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

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

2. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 449, Head of a Fire Department, including but not limited to, §449.1, Minimum Standards for the Head of a Fire Department, §449.3, Minimum Standards for Certification as Head of a Suppression Fire Department, §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.

CHAPTER 449

HEAD OF A FIRE DEPARTMENT

~~[§449.1 Minimum Standards for the Head of a Fire Department.]~~

~~[(a) An individual who becomes employed and is assigned as the head of a fire department must be certified by the Commission as head of a fire department, within one year of appointment.]~~

~~[(b) An individual appointed head of a department must be eligible to be certified at the time of the appointment or will become eligible to be certified within one year of the appointment and must submit an affidavit verifying eligibility status at the time of the appointment if not holding a Commission certification.]~~

~~[(c) Holding the head of a fire department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.]~~

~~[(d) Nothing contained in this chapter shall be construed to supercede Chapter 143, Local Government Code, in regard to appointment of a head of a fire department.]~~

~~[§449.3 Minimum Standards for Certification as Head of a Suppression Fire Department.]~~

~~[(a) Applicants for Head of a Fire Department certification must complete the following requirements]:~~

~~[(1) must be appointed as head of a fire department; and]~~

~~[(2) complete the Standards Review Assignment for Head of a Fire Department identified in the applicable chapter of the Curriculum Manual; and]~~

~~[(3) meet with a Texas Commission on Fire Protection Compliance Section representative for review and approval of the Standards Review Assignment; and]~~

~~[(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and]~~

~~[(5) 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]~~

~~[(6) 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 nonself serving affidavit of five years experience in a full-time fire suppression position; or]~~

~~[(7) provide documentation in the form of a nonself 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; or]~~

~~[(8) provide documentation in the form of a sworn nonself serving affidavit of ten years of experience as a certified structural part-time fire protection employee; o]r~~

~~[(9) provide documentation in the form of a sworn nonself 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].~~

~~[(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 of this title (relating to Continuing Education)].~~

~~[(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) Applicants for Head of a Fire Department certification must complete the following requirements:]~~

~~[(1) must be appointed as head of a fire department; and]~~

~~[(2) complete the Standards Review Assignment for Head of a Fire Department identified in the applicable chapter of the Curriculum Manual; and]~~

~~[((3) meet with a Texas Commission on Fire Protection Compliance Section representative for review and approval of the Standards Review Assignment; and]~~

~~[(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and]~~

~~[(5) 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]~~

~~[(6) 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 nonself serving affidavit of five years experience in a full-time fire prevention position; or]~~

~~[(7) provide documentation in the form of a sworn nonself 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; or]~~

~~[(8) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or]~~

~~[(9) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention.]~~

~~[(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 of this title (relating to Continuing Education).]~~

CHAPTER 449

HEAD OF A FIRE DEPARTMENT

SUBCHAPTER A

MINIMUM STANDARDS FOR HEAD OF A SUPPRESSION FIRE DEPARTMENT

§449.1 Minimum Standards for the Head of a Suppression Fire Department.

(a) An individual who becomes employed and is assigned as the head of a suppression fire department must be certified by the commission as Head of a Suppression Fire Department, within one year of appointment.

(b) An individual appointed head of a suppression fire department must be eligible to be certified at the time of the appointment or will become eligible to be certified within one year of the appointment and must submit an affidavit verifying eligibility status at the time of the appointment if not holding a commission certification.

(c) Holding the Head of a Suppression Fire Department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.

(d) Nothing contained in this chapter shall be construed to supersede Chapter 143, Local Government Code, in regard to appointment of a head of a suppression fire department.

(e) Individuals certified as the Head of a Suppression Fire Department must meet the continuing education requirement as provided for in Chapter 441 of this title (relating to Continuing Education).

(f) An individual certified as Head of a Suppression Fire Department under this subchapter may engage in fire fighting activities only as the head of a suppression 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.

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

(a) Applicants for Basic Head of a Suppression Fire Department Certification must complete the following requirements:

(1) must be appointed as head of a suppression fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in the applicable chapter of the Certification Curriculum Manual; and

(3) meet with a Texas Commission on Fire Protection Compliance Section representative for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

(5) document completion of the National Incident Management System courses 100, 200, 700, and 800; and

(6) hold a Texas Commission on Fire Protection 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 within the last ten years in a full-time fire suppression position; or

(7) 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 within the last ten years in a full-time fire suppression position; or

(8) provide documentation in the form of a non self serving sworn affidavit of ten years experience within the last fifteen years as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; or

(9) provide documentation in the form of a sworn non self serving affidavit of ten years of experience within the last fifteen years as a certified structural part-time fire protection employee; or

(10) provide documentation in the form of a sworn non self serving affidavit of ten years experience within the last fifteen years as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section.

(b) The ten years of volunteer service referenced in subsection (a) paragraph (10) 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 ten or more active members that conducts a minimum of 48 hours of drills in a calendar year.

§449.5 Minimum Standards for Intermediate Head of a Suppression Fire Department Certification.

