

**FIRE FIGHTER ADVISORY COMMITTEE
AGENDA
March 18, 2009, 10:00 A.M.
William B. Travis Building, Room 1-104, Austin, Texas**

The Fire Fighter Advisory Committee will convene in open session to deliberate and possibly take formal action on any of the following agenda items:

1. Roll call – 10:00 a.m.
2. Adoption of the October 6, 2008 Fire Fighter Advisory Committee meeting minutes.
3. Report from the Curriculum and Testing Committee with discussion and possible action regarding Basic Fire Inspector curriculum.
4. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 421, Standards for Certification including, but not limited to §421.5, (43), (iv), Definitions and §421.17(c), Requirement to Maintain Certification.
5. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 427, Training Facility Certification including, but not limited to Subchapter B, Distance Training Providers, §427.201, Minimum Standards for Distance Training Provider, and Subchapter C, §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.
6. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper including, but not limited to §433.5, Examination Requirements.
7. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 437, Fees including, but not limited to §437.13, Basic Certification Examination Fees.
8. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 439, Examinations for Certification including, but not limited to Subchapter A, Examination for On-Site Delivery Training, §439.1, Requirements – General; §439.3, Definitions; §439.5, Procedures; §439.7, Eligibility; §439.9, Grading; §439.11, Academy Administered Performance Skill Evaluation; §439.13, State Administered Performance Skill Evaluation; §439.15, Proof of Proficiency; §439.17, Testing for Certification Status; §439.19, Number of Test Questions; and Subchapter B, Examinations for Distance Training, §439.203, Procedures and §439.205, Performance Skill Evaluation.
9. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 449, Head of a Fire Department including, but not limited to §449.3, Minimum Standards for Certification as Head of a Suppression Fire Department and §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.
10. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 451, Fire Officer including, but not limited to Subchapter A, Minimum Standards for Fire Officer I, §451.5, Examination Requirements and Subchapter B, Minimum Standards for Fire Officer II, §451.205, Examination Requirements.

11. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 453, Minimum Standards for Hazardous Materials including, but not limited to §453.5, Examination Requirements.
12. Discussion and possible recommendation by Assistant Fire Chief, Van Weese of The Colony Fire Department, regarding the minimum number of years of fire experience for a Master Structure Fire Protection Personnel Certification be 15 years, with a minimum of 5 years in a Chief Officer position.
13. Discussion and possible action on future meeting dates, agenda items, and locations.
14. Adjourn meeting.

1. Roll call – 10:00 a.m.

2. Adoption of the October 6, 2008 Fire Fighter Advisory Committee meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Jim Reidy called the October 6, 2008 meeting of the Fire Fighter Advisory Committee to order at 10:00 a.m. at the Stephen F. Austin Bldg., 1700 N. Congress Ave., Room 170, and Austin, Texas

Attending	Jim Reidy Tommy Anderson** Daniel DeYear	Leonardo Perez Amado Cano, Jr. David Hudgins	Michael Wisko** Rhea Cooper** J. P. Steelman
			*absent entire meeting **absent part of meeting

Staff	Jake Soteriou Deborah Cowan Jim Crowson, Assistant Attorney General	Miles Skipper Dianne Hudson	Gary L. Warren, Sr. Tim Rutland
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| 1. Roll call | Chairman Jim Reidy called roll and 6 of 9 members were present. |
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| 2. Adoption of Minutes | A motion was made by Leonardo Perez and seconded by Amado Cano to approve the minutes of the June 6, 2008, fire fighter advisory committee meeting. The motion carried (6 for, 3 absent) |
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| 3. Report from Curriculum and Testing Committee | Larry Whitis gave a brief overview of committee activities. No action necessary. |
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| 4. 37 TAC, Chapter 421 discussed. | A motion was made by David Hudgins and seconded by Daniel DeYear to accept the recommended changes to 37 TAC Chapter 421, §421.5 as discussed. The motion carried (6 for, 3 absent) |
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| 5. 37 TAC, Chapter 435 | A motion was made by David Hudgins and seconded by Daniel DeYear to accept the recommended changes to 37 TAC Chapter 435, §435.1 with changes as discussed. The motion carried (6 for, 3 absent) |
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| 6. 37 TAC, Chapter 445 | A motion was made by Amado Cano and seconded by Daniel DeYear to accept the recommended changes to 37 TAC Chapter 445, §445.9 as discussed. The motion carried (6 for, 3 absent) |
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| 7. New Matters From Public | None |
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| 8. NFPA Standard Revision Process Input | After discussion, no action necessary |
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**Texas Commission on Fire Protection
Fire Fighter Advisory Committee Meeting
October 6, 2008**

