Programs--On-Site and Distance Training Providers, §427.303, Training Approval process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, and §427.307, On-Site and Distance Training Provider Staff Requirements.**

**CHAPTER 427**

**TRAINING FACILITY CERTIFICATION**

**SUBCHAPTER C**

**TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS**

**§427.307 On-Site and Distance Training Provider Staff Requirements.**

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline, except as stated in subsections (h)(2) and (i)(2) of this section.
- (d) Guest instructors are not required to be certified as instructors. ~~[ A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training. Guest instructors shall teach under the endorsement of the lead instructor.]~~
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
  - (1) Hold a Fire Service Instructor II or higher; or
  - (2) A Bachelor's degree with the following:
    - (A) ~~as~~As a minimum, a minor in education; and
    - (B) ~~three~~Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
  - (3) An Associate's degree with the following:
    - (A) twelve semester hours of education instructional courses; and
    - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.
- (g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:

(1) Hold a Fire Service Instructor III; or

(2)[A Bachelor's degree with the following:

(A) **as**[As] a minimum, a minor in education; and

(B) **three**[Three] years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or

(3) An Associate's degree with the following:

(A) twelve semester hours of education instructional courses; and

(B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(h) In order to teach a certification course for Basic Wildland Fire Protection:

(1) The unit instructor must hold Basic Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.

(2) The lead instructor must hold Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.

(3) The lead instructor must be present in any class being taught.

(i) In order to teach a certification course for Intermediate Wildland Fire Protection:

(1) The unit instructor must hold an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.

(2) The lead instructor must hold an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.

(3) The lead instructor must be present in any class being taught.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 3. Proposed amendments to title 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.1, Minimum Standards for Arson Investigation Personnel, §431.3, Minimum Standards for Basic Arson Investigator Certification, §431.5, Minimum Standards for Intermediate Arson Investigator Certification, §431.7, Minimum Standards for Advanced Arson Investigator Certification, §431.9, Minimum Standards for Master Arson Investigator Certification, §431.11, Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel, and §431.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, §431.201, Minimum Standards for Fire Investigation Personnel, §431.203, Minimum Standards for Fire Investigator Certification, §431.205, Minimum Standards for Intermediate Fire Investigator Certification, §431.207, Minimum Standards for Advanced Fire Investigator Certification, §431.209, Minimum Standards for Master Fire Investigator Certification, and §431.211, International Fire Service Accreditation Congress (IFSAC Seal—Fire Investigator**

## CHAPTER 431

### FIRE INVESTIGATION

#### SUBCHAPTER A

#### MINIMUM STANDARDS FOR ARSON INVESTIGATOR CERTIFICATION

##### **§431.1 Minimum Standards for Arson Investigation Personnel.**

- (a) Fire protection personnel who are appointed arson investigation duties must be certified, as a minimum, as a basic arson investigator as specified in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification) within one year from the date of initial appointment to such position.
- (b) Prior to being appointed to arson investigation duties, fire protection personnel must complete a commission approved basic fire investigator training program, successfully pass the commission examination pertaining to that curriculum, and possess a current peace officer license from the Texas Commission on Law Enforcement ~~[Officer Standards and Education]~~ or document that the individual is a federal law enforcement officer.
- (c) Personnel holding any level of arson investigation certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

##### **§431.3 Minimum Standards for Basic Arson Investigator Certification.**

In order to be certified by the commission~~[Commission]~~ as a Basic Arson Investigator an individual must:

- (1) possess a current basic peace officer's license from the Texas Commission on Law Enforcement~~[Officer Standards and Education]~~ or documentation that the individual is a federal law enforcement officer;
- (2) hold a current license as a peace officer and notify the commission~~[Commission]~~ on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire Investigator; or
- (4) complete a commission~~[Commission]~~ approved basic fire investigation training program and successfully pass the commission~~[Commission]~~ examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved fire investigation training program shall consist of one of the following:
  - (A) completion of the commission~~[Commission]~~ approved Fire Investigator Curriculum, as specified in Chapter 5 of the commission's~~[Commission's]~~ Certification Curriculum Manual;
  - (B) successful completion of an out-of-state, NFA, or military training program which has been submitted to the commission~~[Commission]~~ for evaluation and found to meet the minimum requirements as listed in the commission~~[Commission]~~ approved Fire Investigator Curriculum as specified in Chapter 5 of the commission's~~[Commission's]~~ Certification Curriculum Manual; or

(C) successful completion of the following college courses: Fire and Arson Investigation I or II, 3 semester hours; Hazardous Materials I, II, or III, 3 semester hours; Building Construction in the Fire Service or Building Codes and Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12.

#### **§431.5 Minimum Standards for Intermediate Arson Investigator Certification.**

- (a) Applicants for Intermediate Arson Investigator Certification must complete the following requirements:
- (1) hold as a prerequisite a Basic Arson Investigator Certification as defined in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification); and
  - (2) acquire a minimum of four years of fire protection experience and complete the requirements listed in one of the following options:
    - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
    - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses (See the exception outlined in subsection (c) of this section); or
    - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or
    - (D) Option 4--Hold current Intermediate Peace Officer certification from the Texas Commission on Law Enforcement[ ~~Officer Standards and Education (TCLEOSE)~~] with four additional law enforcement courses applicable for fire investigations (See exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

#### **§431.7 Minimum Standards for Advanced Arson Investigator Certification.**

- (a) Applicants for Advanced Arson Investigator certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Arson Investigator Certification as defined in §431.5 of this title (relating to Minimum Standards for Intermediate Arson Investigator Certification); and
  - (2) acquire a minimum of eight years of fire protection experience and complete the requirements listed in one of the following options:
    - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

- (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses[-] (See the exception outlined in subsection (c) of this section); or
- (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or
- (D) Option 4--Advanced Arson for Profit or Complex Arson Investigative Techniques (Bureau of Alcohol, Tobacco, Firearms, and Explosives resident or field course, 80 hours); or
- (E) Option 5--Hold current Advanced Peace Officer certification from the Texas Commission on Law Enforcement ~~[Officer Standards & Education (TCLEOSE)]~~ with four additional law enforcement courses applicable for fire investigations[-] (See exception outlined in subsection (c) of this section[-]).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

**CHAPTER 431**  
**FIRE INVESTIGATION**  
**SUBCHAPTER B**  
**MINIMUM STANDARDS FOR FIRE INVESTIGATOR CERTIFICATION**

**§431.209 Minimum Standards for Master Fire Investigator Certification.**

- (a) Applicants for Master Fire Investigator Certification must complete the following requirements:
- (1) hold as a prerequisite an Advanced Fire Investigator Certification as defined in §431.207 of this title (relating to Minimum Standards for Advanced Fire Investigator Certification); and
  - (2) acquire a minimum of twelve years of fire protection experience; ~~and~~
  - (3) sixty college semester hours or an associate degree, that must include ~~[which includes]~~ at least eighteen college semester hours in fire science subjects or criminal justice subjects related to fire and/or arson investigation.**
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Investigator Certification.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 4. Proposed amendments to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.1, Purpose and Scope, §437.3, Certification Fees, §437.5, Renewal Fees, §437.7, Standards Manual and Certification Curriculum Manual Fees, §437.11, Copying Fees, and §437.13, Processing Fees for Test Application, §437.15, International Fire Service Accreditation Congress (IFSAC) Seal Fees, and §437.17, Records Review Fees.**

## CHAPTER 437

### FEES

#### §437.1 Purpose and Scope.

- (a) The purpose of this chapter is to set forth requirements governing the fees **charged by the commission** ~~[for the issuance of certificates to fire protection personnel, to establish the procedures for the collection of annual renewal fees and copying fees]~~ as prescribed by **Texas** ~~[the]~~ Government Code, **Chapter 419**, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning ~~[certification fees, renewal fees, and copying]~~ fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.
- (d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service provider.**

#### §437.3 Certification Application Processing Fees.

- (a) A non-refundable application **processing** fee of \$85 is required for each certificate issued by the **commission**.~~[Commission.]~~ If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application **processing** fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification **application processing** fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification **application processing** fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- ~~[(d) Any person who holds a certificate, and is no longer employed by an entity that is regulated by the Commission may submit in writing, a request, together with the required fee to receive a one-time certificate stating the level of certification in each discipline held by the person on the date that person left employment pursuant to the Texas Government Code, §419.033(b). Multiple certifications may be listed on the one-time certificate. The one-time fee for the one-time certificate shall be limited to the maximum amount allowed by §419.033(b) of the Texas Government Code.]~~
- (d)[(e)]** A facility that provides ~~[basic level]~~ training for any discipline for which the **commission** ~~[Commission]~~ has established a **curriculum** ~~[Basic Curriculum]~~ must be certified by the

**commission** [Commission]. The training facility will be charged a separate certification **application processing** fee for each discipline or **level of discipline for which application is made**.

#### §437.5 Renewal Fees.

- (a) A non-refundable annual renewal fee of \$85 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the **commission** [Commission] may collect only one renewal fee of \$85, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for **each individual who is required to possess certification** [all certificates which a person must possess] as a condition of employment]
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person **wishes to renew** [reapplies for] a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) **If renewal payment is submitted by mail, all** [All] certification renewal fees must be **submitted** [returned] with the renewal **invoice** [statement] to the **commission** [Commission].
- (h) All certification renewal fees must be paid on or before the **last day of the certification period (see subsection (i) of this section)** [renewal date posted on the certification renewal statement] to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the **last day of the certification period** [renewal date posted on the renewal notice] will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$42.50 in

addition to the renewal fee for each individual **or training provider** for which a renewal fee was due.

- (k) All certification renewal fees received more than 30 days after the **last day of the certification period** ~~[renewal date posted on the renewal notice]~~ will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$85 in addition to the renewal fee for each individual **or training provider** for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the **commission** ~~[Commission]~~ may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the **commission** ~~[Commission]~~ for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. ~~[All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.]~~
- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with **commission** ~~[Commission]~~ renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
  - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.
- (n) An individual, upon returning from activation to military service, whose certification has expired, must notify the **commission** ~~[Commission]~~ in writing. The individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$85.

#### **§437.7 Standards Manual and Certification Curriculum Manual Fees.**

- (a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.
- (b) The **commission** ~~[Commission]~~ does not provide printed copies of the manuals. A printed copy of the **commission's** ~~[Commission's]~~ standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is [www.west.thomson.com](http://www.west.thomson.com).

#### **§437.15 International Fire Service Accreditation Congress (IFSAC) Seal Fees.**

A non-refundable \$15 fee shall be charged for each IFSAC seal issued by the commission ~~[effective October 1, 2012]~~.

#### **§437.17 Records Review Fees.**

- (a) A non-refundable fee of \$35 shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.

- (b) The fee provided for in this section shall not apply to an individual who holds an advanced **or Fire Fighter II** certificate from the State Firemen's and Fire Marshals' Association of Texas.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

**5. Proposed amendments to title 37 TAC, Chapter 457, Incident Safety Officer, including but not limited to, §457.1, Incident Safety Officer Certification, §457.3, Minimum Standards for Incident Safety Officer Certification, and §457.5, Examination Requirements.**

## CHAPTER 457

### MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION

#### §457.3 Minimum Standards for Incident Safety Officer Certification.

In order to be certified as an Incident Safety Officer an individual must:

- (1) hold commission certification as Fire Officer I; and[;]
  - (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Safety Officer; or
  - (3) complete a **commission** [commission-]approved Incident Safety Officer program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Incident Safety Officer program must consist of one of the following:
    - (A) completion of a **commission** [commission-]approved Incident Safety Officer curriculum as specified in the applicable chapter of the commission's Certification Curriculum Manual; or
    - (B) completion of the National Fire Academy Incident Safety Officer course; or
    - (C) completion of the Fire Department Safety Officers Association Incident Safety Officer course; or
    - (D) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to, or exceeds the **commission** [commission-]approved Incident Safety Officer curriculum.
- ~~[(4) The commission examination requirement is waived for individuals who have completed one of the training programs in paragraph (3)(B) – (D) of this section and apply for certification by August 31, 2013. After this date, individuals must successfully pass the commission examination prior to applying for certification.]~~

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 6. Proposed amendments to Title 37, Chapter 423, Fire Suppression, Subchapter A, Minimum Standards for Structure Fire Protection Personnel Certification, §423.1, Minimum Standards for Structure Fire Protection Personnel, §423.3, Minimum Standards for Basic Structure Fire Protection Personnel Certification, §423.5, Minimum Standards for Intermediate Structure Fire Protection Personnel Certification, §423.7, Minimum Standards for Advanced Structure Fire Protection Personnel Certification, §423.9, Minimum Standards for Master Structure Fire Protection Personnel Certification, §423.11, Higher Levels of Certification, and §423.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.201, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.203, Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification, §423.205, Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification, §423.207, Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification, §423.209, Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certifications, and §423.211, International Fire Service Accreditation Congress (IFSAC) Seal.**

**CHAPTER 423**

**FIRE SUPPRESSION**

**SUBCHAPTER A**

**MINIMUM STANDARDS FOR STRUCTURE FIRE PROTECTION PERSONNEL CERTIFICATION**

**§423.3 Minimum Standards for Basic Structure Fire Protection Personnel Certification.**

(a) In order to become certified as basic structure fire protection personnel, an individual must:

- (1) possess valid documentation [~~of accreditation~~] from the International Fire Service Accreditation Congress **or the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** as: [~~a Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and~~]

**(A) Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and**

**(B)**[(A)] Hazardous Materials Operations Level Responders including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or

**(C)**[(B)] NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and

**(D)**[(C)] must meet the medical requirements outlined in §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel); or

- (2) complete a commission approved basic structure fire suppression program, meet the medical requirements outlined in §423.1(c) of this title, and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic structure fire suppression program shall consist of one or any combination of the following:

(A) completion of a commission approved Basic Fire Suppression Curriculum, as specified in Chapter 1 of the commission's Certification Curriculum Manual; or

(B) completion of an out-of-state, and/or military training program deemed equivalent to the commission approved Basic Fire Suppression Curriculum; or

(C) documentation of the receipt of an advanced certificate or training records from the State Firemen's and Fire Marshals' Association of Texas, that is deemed equivalent to a commission approved Basic Fire Suppression Curriculum.

