

TEXAS COMMISSION ON FIRE PROTECTION
January 26, 2023, 10:00 a.m.
1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

The meeting of the Texas Commission on Fire Protection will be held in-person at the physical location above. If you are not feeling well or were possibly exposed to COVID-19, please stay at home.

The Texas Commission on Fire Protection may discuss and/or take action on any of the following agenda items. The Commission may go into executive session on any agenda item listed below as authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. Call to order with invocation and pledge of allegiance.
2. Roll call and excuse Commissioner absences.
3. Commission meeting minutes of October 27, 2022.
4. The Budget and Strategic Plan Subcommittee may meet on January 26, 2023, during the commission meeting and provide a report relating to any recommendations developed by the subcommittee relating to modifications to the agency operating budget and strategic plan.
5. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firefighters and Fire Marshals' Association of Texas, the Texas Fire Marshal's Association, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, the State Fire Marshal's Office, and the National Fallen Fire Fighters Foundation.
6. Report from commission representative to the Texas Fire School Advisory Board or by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
7. Report from commission representative to the Homeland Security Council.
8. Report from the Health and Wellness ad-hoc Committee.
9. Subjects for future commission meeting agendas.
10. Future meeting dates.
11. Matters referred from the Curriculum and Testing Committee, including, but not limited to:
 - A. 37 Texas Administrative Code (TAC), Chapter 461, Incident Commander.

- B. Proposed new 37 TAC, Chapter 467, Fire Marshal.**
- 12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:**
 - A. Proposed amendment to 37 TAC, Chapter 427, Training Facility Certification.**
 - B. Rule review of the following:**
 - 1. 37 TAC, Chapter 449, Head of Department.**
 - 2. 37 TAC, Chapter 451, Fire Officer.**
 - 3. 37 TAC, Chapter 453, Hazardous Materials.**
 - 4. 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**
- 13. Proposed new 37 TAC, Chapter 463, Advisory Committees.**
- 14. Update from 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification ad hoc committee.**
- 15. Proposed rule review of the following:**
 - A. 37 TAC, Chapter 459, Fire and Life Safety Educator.**
 - B. 37 TAC, Chapter 461, Incident Commander.**
 - C. 37 TAC, Chapter 491, Voluntary Regulation of State Agencies and State Agency Employees.**
 - D. 37 TAC, Chapter 493, Voluntary Regulation of Federal Agencies and Federal Fire Fighters.**
 - E. 37 TAC, Chapter 495, Regulation of Nongovernmental Departments.**
- 16. Matters from the Agency Chief.**
 - A. Update regarding agency duties and responsibilities.**
 - B. Decisions of Agency Chief in contested cases and consent orders.**
 - C. Status regarding division functions:**
 - 1. Training Approval & Testing – test administered, training approvals, record reviews and online training audits**

2. **Certification & Professional Development** – training applications, IFSAC seals issued, certifications issued, training facilities, curriculum development, library resource requests
 3. **Compliance** – biennial inspections, compliance officers training, issues involving regulated entities
 4. **Information Technology** – public website design, FARM and FIDO improvements, CAPPs (Central Accounting Payroll/Personnel System), IT security policy, service requests
17. **Personnel matters regarding the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Agency Chief.**
18. **Adjourn meeting.**

Any invocation that may be offered before the official start of the commission meeting shall be voluntary offering of a chaplain, to and for the benefit of the commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the commission and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to participate actively in the business of the commission. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the commission Clerk.

1. Call to order with invocation and pledge of allegiance.

2. Roll call and excuse Commissioner absences.

3. Commission meeting minutes of October 27, 2022.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, J. P. Steelman, at 10:00 a.m. called the October 27, 2022, meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Chris Cantu Mike Jones J. P. Steelman	David Coatney Clyde Loll Kelly Vandygriff	Sue DeVillez Bob Morgan Rusty Wilson	Michael Glynn Mala Sharma	Paul Hamilton Tim Smith
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*absent entire meeting
**absent part of meeting

Staff	Mike Wisko Amanda Khan Robert Reese	Holden Wenger Candace Barnett Rosalind Hunt, Assistant Attorney General	Grace Wilson Ashley Barnett	TC Ryan Joyce Guinn
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Guests See Guest List attached.

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| 1. Invocation and Pledge of Allegiance | The invocation was given by Commissioner Kelly Vandygriff and the Pledge of Allegiance was lead by Presiding Officer, J. P. Steelman. |
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| 2. Roll call and excuse of Commissioner absences | called the roll, and a quorum was present. |
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| 3. Adoption of Minutes | A motion was made by Rusty Wilson and seconded by David Coatney to approve the minutes of the April 21, 2022, commission meeting. The motion carried. |
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| 4. Report from Budget and Strategic Plan Subcommittee | No action necessary. |
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| 5. Reports from Interest Groups | A brief report was given by the Texas Fire Chief's Association, the Texas Association of Fire Educators, Texas A&M Forest Service, National Fire Protection Association, the Texas State Association of Fire and Emergency Districts, and the Center for Public Safety Excellence. |
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| 6. Report from TX Fire School Advisory Board | David Brannon gave a brief report on activities of the board to date. |
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| 7. Report from Homeland Security Council | No report given. |
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8. Report from Health & Wellness Chairman, Mala Sharma gave a brief report including cardiovascular and mental health initiatives.