9. Future meeting Dates Meeting set for January 7, 2009.

10. Adjournment A motion was made by Daniel DeYear and seconded by Leonardo Perez.
The motion carried (6 for, 3 absent)

Jim Reidy
Presiding Officer

3. Report from the Curriculum and Testing Committee with discussion and possible action regarding Basic Fire Inspector curriculum.

BASIC FIRE INSPECTOR

(All three curricula are to be completed for Basic Fire Inspector certification)

FIRE INSPECTOR I		
401-4.1	General	1
401-4.2	Administration	8
401-4.3	Field Inspection	75
401-4.4	Plans Review	0
401-9.1	Hazardous Materials	12**
FIRE INSPECTOR II		
402-5.1	General	1
402-5.2	Administration	4
402-5.3	Field Inspection	57
402-5.4	Plans Review	8
PLAN EXAMINER I		
470-7.1	General	1
470-7.2	Administration	6
470-7.3	Plans Review	29/33
	TOTAL RECOMMENDED HOURS	202*

*The recommended hours includes time for skills evaluation and is based on 12 students. Hours needed depends on the actual number of students.

**NOTE: A MINIMUM OF 8 HOURS MUST BE TAUGHT.

4. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 421, Standards for Certification including, but not limited to §421.5, (43), (iv), Definitions and §421.17(c), Requirement to Maintain Certification.

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.5. DEFINITIONS

- (43) 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 Texas Commission on Fire Protection 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 Emergency Care Attendant (ECA) as specified by the Department of State Health Services (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 Texas Department of State Health Services (DSHS) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). 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.

§421.17. 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, Renewal Fees, and Chapter 441, Continuing Education, of the commission's standards manual.
- (c) **An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held.**
- (d) The commission will provide proof of current certification to individuals whose certification has been renewed.

5. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 427, Training Facility Certification including, but not limited to Subchapter B, Distance Training Providers, §427.201, Minimum Standards for Distance Training Provider, and Subchapter C, §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.

SUBCHAPTER B

DISTANCE TRAINING PROVIDERS

§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 fee. 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) All training for certification must be submitted to the commission 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;~~
 - ~~(2) submit a testing schedule for all academy periodic, final, or skills examinations as required in §427.305 of this title; and~~
 - ~~(3) notify the Commission of any changes in instructor staff and/or field examiners.~~
- (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.
- (e)** A distance training provider certified for the first time by the commission will receive, at no charge, one Commission Certification Curriculum and Standards Manual on CD to be utilized by the certified distance training provider's instructors. The distance training provider is responsible for ensuring that all subjects are taught as required by the curricula. Additional CD copies may be purchased from the commission or downloaded from the agency web site. Distance training providers that renew their certification will receive appropriate updates at no charge.

SUBCHAPTER C

TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

§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.