- (b) A basic fire suppression program may be submitted to the commission for approval by another jurisdiction as required in Texas Government Code, **Chapter 419**, §419.032(d), Appointment of Fire Protection Personnel. These programs include out-of-state and military programs, and shall be deemed equivalent by the commission if the subjects taught, subject content, and total hours of training meet or exceed those contained in Chapter 1 of the commission's Certification Curriculum Manual.

**CHAPTER 423**

**FIRE SUPPRESSION**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR AIRCRAFT RESCUE FIRE FIGHTING PERSONNEL**

**§423.203 Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification.**

In order to obtain a Basic Aircraft Rescue Fire Fighting Personnel Certification the individual must:

- (1) hold a Basic Structure Fire Protection Personnel Certification; and
- (2) possess valid documentation **as an Airport Fire Fighter**~~[of accreditation]~~ from **either**:
  - (A)** the International Fire Service Accreditation Congress ~~[as an Airport Fire Fighter]~~; or
  - (B)** **the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2010 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)**; or
- (3) complete a **commission** ~~[Commission-]~~ approved aircraft rescue fire suppression training program and successfully pass the **commission** ~~[Commission]~~ examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved aircraft rescue fire suppression training program shall consist of one of the following:
  - (A) a **commission** ~~[Commission-]~~ approved Basic Aircraft Rescue Fire Suppression Curriculum as specified in Chapter 2 of the **commission's** ~~[Commission's]~~ Certification Curriculum Manual; **or** ~~[.]~~
  - (B) an out-of-state, and/or military training program that has been submitted to the **commission** ~~[Commission]~~ for evaluation and found to be equivalent to or exceeds the **commission** ~~[Commission-]~~ approved Basic Aircraft Rescue Fire Suppression Curriculum.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 7. Proposed amendments to Title 37 TAC, Chapter 425, Fire Service Instructors, including but not limited to, §425.1, Minimum Standards for Fire Service Instructor Certification, §425.3, Minimum Standards for Fire Service Instructor I Certification, §425.5, Minimum Standards for Fire Service Instructor II Certification, §425.7, Minimum Standards for Fire Service Instructor III Certification, §425.9, Minimum Standards for Master Fire Service Instructor III Certification, and §425.11, International Fire Service Accreditation Congress (IFSAC) Seal.**

## CHAPTER 425

### FIRE SERVICE INSTRUCTORS

#### §425.3 Minimum Standards for Fire Service Instructor I Certification.

In order to become certified as a Fire Service Instructor I an individual must:

- (1) have a minimum of three years of experience (as defined in **§421.5(46)**[§421.5(43)] of this title (relating to Definitions)) in fire protection in one or more or any combination of the following:
  - (A) a paid, volunteer, or regulated non-governmental fire department; or
  - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (2) possess valid documentation **as a Fire Instructor I, II or III** [~~of accreditation~~] from **either**:
  - (A) the International Fire Service Accreditation Congress (IFSAC); or**
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~as a Fire Instructor I or II or III~~]; or
- (3) have completed the appropriate curriculum for Fire Service Instructor I contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (4) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

#### §425.5 Minimum Standards for Fire Service Instructor II Certification.

In order to become certified as a Fire Service Instructor II, an individual must:

- (1) hold as a prerequisite a Fire Instructor I certification as defined in §425.3 of this title (relating to Minimum Standards for Fire Service Instructor I Certification); and
- (2) have a minimum of three years of experience (as defined in **§421.5(46)**[§421.5(43)] of this title (relating to Definitions)) in fire protection in one or more or any combination of the following:
  - (A) a paid, volunteer, or regulated non-governmental fire department; or
  - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) possess valid documentation **as a Fire Instructor I, II or III** [~~of accreditation~~] from **either**:
  - (A) the International Fire Service Accreditation Congress (IFSAC); or**
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard**

**applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [as a Fire Instructor II, or III]; or

- (4) have completed the appropriate curriculum for Fire Service Instructor II contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

**§425.7 Minimum Standards for Fire Service Instructor III Certification.**

In order to become certified as a Fire Service Instructor III an individual must:

- (1) hold as a prerequisite, a Fire Instructor II Certification as defined in §425.5 of this title (relating to Minimum Standards for Fire Service Instructor II Certification); and
- (2) have a minimum of three years of experience (as defined in **§421.5(46)** [~~§421.5(43)~~] of this title (relating to Definitions)) in fire protection in one or more or any combination of the following:
  - (A) a paid, volunteer, or regulated non-governmental fire department; or
  - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor III; or
- (4) have completed the appropriate curriculum for Fire Service Instructor III contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification); and either:
  - (A) hold as a prerequisite an advanced structural fire protection personnel certification, an advanced aircraft fire protection personnel certification, advanced marine fire protection personnel certification, advanced inspector certification, advanced fire investigator, or advanced arson investigator certification; or
  - (B) have 60 college hours from a regionally accredited educational institution; or
  - (C) hold an associate's degree from a regionally accredited educational institution.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 8. Proposed amendments to Title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, §429.201, Minimum Standards for Fire Inspector Personnel, §429.203, Minimum Standards for Basic Fire Inspector Certification, §429.205, Minimum Standards for Intermediate Fire Inspector Certification, §429.207, Minimum Standards for Advanced Fire Inspector Certification, and §429.211, International Fire Service Accreditation Congress (IFSAC) Seal.**

**CHAPTER 429**

**MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION ~~[INSPECTORS]~~**

**~~[SUBCHAPTER B]~~**

**~~[MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION]~~**

**§429.203 Minimum Standards for Basic Fire Inspector Certification.**

In order to be certified as a basic fire inspector, an individual must:

- (1) possess valid documentation **as an Inspector I, Inspector II, and Plan Examiner I** ~~[of accreditation]~~ from **either**:
  - (A)** the International Fire Service Accreditation Congress ; **or**
  - (B)** **the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** ~~[as an Inspector I, Inspector II, and Plans Examiner I]~~; or
- (2) complete a **commission** ~~[Commission-]~~ approved Basic Fire Inspector program and successfully pass the **commission** ~~[Commission]~~ examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic fire inspection training program shall consist of one or any combination of the following:
  - (A) completion of the **commission** ~~[Commission-]~~ approved Basic Fire Inspector Curriculum, as specified in Chapter 4 of the **commission's** ~~[Commission's]~~ Certification Curriculum Manual; or
  - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the **commission** ~~[Commission]~~ for evaluation and found to meet the minimum requirements as listed in the **commission** ~~[Commission-]~~ approved Basic Fire Inspector Curriculum as specified in Chapter 4 of the **commission's** ~~[Commission's]~~ Certification Curriculum Manual; or
  - (C) successful completion of the following college courses:
    - (i) Fire Protection Systems, three semester hours;
    - (ii) Fire Prevention Codes and Inspections, three semester hours;
    - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
    - (iv) Hazardous Materials I, II, or III, three semester hours~~[.]~~ (**total**~~[Total]~~ semester hours, 12).

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 9. Proposed amendments to Title 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper, §433.1, Driver/Operator-Pumper Certification, §433.3, Minimum Standards for Driver/Operator-Pumper Certification, §433.5, Examination Requirements, and §433.7, International Fire Service Accreditation Congress (IFSAC) Seal.**

## CHAPTER 433

### MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER

#### §433.3 Minimum Standards for Driver/Operator-Pumper Certification.

(a) In order to obtain Driver/Operator-Pumper certification, the individual must:

(1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(2) possess[~~posses~~] valid documentation as a Driver/Operator-Pumper [~~of accreditation~~] from either:

(A) the International Fire Service Accreditation Congress; or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as Driver/Operator-Pumper~~]; or

(3) complete a commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum and successfully pass the commission [~~Commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-pumper program must consist of one of the following:

(A) complete a commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum as specified in Chapter 7 of the commission's [~~Commission's~~] Certification Curriculum Manual;[-]

(B) complete an out-of-state training program that has been submitted to the commission [~~Commission~~] for evaluation and found to be equivalent to or exceeds the commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum; or[-]

(C) complete a military training program that has been submitted to the commission [~~Commission~~] for evaluation and found to be equivalent to or exceeds the commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum.

(b) Out-of-state or military training programs, which are submitted to the commission [~~Commission~~] for the purpose of determining equivalency, will be considered equivalent if all competencies set forth in Chapter 7 (pertaining to Driver/Operator-Pumper) of the commission's [~~Commission's~~] Certification Curriculum Manual are met.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

**10. Proposed amendments to Title 37 TAC, Chapter 439, Examinations For Certification, Subchapter A, Examinations For On-Site Delivery Training, §439.1, Requirements—General, §439.3 Definitions, §439.5, Procedures, §439.7, Eligibility, §439.9, Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing, and §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201 Requirements—General, §439.203, Procedures, and §439.205 Performance Skill Evaluation.**

CHAPTER 439  
EXAMINATIONS FOR CERTIFICATION  
SUBCHAPTER A  
EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

**§439.1 Requirements—General.**

- (a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with ~~[the]~~ **commission rules** and; **as applicable, with:** ~~[International Fire Service Accreditation Congress (IFSAC) regulations. It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of any state examination (or portion thereof) for which they are responsible.]~~
- (1) International Fire Service Accreditation Congress (IFSAC) regulations; or**
- (2) National Board on Fire Service Professional Qualifications (Pro Board) regulations for examinations administered by the Texas A&M Engineering Extension Service. Only Pro Board examinations administered by the Texas A&M Engineering Extension Service will be accepted by the commission for certification. In order for a Pro Board document to be accepted for certification, it must:**
- (A) List the commission issued course approval number for which the examination was conducted;**
- (B) Indicate that the examination was conducted in English; and**
- (C) List any special accommodations provided to the examinee. The commission may not issue a certificate for an examination conducted under special accommodations other than those specified in §439.13 of this title (relating to Special Accommodations for Testing).**
- (b) It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of the state certification examination process (or portion thereof) for which they are responsible.**
- (c) The commission shall reserve the authority to conduct an annual review of Pro Board examinations, procedures, test banks, and facilities utilized by the Texas A&M Engineering Extension Service. The commission may also conduct a review at any time for cause and as deemed necessary to ensure the integrity of the certification examination process.**
- (d) ~~(b)~~ Exams will be based on the job performance requirements and knowledge and skill components of the applicable NFPA standard for that discipline, if a standard exists and has been adopted by the commission. If a standard does not exist or has not been adopted by the commission, the exam will be based on** ~~curricula as currently adopted in the commission's Certification Curriculum Manual~~
- (e) ~~(c)~~ Commission examinations that receive a passing grade shall expire two years from the date of the examination.**
- ~~[(d) The commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.]~~

**(f)** ~~[(1)]~~ An examination **for Basic Structure Fire Protection shall** ~~[based on Chapter 1, "Basic Fire Suppression Curriculum" as identified in the Certification Curriculum Manual may]~~ consist of four sections: Fire Fighter I, Fire Fighter II, **Hazardous Materials Awareness Level, and Hazardous Materials Operations Level including the Mission-Specific Competencies for Personal Protective Equipment and Product Control.** ~~[First Responder Awareness, and First Responder Operations].~~

**(g)** ~~[(2)]~~ An examination **for Basic Fire Inspector shall** ~~[based on Chapter 4, "Basic Fire Inspector Curriculum" as identified in the Certification Curriculum Manual may]~~ consist of three sections: Inspector I, Inspector II, and Plan Examiner I.

**(h)** ~~[(3)]~~ An examination **for Basic Structure Fire Protection and Intermediate Wildland Fire Protection** ~~[based on the applicable chapters for "Basic Fire Suppression Curriculum" and "Wildland Fire Protection Curriculum" in the Certification Curriculum Manual]~~ shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection.

**(i)** ~~[(4)]~~ All other state examinations consist of only one section.

**(j)** ~~[(e)]~~ The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or section thereof. This opportunity must be exercised within 180 days after the date of the first failure. An individual who passes the applicable state certification examination but fails to pass a section thereof for an IFSAC seal(s) will be given one additional opportunity to pass the section thereof. This opportunity must be exercised within two years after the date of the first attempt. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.

**(k)** ~~[(f)]~~ An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.

**(l)** ~~[(g)]~~ If an individual who has never held certification in a discipline defined in §421.5 of this title (relating to Definitions), seeks certification in that discipline, the individual shall complete all certification requirements.