9. Subjects for future meeting agendas None proposed.

10. Future meeting Dates The Commission announced the 2023 meeting dates: January 25 and 26, April 20, July 12 and 13, and October 26.

11. Matters from Fire Fighter Advisory Committee

A) 1. A motion was made by Mike Jones and seconded by Kelly Vandygriff to approve with proposed change to Chapter 401. The motion carried.

2. A motion was made by Paul Hamilton and seconded by Michael Glynn to appoint an ad hoc group to review Chapter 403. Chairman Steelman appointed Kelly Vandygriff as Chairman of the committee and appointed Bob Morgan and Sue DeVillez to the committee. The motion carried.

3. A motion was made by Chris Cantu and seconded by Clyde Loll to approve proposed changes to Chapter 421. The motion carried.

4. A motion was made by Tim Smith and seconded by David Coatney to approve proposed changes to Chapter 423. The motion did not carry.

5. A motion was made by Mala Sharma and seconded by Kelly Vandygriff to approve with changes to 425.1(a) Chapter 425. The motion carried.

6. A motion was made by Mike Jones and seconded by David Coatney to send Chapter 427 back to committee and to be reviewed by Fire Fighter Advisory. The motion carried.

7. A motion was made by Mike Jones and seconded by Bob Morgan to approve proposed changes to Chapter 431. The motion carried.

8. A motion was made by Michael Glynn and seconded by Rusty Wilson to approve proposed changes to Chapter 433. The motion carried.

9. A motion was made by Mike Jones and seconded by Bob Morgan to approve proposed changes to Chapter 435. The motion carried.

10. A motion was made by Chris Cantu and seconded by Bob Morgan to approve Chapter 437. The motion carried.

11. A motion was made Rusty Wilson and seconded by Clyde Loll to approve proposed changes to Chapter 439 with change to Figure in 439.19. The motion carried.

12. A motion was made by Mike Jones and seconded by Mala Sharma to move Chapter 463 back to committee for review. The motion carried.

B) 1. A motion was made by Chris Cantu and seconded by Paul Hamilton to approve the final rule review without changes of Chapter 441. The motion carried.

2. A motion was made by Kelly Vandygriff and seconded by Paul Hamilton to approve proposed changes for publication to Chapter 443 with change to 443.7(c). The motion carried.

3. A motion was made by Bob Morgan and seconded by Tim Smith to approve the final review without changes to Chapter 447. The motion carried.

4. A motion was made by Chris Cantu and seconded by David Coatney to approve the final review without changes to Chapter 455. The motion carried.

12. Proposed rule Reviews A motion was made by David Coatney and seconded by Chris Cantu to have the Fire Fighter Advisory Committee review the rules for 37 TAC, Chapter 449, Head of Fire Department, 37 TAC, Chapter 451, Fire Officer, 37 TAC, Chapter 453, Hazardous Materials, and 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.

13. Matters from Agency Chief A. Mike Wisko, Agency Chief, gave an update on agency duties and responsibilities.
B. Mr. Wisko reported that there were no contested cases.
C. Mr. Wisko reported status on division functions.

14. Executive Session No executive session was called.

15. Adjournment A motion to adjourn was made by Rusty Wilson and seconded by Michael Glynn. The motion carried.

J. P. Steelman, Presiding Officer

4. The Budget and Strategic Plan Subcommittee may meet on January 26, 2023, during the commission meeting and provide a report relating to any recommendations developed by the subcommittee relating to modifications to the agency operating budget and strategic plan.

Appropriation	Appr Budget	Appr Transfer In	Est. Coll. Revenue	Revenue	Excess Revenue	Expenditures	Cash Reserves	Appr Cash Available
13008 Fire Safety Information	\$118,972.00					\$25,417.47	\$18,426.11	\$75,228.42
13014 Certify & Regulation (0001)	\$1,085,101.00		\$65,000.00	\$47,250.00	\$3,330.00	\$188,947.30	\$64,931.02	\$809,472.68
Certify & Regulation (0802)	\$25,000.00		\$25,000.00	\$6,665.91		\$4,531.93		\$2,133.98
13800 Indirect Administration	\$652,415.00					\$150,961.60	\$42,622.02	\$456,831.38
Totals	\$1,881,488.00		\$90,000.00	\$53,915.91	\$3,330.00	\$369,858.30	\$125,979.15	\$1,343,666.46
23102 Benefit Replacement		\$1,500.00						\$1,500.00
90327 State Retirement		\$160,000.00				\$22,850.98	\$11,364.33	\$125,784.69
91142 OASI, State Match		\$135,000.00				\$19,753.89	\$9,020.00	\$106,225.41
97768 Online Processing Fees				\$28,691.35	\$28,691.35	\$28,549.18		\$142.17
99327 Group Insurance		\$265,000.00				\$35,033.47	\$17,613.59	\$212,352.94
99906 Unappropriated General Revenue				\$2,597,952.50				\$2,597,952.50



5. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firefighters and Fire Marshals' Association of Texas, the Texas Fire Marshal's Association, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, the State Fire Marshal's Office, and the National Fallen Fire Fighters Foundation.

6. Report from commission representative to the Texas Fire School Advisory Board or by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).

7. Report from commission representative to the Homeland Security Council.

8. Report from the Health and Wellness ad-hoc Committee.

9. Subjects for future commission meeting agendas.

10. Future meeting dates.

11. Matters referred from the Curriculum and Testing Committee, including, but not limited to:

A. 37 Texas Administrative Code (TAC), Chapter 461, Incident Commander.

CHAPTER 461

INCIDENT COMMANDER

§461.1. Incident Commander Certification.