- (b) All training for certification must be approved by the commission. A training provider must submit to the commission a completed Training Prior Approval Form, a schedule of periodic, final, and skills tests, and a class schedule at least 20 days prior to the proposed starting 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. See §439.5(b) of this title.
 - (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.
- (d) Approved courses are subject to audit by commission staff at any time during the approved schedule. Any deviation in the approved course schedule, content, field examiners, or the substitution of one instructor for another (this does not apply to ~~the addition of an instructor to the roster of instructors already approved~~ **for the course** ~~by the commission~~) 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, final, and skills testing conducted by training providers during and at the end of a training program. For procedures regarding state examinations for certification (commission examinations that occur after a training program is completed), see Chapter 439 of this title.
- (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 written tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. In addition to periodic tests, a comprehensive final written test must be administered. A passing score of 70% must be achieved on all required written tests. If a course is taught in phases, one comprehensive final written test shall be administered at the completion of all phases and a passing score of 70% must be achieved.
- (d) If performance skill evaluations are part of the applicable curriculum, performance testing ~~shall be done and~~ records **shall be** kept in accordance with §427.301 of this title. This will ensure that each trainee has demonstrated an ability to competently and carefully perform all tasks and operations associated with the training, both individually and as a member of a team.
- (e) **During the course of instruction, the provider of training shall test for competency all performance skills listed in the applicable curriculum. This applies only for curricula in which performance standards have been developed. Skill evaluations may take place at any time during the academy but must take place after all training on the identified subject area has been completed. The number of opportunities to successfully complete particular performance skill objectives evaluated during an academy is at the discretion of the designated training officer. Retests must be conducted prior to the administration of the Commission designated performance evaluations. All skills must be demonstrated in the presence of a commission approved field examiner.** ~~Performance testing should be used to the maximum extent practical. The performance skills contained in the applicable curriculum shall be used to satisfy performance skills requirements. Each trainee shall be prepared to demonstrate any performance skill in the presence of a commission representative as required in Chapter 439 of this title.~~

6. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper including, but not limited to §433.5, Examination Requirements.

§433.5. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive driver/operator-pumper certification.
- ~~(b) Performance skills must meet the requirements in Chapter 439.~~
- (b) ~~No Individual~~ Individuals will be permitted to take the Commission examination for driver/operator-pumper by documenting unless the individual documents, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a commission-approved driver/operator-pumper curriculum.**

7. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 437, Fees including, but not limited to §437.13, Basic Certification Examination Fees.

§437.13. Processing Fees for Test Application, Basic Certification Examination Fees.

- (a) A non-refundable application processing fee of \$15 shall be charged for each ~~written or performance skill examination administered by the Commission.~~
- (b) ~~Academy testing~~ Fees will be paid in advance with the students' application or the provider of training may be invoiced or billed if previous arrangements have been made with the Commission. ~~to test or be billed after the state testing has been completed. The exceptions to this rule are:~~
- ~~(1) individual walk-ins; and~~
 - ~~(2) retesting of a failed skill administered the same day.~~

8. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 439, Examinations for Certification including, but not limited to Subchapter A, Examination for On-Site Delivery Training, §439.1, Requirements – General; §439.3, Definitions; §439.5, Procedures; §439.7, Eligibility; §439.9, Grading; §439.11, Academy Administered Performance Skill Evaluation; §439.13, State Administered Performance Skill Evaluation; §439.15, Proof of Proficiency; §439.17, Testing for Certification Status; §439.19, Number of Test Questions; and Subchapter B, Examinations for Distance Training, §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 commission and International Fire Service Accreditation Congress (IFSAAC) 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. ~~The state test can consist of only a written test or it can consist of a test that contains both a written portion and a performance skills portion. If the training program is conducted in the phase format, the examination will be based on the curriculum in effect at the time of the examination.~~
- (c) ~~If performance skills are required as part of a certification examination, the entity applying for the certification examination shall be responsible for providing the required number of approved field examiners. The number of field examiners shall be determined by the commission.~~
- (cd)** Commission examinations that receive a passing grade shall expire two years from the date of the examination.
- (de)** 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) All other state examinations consist of only one section.
 - (4) The Head of Department examination will be based on NFPA 1021, Chapter 7.
- (ef)** ~~The~~An individual who fails to pass a commission ~~written~~ 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 IFSAAC 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.
- (g)** ~~An examinee who fails a state performance skill evaluation may be allowed a retest at a time and place to be determined by the lead examiner. If the candidate fails the retest, remedial training conducted by a certified~~

instructor who is approved to teach in that specific subject area is required for a second retest. Remedial training must be of a duration no less than the recommended curriculum instructional hours for the section in which the failed skill(s) is reflected. An examinee being retested on a performance skill must be retested on any skill, randomly selected by the lead examiner, from the same subject area as the performance skill objective that was failed. If the examinee fails the final retest as part of a state performance skill evaluation, the examinee must requalify by repeating the entire curriculum applicable to the 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, 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 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 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 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 ~~when appropriate~~, by a member of the commission staff.
- (6) Examination - A state test ~~administered by the commission~~ 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, 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 will work under the supervision of a lead examiner during a commission-administered examination.~~ 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.