**(m)** ~~[(h)]~~ If an individual completes an approved training program that has been evaluated and deemed equivalent to a certification curriculum approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual must pass a commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the commission as fire protection personnel.

**(n)** ~~[(i)]~~ An individual or entity may petition the commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.

- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.

- (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 11. Proposed amendments to Title 37 TAC, Chapter 451, Fire Officer, Subchapter A, Minimum Standards for Fire Officer I, §451.1 Fire Officer I Certification, §451.3, Minimum Standards for Fire Officer I Certification, §451.5, Examination Requirements, and §451.7, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Fire Officer II, §451.201, Fire Officer II Certification, §451.203, Minimum Standards for Fire Officer II Certification, §451.205, Examination Requirements, and §451.207 International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter C, Minimum Standards For Fire Officer III, §451.302, Fire Officer III Certification, §451.303, Minimum Standards for Fire Officer III Certification, and §451.305, Examination Requirements, Subchapter D, Minimum Standards For Fire Officer IV, §451.401 Fire Officer IV Certification, §451.403, Minimum Standards for Fire Officer IV Certification, and §451.405, Examination Requirements.**

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER A**

**MINIMUM STANDARDS FOR FIRE OFFICER I**

**§451.3 Minimum Standards for Fire Officer I Certification.**

- (a) In order to be certified as a Fire Officer I an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
  - (2) hold Fire Service Instructor I certification through the **commission** [~~Commission~~]; and
    - (A) possess valid documentation **as a Fire Fighter II and Fire Officer I** [~~of accreditation~~] from **either**:
      - (i) **the International Fire Service Accreditation Congress; or**
      - (ii) **the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~as Fire Fighter II and Fire Officer I~~]; or
    - (B) complete a **commission** [~~Commission~~]-approved Fire Officer I program and successfully pass the **commission** [~~Commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer I program must consist of one of the following:
      - (i) completion of a **commission** [~~Commission~~]-approved Fire Officer I Curriculum as specified in Chapter 9 of the **commission's** [~~Commission's~~] Certification Curriculum Manual;
      - (ii) completion of an out-of-state and/or military training program that has been submitted to the **commission** [~~Commission~~] for evaluation and found to be equivalent to or exceed the **commission** [~~Commission~~] approved Fire Officer I Curriculum; or
      - (iii) successful completion of 12 college semester hours consisting of the following courses or their equivalent:
        - (I) Fire Prevention Codes and Inspections, 3 semester hours;
        - (II) Fire and Arson Investigation I or II, 3 semester hours;
        - (III) Fire Administration I, 3 semester hours; and
        - (IV) Firefighting Strategies and Tactics I or II, 3 semester hours.
- (b) Out-of-state or military training programs which are submitted to the **commission** [~~Commission~~] for the purpose of determining equivalency will be considered equivalent if

all competencies set forth in Chapter 9 (pertaining to Fire Officer I) of the **commission's** ~~[Commission's]~~ Certification Curriculum Manual are met.

- (c) College courses will be considered equivalent if the course description is substantially similar to the course description contained in the Workforce Education Course Manual (WECM) from the Texas Higher Education Coordinating Board.

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR FIRE OFFICER II**

**§451.203 Minimum Standards for Fire Officer II Certification.**

- (a) In order to be certified as a Fire Officer II an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
  - (2) hold Fire Officer I certification through the commission [~~Commission~~]; and
  - (3) hold, as a minimum, Fire Service Instructor I certification through the commission [~~Commission~~]; and
- (A) possess valid documentation as a Fire Officer II [~~of accreditation~~] from either:
- (i) the International Fire Service Accreditation Congress ; or
  - (ii) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as Fire Officer II~~]; or
- (B) complete a commission [~~Commission~~] approved Fire Officer II program and successfully pass the commission [~~Commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer II program must consist of one of the following:
- (i) completion of a commission [~~Commission~~] approved Fire Officer II Curriculum as specified in Chapter 9 of the commission's [~~Commission's~~] Certification Curriculum Manual;
  - (ii) completion of an out-of-state and/or military training program that has been submitted to the commission [~~Commission~~] for evaluation and found to be equivalent to or exceed the commission [~~Commission~~] approved Fire Officer II Curriculum; or
  - (iii) successful completion of 15 college semester hours consisting of the following courses or their equivalent:
    - (I) Fire Prevention Codes and Inspections, 3 semester hours;
    - (II) Fire and Arson Investigation I or II, 3 semester hours;
    - (III) Fire Administration I, 3 semester hours;
    - (IV) Fire Administration II or Company Fire Officer, 3 semester hours; and

(V) Firefighting Strategies and Tactics I or II, 3 semester hours.

- (b) Out-of-state or military training programs which are submitted to the commission [~~Commission~~] for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's [~~Commission's~~] Certification Curriculum Manual are met.
- (c) College courses will be considered equivalent if the course description is substantially similar to the course description contained in the Workforce Education Course Manual (WECM) from the Texas Higher Education Coordinating Board.

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER C**

**MINIMUM STANDARDS FOR FIRE OFFICER III**

**§451.303 Minimum Standards for Fire Officer III Certification.**

- (a) In order to be certified as a Fire Officer III an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
  - (2) hold Fire Officer II certification through the commission; and
  - (3) hold, as a minimum, Fire Service Instructor II certification through the commission; and
  - (4) document completion of ICS-300: Intermediate Incident Command System; and
  - (5) possess valid documentation **as a Fire Officer III** [~~of accreditation~~] from **either**:
    - (A)** the International Fire Service Accreditation Congress ; **or**
    - (B)** the **National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~as Fire Officer III~~]; or
  - (6) complete a commission approved Fire Officer III program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer III program must consist of one of the following:
    - (A) completion of a commission approved Fire Officer III Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
    - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer III Curriculum; or
    - (C) successful completion of 15 college semester hours of upper level coursework from a four-year regionally accredited institution in any of the following subject areas:
      - (i) Administration/Management;
      - (ii) Budget/Finance;
      - (iii) Planning/Organization;
      - (iv) Leadership/Ethics;

- (v) Risk Management;
  - (vi) Safety and Health; or
  - (vii) Community Risk Reduction.
- (7) Special temporary provision: **Through February 2014,** ~~[Within one year following the effective date of this rule,]~~ an individual is eligible to take the commission examination for Fire Officer III upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 6. The documentation of completed training must be a certificate of completion from a nationally recognized training provider. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.305(b) of this subchapter (relating to Examination Requirements) must still be met.~~[ This paragraph expires one year from the effective date of this rule].~~
- (8) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer III certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline.**
- (9)**~~(8)~~ The application processing fee for the initial examination is waived for individuals in paragraphs (6) and (7) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this rule. After this date, the application processing fee for examinations will be required.
- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER D**

**MINIMUM STANDARDS FOR FIRE OFFICER IV**

**§451.403 Minimum Standards for Fire Officer IV Certification.**

- (a) In order to be certified as a Fire Officer IV an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
  - (2) hold Fire Officer III certification through the commission; and
  - (3) document completion of ICS-400: Advanced Incident Command System; and
  - (4) possess valid documentation **as a Fire Officer IV** ~~[of accreditation]~~ from **either**:
    - (A)** the International Fire Service Accreditation Congress ; **or**
    - (B)** **the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** ~~[as Fire Officer IV]~~; or
  - (5) complete a commission approved Fire Officer IV program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer IV program must consist of one of the following:
    - (A) completion of a commission approved Fire Officer IV Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
    - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer IV Curriculum; or
    - (C) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:
      - (i) Fire Science/Administration/Management;
      - (ii) Emergency Management;
      - (iii) Public Administration;
      - (iv) Emergency Medicine;
      - (v) Business Management/Administration;

- (vi) Political Science;
  - (vii) Human Resources Management;
  - (viii) Public Health;
  - (ix) Risk Management;
  - (x) Criminal Justice; or
  - (xi) a related management/administration/leadership degree.
- (6) Special temporary provision: **Through February 2014,** ~~[Within one year following the effective date of this rule,]~~ an individual is eligible to take the commission examination for Fire Officer IV upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 7. The documentation of completed training must be a certificate of completion from a nationally recognized training provider. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.405(b) of this subchapter (relating to Examination Requirements) must still be met. ~~[This paragraph expires one year from the effective date of this rule.]~~
- (7) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer IV certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline through February 2015.**
- (8)**~~(7)~~ The application processing fee for the initial examination is waived for individuals in paragraphs (5) and (6) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this rule. After this date, the application processing fee for examinations will be required.
- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

15. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
  - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
    12. **Proposed amendments to Title 37 TAC, Chapter 453, Subchapter A, Minimum Standards for Hazardous Materials Technician, §453.1, Hazardous Materials Technician Certification, §453.3, Minimum Standards for Hazardous Materials Technician Certification, §453.5, Examination Requirements, and §453.7, International Fire Service Accreditation Congress (IFSAC) Seal. Subchapter B, Minimum Standards for Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander Certification, §453.203, Minimum Standards for Hazardous Materials Incident Commander, and §453.205, Examination Requirements.**

**CHAPTER 453**

**HAZARDOUS MATERIALS**

**SUBCHAPTER A**

**MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN**

**§453.3 Minimum Standards for Hazardous Materials Technician Certification.**

- (a) In order to be certified as a Hazardous Materials Technician an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
  - (2) possess valid documentation **as a Hazardous Materials Technician** ~~[of accreditation]~~ from **either:**
    - (A) the International Fire Service Accreditation Congress; or**
    - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** ~~[as a Hazardous Materials Technician]; or~~
  - (3) complete a commission approved Hazardous Materials Technician program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Technician program must consist of one of the following:
    - (A) completion of a commission approved Hazardous Materials Technician Curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual; **or**[-]
    - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to, or exceeds the commission approved Hazardous Materials Technician Curriculum.
- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Technician) of the commission's Certification Curriculum Manual are met.

**CHAPTER 453**

**HAZARDOUS MATERIALS**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER**

**§453.203 Minimum Standards for Hazardous Materials Incident Commander.**

(a) In order to be certified as Hazardous Materials Incident Commander an individual must:

(1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(2) possess valid documentation **as a Hazardous Materials Incident Commander** [~~of accreditation~~] from **either**:

**(A)** the International Fire Service Accreditation Congress ; **or**

**(B)** the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as a Hazardous Materials Incident Commander~~]; or

(3) complete a commission approved Hazardous Materials Incident Commander program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:

(A) completion of a commission approved Hazardous Materials Incident Commander curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual; **or**.]

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to, or exceeds the commission approved Hazardous Materials Incident Commander curriculum.

(4) Special temporary provision: **Through February 2014**, [~~Within one year following the effective date of this rule,~~] an individual is eligible to take the commission examination for Hazardous Materials Incident Commander upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 472, Chapter 8. The documentation must be a certificate of completion from a nationally recognized training provider. During the one-year period, the commission examination shall consist of a written exam. The examination requirements in §453.205(b) of this subchapter (relating to Examination Requirements) must still be met. [~~This paragraph expires one year from the effective date of this rule.~~]

**(5) Special temporary provision: Through February 2015, an individual is eligible for Hazardous Materials Incident Commander certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 edition of the NFA standard applicable to this discipline.**

- (6)** [(5)] The application processing fee for the initial examination is waived for individuals in paragraphs (3) and (4) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this rule. After this date, the application processing fee for examinations will be required.
- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Incident Commander) of the commission's Certification Curriculum Manual are met.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**

**1. Proposed amendments to title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement To Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.**

**CHAPTER 421**  
**STANDARDS FOR CERTIFICATION**

**§421.1 Procedures for Meetings.**

- (a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.
- (b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.
- (c) Quorum. A majority of members shall constitute a quorum.
- (d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.
- (e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.
- (f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.
- (g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.
- (h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

**§421.3 Minimum Standards Set by the Commission.**

- (a) General statement. It shall be clearly understood that the specified minimum standards described in this section are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.
- (b) Functional position descriptions.

- (1) Structural Fire Protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. Successfully complete a commission approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.
  - (B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the commission's Certification Curriculum Manual.
- (2) Aircraft Rescue Fire Fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.
  - (B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the commission's Certification Curriculum Manual.
- (3) Marine Fire Protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
  - (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the commission's Certification Curriculum Manual.

(4) Fire Inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the commission's Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and

moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

- (B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the commission's Certification Curriculum Manual.
- (6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a commission approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.
- (B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the commission's Certification Curriculum Manual.
- (7) Hazardous Materials Incident Commander personnel. The following general position description for Hazardous Materials Incident Commander serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Hazardous Materials Incident Commander operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for awareness and operations level personnel, the Hazardous Materials Incident Commander is an individual who has met all the job performance requirements of Hazardous Materials Incident Commander as defined in Chapter 8 of NFPA 472, Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction. The individual should demonstrate knowledge in the policies, plans, and procedures regarding hazardous materials response as adopted by the local jurisdiction; and all components of the incident command system and their proper utilization.
- (B) Competency. In addition to the competencies of awareness and operations level personnel, a Hazardous Materials Incident Commander must demonstrate competency in such areas as: analyzing an incident via the collection of information and an estimation of potential outcomes; planning appropriate response operations; implementing a planned response; evaluating the progress of a planned response and revising as necessary; terminating an incident; conducting a post-incident critique; and reporting and documenting an incident in a manner consistent with local, state, and federal requirements.
- (8) Driver/Operator-Pumper personnel. The following general position description for driver/operator-pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator-pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions;

ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.