(a) An Incident Commander is defined as an individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources, who has overall authority and responsibility for conducting and managing all incident operations at the incident site.

(b) All individuals holding an Incident Commander certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

§461.3. Minimum Standards for Incident Commander Certification.

In order to be certified as an Incident Commander, an individual must:

(1) provide documentation of completion of the National Incident Management System courses 100, 200, 700, and 800; and

(2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Commander; or

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

(A) completion of an in-state Incident Commander program meeting the requirements of the applicable NFPA standard and conducted by a commission-certified training provider, that was submitted and approved through the commission's training prior approval system; or

(B) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

§461.5. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Incident Commander certification.

§461.7. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission-approved Incident Commander program may be granted an IFSAC seal for Incident Commander by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the fee for the seal prior to the expiration of the examination to qualify for the IFSAC seal.

11. Matters referred from the Curriculum and Testing Committee, including, but not limited to:

B. 37 Texas Administrative Code (TAC), Chapter 467, Fire Marshal.

CHAPTER 467FIRE MARSHALSUBCHAPTER AMINIMUM STANDARDS FOR BASIC FIRE MARSHAL§467.1. BASIC FIRE MARSHAL CERTIFICATION.

- (a) A Fire Marshal is defined as an individual designated to provide delivery, management, and/or administration of fire protection- and life safety-related codes and standards, investigations, education, and/or prevention services.
- (b) All individuals holding a Fire Marshal certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) Special temporary provision. Individuals are eligible to take the commission examination for Basic Fire Marshal by:
- (1) holding as a minimum, Instructor I certification through the commission; and
 - (2) holding as a minimum, Fire Investigator certification through the commission; and
 - (3) holding as a minimum, Fire Inspector certification through the commission
 - (4) All applications for testing during the special temporary provision period must be received no earlier than May 1, 2023, and no later than April 30, 2024.
 - (5) This subsection will expire on June 1, 2024

§467.3. Minimum Standards for Basic Fire Marshal Certification.

In order to be certified as a Basic Fire Marshal, an individual must: _____

- (1) hold Basic Fire Inspector certification through the commission; and
- (2) hold Basic Fire Investigator or Basic Arson Investigator certification through the commission; and
- (3) hold Fire and Life Safety Educator I; and
- (4) complete a commission approved Fire Marshal program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Marshal program must consist of the following:
- (5) completion of a commission approved Fire Marshal Curriculum as specified in Chapter 15 of the commission's Certification Curriculum Manual.

§467.5. Examination Requirement.

- (a) Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Basic Fire Marshal certification.
- (b) Individuals will be permitted to take the Commission examination for Basic Fire Marshal certification by documenting the following: Basic Inspector certification and Basic Fire Investigator or Basic Arson Investigator certification and Fire and Life Safety Educator I

through the Commission or the equivalent IFSAC seals and completing a Commission-approved Basic Fire Marshal curriculum.

§467.7. Reserved. (IFSAC)

CHAPTER 467

FIRE MARSHAL

SUBCHAPTER B

MINIMUM STANDARD FOR INTERMEDIATE FIRE MARSHAL CERTIFICATION

§467.201. Intermediate Fire Marshal Certification.

- (1) Applicants for Intermediate Fire Marshal certification must complete the following requirements:**
- (2) hold as a prerequisite a Basic Fire Marshal certification as defined in §467.3 of this title (relating to Minimum Standards for Basic Fire Marshal Certification); and**
- (3) hold Intermediate Fire Inspector certification through the commission; and**
- (4) hold Intermediate Fire Investigator or Intermediate Arson through the commission; and**
- (5) hold Fire and Life Safety Educator II certification through the commission; and**
- (6) acquire a minimum of four years of fire protection experience**

CHAPTER 467

FIRE MARSHAL

SUBCHAPTER C

MINIMUM STANDARDS FOR ADVANCED FIRE MARSHAL CERTIFICATION

§467.301. Advanced Fire Marshal Certification.

(a) Applicants for Advanced Fire Marshal certification must complete the following requirements:

- (1) hold as a prerequisite an Intermediate Fire Marshal certification as defined in §467.5 of this title (relating to Minimum Standards for Intermediate Fire Marshal Certification); and**
- (2) hold Advanced Fire Inspector certification through the commission; and**
- (3) hold Advanced Fire Investigator or Advanced Arson through the commission; and**
- (4) hold Fire Plans Examiner certification through the commission; and**
- (5) acquire a minimum of eight years of fire protection experience**

CHAPTER 467

FIRE MARSHAL

SUBCHAPTER D

MINIMUM STANDARD FOR MASTER FIRE MARSHAL CERTIFICATION

§467.401. Master Fire Marshal Certification.

(a) Applicants for Master Fire Marshal certification must complete the following requirements:

- (1) hold as a prerequisite an Advanced Fire Marshal certification as defined in §467.5 of this title (relating to Minimum Standards for Advanced Fire Marshal Certification); and**
- (2) hold Master Fire Inspector certification through the commission; and**
- (3) hold Master Fire Investigator or Master Arson through the commission; and**
- (4) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in any combination of Fire Science and/ or Criminal Justice. College level courses from both the upper and lower division may be used to satisfy the education requirements for Master Fire Marshal Certification.**

CERTIFICATION CURRICULUM MANUAL

CHAPTER FIFTEEN

FIRE MARSHAL

NFPA 1037 2016 Edition

Effective June 1, 2023



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

OVERVIEW

Fire Marshal

The Fire Marshal is required to meet the Job Performance Requirements (JPRs) of chapters 4 and 5 of National Fire Protection Association (NFPA) 1037, *Standard on Fire Marshal Professional Qualifications*, 2016 edition.