§439.5. Procedures.

- (a) Procedures for conducting ~~written and/or performance~~ examinations are determined by the commission.
- (b) ~~As part of the training approval process, the designated training officer, except for a Basic Fire Suppression academy, will choose a test location and date from the list provided by the commission. The designated training officer of a Basic Fire Suppression academy may request during the training approval process to schedule the examination as soon as possible after the completion of the applicable course and at a place agreeable to the commission. The provider of training will receive from the commission an Application for Testing form with the course approval notice which will reflect the tentative date, time, and location of the examination. The provider of training must have each examinee complete the Application for Testing form and return it to the commission office no later than the third day of instruction. The commission, upon receipt of the Application for Testing form, will confirm the time and place for the examination.~~
- (~~b~~e) All training providers are responsible for ensuring that all **application processing** testing fees due to the commission **must be** are paid in a timely manner. ~~In addition, all training providers of a Basic Fire Suppression academy that schedule through the commission an examination for less than ten (10) examinees must pay an examination fee equal to the amount that would be charged for ten (10) examinees.~~
- (d) ~~If the designated training officer determines that the time and/or place of the examination as set by the commission is not acceptable for good cause, he or she may request the commission to reschedule or relocate the examination providing the request is received at least 20 days prior to the original scheduled time of the examination or the new proposed time, whichever would result in the earliest notification. The commission shall give all such requests due consideration and may reschedule or relocate the examination as necessary.~~

~~(ce)~~ Each examination must be administered by a lead examiner.

~~(f)~~ The lead examiner may administer the examination alone or with the assistance of field examiner(s). The field examiners shall be approved by the commission prior to the administration of the examination.

~~(dg)~~ The lead examiner must:

(1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;

~~(2)~~ collect all examination materials from any examinee who is dismissed;

~~(23)~~ monitor the examination while in progress;

~~(34)~~ control entrance to and exit from the test site;

~~(5)~~ permit no one in the room while the written test is in progress except examiners, examinees, and commission staff;

~~(46)~~ assign or re-assign seating; and

~~(57)~~ bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.

~~(h)~~ Examination booklets, answer sheets, scratch paper and grade roster(s) will be delivered to the lead examiner by means specified by the commission. The lead examiner must immediately notify the commission and document any errors detected in the examination materials provided.

~~(i)~~ Immediately following the completion of the written examination, the lead examiner must remit to the commission all examination booklets, answer sheets and scratch paper in the return container provided by the commission.

~~(ej)~~ All official grading and notification must come from the commission **or its designee**. The ~~commission staff must make available 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.

~~(2) provide the lead examiner with a copy of a Certificate of Completion for the course required for the specific examination sought or an endorsement of eligibility issued by the commission;~~

~~(43) bring to the test site, and display upon request, some form of **state issued** identification which contains the name and a photograph of the examinee;~~

~~(54) report on time to the proper location; and~~

~~(65) 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) For a score to be valid and remain valid:~~

~~(1) the examinee must complete the answer sheet, or otherwise record the answers, as instructed by the lead examiner; and~~

~~(2) 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:

- (1A) all mandatory tasks; or
- (2B) an accumulation of points to obtain a passing score of at least 70%; or
- (3C) a combination of both (A) and (B).

- (b) The minimum passing score on each ~~written~~ examination or section thereof as outlined in §439.1(~~de~~) of this title 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 and for good cause shown, require a retest to obtain a substitute valid test score.

439.11. ~~Academy Administered~~ Commission-designated Performance Skill Evaluations

- (a) **The evaluation for competency of the Commission-designated skills will take place at the end of all training. The date(s), time(s) and location(s) will be provided to the commission on the Training Prior Approval form. The evaluation will be a formal test setting supervised by the chief training officer. All evaluators must be a current field examiner with the Commission.**
- (b) **The provider of training for commission certification courses will receive from the commission, with the course approval notice, a set of randomly selected performance skills as outlined in §439.11(d).**
- (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 randomly selected Commission-designated skills will be based off the following table:**