(B) Competency. A driver/operator-pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the commission's Certification Curriculum Manual.

(9) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(10) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(11) Fire Officer III personnel. The following general position description for Fire Officer III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions. In addition to the qualifications and competency for Fire

Officer II, the Fire Officer III is an individual who has met all the job performance requirements of Fire Officer III as defined in Chapter 6 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

(B) Competency. A Fire Officer III must demonstrate competency doing research; analyzing data and using evaluative techniques; developing proposals; developing, preparing, and implementing various procedures and programs within an organization; managing personnel resources; preparing and managing budgets; utilizing techniques to encourage personnel participation and development; and working in top-level positions within the incident command system.

(12) Fire Officer IV personnel. The following general position description for Fire Officer IV personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer IV operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions. In addition to the qualifications and competency for Fire Officer III, the Fire Officer IV is an individual who has met all the job performance requirements of Fire Officer IV as defined in Chapter 7 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer IV level include: administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

(B) Competency. A Fire Officer IV must demonstrate competency in appraising and evaluating departmental programs to ensure adherence to current laws and best practices; developing medium and long-range plans for organizations; and assuming a top-level leadership role in both the organization and community.

(13) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-

keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(14) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(15) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(16) Incident Safety Officer personnel. The following general position description for Incident Safety Officer personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Incident Safety Officer operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, Standard for Fire Officer Professional Qualifications and Chapter 6 of NFPA 1521, Standard for Fire Department Safety Officer and has the knowledge, skill, and abilities to manage incident scene safety. Typical Incident Safety Officer duties include risk and resource evaluation; hazard identification and communication; action plan reviews; safety briefings; accident investigation; post incident analysis; and participation in safety committee activities.

(B) Competency. An Incident Safety Officer must demonstrate competency in management of incident scene safety through a working knowledge of the various emergency operations as prescribed by the local jurisdiction; an understanding of building construction; fire

science and fire behavior; managing an organization's personnel accountability system; and incident scene rehabilitation methodology.

(17) Basic Wildland Fire Protection personnel. The following general position description for Basic Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Basic Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Basic Wildland Fire Fighter is an individual who has met the requirements of Chapter 5 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: wildland fire behavior; fireline safety and use; limitations of personal protective equipment; fire shelter use; fire suppression tactics and techniques in wildland settings; and have an understanding of the fire fighter's role within the local incident management system.

(B) Competency. A Basic Wildland Fire Fighter must demonstrate competency in such areas as: maintaining personal protective equipment and assigned fire suppression tools and equipment; the ability to quickly prepare for a response when notified; recognizing hazards and unsafe situations in a wildland fire; securing a fire line; mopping up a fire area; and patrolling a fire area so as to ensure fire control.

(18) Intermediate Wildland Fire Protection personnel. The following general position description for Intermediate Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Intermediate Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications and competency for the Basic Wildland Fire Fighter, the Intermediate Wildland Fire Fighter is an individual who has met the requirements of Chapter 6 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: basic map reading; use of a locating device such as a compass; radio procedures as adopted by the local jurisdiction; and record keeping.

(B) Competency. An Intermediate Wildland Fire Fighter must demonstrate competency in such areas as: the ability to lead a team of fire fighters in the performance of assigned tasks while maintaining the safety of personnel; implementing appropriate fireline construction methods and other techniques for protection of exposed property; operation of water delivery equipment; securing an area of suspected fire origin and associated evidence; and serving as a lookout in a wildland fire.

#### **§421.5 Definitions**

The following words and terms, when used in the Standards Manual, shall have the following meanings, unless the context clearly indicates otherwise.

(2) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the commission. The types of appointments are:

- (A) permanent appointment--the designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, Chapter 419, §419.032); and
- (B) probationary or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the commission's certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, Chapter 419, §419.032.)
- (3) Approved training--Any training used for a higher level of certification must be approved by the commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.
- (4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the commission [certification] and has been permanently appointed, as defined in this section, to the particular discipline.
- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).
- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.
- (12) Commission--Texas Commission on Fire Protection.

- (13) Commission-recognized training--A curriculum or training program which carries written approval from the commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.
- (14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).
- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in the Texas Government Code, Chapter 419, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.
- (20) Fire Safety Inspection – Also called a fire code inspection. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code. A determination of failure to comply with the adopted fire code may result in the issuance of citations or the invoking of other remedies so as to ensure compliance.
- (21) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.
- (22) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.
- (23) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.
- (24) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.
- (25) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.
- (26) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(27) Instructor:

- (A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.
- (B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.
- (C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.

(28) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155)

(29) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.

(30) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

(31) National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.

(32) National Wildfire Coordinating Group (NWCG)--An Operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies

(33) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

(34) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(35) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(36) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

(37) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982, and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

(38) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;
- (E) levee improvement district;
- (F) drainage district;
- (G) irrigation district;
- (H) water improvement district;
- (I) water control and improvement district;
- (J) water control and preservation district;
- (K) freshwater supply district;
- (L) navigation district;
- (M) conservation and reclamation district;
- (N) soil conservation district;
- (O) communication district;
- (P) public health district;
- (Q) river authority;
- (R) municipal utility district;
- (S) transit authority;
- (T) hospital district;
- (U) emergency services district;
- (V) rural fire prevention district; and
- (W) any other governmental entity that:
  - (i) embraces a geographical area with a defined boundary;
  - (ii) exists for the purpose of discharging functions of the government; and
  - (iii) possesses authority for subordinate self-government through officers selected by it.

**(39) Pre-fire Planning – Also called a pre-fire survey. A walk-through performed by fire fighters for the purpose of gaining familiarity with a building, its contents, and its occupancy.**

**(40)**~~(39)~~ Reciprocity for IFSAC seals--Valid documentation of accreditation from the International Fire Service Accreditation Congress used for commission certification may only be used for obtaining an initial certification.

**(41)**~~(40)~~ Recognition of training--A document issued by the commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.

**(42)**~~(41)~~ School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

**(43)**~~(42)~~ Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

**(44)**~~(43)~~ Trainee--An individual who is participating in a commission approved training program.

**(45)**~~(44)~~ Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

**(46)**~~(45)~~ Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the commission.

**(47)**~~(46)~~ Years of experience--For purposes of higher levels of certification or fire service instructor certification:

- (A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:
- (i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
  - (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
  - (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or

(iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

#### **§421.9 Designation of Fire Protection Duties.**

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
- (1) fire protection personnel;
  - (2) a part-time fire protection employee; or
  - (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.
- (c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

#### **§421.11 Requirement To Be Certified Within One Year.**

- (a) Fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the

Commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable Commission examination, whichever is less. The Commission shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.

- (b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

**§421.13 Individual Certificate Holders.**

- (a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.
- (b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

**§421.15 Extension of Training Period.**

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;
- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the commission, the extension shall become effective immediately; and
- (3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

**§421.17 Requirement to Maintain Certification.**

- (a) All full-time or part-time employees of a fire department or local government who are assigned duties identified as fire protection personnel duties must maintain certification by the commission in the discipline(s) to which they are assigned for the duration of their assignment.
- (b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the commission standards manual.

- (c) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).
- (d) The commission will provide proof of current certification to individuals whose certification has been renewed.
- (e) All certificate holders are subject to the requirements of §57.491 of the Texas Education Code regarding license renewal and default on student loans.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**

- 2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, including but not limited to, Subchapter A, On-Site Certified Training Provider, §427.1, Minimum Standards for Certified Training Facilities for Fire Protection Personnel, §427.3, Facilities, §427.5, Apparatus, §427.7, Protective Clothing, §427.9, Equipment, §427.11, Reference Materials, §427.13, Records, §427.18, Live Fire Training Evolutions, §427.19, General Information, Subchapter B, Distance Training Provider, §427.201, Minimum Standards for Distance Training Provider, §427.203, Records, §427.209, General Information, Subchapter C, Training Programs For On-Site and Distance Training Providers, §427.301, General Provisions for Training Programs—On-Site and Distance Training Providers, §427.303, Training Approval Process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, §427.307, On-Site and Distance Training Provider Staff Requirements, Subchapter D, Certified Training Facilities, §427.401, General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas, §427.403, Financial Standards, §427.405, Policy Regarding Complaints, §427.407, School Responsibilities Regarding Instructors, §427.409, Advertising, §427.411 Cancellations or Suspensions and §427.41, Liabilities**

**CHAPTER 427**  
**TRAINING FACILITY CERTIFICATION**  
**SUBCHAPTER A**  
**ON-SITE CERTIFIED TRAINING PROVIDER**

**§427.1 Minimum Standards for Certified Training Facilities for Fire Protection Personnel.**

- (a) An on-site training facility must be certified by the commission in each discipline with a commission approved curriculum for which the facility provides accredited training for fire protection personnel certification. An on-site training facility is where instructors and students are in immediate proximity and where content is instructed primarily in classrooms, at demonstration projects, in fire simulation structures, on fire apparatus, or at training sites in the field under direct supervision of the training facility instructors.
- (b) A certified on-site training facility may be approved to instruct in any one or all of the fire protection personnel curricula. Minimum requirements for each curriculum must be met to receive certification.
- (c) Minimum requirements for certification as a certified on-site training facility shall include facilities, apparatus, equipment, reference materials, standard operating procedures, instructors, and records to support a quality education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for fire protection personnel certification.
- (d) The on-site facilities and training shall be performance oriented, when required. Practical performance training with maximum participation by trainees shall be an integral part of the training program. The evaluation process for each phase of training will emphasize, as required, performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency as required by the respective curriculum.
- (e) It must be clearly understood that the minimum standard for training facilities is applicable only as the title implies and does not address the additional training facility resources which are required for the continuing in-service training essential to the development and maintenance of a well-coordinated and effective fire service organization.
- (f) An organization, installation, or facility must submit a written application for certification as a certified on-site training facility to the commission. Such application will include descriptions and addresses of physical facilities together with inventory of apparatus, equipment, and reference material to be utilized in conducting the basic curriculum as specified by the commission. It is not required that the equipment be owned by, permanently assigned to, nor kept at a training facility, but must be readily available for instructional purposes. A training facility must submit a letter of commitment with the original training facility certification application authorizing the use of resources not controlled by the training facility from the provider of said resources. A copy of the letters of commitment must be maintained on-site and be available for review. Photographs of resources annotated to reflect their identity must be included with the application. When seeking training approvals, the facility shall certify that the resources are provided in accordance with this chapter.
- (g) ~~All training for certification must be submitted to the commission in writing for approval at least 20 days prior to the proposed starting date of the training. Approved courses are subject to audit by commission staff any time during the approved schedule. Any deviation in the approved course schedule or content must be reported to the commission within three business days of the deviation. ]~~The academy coordinator will:

(1) attest to the fact that the training meets the competencies in the applicable Commission Curriculum and/or NFPA Standards; **and**

(2) submit a testing schedule for all required academy skills; ~~and~~

~~[(3) notify the Commission of any changes in instructor staff and/or field examiners.]~~

### **§427.3 Facilities.**

The following minimum resources, applicable to the curricula, are required for certification as a certified on-site training facility. These facilities may be combined or separated utilizing one or more structures. In either event the facilities must be available and used by the instructor and trainees.

- (1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose and rope skills training.
- (2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.
- (3) An area for practical application of principles and procedures of fire fighting, hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.
- (4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.
- (5) A structure suitable for interior live fire training and meeting the requirements of the basic curriculum pertaining to the particular discipline(s) which the training facility is approved to teach, shall be available for use by the instructors to teach interior live fire training.
- (6) Facilities to conduct exterior live fire training as required by the basic curriculum pertaining to the particular discipline(s) which the training facility is approved to teach, shall be available for use by the instructors to teach exterior live fire training.
- (7) If performance or driving skills are part of the curriculum, suitable area(s) for practicing required skills, demonstration of skills, and performance testing must be available.

### **§427.5 Apparatus.**

- (a) Certified on-site training facility--approved for basic structural fire protection personnel certification training.
  - (1) A pumper apparatus fully equipped as required by the basic fire suppression curriculum shall be readily available for use by the instructors for instructional purposes.
  - (2) Ladders or a ladder truck as required by the basic fire suppression curriculum shall be readily available for use by the instructors for instructional purposes.
- (b) Certified on-site training facility--approved for basic aircraft rescue fire fighting personnel certification training. Fire apparatus that is equipped to perform aircraft operations as required by

the basic aircraft fire protection curriculum must be readily available for use by the instructors for instructional purposes.

- (c) Certified on-site training facility--approved for Driver/Operator-Pumper certification training. A piece of fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus.
- (d) Certified on-site training facility approved for hazardous materials technician certification training must have access to props and/or simulators, protective suits and monitoring equipment required for skills training and testing.

#### **§427.7 Protective Clothing.**

Each and every set of protective clothing, including proximity clothing, that will be used during the course of instruction for a commission approved fire protection personnel curriculum shall comply with §435.1 of this title (relating to Protective Clothing). This rule applies whether the protective clothing is provided by the academy or the trainee.

- (1) Protective clothing and elements no longer in use to the organization for emergency operations service, but are not contaminated, defective, or damaged, may be used for training that does not involve live fire training, provided such clothing and elements are appropriately marked to be easily recognized.
- (2) Protective clothing used for aircraft rescue, live fire training, shall be suitable for the type of fire the student is being trained for and shall be determined by the chief training officer of the training facility.

