

## **FIRE FIGHTER ADVISORY COMMITTEE**

### **AGENDA**

**March 24, 2016 9:00 A.M.**

**1701 N. Congress Ave., 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 – 9:00 a.m.**
- 2. Election of officers.**
- 3. Adoption of December 4, 2015 Fire Fighter Advisory Committee meeting minutes.**
- 4. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Certification Curriculum Manual, including but not limited to the Incident Safety Officer Curriculum reference list.**
- 5. Discussion and possible action on proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.13, Processing Fees for Test Application and §437.17, Records Review Fees.**
- 6. Discussion and possible action on proposed rule changes 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, §439.7, Eligibility, §439.9, Grading, and §439.11, Commission-Designated Performance Skill Evaluations.**
- 7. Discussion and possible action on proposed rule changes to title 37 TAC, Chapter 451, Fire Officer, including but not limited to, Subchapter C, Minimum Standards for Fire Officer III, new §451.307, International Fire Service Accreditation Congress (IFSAC) Seal; and Subchapter D, Minimum Standards for Fire Officer IV, new §451.407, International Fire Service Accreditation Congress (IFSAC) Seal.**
- 8. Discussion of the 2015 data collected on fire fighter injuries, and possible action on developing recommendations to be submitted to the commission for approval and inclusion in the annual report to be sent to the State Fire Marshal’s Office.**
- 9. Discussion and possible action on setting future meeting dates, locations and agenda items.**
- 10. Adjourn meeting.**

**1. Roll call---9:00 a.m.**

## **2. Election of officers.**

## FIRE FIGHTER ADVISORY COMMITTEE VOTING BALLOT

Chair (Presiding Officer)	Vice-Chair	Secretary
Nominees	Nominees	Nominees
Jim Reidy	Jim Reidy	Jim Reidy
Mike Wisko	Mike Wisko	Mike Wisko
J. P. Steelman	J. P. Steelman	J. P. Steelman
Jason Collier	Jason Collier	Jason Collier
Amado Cano	Amado Cano	Daniel DeYear
	Daniel DeYear	

Please circle **only one** candidate for each position.

**3. Adoption of the December 4, 2015 Fire Fighter Advisory Committee meeting minutes.**

## TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Jim Reidy called the December 4, 2015 meeting of the Fire Fighter Advisory Committee to order at 9:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Attending Jim Reidy Michael Wisko Amado Cano, Jr. Ken Swindle  
Jason Collier Daniel DeYear J. P. Steelman

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

Staff Tim Rutland Deborah Cowan Joyce Guinn Mark Roughton Sylvia Miller Paul Maldonado  
Andrew Lutostanski, Assistant Attorney General

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1. Roll call Secretary J. P. Steelman called roll and a quorum was present.

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  2. Adoption of Minutes A motion was made by Michael Wisko and seconded by Daniel DeYear to approve the minutes of the September 23, 2015, fire fighter advisory committee meeting as discussed. The motion carried.

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  3. Report from Curriculum & Testing Committee Pat McAuliff, Chair of the committee went over the recommended changes. A motion was made by Amado Cano and seconded by Jason Collier to recommend to the commission the recommended changes to the curricula as discussed. The motion carried.

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  4. Development of future curricula Pat McAuliff, Chair of the Curriculum and Testing Committee provided information to the committee members regarding the recommendations of his committee for the future development of curricula.  
  
After discussion, a motion was made by Daniel DeYear and seconded by J. P. Steelman to recommend to the commission that any new voluntary certifications developed would be reviewed using the guidelines recommended by the curriculum and testing committee of, textbook availability, quality of text content (NFPA correlation and accepted practice), publishers ability to provide secure test bank exclusive for TCFP use and editing rights, and a statement of need from a recognized professional organization; and the first two to be developed would be Driver Operator-Aerial Fire Apparatus (NFPA 1002) and Fire and Life Safety Educator I, II in that order. The motion carried.

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  5. 37 TAC, Chapter 431 A motion was made by Jason Collier and seconded by Daniel DeYear to approve for recommendation to the commission amendments to 37 TAC, Chapter 431, §431.9 and §431.209 as discussed. The motion carried.