The following items are included in the Fire Marshal section of Chapter 15 of the curriculum manual:

- Course Instructor Information
- Reference List (textbooks and other recommended course materials)
- Course Outline (establishes the recommended hours for teaching this course)

This is a voluntary (non-mandatory) certification; therefore, a formal “curriculum” is not provided. Please use chapters 4 and 5 of NFPA 1037 as a guide when creating your own course curriculum.

Performance skills are available in Chapter 15 of the Skills Manual.

All documents in this curriculum manual, and in the skills manual, are available free of charge to download, copy and distribute as necessary. The TCFP does not provide printed copies.

Definition of a Fire Marshal

A Fire Marshal is an individual who has met the requirements of chapter 4 and 5 of *NFPA 1037, Standard on Fire Marshal Professional Qualifications* and has the knowledge, skills, and abilities to perform as a Fire Marshal:

- A person designated to provide delivery, management, and/or administration of fire protection- and life safety-related codes and standards, investigation, education, and/or prevention services for local, county, state, provincial, federal, tribal, or private sector jurisdictions as adopted or determined by the entity.

COURSE INSTRUCTOR INFORMATION

Instructor Qualifications

Fire Marshal courses must be taught by a person meeting the requirements described in Chapter 427§307 of the TCFP Standards Manual.

Supplemental Information

Instructors are expected to provide supplemental information if the main reference text does not cover all of the knowledge requirements set forth in the NFPA standard.

Certification Testing

Testing for certification in the state of Texas will be based on the knowledge and skills requirements of National Fire Protection Association (NFPA) 1037, *Standard on Fire Marshal Professional Qualifications*, 2016 edition, Chapter 4 and 5. All training programs must strictly adhere to the NFPA standard.

All test questions and performance skills evaluations will be based on the NFPA Job Performance Requirements (JPRs), requisite knowledge objectives, and requisite skills objectives found in the NFPA standard. Additionally, questions and performance skill evaluations may include information found in, or derived from, the NFPA standard annex, particularly Annex A, which includes explanatory material that may further clarify JPRs. The following is an example from NFPA 1037, section 4.2.1:

NFPA Standard/Curriculum	Explanation
4.2.1 Administer jurisdictional requirements related to the roles and responsibilities of the Fire Marshal, given regulations and organizational goals and objectives pertaining to personnel and labor management, so that the Fire Marshal functions in a manner consistent with the organizational mission and complies with applicable personnel management laws and regulations.	NFPA JPR number 4.2.1
(A) Requisite Knowledge: Organizational structure; organizational mission; fundamental strategic planning processes; staffing positions, roles, and responsibilities; and intra- and inter- organizational relationships.	Requisite knowledge objectives for 4.2.1 Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.

<p>(B) Requisite Skills: The ability to use verbal and written communication skills; consolidate information and data from a variety of sources for short- and long-term planning purposes; forecast staffing, capital, and budgetary needs to support the roles and responsibilities of Fire Marshal; establish an organizational structure, to include both existing and future staffing positions, to implement the roles and responsibilities structure; and integrate relationships, functions, and needs of stakeholders.</p>	<p>Requisite skills objectives for 4.2.1</p> <p>Only performance skills will be used to test these objectives on the state certification exam.</p>
<p>A.4.2.1 Since there is an overlapping of administrative duties and functions based on jurisdictional issues, specific JPRs cannot be incorporated or developed. The intent of this subsection is to address a Fire Marshal's responsibilities related to general administrative duties, and to recognize that those duties can vary depending on the assignments and policies of a local jurisdiction.</p>	<p>Appendix A: Explanatory Material</p>

TCFP Standards Manual

It is critical that the Course Instructor review the chapters in the TCFP Standards Manual that apply to this curriculum. Of primary importance are the following chapters:

- Chapter 421, *Standards for Certification*
- Chapter 427, *Training Facility Certification*
- Chapter 435, *Fire Fighter Safety*
- Chapter 437, *Fees*
- Chapter 467, *Minimum Standards for Fire Marshal*

These chapters do not address every issue that could impact this curriculum; therefore, the Course Instructor is encouraged to become familiar with the TCFP Standards Manual.

Descriptions of Certification Levels

For additional information, see Chapter 467 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

CHAPTER FIFTEEN
FIRE MARSHAL
CURRICULUM OUTLINE

BASIC FIRE MARSHAL CURRICULUM OUTLINE		
SECTION	SUBJECT	RECOMMENDED HOURS
CORE CURRICULUM OUTLINE		
1501-4.1	General	2
1501-4.2	Administrative Duties	16
1501-4.3	Community Risk Reduction	20
1501-4.4	Community Relations	10
1501-4.5	Professional Development	10
MISSION SPECIFIC CURRICULUM OUTLINE		
1502-5.1	General	2
1502-5.2	Regulatory programs	16
1502-5.3	Fire and Life Safety Education	16
1502-5.4	Investigation	20
TOTAL RECOMMENDED HOURS		112

*Actual hours required will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

EQUIPMENT LIST

DOCUMENTS:

- AHJ SOPs, budget, policies
- Report forms, templates, and example documents
- Supporting Documents
- Applicable codes and standards
- Local practices and procedures
- Official letterhead – if applicable
- Instructor developed scenarios – if applicable

EQUIPMENT:

- Personal computer with word processing and spreadsheet software
- The ability to print
- USB drive
- Pen
- Pencil
- Paper

If reports, supporting documents, and templates cannot be obtained by the candidate they may be provided by the instructor.