#### **§427.9 Equipment.**

The following minimum equipment, applicable to the curricula the training facility is certified to teach, is required for certification as a certified on-site training facility. The equipment must be available for use by the certified training facility:

- (1) If instruction in the use of self-contained breathing apparatus is a part of the curriculum being taught, then self-contained breathing apparatus in sufficient numbers shall be provided to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training. If during the course of the training, a trainee will be subjected to a hazardous atmosphere or where the atmosphere is unknown, the trainee shall be provided with a self-contained breathing apparatus. (Note: All self-contained breathing apparatus used by a certified training facility and the air used in self-contained breathing apparatus must comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus)). This rule applies whether the self-contained breathing apparatus is provided by the academy or the trainee. All students, instructors, safety personnel, and other personnel participating in any evolution or operation of fire suppression during the live fire training shall breathe from an SCBA air supply whenever operating under one or more of the following conditions:
  - (A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both;
  - (B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both;
  - (C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or
  - (D) below ground level;

- (2) standard classroom equipment to include chalkboard, speaker rostrum, supportive instructional aids available to include audio-visual projection equipment. The use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction. Note: The instructor needs to ensure all necessary equipment is available for trainees to use regarding the basic performance skills as identified in appropriate curriculum and to comply with §427.15 of this title (relating to Testing Procedures); and
- (3) other equipment, which may include training simulators and mock training aids, and tools required by the applicable curriculum.

#### **§427.11 Reference Material.**

A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the applicable curriculum. The reference library material must be readily and easily accessible to students and instructors.

#### **§427.13 Records.**

- (a) Training records shall be maintained by the onsite [on site] training facility that reflects: [reflect:]
  - (1) who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records); and
  - (2) individual trainee test scores to include performance testing.
- (b) All training records must be maintained by the on-site training facility for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

#### **§427.18 Live Fire Training Evolutions.**

The most current edition of NFPA 1403, Standard on Live Fire Training Evolutions, shall be used as a guide when developing standard operating procedures for conducting live fire training. The following requirements shall apply for all Live Fire Training Evolutions conducted during basic certification training of fire protection personnel.

- (1) Prior to being permitted to participate in Live Fire Training Evolutions, the student shall have received training to meet the performance requirements for Fire Fighting I in NFPA 1001, Standard for Fire Fighter Professional Qualifications, related to the following subjects:
  - (A) safety;
  - (B) fire behavior;
  - (C) portable extinguishers;
  - (D) personal protective equipment to include SCBA;
  - (E) ladders;
  - (F) fire hose, appliances, and streams;
  - (G) overhaul;

(H) water supply;

(I) ventilation;

(J) forcible entry; and

(K) **building construction**. [~~fire fighter rescue~~]

- (2) The on-site lead instructor will insure that the water supply rate and duration for each individual Live Fire Training Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.
- (3) The on-site lead instructor will insure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.
- (4) A safety officer shall be appointed for all Live Fire Training Evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.
- (5) No person(s) shall play the role of a victim inside the building.
- (6) The participating student-to-instructor ratio shall not be greater than five to one.
- (7) Prior to the ignition of any fire, instructors shall insure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.
- (8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.
- (9) A standard operating procedure shall be developed and utilized for Live Fire Training Evolutions. The standard operating procedure shall include, but not be limited to:
  - (A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all students and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee;
  - (B) a Personnel Accountability System that complies with §435.13 of this title shall be utilized;
  - (C) an Incident Management System;
  - (D) use of personal protective clothing and self-contained breathing apparatus;
  - (E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

#### **§427.19 General Information.**

- (a) All Texas certified training facilities shall meet these minimum requirements. No training credit will be recognized from a Texas training facility that has not been certified by the Commission, unless the program has been approved by the Commission as being equivalent. The Commission shall take action on an application for certification of a training facility within 30 days from receipt.

- (b) Certified training facilities shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a Commission-approved training course in fire suppression before being assigned to fire suppression duties. In addition, certified training facilities, whether operated by a fire department or other governmental or private training facility, shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.
- (c) A certified training facility may transport trainees to the site of an actual emergency for training purposes only if the following requirements are strictly adhered to:
  - (1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;
  - (2) the trainees are kept outside of the emergency operations area; and
  - (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.
- (d) Certified training facilities are subject to inspection by the Commission at any time during regular business hours.
- (e) In order to retain the certification as a certified training facility, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the Commission.
- (f) The Commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.
- (g) The Commission may revoke, suspend, and/or probate the certification of a training facility when the Commission determines that the training facility:
  - (1) fails to provide the quality of training for which the facility was approved; or
  - (2) fails to comply with Commission rules and/or these minimum standards; or
  - (3) fails to submit required reports in a timely manner or submits false reports to the Commission; or
  - (4) fails to meet at least a 70-percent student pass rate on the state certification examination per course.

## SUBCHAPTER B

### DISTANCE TRAINING PROVIDER

#### §427.201 Minimum Standards for Distance Training Provider.

- (a) The following definition is applicable to this subchapter only. Approved distance training is defined as fire training where instructors and students are primarily in different locations and content is instructed primarily using the internet or an intranet and courses must contain some level of interactivity. Distance training that serves as nothing more than electronic text is not acceptable. Online courses must provide the opportunity for the student to interact or ask questions via e-mail, chat rooms or some other method of communication. Other computer-mediated methods of instruction may be used to enhance instruction; however, the primary delivery method must be through the internet or an intranet.
- (b) A distance training provider must seek certification as a training facility in each discipline it intends to instruct.
- (c) In order to become a Commission-approved distance training provider; the provider must submit a completed Commission training facility application with supporting documentation and fees. Such application will include descriptions and addresses of where the distance training provider will have their course delivery and materials. A distance training provider must provide documentation of its ability to meet all minimum requirements for each discipline for which it seeks certification. The documentation must also identify how students and instructors will access resources as identified in the curriculum.
- (d) A distance training provider that applies for certification as a training facility in a discipline that includes skills training shall comply with Subchapter A of this chapter concerning minimum standards, facilities, apparatus, protective clothing, equipment, and live fire training utilized to teach and test the required skills.

#### §427.203 Records.

- (a) Training records shall be maintained by the distance training provider that **reflects:**[reflect:]
  - (1) Who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records);
  - (2) Individual trainee test scores to include performance testing; and
  - (3) Evidence to substantiate the test scores received by each trainee to include performance testing. Such records will include materials (completed tests and/or answer sheets, other documents, video or audio recording, etc.), and will provide identification of the examinee, identification of the evaluating field examiner, and the observer as defined in Chapter 439 **of this title (relating to Examinations For Certification)**.
- (b) All distance training provider records must be maintained by the distance training provider for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.
- (c) A master copy of tests will be maintained for review by commission representatives. The certified distance training provider shall maintain copies of all tests for a minimum of three years.

**§427.209 General Information.**

- (a) All distance training providers shall meet these minimum requirements. No training credit will be recognized from a distance training provider that has not been certified by the Commission. The Commission shall take action on an application for certification of a distance training provider/training facility provider within 30 days from receipt.
- (b) Distance training providers conducting on-site programs shall ensure that all training is conducted in a controlled and safe manner so that trainees are not subjected to unnecessary risks. In addition, certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.
- (c) A distance training provider may transport trainees to the site of an actual emergency for training purposes, only if the following requirements are strictly adhered to:
  - (1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;
  - (2) the trainees are kept outside of the emergency operations area: and
  - (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.
- (d) Distance training providers are subject to inspection by the Commission at any time during regular business hours. Distance training providers shall provide the Commission with access to the training facility to monitor the course in progress.
- (e) The Commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.
- (f) The Commission may revoke, suspend, and/or probate the certification of training when the Commission determines that the distance training provider:
  - (1) fails to provide the quality of training and education for which the provider was approved; or
  - (2) fails to comply with Commission rules and/or these minimum standards; or
  - (3) fails to submit required reports in a timely manner or submits false reports to the Commission; or
  - (4) per course, fails to meet at least a 70-percent student pass rate on the state certification examination.

## SUBCHAPTER C

### TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

#### §427.301 General Provisions for Training Programs--On-Site and Distance Training Providers.

- (a) Training programs that are intended to satisfy the requirements for fire protection personnel certification for each curriculum must meet the objectives and competencies in that curriculum.
- (b) A system for evaluating the comprehension of the trainee, including periodic and comprehensive written tests, is required. If performance skills are part of the applicable curriculum, performance testing shall be done in accordance with §439.11 of this title **(relating to Commission-Designated Performance Skill Evaluations)**.

#### §427.303 Training Approval Process for On-Site and Distance Training Providers.

- (a) When seeking training approvals, a training provider, whether on-site or distance, shall certify that it has provided the resources described in §427.1(f) of this title **(relating to Minimum Standards for Certified Training Facilities for Fire Protection Personnel)**.
- (b) All training for certification must be approved by the Commission. A training provider must submit to the Commission **training prior approval information at least 10** ~~[a completed Training Prior Approval Form at least 20]~~ days prior to the proposed start date of the training.

~~[(c) The provider of training will receive from the Commission the following documents.]~~

~~[(1) A Notice of Course Approval. This document will serve as notification that the course has been approved by the Commission and will contain the approval number assigned by the Commission and the course I.D. number.]~~

~~[(2) An Application for Testing Form, when applicable.]~~

~~[(3) A Certificate of Completion Form. This document must be completed by the training provider and issued to each student when the student has successfully completed the applicable curriculum.]~~

~~[(4) Commission-designated skills envelope when applicable.]~~

- (c)** ~~[(d)]~~ Approved courses are subject to audit by Commission staff at any time. Any deviation from the approved start-and-end date of the class, periodic and final test schedule, field examiners or the substitution of one instructor for another (this does not apply to an instructor already approved for the course) must be reported to the Commission within three business days of the deviation.

#### §427.305 Procedures for Testing Conducted by On-Site and Distance Training Providers.

- (a) The requirements and provisions in this section apply to procedures for periodic and final testing conducted by training providers. For procedures regarding state examinations for certification Commission examinations that occur after a training program is completed, see Chapter 439 of this title (relating to Examinations for Certification).
- (b) Periodic and comprehensive final tests shall be given by the training provider in addition to the Commission examination required in Chapter 439 of this title.
- (c) Periodic tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. An average score of 70% must be achieved on all required periodic tests.

- (d) In addition to periodic tests, a comprehensive final test must be administered. The final test must be conducted in a proctored setting. For purposes of this section, a proctor can be an approved TCFP Field Examiner, or a member or testing center of an educational institution. A passing score of 70% must be achieved.
- (e) If a course is taught in phases, a comprehensive exam for each phase shall be administered upon completion of each phase and a passing score of 70% must be achieved.

**§427.307 On-Site and Distance Training Provider Staff Requirements.**

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline, except as stated in subsections (h)(2) and (i)(2) of this section.
- (d) Guest instructors are not required to be certified as instructors. ~~[A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training. Guest instructors shall teach under the endorsement of the lead instructor.]~~
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
  - (1) Hold a Fire Service Instructor II or higher; or
  - (2) A Bachelor's degree with the following:
    - (A) **as** [As] a minimum, a minor in education; and
    - (B) **three** [Three] years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
  - (3) An Associate's degree with the following:
    - (A) twelve semester hours of education instructional courses; and
    - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.
- (g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:
  - (1) Hold a Fire Service Instructor III; or

(2) A Bachelor's degree with the following:

- (A) **as** [~~As~~] a minimum, a minor in education; and
- (B) **three** [~~Three~~] years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or

(3) An Associate's degree with the following:

- (A) twelve semester hours of education instructional courses; and
- (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(h) In order to teach a certification course for Basic Wildland Fire Protection:

- (1) The unit instructor must hold **Intermediate** [~~Basic~~] Wildland Fire Protection certification **or be approved by the commission to instruct a Basic Wildland course and hold:** [~~and a Texas Commission on Fire Protection Instructor I certification.~~]

**(A) commission Instructor certification; or**

**(B) instructor credentials as required by the current National Wildfire Coordinating Group (NWCG) Field Manager's Course Guide (901-1) or current Texas Intrastate Fire Mutual Aid System (TIFMAS) guidelines for this level of course.**

- (2) The lead instructor must hold **NWCG or TIFMAS Single Resource Boss qualification and hold:** [~~Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.~~]

**(A) commission Instructor certification; or**

**(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.**

~~[(3) The lead instructor must be present in any class being taught.]~~

(i) In order to teach a certification course for Intermediate Wildland Fire Protection:

- (1) The unit instructor must hold an Intermediate Wildland Fire Protection certification **or be approved by the commission to instruct an Intermediate Wildland course and hold:** [~~and a Texas Commission on Fire Protection Instructor I certification.~~]

**(A) commission Instructor certification; or**

**(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.**

- (2) The lead instructor must hold **NWCG or TIFMAS Single Resource Boss qualification and:** [~~an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.~~]

**(A) commission Instructor certification; or**

**(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.**

[~~(3) The lead instructor must be present in any class being taught.~~]

## SUBCHAPTER D

### CERTIFIED TRAINING FACILITIES

#### **§427.401 General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas.**

- (a) The provisions in this subchapter apply only to certified training facilities that are not owned or operated by the State of Texas or a political subdivision of the State of Texas.
- (b) Training facilities seeking certification under this subchapter must comply with all the provisions of this chapter and must also meet and comply with all Commission rules.
- (c) Training facilities seeking certification under this subchapter must apply for training facility certification in each discipline they wish to teach.
- (d) In order to become a Commission approved training facility under this subchapter; the provider must submit a completed Commission training facility application for certification with supporting documentation and fees. Supporting documentation will consist of:
  - (1) descriptions, photos and addresses of where the provider will have their course delivery and materials;
  - (2) documentation of how the provider will meet all the minimum requirements for each discipline for which it seeks certification;
  - (3) complete and correct financial statements, as specified in this subchapter, demonstrating the facility is financially stable and capable of fulfilling its commitments for training;
  - (4) statement of ownership which identifies the owners, stockholders, partners, representatives, management, trustees, board members;
  - (5) documentation showing registration with the Texas Secretary of State as a business.