(a) Applicants for Intermediate Head of a Suppression Fire Department Certification must complete the following requirements:

(1) have a minimum of two years of experience in a full time head of a suppression fire department position; and

(2) hold, as a prerequisite, Basic Head of a Suppression Fire Department Certification through the commission; and

(3) hold Fire Officer II certification through the commission; and

(4) document completion of the National Incident Management System courses 300 and 400; and

(5) complete 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 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 Head of a Fire Department Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§449.7 Minimum Standards for Advanced Head of a Suppression Fire Department Certification.

(a) Applicants for Advanced Head of a Suppression Fire Department Certification must complete the following requirements:

(1) have a minimum of four years of experience in a full time head of a suppression fire department position; and

(2) hold, as a prerequisite, an Intermediate Head of a Suppression Fire Department Certification through the commission; and

(3) hold Fire Officer III certification through the commission; and

(4) complete 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 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 Head of a Fire Department Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§449.9 Minimum Standards for Master Head of a Suppression Fire Department Certification.

(a) Applicants for Master Head of a Suppression Fire Department Certification must complete the following requirements:

(1) have a minimum of six years of experience in a full time head of a suppression fire department position; and

(2) hold, as a prerequisite, an Advanced Head of a Suppression Fire Department Certification through the commission; and

(3) hold Fire Officer IV certification through the commission; and

(4) acquire 60 college semester hours or an associate 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 Head of a Suppression Fire Department Certification.

SUBCHAPTER B

MINIMUM STANDARDS FOR HEAD OF A PREVENTION ONLY FIRE DEPARTMENT

§449.201 Minimum Standards for the Head of Prevention Only Fire Department.

(a) An individual who becomes employed and is assigned as the head of a prevention only fire department must be certified by the commission as Head of a Prevention Only Fire Department, within one year of appointment.

(b) An individual appointed head of a prevention only fire department must be eligible to be certified at the time of the appointment or will become eligible to be certified within one year of the appointment and must submit an affidavit verifying eligibility status at the time of the appointment if not holding a commission certification.

(c) Holding the Head of a Prevention Only Fire Department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.

(d) Nothing contained in this chapter shall be construed to supersede Chapter 143, Local Government Code, in regard to appointment of a head of a prevention only fire department.

(e) Individuals certified as the Head of a Prevention Only Fire Department must meet the continuing education requirement as provided for in Chapter 441 of this title (relating to Continuing Education).

§449.203 Minimum Standards for Basic Head of Prevention Only Fire Department Certification.

(a) Applicants for Basic Head of a Prevention Only Fire Department Certification must complete the following requirements:

(1) must be appointed as head of a prevention only fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in the applicable chapter of the Certification Curriculum Manual; and

(3) meet with a Texas Commission on Fire Protection Compliance Section representative for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

(5) documentation of completion of National Incident Management System 100, 200, 700 and 800; and

(6) hold a Texas Commission on Fire Protection certification as a fire inspector, fire investigator, or arson investigator and have five years experience within the last ten years in a full-time fire prevention position; or

(7) 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 within the last ten years in a full-time fire prevention position; or

(8) provide documentation in the form of a sworn non self serving affidavit of ten years experience within the last fifteen years 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; or

(9) provide documentation in the form of a sworn non self serving affidavit of ten years experience within the last fifteen years as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or

(10) provide documentation in the form of a sworn non self serving affidavit of ten years fire prevention experience within the last fifteen years as an active volunteer fire inspector, fire investigator or arson investigator.

§449.205 Minimum Standards for Intermediate Head of a Prevention Only Fire Department Certification.

(a) Applicants for Intermediate Head of a Prevention Only Fire Department Certification must complete the following requirements:

(1) have a minimum of two years of experience in a full time head of a prevention only fire department position; and

(2) hold, as a prerequisite, a Basic Head of a Prevention Only Fire Department Certification through the commission; and

(3) hold Fire Officer II certification through the commission; and

(4) document completion of National Incident Management System 300 and 400; and

(5) complete 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 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 Head of a Fire Department Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§449.207 Minimum Standards for Advanced Head of a Prevention Only Fire Department Certification.

(a) Applicants for Advanced Head of a Prevention Only Fire Department certification must complete the following requirements:

(1) have a minimum of four years of experience in a full time head of a prevention only fire department position; and

(2) hold, as a prerequisite, an Intermediate Head of a Prevention Only Fire Department through the commission; and

(3) hold Fire Officer III certification through the commission; and

(4) complete 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 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 Head of a Fire Department Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§449.209 Minimum Standards for Master Head of a Prevention Only Fire Department Certification.

(a) Applicants for Master Head of a Prevention Only Fire Department Certification must complete the following requirements:

(1) have a minimum of six years of experience in a full time head of a prevention only fire department position; and

(2) hold, as a prerequisite, an Advanced Head of a Prevention Only Fire Department Certification through the commission; and

(3) hold Fire Officer IV certification through the commission; and

(4) acquire 60 college semester hours or an associate 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 Head of a Prevention Only Fire Department Certification.