FIRE MARSHAL SKILLS LIST

Objective	Skill No.	Functional Name	NFPA JPR #
General	1	Core	4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 4.5.6
Mission Specific	2	Regulatory	5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8, 5.2.9, 5.2.10, 5.2.11, 5.2.12
Mission Specific	3	Fire & Life Safety Educator	5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7
Mission Specific	4	Investigation	5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.6, 5.4.7

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REFERENCE LIST FOR THE FIRE MARSHAL CURRICULUM

Chief Officer Principles and Practice, 3rd Ed., 2021. *International Association of Fire Chiefs*. Jones & Bartlett Learning. ISBN 9781284172478

Chief Officer, 3rd Ed., 2014. *International Fire Service Training Association (IFSTA)*. ISBN 978-0-87939-568-1 (Chapter 2-7)

Community Risk Reduction: Principles and Practice. 2021. Jones & Bartlett Learning. ISBN 13 9781284195057

Fire and Life Safety Educator, 3rd Ed., 2011. International Fire Service Training Association (IFSTA). ISBN 978-0-87939-396-0

Fire Inspection and Code Enforcement, 8th ed. 2017. International Fire Service Training Association (IFSTA). ISBN 978-0-87939-592-6

Fire Inspection and Principles and Practices Revised Enhanced, 1st Ed. 2016. Jones & Bartlett Learning. ISBN- 978-1-284-13774-3

National Fire Protection Association. *NFPA 921: Guide for Fire and Explosion Investigations*. Current Edition. NFPA. ISBN-13 978-1455926466

National Fire Protection Association. *NFPA 1030: Standards for Professional Qualification for Fire Investigator*. Current Edition. NFPA. ISBN- 978-1455928156

National Fire Protection Association. *NFPA 1037: Standard on Fire Marshal Professional Qualifications for the Minimum Core and Mission-specific*. Current Edition. NFPA. ISBN- 978-145591311-4

National Fire Protection Association. *NFPA 1300: Standard on Community Risk Assessment and Community Risk Reduction Plan Development*. Current Edition. NFPA. ISBN-13 978-1455923175

National Fire Protection Association. *NFPA 1730: Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation and Public Education Operations*. Current Edition. NFPA. ISBN-13 978-1455920846

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

SKILLS MANUAL

CHAPTER FIFTEEN

FIRE MARSHAL

NFPA 1037 2016 Edition

Effective June 1, 2023



Texas Commission on Fire Protection
P.O. Box 2286 Austin, Texas 78768-2286 (512) 936-3838

FIRE MARSHAL SKILLS LIST

Objective	Skill No.	Functional Name	NFPA JPR #
General	1	Core	4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 4.5.6
Mission Specific	2	Regulatory	5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8, 5.2.9, 5.2.10, 5.2.11, 5.2.12
Mission Specific	3	Fire & Life Safety Educator	5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7
Mission Specific	4	Investigation	5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.6, 5.4.7

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INSTRUCTION SHEET FIRE MARSHAL PERFORMANCE SKILLS

Format

Skill #1-4 of the Fire Marshal skills evaluation is evaluated as a written project-based assessment and oral presentation. It is recommended that the project-based assessment skills initially be completed as assignments during the course. The Course Instructor may then review the assignments, provide feedback, and recommend necessary changes. At the time of the scheduled TCFP performance skills evaluation, the final version of the randomly selected skills must be turned in for evaluation. The oral presentation should also be conducted at that time to evaluate the skills not included in the written project. It is recommended that the oral presentation skills be conducted in a role-playing format. The Course Instructor should specify time constraints as necessary.

Scoring Method

The scoring method is satisfactory (S) or unsatisfactory (U) for each grading criteria, and a Pass or Fail for the entire skill sheet. To successfully pass the Fire Marshal skills evaluation, the Fire Marshal candidate must receive satisfactory scores in all of the grading criteria. Any grading criteria marked unsatisfactory shall require the examiner to explain the reason for the failure in written form in the comments section of the skill sheet. The written project and the oral presentation will be evaluated independently. The candidate must retest only the failed component.

Preparation and Equipment

Many of the skills require the use of department policies. It is suggested that the Course Instructor use the policies and procedures from his/her department. If teaching this course at a non-departmental institution, acquire a fire department's policies and procedures, or modification thereof, to complete these skills. For optimal learning, scenario-based training and role-playing is recommended; however, based on departmental needs certain activities may be simulated by other means.

EQUIPMENT LIST

DOCUMENTS:

- AHJ SOPs, budget, policies
- Report forms, templates, and example documents
- Supporting Documents
- Applicable codes and standards
- Local practices and procedures
- Official letterhead – if applicable
- Instructor developed scenarios – if applicable

EQUIPMENT:

- Personal computer with word processing and spreadsheet software
- The ability to print
- USB drive
- Pen
- Pencil
- Paper

If reports, supporting documents, and templates cannot be obtained by the candidate they may be provided by the instructor.

TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1 Written Project and Oral Presentation

NFPA 1037 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5,
4.2.6, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7,
4.3.8, 4.3.9, 4.3.10, 4.4.1, 4.4.2, 4.4.3, 4.4.4,
4.4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 4.5.6

Fire Marshal

OBJECTIVES

The ability to administer jurisdictional requirements related to the roles and responsibilities of the Fire Marshal, given regulations and organizational goals and objectives pertaining to personnel and labor management, so that the Fire Marshal functions in a manner consistent with the organizational mission and complies with applicable personnel management laws and regulations. (4.2.1)

The ability to establish personnel assignments to maximize efficiency, given the knowledge, training, and experience of the members available, so that the organizational roles and responsibilities and legal requirements are met with the allocated resources and in accordance with jurisdictional requirements. (4.2.2)

The ability to establish a strategic and operational plan, given organizational goals and objectives, legal requirements, and available resources, so that the organizational roles and responsibilities and legal requirements are met with the allocated resources. (4.2.3)

The ability to establish a budget, given the available resources, so that the roles and responsibilities of the Fire Marshal can be implemented within organizational goals and objectives. (4.2.4)

The ability to monitor the condition of the approved budget during the budgeting period, given the available resources and budgetary requirements, so that the roles and responsibilities of the Fire Marshal can be implemented within organizational goals and objectives. (4.2.5)

Guide the development, maintenance, and evaluation of a department record and management system, given policies and procedures, so that completeness and accuracy are achieved. (4.2.6)

The ability to evaluate target risks and emergency incident data, given community profile levels of protection, occupancy types, percent of responses by occupancy type, perspectives of risk, and available data and information, including loss, so that a community risk profile can be developed based on an acceptable level of risk. (4.3.2)

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TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

The ability to manage a data and information management program, given identified inputs and outputs, data collection system, and personnel, so that data and information are collected, processed, stored, and maintained. (4.3.3)

The ability to interpret data and information, given output from a data/information management system, so that the data and information provide an adequate basis of knowledge to conduct risk analysis. (4.3.4)

The ability to conduct risk analysis, given data and information trends, target risks, community input, and available resources, so that a risk profile and management solutions are developed. (4.3.5)

The ability to evaluate risk management solutions, given the risk analysis, organizational and community constraints, regulatory requirements, available resources, and financial impacts, so that the most beneficial and cost-effective solution(s) can be established. (4.3.6)

The ability to integrate the risk management solutions with related organizational groups, given organizational structure and constraints, so that the analysis and solution(s) can be used for organizational planning, development, and implementation. (4.3.7)

The ability to integrate the risk management solution(s) with community stakeholders, given interface with community individuals and organizations, so that the risk management solution(s) can be used for community planning, development, and implementation. (4.3.8)

The ability to evaluate the risk management program, given the existing risk analysis, implemented solution(s), and data and information applications, so that continued improvement of the program goals and objectives can be monitored and achieved. (4.3.9)

The ability to design and implement a plan, given an identified fire safety problem, so that a new program, piece of legislation, or fire safety code is facilitated. (4.3.10)

The ability to develop relationships with community groups, given a description of local groups and organizational policies for relationships with community groups, attendance at community meetings, and participation at community events, so that a schedule is established for ongoing contacts. (4.4.1)

The ability to present safety proposals to community groups, given a list of groups with shared concerns, and an understanding of relevant safety measures, so that the

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TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

justification for the safety proposal is provided, issues are explained, and solutions, impacts, and benefits are stated. (4.4.2)

The ability to create media communication strategies and policies, given a list of media outlets such as newspaper, radio, web pages, and television; characteristics of local media including deadlines; and the resources to provide media with accurate information, so that consistent and accurate prevention information is disseminated in an understandable manner. (4.4.3)

The ability to participate in media interviews, given information about organizational goals and prevention practices and strategies; and knowledge of interview techniques, so that consistent and accurate information is disseminated in an understandable manner. (4.4.4)

The ability to identify and prioritize professional development needs, within the department given jurisdictional requirements, so that professional development requirements are established. (4.5.2)

The ability to prescribe professional development programs, given the results of a professional development needs analysis, so that the knowledge and skills are job-related, training is performance-based, adult learning principles are used, and the program meets organizational goals and requirements. (4.5.3)

The ability to implement professional development programs, given selected options and available resources, so that professional development programs meet organizational goals and objectives. (4.5.4)

The ability to evaluate organizational professional development programs, given organizational goals and objectives, so that professional development meets organizational goals and objectives. (4.5.5)

The ability to forecast organizational professional development needs, given professional trends, emerging technologies, and future organizational goals and objectives, so that future organizational and individual professional development needs are planned. (4.5.6)

INSTRUCTIONS - procedures for achieving the objective

You shall complete a written project for presentation. The project will include:

1. An administrative duties section that includes:
 - a. The candidate will create an organizational chart for the given organization. (4.2.1), (4.2.3)

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TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