#### **§427.403 Financial Standards.**

- (a) Definitions Relating to Financial Requirements.
  - (1) Balance Sheet--A statement of financial position or statement of condition, showing the status of assets, liabilities and owner equity for a defined period i.e., monthly, quarterly, etc.
  - (2) Current ratio--ability to pay current obligations from current assets.
  - (3) Generally Accepted Accounting Principles (GAAP)--Conventions, rules and procedures that define accepted accounting practices to include both broad guidelines as well as detailed procedures.
  - (4) Generally Accepted Auditing Standards (GAAS)--Conventions, rules and procedures that define accepted audit practices.
  - (5) Stockholders Equity (net worth)--amount by which assets exceed liabilities.
  - (6) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."

(7) Unearned income (tuition) affidavit--A statement of income received but not yet earned during the current or most recent fiscal year. This is usually shown as a liability on a balance sheet, assuming it will be credited to income within the normal accounting cycle.

- (b) The balance sheet required in this subchapter shall reflect the following:
- (1) positive equity or net worth balance;
  - (2) unearned tuition as a current liability;
  - (3) a current ratio of at least one-to-one; (current assets divided by current liabilities) and
  - (4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.
- (c) Compilations shall be accompanied by the owner's sworn statement.
- (d) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.
- (e) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter.
- (f) A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.
- (g) Requirements for Original Approvals.
- (1) The owner shall furnish the Commission with the following:
    - (A) a school owned by a sole proprietor must submit a reviewed personal balance sheet stating the disclosure of payments for the next five years to meet debt agreements as required by GAAP; or
    - (B) all other ownership structures must submit an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.
  - (2) The facility shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school; a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of the certification. Projected expenses may include the following:
    - (A) employee salaries, listed by position title, including withholding and unemployment taxes, and other related expenses;
    - (B) lease or rent payments for listed equipment;
    - (C) lease or rent payments for facilities;
    - (D) accounting, legal and other specifically identified professional fees;

- (E) an estimate of expenses such as advertising, travel, textbooks, office and classroom supplies, printing, telephone, utilities, taxes;
- (F) a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation; and
- (G) such other evidence as may be deemed appropriate by the Commission to establish financial stability.
- (h) Prior to a change in ownership of a facility, the purchaser shall furnish the Commission a current balance sheet meeting the requirements outlined in this subchapter for original approvals, excluding the sufficient cash requirement for initial expenses. The purchaser shall furnish any other evidence deemed appropriate by the Commission to establish financial stability.
- (i) The deletion or addition of any person that would be considered an owner is considered a change in facility ownership. The facility must notify the Commission of the change in ownership within 14 days of the transaction.
- (j) The Commission may require submission of a full application for approval of a change in ownership.
- (k) Management agreements must be disclosed to the Commission. Parties to a management agreement shall be of good reputation and character.
- (l) The deletion, addition or moving of a facility will be reported to the Commission 14 days prior to the transaction.
- (m) If the Commission determines that the deletion, addition or moving of a facility presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.
- (n) The Commission shall be notified in writing of any legal action to which the facility, any of its owners, representatives or management employees is a party.
- (o) The notification shall be within 14 days after the action is known to be filed or the facility, owner, representative or management employee is served.
- (p) The facility shall include, with the required notice, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.
- (q) If the Commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the facility, the Commission may require at the facility's expense:
- (1) an audit of the facility that has been certified by an accountant; or
  - (2) The owner must furnish any other evidence deemed appropriate by the Commission to establish financial stability.
- (r) The entity certified under this subchapter shall maintain, in a permanent format that is acceptable and readily accessible to the Commission, a record of any funds received from, or on behalf of, the student. The entity shall clearly identify the payer, the type of funding, and the reason for the charges. These records shall be posted and kept current.

- (s) An entity certified under this subchapter shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the Commission. Each separately charged item shall be clearly itemized on the student-signed receipt.
- (t) An entity certified under this subchapter shall develop and maintain a cancellation and refund policy.
- (u) The student shall be entitled to a full refund of all monies paid to the facility if classes or courses are cancelled by the facility.
- (v) Classes or courses cancelled by the student, refund policies will be based on a prorated basis or percentage of the class or program completed by the student.
- (w) An entity certified under this subchapter shall comply with Chapter 437.3 concerning certification and renewal fees.
- (x) Upon application for renewal, an entity certified under this subchapter will provide a balance sheet with a sworn statement.

**§427.405 Policy Regarding Complaints.**

(a) Complaints. The entity shall:

- (1) Submit a written grievance procedure designed to resolve disputes between current and former students and the school for Commission approval;
- (2) Provide a copy of the grievance procedure to each student and maintain proof of such delivery;
- (3) Maintain records regarding grievance filings and resolutions; and
- (4) Diligently work to resolve all complaints at the local school level.

(b) Investigations.

- (1) The Commission may investigate a complaint about an entity and may determine the extent of investigation needed by considering various factors, such as:
  - (A) the seriousness of the alleged violation;
  - (B) the source of the complaint;
  - (C) the school's history of compliance and complaints;
  - (D) the timeliness of the complaint; and
  - (E) any other reasonable matter deemed appropriate.
- (2) The Commission may require documentation or other evidence of the violation before initiating a complaint investigation.

**§427.407 School Responsibilities Regarding Instructors.**

- (a) The facility Chief Training Officer (CTO) shall ensure that there are an appropriate number of instructors.

- (b) The facility CTO shall ensure that instructors are qualified to instruct in the subjects they are teaching or assisting.
- (c) The facility CTO shall ensure continuity of instruction and that instructors provide students with a quality education.
- (d) The facility CTO shall formally evaluate each instructor in writing at least annually and shall make the evaluations available for review by the Commission.
- (e) The facility CTO shall ensure that students are allowed the opportunity to formally evaluate each instructor in writing and make the evaluations available for review by the Commission.

**§427.409 Advertising.**

(a) General Information for Advertising.

- (1) A school shall not make deceptive statements in attempting to enroll students.
- (2) The Commission may require a school to furnish proof to the Commission of any of its advertising claims.

(b) Advertisement Method.

- (1) A school may advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.
- (2) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.
- (3) A school shall not use terms to describe the significance of the approval that specify or connote greater approval. Terms that schools may not use to connote greater approval by the Commission include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended." A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the Commission.
- (4) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

(c) Advertisement Content.

- (1) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.
- (2) Advertisements shall not include:
  - (A) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;
  - (B) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government;

(C) statements that represent the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school; or

(D) statements as being Commission-approved or IFSAC approved in order to solicit students prior to receiving actual Commission approval. Any such activity by the school, prior to the Commission's approval of the training course, shall constitute misrepresentation by the training facility and shall entitle each student in the course to a full refund of all monies paid and a release from all obligations to the student".

(3) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.

(4) a school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.

(5) a school shall not use a photograph, cut, engraving, illustration or graphic in advertising in such a manner as to:

(A) convey a false impression of size, importance, or location of the school, equipment, or facilities associated with the school, or

(B) circumvent any of the requirements of this subchapter regarding written or oral statements.

(6) Every advertisement must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.

(d) Financial Incentives. Advertisements shall not:

(1) state that students shall be guaranteed employment while enrolled in the school;

(2) state that employment shall be guaranteed for students after graduation; or

(3) misrepresent opportunities for employment upon completion of any program; or

(4) contain dollar amounts as representative or indicative of the earning potential of graduates unless those dollar amounts have been published by the United States Department of Labor. This provision shall not be construed as prohibiting the school from providing earning potential to the student individually on the student's receipt of enrollment policies or other such Commission-approved document.

(e) Advertisements for student tuition loans shall:

(1) contain the language "financial aid available, if qualified";

(2) appear in type no larger than the font used for the name of the school and in similar color and style; and

(3) does not preclude disclosure of the school's eligibility under the various state and federal loan programs.

(f) Advertisement Monitoring.

(1) The Commission may order corrective action to counteract the effect of advertising in violation of the Act or rules, including:

(A) retraction by the school of such advertising claims published in the same manner as the claims themselves; and

(B) cancellation of telephone numbers without an automatic forwarding message.

(2) As corrective action for violations of the Act or rules, the Commission may require schools to submit all advertisements to the Commission for pre-approval at least 30 days before proposed submission of the advertisements to the advertising medium.

(3) Nothing in these guidelines shall prohibit release of information to students as required by a state or federal agency.

#### **§427.411 Cancellations or Suspensions.**

(a) If an approved course of instruction is discontinued for any reason, the Commission shall be notified within 72 hours (9 days) of discontinuance and furnished with the names and addresses of any students who were prevented from completion of the course of instruction due to discontinuance. Should the school fail to make arrangements satisfactory to the students and the Commission for the completion of the course of instruction, the full amount of all tuition and fees paid by the students are then due and refundable. Any course of instruction discontinued will be removed from the list of approved courses of instruction.

(b) The Commission may suspend enrollments in a particular course of instruction at any time the Commission finds cause. For purposes of this subsection, cause includes, but is not limited to:

(1) inadequate instruction;

(2) unapproved or inadequate curriculum;

(3) inadequate equipment; or

(4) inadequate facilities.

(c) If a school begins teaching a course of instruction or revised course of instruction that has not been approved by the Commission, the Commission may require the school to refund to the enrolled students all or a portion of the tuition fees.

#### **§427.413 Liabilities.**

(a) Curriculum and Testing.

(1) The school shall be able to provide license agreements with the publisher of any curriculum used. The school may not reproduce the curriculum, or any part thereof, without describing the purpose or having the written consent by said publisher.

(2) The school shall be able to provide a valid purchase receipt or license agreement of any published test banks, or any part thereof, used in the evaluation process of any course taught.

(b) Equipment and Facilities.

(1) The school shall be able to provide written agreements for the use of any equipment not owned by the school, but used during the instruction of any student. The agreement shall dictate the terms, liability, fees, and availability of maintenance records of such equipment.

(2) The school shall be able to provide written agreements of the use of any facilities or area, not otherwise public, but used during the instruction of any student. The agreement shall dictate the terms, liability, and fees of such facilities or area.

(c) Insurance Coverage. The school shall be able to provide a general liability policy issued by a company licensed to do business in the State of Texas.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:**

- 3. Proposed amendments to title 37 TAC, Chapter 439, Examinations For Certification, including but not limited to, Subchapter A, Examinations For On-Site Delivery Training, §439.1, Requirements—General, §439.3, Definitions, §439.5, Procedures, §439.7, Eligibility, §439.9, Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing and §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201, Requirements—General, §439.203, Procedures and §439.205, Performance Skill Evaluation.**

**CHAPTER 439**  
**EXAMINATIONS FOR CERTIFICATION**  
**SUBCHAPTER A**  
**EXAMINATIONS FOR ON-SITE DELIVERY TRAINING**

**§439.1 Requirements—General.**

- (a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with the commission and International Fire Service Accreditation Congress (IFSAC) regulations. It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of any state examination (or portion thereof) for which they are responsible.
- (b) Exams will be based on curricula as currently adopted in the commission's Certification Curriculum Manual.
- (c) Commission examinations that receive a passing grade shall expire two years from the date of the examination.
- (d) The commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.
  - (1) An examination based on Chapter 1, "Basic Fire Suppression Curriculum" as identified in the Certification Curriculum Manual may consist of four sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, and First Responder Operations.
  - (2) An examination based on Chapter 4, "Basic Fire Inspector Curriculum" as identified in the Certification Curriculum Manual may consist of three sections: Inspector I, Inspector II, and Plan Examiner I.
  - (3) An examination based on the applicable chapters for "Basic Fire Suppression Curriculum" and "Wildland Fire Protection Curriculum" in the Certification Curriculum Manual shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection.
  - (4) All other state examinations consist of only one section.
- (e) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or section thereof. This opportunity must be exercised within 180 days after the date of the first failure. An individual who passes the applicable state certification examination but fails to pass a section thereof for an IFSAC seal(s) will be given one additional opportunity to pass the section thereof. This opportunity must be exercised within two years after the date of the first attempt. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.
- (f) An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.
- (g) If an individual who has never held certification in a discipline defined in §421.5 of this title (relating to Definitions), seeks certification in that discipline, the individual shall complete all certification requirements.

- (h) If an individual completes an approved training program that has been evaluated and deemed equivalent to a certification curriculum approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual must pass a commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the commission as fire protection personnel.
- (i) An individual or entity may petition the commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
- (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

### §439.3 Definitions.

The following words and terms, when used in this chapter, have the following definitions unless the context clearly indicates otherwise.