<u>DISCIPLINE</u>	<u>TOTAL # OF SKILL EVALUATIONS IN CURRICULUM</u>	<u>MINIMUM OF 3 OR 10% (ROUNDED UP)</u>
Structure	129	13
FFI	89	9
FFII	20	3
AW	6	3
OPS	14	3
INSPECTOR	57	6
INSPECTOR I	21	3
INSPECTOR II	22	3
PLAN EXAMINER I	14	3

<u>INVESTIGATOR</u>	<u>27</u>	<u>3</u>
<u>INSTRUCTOR I</u>	<u>14</u>	<u>3</u>
<u>INSTRUCTOR II</u>	<u>12</u>	<u>3</u>
<u>INSTRUCTOR III</u>	<u>15</u>	<u>3</u>
<u>FIRE OFFICER I</u>	<u>16</u>	<u>3</u>
<u>FIRE OFFICER II</u>	<u>12</u>	<u>3</u>
<u>HAZMAT TECH</u>	<u>22</u>	<u>3</u>
<u>DRIVER/OPERATOR – PUMPER</u>	<u>15</u>	<u>3</u>
<u>ARFF</u>	<u>19</u>	<u>3</u>

~~§439.13. State Administered Performance Skill Evaluation.~~

- ~~(a) The examinee must complete a state performance skill evaluation in accordance with subsection (b) of this section.~~
- ~~(b) The state performance skill evaluation must consist of at least three successfully completed performance skill objectives evaluated by field examiners under the supervision of a lead examiner after completion of an approved curriculum.~~
- ~~(1) The state performance skill evaluation of a Basic Fire Fighter I academy or a combined Fire Fighter I and Fire Fighter II academy must consist of one skill pertaining to self-contained breathing apparatus and at least two other skills identified as a critical skill in Section I of the Performance Evaluation Forms.~~
- ~~(2) Each student's performance skill evaluation routing card must show the results of the evaluations and be signed by the field examiner(s) performing the evaluation(s).~~

~~§439.15. Proof of Proficiency.~~

- ~~(a) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held.~~
- ~~(b) The individual may obtain a new certificate in the discipline which was previously held by passing a Commission proficiency examination pertaining to the discipline held.~~
- ~~(c) 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 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 restoring the applicant to employment.~~

~~§439.17. Testing for Certification Status.~~

- ~~(a) If an individual who has never held certification in a discipline defined in §421.5 of this title, seeks certification in that discipline, the individual shall;~~

~~(1) — complete all certification requirements; and~~

~~(2) — complete the examination process pertaining to that discipline. All portions of an examination must be passed before the individual is considered to have passed the examination.~~

~~(b) — 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 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.~~

§439.19. Number of Test Questions.

(a) Each ~~written~~ 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 ~~written portion of 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

(c) ~~The~~The Head of Department examination will consist of 50 active questions, with the option of adding up to five pilot questions, for a maximum time allotment of one hour.

SUBCHAPTER B EXAMINATIONS FOR DISTANCE TRAINING

§439.203. Procedures.

(a) Once distance training is completed, each individual receiving a certificate of completion must ~~contact the commission to obtain the appropriate test application packet. unless the commission has established an examination with the provider of training.~~

~~(b) — To apply for a state administered commission examination, an individual who completes distance training must complete the Application for Testing form and return it to the commission with the individual's certificate of~~

completion. The commission, upon receipt of the Application for Testing form and supporting documentation, will confirm the time and place for the examination.

§439.205. Performance Skill Evaluation.

- (a) ~~State performance skill evaluation. If a performance skill test is part of a commission examination, the examinee must complete a state performance skill evaluation as indicated in the particular standard related to the curriculum being tested or examined.~~
- (b) ~~Evaluation procedures. 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 subsection. The provider of distance training is required to keep a record of this assurance and provide it to the commission upon request.~~

9. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 449, Head of a Fire Department including, but not limited to §449.3, Minimum Standards for Certification as Head of a Suppression Fire Department and §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.