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  6. Fees After discussion, a motion was made by Mike Wisko and seconded by Amado Cano to send a recommendation to the commission to not decrease any fees at this time. The motion failed. (3 for, 4 against)  
  
After further discussion, a motion was made by Jason Collier and seconded by Daniel DeYear to recommend to the commission a fee decrease of ten dollars for certification renewals (\$85 to \$75) with the examination and new certification fees remaining at the current rate of \$85 each. The motion carried.

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  7. Future meeting dates, locations agenda items The next meeting was scheduled for March 3, 2016 beginning at 9:00 a.m.
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8. Adjournment A motion to adjourn was made by J. P. Steelman and seconded by Amado Cano. The motion carried.

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Jim Reidy  
Presiding Officer

- 4. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Certification Curriculum Manual, including but not limited to the Incident Safety Officer Curriculum reference list.**

**REFERENCE LIST FOR THE  
FIRE DEPARTMENT SAFETY OFFICER  
INCIDENT SAFETY OFFICER CURRICULUM**

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

~~*Fire Department Incident Safety Officer (2<sup>nd</sup> ed.) (2007). Dodson, David D., Clifton Park, NY: Thomson Delmar Learning.*~~

***Fire Department Incident Safety Officer (3<sup>rd</sup> ed.) (2016). Dodson, David W. Burlington, MA: Jones and Bartlett Learning.***

*NFPA 1500: Standard on Fire Department Occupational Safety and Health Program (2007 ed.).*  
Quincy, MA: National Fire Protection Association NFPA Publications

*NFPA 1521: Standard for Fire Department Safety Officer (2008 ed.).* Quincy, MA: National Fire Protection Association NFPA Publications

*Certification Curriculum Manual for Fire Protection Personnel*, Austin, TX: Texas Commission on Fire Protection

*Standards Manual for Fire Protection Personnel*, Austin, TX: Texas Commission on Fire Protection

5. **Discussion and possible action on proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.13, Processing Fees for Test Application 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 as prescribed by Texas 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 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 providers.

#### **§437.3 Certification Application Processing Fees.**

- (a) A non-refundable application processing fee of \$85 is required for each certificate issued by the 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) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the 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.
- (e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

- (f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

#### **§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 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 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 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 certification renewal fees must be submitted with the renewal invoice to the 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) 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 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 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 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 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.

(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.

(n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, 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 does not provide printed copies of the manuals. A printed copy of the 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).

#### **§437.11 Copying Fees.**

(a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee.

(b) A fee will be charged for address and telephone number lists of fire service agencies.

(c) A fee will be charged for mailing peel-off labels of fire service agencies.

### **§437.13 Processing Fees for Test Application.**

(a) A non-refundable application processing fee of \$85 shall be charged for each examination.

#### **(b) A non-refundable application processing fee of \$35 shall be charged for each sectional examination.**

~~(c)~~~~(b)~~ Fees will be paid in advance with the application or the certified training provider may be invoiced or billed if previous arrangements have been approved by the commission in writing via mail, e-mail or fax.

(1) Any payment postmarked from 61 to 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee of one half the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.

(2) Any payment postmarked more than 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee in an amount equal to the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.

~~(d)~~~~(c)~~ The test application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.

~~(e)~~~~(d)~~ The test application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.

### **§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.

### **§437.17 Records Review Fees.**

(a) A non-refundable fee of ~~\$75~~ ~~[\$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.

6. **Discussion and possible action on proposed rule changes 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, §439.7, Eligibility, §439.9, Grading, and §439.11, Commission-Designated Performance Skill Evaluations.**

## 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 rules and; as applicable, with:
  - (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) 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) Commission examinations that receive a passing grade shall expire two years from the date of the examination.