- b. The candidate will also create an organizational chart based on future predictions of community needs and individual staff productivity. (4.2.2)
 - c. The student will create a budget, including operational and capital expenditures, for the current organization and a budget for the long-term organization. (4.2.4)
 - d. The student will prepare a written report explaining the organizational structures, budgets, and decisions made related to the personnel and budget decisions. (4.2.4), (4.2.5), (4.2.6)
 - e. Given an organizational chart, employee training records, employee tenure, and the activities required to be conducted by the personnel reporting to the fire marshal, the candidate will prepare a report detailing how personnel will be used to meet the responsibilities and legal requirements of the fire marshal's responsibilities. (4.2.3)
 - f. Based on the student's jurisdiction, they shall create a budget for a single fiscal year that includes all capital expenditures and operating expenditures. (4.2.5)
 - g. Given an annual budget and a financial statement of their and balances halfway through the fiscal period, the student will identify budgetary trends and recommend the needed changes to finish the budget period at or below budgeted expenses. (4.2.5), (4.2.6)
 - h. Given inspection, investigation, or public education data, the student will evaluate the data, and identify trends in the data. (4.2.6)
2. A community risk reduction section that includes:
- a. Given data and a potential risk(s), the candidate will rank those risk(s) based on the effect to the community. (4.3.2),
 - b. Given data, the candidate will analyze the data and identify what additional information and data is needed to identify risk trends and develop programs to meet those risks. (4.3.3), (4.3.4)
 - c. Given facts, and data, the candidate will explain current and future trends of risk management problems. (4.3.5)

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TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

- d. Given data, information, trends, target risks, community input, and available resources, the candidate will evaluate the identified risks, establish a perceived level of risk, and identify solutions for the perceived risks and identify the most beneficial and cost-effective means to implement the solution. (4.3.5), (4.3.6)
 - e. Given a proposed risk management solution, the candidate will identify other groups within the candidate's organization and jurisdiction and identify the other groups and stakeholder's roles and responsibilities in the proposed risk management solution. (4.3.7), (4.3.8), (4.3.9)
 - f. Given a fire safety problem the candidate will develop and justify the development of a life safety education program to address the fire safety problem. (4.3.10)
3. A community relations section that includes:
- a. Based on the candidate's jurisdiction, the candidate will identify local community groups, the purpose or mission of each organization, and prepare a one-year calendar for establishing and maintaining on-going contact with the organizations. (4.4.1)
 - b. The student will develop a policy regarding who may disseminate information to the media and how information will be disseminated to the media. The policy must identify resources the media may use to access the information and the situation which is appropriate to each type of information dissemination type. (4.4.3)
4. A professional development section that includes: (4.5.2), (4.5.3), (4.5.4), (4.5.5), (4.5.6)
- a. Given an organizational chart, employee training records, employee tenure, and current job assignments, the candidate will:
 - i. develop the required training for a one-year and three-year professional development plan for each employee in the Fire Marshal organization and explain how the professional development plan meets the needs of the organization.
 - ii. identify any professional development needs that are unmet and develop a plan to meet those needs.
 - iii. develop a three-year professional development plan for each employee in the Fire Marshal organization, based on professional trends, emerging technologies, and future needs of the organization.

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TEXAS COMMISSION ON FIRE PROTECTION

Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

After the completion of your written project, you will participate in **an oral evaluation** in which you will attend, participate in, and assume a leadership role in a press conference where you are required to present the findings of your written report and respond to questions from the media (instructor). (4.4.4), (4.4.2), (4.4.3), (4.5.3)

EXAMINER'S NOTE

It is suggested that you use the policies and procedures of your department. If you are teaching this course at a non-departmental institution, acquire a fire department's policies and procedures, or modification thereof, to complete the skill.

TCFP performance skill evaluation requires the Fire Marshal candidate to turn in the completed project and perform the oral presentation. The written project and the oral presentation will be evaluated independently. The candidate must retest only the failed component. The oral presentation will be conducted in a role-playing format to mimic a media interview.

PREPARATION & EQUIPMENT

AHJ SOPs, budget, policies

Report forms, templates, and example documents

Supporting Documents

Personal computer with word processing and spreadsheet software

The ability to print

USB drive

Instructor developed scenarios

TEXAS COMMISSION ON FIRE PROTECTION Fire Marshal

Performance Standards Evaluation Core – Skill Number 1

Candidate: _____ Notes: _____

Dept: _____

School: _____

Examiner(s) _____ / _____

Fire Marshal	<u>TEST</u>		<u>RETEST</u>	
Skill # 1	S	U	S	U
NFPA 1037: 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.4.1, 4.4.2, 4.4.3, 4.4.4, 4.4.5, 4.5.2, 4.5.3, 4.5.4, 4.5.5, 4.5.6				
Written Project				
The candidate demonstrates:	S	U	S	U
a) Demonstrated staffing and overall organizational structure				
b) Demonstrated written communication skills <ul style="list-style-type: none"> • Short – and long – term planning purposes • Forecast staffing • Capital • Budgetary needs • Responsibilities of Fire Marshal • Relationships • Functions • Needs of stakeholders 				
c) Demonstrated the ability to tack and analyze trends of financial data				
d) Demonstrated written communication skills related to record keeping and budgetary processes <ul style="list-style-type: none"> • Recognized principals involved in acquisition and implementation of related processes • Recognized capabilities and limitations of information management systems 				
e) Compared hazards, probability of occurrence, and consequences to establish risk and ranking of the risk to the community <ul style="list-style-type: none"> • Established data parameters • Collected information 				

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TEXAS COMMISSION ON FIRE PROTECTION Fire Marshal