Chapter 449

HEAD OF A FIRE DEPARTMENT

§449.3 Minimum Standards for Certification as Head of a Suppression Fire Department

- (a) In order to be certified as a head of a fire department providing fire suppression, an individual must be appointed as head of a fire department; and
- (1) hold a certification as a fire protection personnel in any discipline that has a commission approved curriculum that requires structural fire protection personnel certification and five years experience in a full-time fire suppression position; or
 - (2) an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire suppression curriculum and provide documentation in the form of a sworn non self serving affidavit of five years experience in a full-time fire suppression position; or
 - (3) provide documentation in the form of a non self serving sworn affidavit of ten years experience as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439; or
 - (4) provide documentation in the form of a sworn non self serving affidavit of ten years of experience as a certified structural part-time fire protection employee; or
 - (5) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439.
- (b) The ten years of volunteer service must include documentation of attendance at 40% of the drills for each year and attendance of at least 25% of a department's emergencies in a calendar year while a member of a volunteer fire department or departments with 10 or more active members that conducts a minimum of 48 hours of drills in a calendar year.
- (c) Individuals certified as the head of a fire department must meet the continuing education requirement as provided for in Chapter 441.
- (d) An individual certified as head of a fire department under this section may engage in fire fighting activities only as the head of a fire department. These activities include incident command, direction of fire fighting activities or other emergency activities typically associated with fire fighting duties, i.e. rescue, confined space and hazardous materials response.

449.5 Minimum Standards for Certification as Head of a Prevention Only Department

- (a) In order to be certified as the head of a fire department providing fire prevention activities only, an individual must be appointed as head of a Fire Prevention Department; and
- (1) hold a certification as a fire inspector, fire investigator, or arson investigator and have five years of full-time experience in fire prevention activities; or

- (2) an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic arson investigator, fire investigator or fire inspector curriculum and provide documentation in the form of a sworn non self serving affidavit of five years experience in a full-time fire prevention position; or
 - (3) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439; or
 - (4) provide documentation in the form of a sworn non self serving affidavit of ten years experience as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or
 - (5) provide documentation in the form of a sworn non self serving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention and successfully pass a ~~written~~ commission Head of Department examination as specified in Chapter 439.
- (b) Individuals certified as the head of a fire department under this section must meet the continuing education requirement as provided for in Chapter 441.

10. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 451, Fire Officer including, but not limited to Subchapter A, Minimum Standards for Fire Officer I, §451.5, Examination Requirements and Subchapter B, Minimum Standards for Fire Officer II, §451.205, Examination Requirements.

**Chapter 451
FIRE OFFICER**

**Subchapter A
MINIMUM STANDARDS FOR FIRE OFFICER I**

§451.5. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer I certification.
- (b) ~~Performance skills must meet the requirements in Chapter 439.~~
- (be) ~~No~~ Individuals will be permitted to take the commission examination for Fire Officer I certification **by documenting the following: Structure Fire Protection Personnel certification and Fire Service Instructor certification through the commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer I curriculum.** ~~unless the individual documents completion of the Fire Fighter I and Fire Fighter II level as required by Chapter 1, Basic Fire Suppression, of the commission's Certification Curriculum Manual and holds, as a minimum, Fire Service Instructor I certification through the commission, or documents accreditation from International Fire Service Accreditation Congress as an Instructor I.~~

**SUBCHAPTER B
MINIMUM STANDARDS FOR FIRE OFFICER II**

§451.205. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer II certification.
- (b) ~~Performance skills must meet the requirements in Chapter 439.~~
- (be) ~~No~~ Individuals will be permitted to take the commission examination for Fire Officer II certification **by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor certification and Fire Officer I certification through the commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer II curriculum.** ~~unless the individual documents completion of the Fire Fighter I and Fire Fighter II level training as required by Chapter 1, Basic Fire Suppression, of the commission's Certification Curriculum Manual and holds, as a minimum, Fire Service Instructor I certification through the commission, documents accreditation from the International Fire Service Accreditation Congress as an Instructor I.~~

11. Discussion and possible recommendation regarding proposed rule changes to 37 TAC Chapter 453, Minimum Standards for Hazardous Materials including, but not limited to §453.5, Examination Requirements.

§453.5. Examination Requirements.