- (f) An examination for Basic Structure Fire Protection shall 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. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**
- (g) An examination for Basic Fire Inspector shall consist of three sections: Inspector I, Inspector II, and Plan Examiner I. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**
- (h) An examination for Basic Structure Fire Protection and Intermediate Wildland Fire Protection shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**
- (i) All other state examinations consist of only one section.
- (j) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or **section(s)** [~~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) An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.
- (l) 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) If an individual completes **a commission** [~~an~~] approved training program, **or a 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 **may use only one of the following examination processes for certification:**
- (1) pass a commission examination; or**
  - (2) submit documentation of the completion of the Pro Board examination process administered by the Texas A&M Engineering Extension Service, and**
  - (3) meet any other certification requirements in order to become eligible for certification as fire protection personnel.**

**(4) An individual cannot use a combination of the two examination processes in this subsection for certification. An individual who chooses to submit to the commission examination process may not utilize the other process toward certification. [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) 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 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 qualifies an individual to take an original certification examination. **The certificate expires two years from the date of completion. If an individual does not take the certification examination prior to the expiration of the certificate of completion, he or she must again complete the curriculum in order to obtain a new certificate of completion.**

(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 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 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 §427.307(h) and (i) of this title (relating to On-Site and Distance Training Provider Staff Requirements) 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).

**(11) Sectional examination--A test that covers one section of a multiple-section examination, usually conducted as a retest for a failed section.**

**§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 **if the original examination grade is still active.** ~~[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.
- (b) ~~[During the course of instruction, the ]~~**The** training provider shall test ~~[for competency,]~~ the commission designated performance skills **for competency**. The skill evaluations ~~[may be scheduled at any time during the course, but must]~~ **may only** 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. 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) If performance skill evaluations are not conducted for a student during the course of instruction, they must be conducted within ninety days (90) following the end date of the course. If performance skill evaluations are not conducted within the ninety day (90) period, the student must repeat the course.**

**(e)**~~(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.

**(f)**~~(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

7. **Discussion and possible action on proposed rule changes to title 37 TAC, Chapter 451, Fire Officer, including but not limited to, Subchapter C, Minimum Standards for Fire Officer III, new §451.307, International Fire Service Accreditation Congress (IFSAC) Seal; and Subchapter D, Minimum Standards for Fire Officer IV, new §451.407, International Fire Service Accreditation Congress (IFSAC) Seal.**

## CHAPTER 451

### FIRE OFFICER

#### SUBCHAPTER C

##### MINIMUM STANDARDS FOR FIRE OFFICER III

###### **§451.301 Fire Officer III Certification.**

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in 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.

###### **§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; 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); 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 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.

(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.

#### **§451.305 Examination Requirements.**

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer III certification.

(b) Individuals will be permitted to take the commission examination for Fire Officer III certification by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor II certification and Fire Officer II certification through the commission or the equivalent IFSAC seals, and completing a commission approved Fire Officer III program.

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

**(a) Individuals holding a current commission Fire Officer III certification received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.**

**(b) Individuals completing a commission approved Fire Officer III program; documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer II; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees.**

## CHAPTER 451

### FIRE OFFICER

#### SUBCHAPTER D

#### MINIMUM STANDARDS FOR FIRE OFFICER IV

##### **§451.401 Fire Officer IV Certification.**

A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in 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.

##### **§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; 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); 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 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.

(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.

#### **§451.405 Examination Requirements.**

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer IV certification.
- (b) Individuals will be permitted to take the commission examination for Fire Officer IV certification by documenting the following: Structure Fire Protection Personnel certification and Fire Officer III certification through the commission or the equivalent IFSAC seals, and completing a commission approved Fire Officer IV program.

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

**(a) Individuals holding a current commission Fire Officer IV certification received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer IV by making application to the commission**

**for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.**

**(b) Individuals completing a commission approved Fire Officer IV program; documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer III; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer IV by making application to the commission for the IFSAC seal and paying applicable fees.**

- 8. Discussion of the 2015 data collected on fire fighter injuries, and possible action on developing recommendations to be submitted to the commission for approval and inclusion in the annual report to be sent to the State Fire Marshal's Office.**

**9. Discussion and possible action on setting future meeting dates, locations and agenda items.**

**10. Adjourn meeting.**