- (1) Certificate of Completion--A ~~signed~~ statement **by the provider of training** certifying that an individual has successfully completed a Commission-approved certification curriculum or phase program for a particular discipline, including having been evaluated by field examiners on performance skills identified by the Commission. ~~[The certificate of completion will be on a form provided by the Commission and is to be completed and signed by the provider of training and issued to the individual upon successful completion of the training. The certificate of completion must, as a minimum, identify the provider of training, the course I.D. number, the course approval number, date issued, curriculum name, training officer, and the name of the person completing the course.]~~ The certificate of completion qualifies an individual to take an original certification examination.
- (2) Curriculum--The competencies established by the Commission as a minimum requirement for certification in a particular discipline.
- (3) Designee--An entity or individual approved by **commission staff** ~~[the standards division director]~~ to administer Commission certification examinations and/or performance skills in accordance with this chapter.
- (4) Eligibility--A determination of whether or not an individual has met the requirements set by the Commission and would therefore be allowed to take a Commission examination.
- (5) Endorsement of eligibility—A ~~signed~~ statement testifying to the fact that an individual has met all requirements specified by the Commission and is qualified to take a Commission examination. An endorsement of eligibility will be issued by a member of the Commission staff.
- (6) Examination--A state test which an examinee must pass as one of the requirements for certification.

- (7) Examinee--An individual who has met the Commission requirements and therefore qualifies to take the Commission examination.
- (8) Field examiner--An individual authorized to evaluate performance skills in Commission-approved curricula. The field examiner must possess a Fire Instructor Certification **or other instructor qualification as allowed by commission rules in §427.307 (h) and (i) for Wildland courses only**, complete the on-line Commission field examiner course, and sign an agreement to comply with the Commission's testing procedures. The field examiner must be approved by the Commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.
- (9) Lead Examiner--A member of the Commission staff or a designee who has been assigned by the Commission to administer a Commission examination.
- (10) Letter of Intent--A statement, signed by an individual applying to the Commission for field examiner status, that he or she is familiar with the Commission's examination procedures, and agrees to abide by the policies and guidelines as set out in Chapter 439 of this title **(relating to Examinations for Certification)**.

#### **§439.5 Procedures.**

- (a) Procedures for conducting examinations are determined by the commission.
- (b) All application processing fees due to the commission must be paid in a timely manner. Late payments shall be assessed a late fee in accordance with §437.13 of this title (relating to Processing Fees for Test Application).
- (c) Each examination must be administered by a lead examiner.
- (d) The lead examiner must:
- (1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;
  - (2) monitor the examination while in progress;
  - (3) control entrance to and exit from the test site;
  - (4) assign or re-assign seating; and
  - (5) bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.
- (e) All official grading and notification must come from the commission or its designee. The preliminary test results shall be made available within seven (7) business days after completion of the examination.

#### **§439.7 Eligibility.**

- (a) An examination may not be taken by an individual who currently holds an active certificate from the Commission in the discipline to which the examination pertains, unless required by the Commission in a disciplinary matter, or test scores have expired and the individual is testing for IFSAC seals.

- (b) An individual who passes an examination and is not certified in that discipline, will not be allowed to test again until 30 days before the expiration date of the previous examination unless required by the Commission in a disciplinary matter.
- (c) In order to qualify for a Commission examination, the examinee must:
- (1) meet or exceed the minimum requirements set by the Commission as a prerequisite for the specified examination;
  - (2) submit a test application with documentation showing completion of a Commission-approved curriculum and any other prerequisite requirements, along with the appropriate application processing fee(s).
  - (3) receive from the Commission an "Endorsement of Eligibility" letter and provide this letter to the lead examiner.
  - (4) bring to the test site, and display upon request, ~~government~~ issued identification which contains the name and photograph of the examinee;
  - (5) report on time to the proper location; and
  - (6) comply with all the written and verbal instructions of the lead examiner.
- (d) No examinee shall be permitted to:
- (1) violate any of the fraud provisions of this section;
  - (2) disrupt the examination;
  - (3) bring into the examination site any books, notes, or other written materials related to the content of the examination;
  - (4) refer to, use, or possess any such written material at the examination site;
  - (5) give or receive answers or communicate in any manner with another examinee during the examination;
  - (6) communicate at any time or in any way, the contents of an examination to another person for the purpose of assisting or preparing a person to take the examination;
  - (7) steal, copy, or reproduce any part of the examination;
  - (8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
  - (9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section;  
or
  - (10) bring into the examination site any electronic devices.
- (e) No person shall be permitted to sit for any Commission examination who has an outstanding debt owed to the Commission.

### §439.9 Grading.

- (a) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the Commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:
- (1) all mandatory tasks; or
  - (2) an accumulation of points to obtain a passing score of at least 70%; or
  - (3) a combination of both paragraphs (1) and (2) of this subsection.
- (b) The minimum passing score on each examination or section thereof as outlined in §439.1(d) of this title (relating to Requirements--General) shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The Commission may, at its discretion, invalidate any question.
- (c) If the Commission invalidates an examination score for any reason, it may also, at the discretion of the Commission, require a retest to obtain a substitute valid test score.

### §439.11 Commission-Designated Performance Skill Evaluations.

- (a) The Commission-designated performance evaluations are randomly selected from each subject area within the applicable curriculum containing actual skill evaluations. This applies only for curricula in which performance standards have been developed. ~~[The provider of training will receive from the Commission, with the course approval notice, one envelope for each subject area as identified in the applicable curriculum.]~~
- (b) During the course of instruction, the training provider shall test for competency, the Commission-designated performance skills. The skill evaluations may be scheduled at any time during the course, but must take place after all training on the identified subject area has been completed. The date(s), time(s) and location(s) for the Commission-designated skill evaluations must be submitted on the Commission-designated skill schedule contained within the Training Prior Approval ~~system.~~ ~~[form.]~~ The Commission must be notified immediately of any deviation from the submitted Commission-designated skill schedule. All skills must be evaluated by a Commission-approved field examiner.
- (c) In order to qualify for the Commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.
- (d) The training facility must maintain records (electronic or paper) of skills testing on each examinee. The records must reflect the results of the evaluation of skills, the dates the evaluation of skills took place, and the names of the field examiners who conducted the evaluations.
- (e) For certification disciplines in which an IDLH environment may exist, all skill testing participants shall have available for use NFPA compliant PPE and SCBA as defined in §435.1 of this title (relating to Protective Clothing) and §435.3 of this title (relating to Self-Contained Breathing Apparatus).

### §439.13 Special Accommodations for Testing.

- (a) Special accommodation testing is for those individuals that have a documented disability which may hamper their success on a Texas Commission on Fire Protection written examination. Some accommodations that can be allowed are:

- (1) A testing room to oneself (examinee is allowed to read the questions out loud to him or herself). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.
  - (2) The test to be split in two with up to an hour break in between (no access to the first half of the examination will be allowed during or after the break). To accommodate the request the examinee will have to test in the commission's Austin headquarters location or any location deemed appropriate by the Commission.
  - (3) The questions to be printed in a larger font (approximately 7% larger).
  - (4) The test to be copied on off-white paper (i.e., cream colored).
  - (5) The use of highlighters or a highlighter sheet.
  - (6) Any requests that changes the condition of the examination or the examination process.
- (b) If the applicant is seeking a special accommodation test, the applicant must submit written documentation of the disability and a written statement as to which of the allowable accommodations is being requested. The applicant may ask for accommodations not listed above. The request will be reviewed and the applicant will receive a written response regarding the Commission's position on the request.

### §439.19 Number of Test Questions.

- (a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly.
- (b) The number of questions on the state examination will be based upon the number of recommended hours in the particular curriculum or section being tested. The standard is outlined below:

Recommended Hours	No. Questions	Maximum No. Pilot Questions	Time Allowed
30 or less	25	5	30 minutes
31-100	50	5	1 hour
101-200	75	10	1.5 hours
201-300	100	15	2 hours
301-400	125	20	2.5 hours
401 or more	150	25	3 hours

## SUBCHAPTER B

### EXAMINATIONS FOR DISTANCE TRAINING

#### **§439.201 Requirements—General.**

The examination requirements for those completing distance training shall be the same as those in Subchapter A of this chapter, except as noted in this subchapter.

#### **[§439.203 Procedures.]**

[Once distance training is completed, each individual receiving a certificate of completion must obtain the appropriate test application packet.]

#### **§439.205 Performance Skill Evaluation.**

If the performance skill portion of a state exam is to be evaluated by an approved field examiner who will not observe the completion of the skill while in the immediate physical presence of the examinee, a letter of assurance from the candidate's training officer or fire chief is required stating that the fire department assures the integrity of the evaluation procedure. If the candidate is not a member of a fire department, then a certified fire instructor, fire chief, or training officer may provide a letter of assurance that meets the requirements of this section. The provider of distance training is required to keep a record of this assurance and provide it to the Commission upon request.

**15. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**B. Discussion and possible action on proposed amendments, new sections, repeals and rule reviews as follows:**

- 4. Proposed amendments to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.1, Objective, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspection Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor, and §441.23, Continuing Education for Wildland Fire Fighter.**

## CHAPTER 441

### CONTINUING EDUCATION

#### §441.1 Objective.

Continuing education is intended to maintain or increase the knowledge and skills pertinent to the fire service.

#### §441.3 Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Certification period--That period from the time a certificate is obtained or renewed until it is time for the certificate to be renewed again. See §437.5 of this title (relating to Renewal Fees) for the definition of certification period.
- (2) Level 1--Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.
- (3) Level 2--Fire service training or education intended to develop new skills that are not contained in the commission's certification curriculum manual for certifications held.

#### §441.5 Requirements.

- (a) Continuing education shall be required in order to renew certification.
- (b) The continuing education requirement for renewal shall consist of a minimum of 18 hours of training to be conducted during the certification period. All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.
- (c) Level 1 training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.
- (d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.
- (e) No more than four hours per year in any one subject of Level 1 training may be counted toward the continuing education requirement for a particular certification.
- (f) There shall be no "hour per subject limit" placed on Level 2 courses, except that emergency medical courses shall be limited to four hours per year.
- (g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.
- (h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal document. Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.
- (i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and

written documentation is furnished by the department head for approval by the commission, through its Fire Service Standards and Certification Division director. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.

- (j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.
- (k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation of the illness or injury that cumulatively lasts six months or longer, which is provided by the individual and the individual's treating physician or by documentation of activation to military service.
- (l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period in Level 1 or Level 2 subjects relating to the certification being renewed shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).
- (m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training upon notification by the commission. An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her training records for a period of three years from the date of the training.
- (n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

#### **§441.7 Continuing Education for Structure Fire Protection Personnel.**

- (a) A minimum of two hours of continuing education in structure fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as structure fire protection personnel and who are appointed to structure fire protection duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

#### **§441.9 Continuing Education for Aircraft Rescue Fire Fighting Personnel.**

- (a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.
- (b) Continuing education must, at a minimum, meet the specific training requirements of FAR 139.319(i)(2) and (3) (pertaining to Aircraft Rescue and Fire Fighting Operational Requirements). Continuing education required by this subsection may exceed 20 hours, if necessary, to complete all required subjects.

#### **§441.11 Continuing Education for Marine Fire Protection Personnel.**

- (a) A minimum of two hours of continuing education in marine fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as marine fire protection personnel and who are appointed to marine fire protection duties for any certification period beginning after October 31, 1993.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

#### **§441.13 Continuing Education for Fire Inspection Personnel.**

- (a) A minimum of two hours of continuing education in fire inspection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as fire inspection personnel and who are appointed to fire inspection duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

#### **§441.15 Continuing Education for Arson Investigator or Fire Investigator.**

- (a) A minimum of two hours of continuing education in arson or fire investigation subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as arson investigation or fire investigation personnel and who are appointed to arson or fire investigation duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

#### **§441.17 Continuing Education for Hazardous Materials Technician.**

- (a) Eight hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

#### **§441.19 Continuing Education for Head of a Fire Department.**

- (a) A minimum of two hours of continuing education in fire administration subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as head of a fire department and who are appointed as head of a department.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

**§441.21 Continuing Education for Fire Service Instructor.**

- (a) A minimum of two hours of continuing education in fire service instruction subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for individuals certified as a fire service instructor and who are appointed to fire service instructor duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

**§441.23 Continuing Education for Wildland Fire Fighter.**

A minimum of four hours of continuing education in Wildland Fire Fighting subjects will be required for individuals certified as a Wildland Fire Fighter. **The required hours must include refresher training in the use of a fire shelter.** The four hours may be included in the eighteen hours required during the certification renewal period.

**16. Discussion and possible action on matters from the Executive Director.**

- A. Report on decisions of the Executive Director in contested cases and consent orders.**

**Texas Commission on Fire Protection  
Results of Informal Conferences – Good Faith Clerical Error Letters**

**Fiscal Year 2014**

<b>RESULTS</b>	<b>NAME</b>	<b>INFORMAL MEETING DATE</b>	<b>ADMINISTRATIVE VIOLATION</b>	<b>SUMMARY</b>
Letter mailed 09/11/2013	Samuel Revers	09/11/2013	Respondent not in compliance with all requirements for Basic FF certification related to criminal history check per §419.0325(c), Tx. Govt. Code	Respondent was subsequently issued his Basic Firefighter certification.
Letter mailed 09/11/2013	Gordon Woofroffe, Jr.	09/11/2013	Respondent not in compliance with all requirements for Basic FF certification related to criminal history check per §419.0325(c), Tx. Govt. Code	Respondent was subsequently denied issuance of his Basic Firefighter certification.
Letter mailed 10/09/2013	Nicholas Christy	09/08/2013	Respondent not in compliance with all requirements for Basic FF certification related to criminal history check per §419.0325(c), Tx. Govt. Code	Respondent was subsequently issued a probated Basic Firefighter certification.