- (a) ~~The written~~ Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- (b) ~~Performance skills must meet the requirements in Chapter 439.~~
- (be) No **Individuals** will be permitted to take the Commission examination for Hazardous Materials Technician **by documenting** ~~unless the individual documents completion of the~~ **NFPA 472 Awareness and Operations level training** ~~First Responder Awareness and Operations level training as required by Chapter 1, Basic Fire Suppression, of the Commission's Certification Curriculum Manual~~ **and completing a commission-approved Hazardous Materials Technician curriculum.**

12. Discussion and possible recommendation by Assistant Fire Chief, Van Weese of The Colony Fire Department, regarding the minimum number of years of fire experience for a Master Structure Fire Protection Personnel Certification be 15 years, with a minimum of 5 years in a Chief Officer position.

From: John (Jake) Soteriou
Sent: Tuesday, February 17, 2009 10:28 AM
To: Larry Whitis
Subject: FW: Minimum Standards for Master Structure Fire Protection Personnel Certification

FYI and possibly the Committee.

Jake Soteriou
 Director - Standards & Certification
 office - (512) 936-3820
 fax - (512) 936-3808

From: Van Weese [mailto:vweese@thecolonytx.gov]
Sent: Friday, February 13, 2009 7:02 PM
To: John (Jake) Soteriou
Subject: RE: Minimum Standards for Master Structure Fire Protection Personnel Certification

I would recommend a minimum of 15 years fire experience with a minimum of 5 years in a Chief Officer position.

Thank you for your consideration.

Van Weese
Asst. Fire Chief
The Colony FD
972-625-3944



From: John (Jake) Soteriou [mailto:john.soteriou@tcfp.state.tx.us]
Sent: Friday, February 13, 2009 3:28 PM
To: Van Weese
Cc: Chris Connealy; Gary Warren
Subject: RE: Minimum Standards for Master Structure Fire Protection Personnel Certification

Chief Weese,

I will present this to the Advisor Committee at their March meeting. Do you have a specific number of years "experience" to recommend?

Jake Soteriou
 Director - Standards & Certification
 office - (512) 936-3820
 fax - (512) 936-3808

From: Gary Warren
Sent: Friday, February 13, 2009 11:42 AM
To: John (Jake) Soteriou
Subject: FW: Minimum Standards for Master Structure Fire Protection Personnel Certification

Jake,
 Please handle this ---forwarded to me from Chief Connealy.

Thanks!
 Gary

From: Chris Connealy [mailto:Chris.Connealy@cedarparktx.us]
Sent: Friday, February 13, 2009 11:29 AM
To: Gary Warren
Subject: FW: Minimum Standards for Master Structure Fire Protection Personnel Certification

Gary,

Please have someone on your staff reply to Chief Weese.

Thanks,

Chris Connealy
 Fire Chief
 Cedar Park Fire Department
 715 Discovery, Suite 311
 Cedar Park, TX 78613
 512-401-5220
 Fax 512-260-2464

From: Chris Connealy
Sent: Thursday, February 05, 2009 5:04 PM
To: 'Van Weese'
Subject: RE: Minimum Standards for Master Structure Fire Protection Personnel Certification

Chief Weese,

I apologize for the delay in responding to your e-mail. It got buried. I appreciate your input and will forward this to TCFP staff for review.

Thanks,

Chris Connealy
 Fire Chief
 Cedar Park Fire Department
 715 Discovery, Suite 311
 Cedar Park, TX 78613
 512-401-5220
 Fax 512-260-2464

From: Van Weese [mailto:vweese@thecolonytx.gov]
Sent: Wednesday, January 21, 2009 11:35 AM
To: chris.connealy@tcfp.state.tx.us
Subject: Minimum Standards for Master Structure Fire Protection Personnel Certification

Dear Sir,

I would like to suggest that an additional option for this certification be added to the standards. This option might include a person should have a minimum of 60 college hours and Chief level experience of at least 5-10 years. I believe that if someone has the years of experience as a chief officer, that would be more true experience in the fire service than just taking 18 hours of classroom work.

Thank you for considering this change. I do believe it would benefit a large portion of people that are unable to attend classroom work.

Van Weese
Asst. Fire Chief

The Colony FD
972-625-3944



13. Discussion and possible action on future meeting dates, agenda items, and locations.

14. Adjourn meeting.