**16. Discussion and possible action on matters from the Executive Director.**

**B. Status of division functions.**

Agency Status Report  
September 1 – November 30, 2013

### Overview

All sections of the agency were busy during the quarter. The Certification Section continued to receive and process a large volume of applications for certification, and annual renewals were being managed via the newly-established online Texas.gov portal. Testing was conducted at a normal pace, with upcoming online testing still in the near future. Compliance inspections were conducted as scheduled. The auditing and spot-checking of ongoing training programs continued. IT staff continued to work on the final programming for online testing. The Head of Department ad hoc committee met for the first time in September, as well as did other ad hoc committees during the quarter. Outreach efforts continued, and the agency library's lending and resource assistance activities continued to build. The agency's Financial Services Section prepared for staff changes, with a new accountant position to be filled and the Manager set to retire at the end of December.

The agency's recently-adopted flat organizational structure functioned well. With the Section Heads reporting directly to the Executive Director, communication and coordination within the agency has been enhanced.

### Executive Office

- Hosted several planning meetings for the possible upcoming TCFP organizational study. The meetings included various stakeholder groups and key state government personnel. Discussions focused mainly on the definition of "administrative attachment" and how it should be characterized for the study, and the actual scope of the study. A draft of a request for proposals was under development, with a plan to distribute the finalized version of the RFP in December.
- Conducted a presentation to the general assembly at the State Fire Marshal's Conference in Austin on October 23<sup>rd</sup>. The agency also had a booth at the conference.
- Hosted the TIFMAS Regional Directors annual meeting on November 4<sup>th</sup>.
- November 6<sup>th</sup>: Participated in a meeting with SFFMA and TEEEX regarding issues facing smaller combination departments today. The goal is to develop training and information programs that can be of assistance to leaders of these departments as they grow and evolve.
- Conducted presentation to Tarrant County Fire Chief's Association on November 20<sup>th</sup> in Lake Worth.
- Participated in planning sessions for the development of the new Annex F (Firefighting annex) of the state's emergency operations plan.

## Certification, Renewal, and Curriculum 1<sup>st</sup> Quarter Report, FY 2014

### Certification/Renewal:

- 3,587 certificates issued
- 1,436 IFSAC seals issued
- 251 training facilities holding 1,355 active or renewable certifications
- 54 training facility certificates issued to 22 different entities
- 29,278 certificate holders renewed (entity-affiliated and individual certificate holders)

### Other Activities:

- Status of newest certifications issued this quarter; and total number issued:
  - a. Fire Officer III: 34. Total issued since launch (Feb, 2013): 110
  - b. Fire Officer IV: 17. Total issued since launch (Feb, 2013): 41
  - c. Hazmat Incident Commander: 27. Total issued since launch (Feb, 2013): 80
- Overall, the new renewal process utilizing Texas.gov as the recommended payment method went very smoothly. Fire departments had three options for payment: credit card payment or electronic funds transfer via the online portal, or submission of the payment by mail. Individual certificate holders can pay via credit card using the online portal, or via mail.
- Certification and other agency staff began utilizing software called Team Viewer, which allows our personnel to view what an individual outside the agency is seeing on their own computer. This provides a huge benefit when it comes to helping individuals through the various steps of the online renewal process. If the individual gives us permission, we can view their screen and provide guidance as they move from step to step in the process.
- Beginning December 1<sup>st</sup>, staff will launch its CE auditing program, calling for the first group of submissions by certificate holders. Individual certificate holders are no longer required to submit CE at the time of renewal, but are subject to an audit for up to three years following the renewal. Our goal is to audit 50% of all individual certificate holders this year.
- Staff met with members of the Texas A&M Forest Service to discuss upcoming changes to certification and training requirements for both Basic and Intermediate Wildland Fire Protection. The changes are necessary to allow personnel holding these TCFP certifications to be deployed via the TIFMAS system if needed.

## Curriculum Development:

### Committees:

- Worked with some Structure ad hoc committee members on updating all the FF1 & FF2 skills manuals (testing skills and instructional/practice skills) (>130 skills). **Work in progress.**
- The Head of Department ad hoc committee met for the first time in September. There was lots of discussion on the subject of how to regulate HOD positions in Texas, if at all. Some initial thoughts were put down on paper, but it's just starting points. The committee intends to have a representative make a presentation at the annual TX Fire Chiefs Assn meeting taking place in San Marcos in February 2014 so that as much feedback as possible is gathered before making any concrete decisions about rules, etc. This was at the suggestion of the FFAC at their December 2013 meeting. **Work in progress.**
- The Curriculum & Testing committee met in October.
  - Updated skill sheets for the new Instructor curricula were reviewed and approved.
  - Decisions were made as to which Live Fire testing skills in the Basic FF curricula must be completed with actual live fire burns and which can be simulated.
  - Edits were made to two of the Basic Wildland FF skills at the request of the TFS.
  - There was discussion about NFPA standards that have been/will be updated and, as a result, curricula were identified that need to be updated over the next couple of years. This includes Driver/Operator, all the Fire Officer levels, all the Hazmat levels, and Fire Inspector.
  - There was also some general discussion about our upcoming IFSAC audit.

### Test Development and Test Bank Maintenance

- Created 139 monthly certification exams.
- Continued re-checking all test banks with IFSAC correlation sheets for upcoming (2014) IFSAC audit/review. **Work in progress.**
- Updated the Instructor I, II and III test question banks to the newest (8<sup>th</sup>) edition of the IFSTA, *Fire and Emergency Services Instructor* text book. (>500 test questions)
- Continued to work on updating the Fire Officer III and IV test banks to the newest (2<sup>nd</sup>) edition of the IFSTA *NIMS* text book. (>450 test questions). **Work in progress.**
- Worked on updating the FF1 and FF2 test banks to go with the new curricula that become effective January 1, 2014. **Work in progress.**

## Commission Quarterly Report

### Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 1st Quarter, FY 2014**
  - Test Administration – 1776 exams were administrated during this quarter with an average grade of 82.78% and a pass rate of 91.39%.
  - New certification testing statistics:

<b>Fire Officer III</b>	Quarter (FY 2013 - partial)	Quarter (FY 2013)	Quarter (FY 2014)	Total
First Attempts	29	46	51	126
Failures	8*	7*	3	18
Average Grade	73.33	80.00 (1 <sup>st</sup> Att.)	81.73 (1 <sup>st</sup> Att.)	79.30 (1 <sup>st</sup> Att.)
		71.33 nd Att. – one failure)	72.00 (2 <sup>nd</sup> Att.)	71.50 (2 <sup>nd</sup> Att.)

\*Corrected Data

<b>Fire Officer IV</b>	Quarter (FY 2013 - partial)	Quarter (FY 2013)	Quarter (FY 2014)	Total
First Attempts	1	28	22	51
Failures	0	8*	7	15
Average Grade	92	75.86 (1 <sup>st</sup> Att.)	71.73 (1 <sup>st</sup> Att.)	74.39 (1 <sup>st</sup> Att.)
		68.00 (2 <sup>nd</sup> Att.)	76.67 (2 <sup>nd</sup> Att.)	74.50 (2 <sup>nd</sup> Att.)

\*Corrected Data

<b>HazMat IC</b>	Quarter (FY 2013 - partial)	Quarter (FY 2013)	Quarter (FY 2014)	Total
First Attempts	13	24	41	78
Failures	0	0	9	9
Average Grade	86.77	84.17	75.51 (1 <sup>st</sup> Att.)	80.05 (1 <sup>st</sup> Att.)
			72.00 (2 <sup>nd</sup> Att.)	72.00 (2 <sup>nd</sup> Att.)

- Total of 1659 training approvals have been submitted since January 2013 in the commission's Training Facility Management System.
- Record Reviews – Twenty-three (23) paid record reviews for equivalency were conducted and 356 test packets were distributed in the 1st quarter. Since January 2013, 492 Qual #s have been issued in which 176 individual skill evaluations have been scheduled in the new online system.
- Training and Skill Testing Audits – Sixty-six (66) audits were conducted during this quarter in which eighteen (18) were skill testing audits. Of the 66 audits, one deficiency was identified in which the skill evaluator failed to identify that the students did not complete one of the steps. The students were required to retest on the skill.

- **International Fire Service Accreditation Congress (IFSAC)**

- Upcoming 2014 IFSAC Annual Conference is scheduled for April 23-26, 2014 in Tulsa, Oklahoma.
- A request to extend the commission's IFSAC site visit through June 2014 was approved by the Certificate Assembly Board of Governors at the Fall 2013 Board meeting.

- **Activities for the Next Quarter**

- Continue to work with IT staff on the web-based testing project.
- Work in conjunction with the Curriculum Specialist to prepare for the impending IFSAC site visit, once the web-based testing is established.

## **Compliance Report for Commission First Quarter FY 2014 September - November 2013**

### **Large Department Inspections**

- In October the Region 6 Compliance officer with the assistance of the Region 7 compliance officer started the Houston Fire Department biennial compliance inspection. The inspection of the department personnel's personal protection equipment (PPE) was delayed until November in order to avoid conflicting with the area wide emergency radio testing that was critical to the city of Houston emergency services. The PPE inspection was successfully completed in November with the assistance of all of the compliance officers.

### **Relocation of Region 5 Compliance Office**

- The Region 5 office relocated. Fred Green began working from his residence as the primary headquarters office location with an agency telecommute agreement in place.

### **Informal Conference**

- The Compliance Manager participated in three informal hearings. The hearings involved two early review requests and one application for basic fire fighter certification. The three hearings resulted in one denial, one probated and one issued basic fire fighter certification.

### **Training**

- All the Compliance Officers attended one conference call with the Compliance Manager during this quarter. The conference call covered discussion on the new compliance program performance measure. "The number of inspected certificate holders with uncorrected violations." The call also included discussion on compliance inspection guidance, direction, and supervision issues.
- The Compliance Manager provided new Training and Testing program employee Charai Fernandez with an overview and briefing of the Compliance program inspection purpose, process and service.

**Information Technology  
Commission Report  
1<sup>st</sup> Quarter FY 2014**

Programming:

- Implemented Texas.gov e-Payment system for employee renewals (Credit card and electronic checking)
- Implemented Texas.gov e-Payment system for individual renewals (Credit card and electronic checking)
- Implemented Texas.gov e-Payment system for training facility renewals (Credit card and electronic checking)
- Implemented training facility certificate printing
- Performed significant revisions to Training Prior Approval system
- 90% completed on online testing program (awaiting PTS programming changes)

Network/Systems

- Kyle assumed role as Information Security Officer and started DIR training classes
- Deployed new production server (hardware)
- Migrated old servers (hardware)
- Completed virtualization of all network servers (software)
- Migrated to new Exchange Server for email
- Began deployment of McAfee Enterprise Security Suite (75% done)
- Deployed Team Viewer to employees

Business Analysis/Project Mgmt

- Deployed IT Help Desk Application
- 50% completed on Legacy System Study project (Legislative Mandate with DIR)
- Amanda attended Software Project Management Class at Texas A&M

**Public Information/Library/Injury Reporting  
FY 2014, 1<sup>st</sup> Quarter**

**FY 2014 Injury Reporting Program**

	1Q	2Q	3Q	4Q	Totals
Reported Injuries	939				939
Burns	45				45
SOP-related*	0				0
Environmental-related	14				14

\*Injuries involving SOP violations

<i>Publications/postings</i>					
AvoidInjury! blog posts	6				6

*Injury program outreach activities (4Q)*

**FY 2014 Library Program**

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	67				
Print items	11				
<i>Research and reference requests</i>					
Internal	1				
External	30				
New library borrowers (new users)	7				
Responses to borrower follow-up surveys	57				
<i>Items cataloged</i>					
AV items	0				
Print items	0				
Desk copy items ordered and processed	22				
<i>Publications/postings</i>					
Library newsletter	3				

**FY 2013 Other Public Information and Outreach Activities**

	1Q	2Q	3Q	4Q	Totals
Fire department job postings	80				80
Number of departments requesting postings	74				74
Website home page articles	3				3
Facebook posts	30				30
Twitter "tweets"	16				16
Open records requests	7				7

## ***Public Information and Outreach activities (1Q)***

### **Library program activities**

- Attended e-Records conference on Nov. 5, 2013
- Met with Texas State Library and Archives Commission on Nov. 19, 2013

### **Conferences**

- Sylvia and Molly attended the 15th Annual Texas Fire Marshals' Conference, October 2013.

### **Other activities**

- Safety Committee Meetings
  - Sept. 23, 2013
  - Oct. 28, 2013
  - Dec. 9, 2013
- Exposure report was published in *The Friday Report* on Nov.15, 2013.

17. **Executive session pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position.**

**18. Open session for further discussion and possible action regarding preceding agenda item.**

**19. Adjourn meeting.**