<ul style="list-style-type: none"> • Analyze/ Interpreted data • Compared risk data to established level of risk • Identified potential solutions • Evaluate / identify internal and external influences • Interpreted / Analyzed data to determine impact of risk management program • Maintained data management 				
f) Recognized applicability of risk management solution(s) to other organizational groups / community stakeholders				
g) Used evaluative methods, consensus building techniques, written communication skills, and organized plans.				
h) Used written communication skills <ul style="list-style-type: none"> • Community demographics • Formal and informal community leaders • Community groups • Community and civic issues • Effective customer service methods • Organizational policies for community relations 				
i) Demonstrated ability to maintain constructive relationship with media groups <ul style="list-style-type: none"> • Provided written information to media 				
j) Conducted research <ul style="list-style-type: none"> • Ability to facilitate and conduct committee meetings • Ability to assign responsibility • Ability to organize information into functional groupings • Ability to analyze and evaluate data • Ability to evaluate trends, and forecast needs 				
Oral Presentation				
The candidate demonstrates:	S	U	S	U
a) Ability to communicate orally				
b) Ability to relate interpersonally				
c) Ability to articulate collected and evaluated data				
d) Demonstrate familiarity with media presentation techniques				

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TEXAS COMMISSION ON FIRE PROTECTION Fire Marshal

S = Satisfactorily completed/performed

U = Unsatisfactorily performed/failed to meet objective or grading step

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

Examiner/Candidate Comments:

Certifying Examiner

Date

Re-Test Certifying Examiner

Date

Overall Skill Sheet Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>
Overall Skill Sheet Re-Test Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Regulatory - Skill Number 2 Performance Standards Evaluation

NFPA 1037: 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6,
5.2.7, 5.2.8, 5.2.9, 5.2.10, 5.2.11, 5.2.12

Fire Marshal

OBJECTIVE

The ability to manage a process for the adoption, modification, and maintenance of codes, standards, and jurisdictional requirements, given fire loss data and/or a demonstrated need or deficiency, so that the code, standard, or jurisdictional requirement is written and addresses the identified need or deficiency. (5.2.2)

The ability to manage a process for conducting compliance inspections, given applicable codes, standards, and jurisdictional requirements and/or an identified issue, so that the applicable codes, standards, and jurisdictional requirements are identified, deficiencies are identified and documented, and compliance determined. (5.2.3)

The ability to manage a process for plan reviews, given the policies of the jurisdiction requiring plan reviews, so that requirements for plan reviews are completed in accordance with the policies of the jurisdiction. (5.2.4)

The ability to manage an appeals process, given the codes, standards, and jurisdictional requirements, so that appeals can be resolved in compliance with the intent of the applicable codes, standards, and jurisdictional requirements. (5.2.5)

The ability to manage a process for record keeping, given the need to document the processes of the regulatory program, so that there is a record of the regulatory actions. (5.2.6)

The ability to manage a process for administering, evaluating, and issuing permits, licenses, and/or certificates of fitness, given the applicable jurisdictional requirements, so that applicable codes, standards, and jurisdictional requirements are met. (5.2.7)

The ability to manage the compliance interpretation process for prescriptive codes, standards, and jurisdictional requirements, given complex issues related to codes, standards, and jurisdictional requirements, so that a resolution of the issue meets the intent of the prescriptive codes, standards, and jurisdictional requirements. (5.2.8)

The ability to manage a program for alternative compliance measures, given the submittal of equivalencies, alternative methods, and performance-based design, so that the final design meets the intent of the codes, standards, and jurisdictional requirements. (5.2.9)

The ability to manage the process for reconciling complaints, given the report of a situation or condition, so that complaints are resolved, and appropriate action is taken. (5.2.10)

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL Regulatory - Skill Number 2 Performance Standards Evaluation

The ability to generate jurisdictional requirements for administering the regulatory management program, given management objectives, so that the requirements are defined, concise, and in accordance with the legal obligations of the jurisdiction. (5.2.11)

The ability to manage a program to coordinate with other agencies, given that other agencies' requirements can overlap the local jurisdictions, so that conflicts are eliminated, and clear lines of responsibility are developed. (5.2.12)

INSTRUCTIONS - procedures for achieving the tasks

The fire marshal candidate shall perform all the following task. The candidate's work product will meet the following objectives.

- a. Given a code deficiency and fire loss data, identify the needed code modification and prepare the code modification using an analysis of the data to support the modification. (5.2.2)
- b. Given an organizational chart, fire loss data, and number and type of occupancies in the jurisdiction, the candidate will develop a fire inspection program based on the requirements of the jurisdiction. (5.2.3)
- c. Given an organizational chart and permit application data, the candidate will develop a plan review program and policy based on the requirements of the jurisdiction. (5.2.4)
- d. Given the administrative and legal requirements of the jurisdiction, the candidate will develop a policy or procedure for accepting, processing, and managing a code appeal. (5.2.5)
- e. The candidate shall write a policy or procedure detailing how fire inspection reports will be created, maintained, updated, and available for review. The plan must include record retention policies in accordance with local. (5.2.6)
- f. The candidate shall write a policy, in accordance with their AHJ, on the process for receiving, reviewing, and approving/denying a permit application. (5.2.7)
- g. Given a fire code dispute, the student will apply the code and standards of the AHJ to evaluate the dispute. The student will prepare a written response to the submitter of the dispute. The student will inform their supervisor of the dispute and outcome in a 3–5-minute presentation. (5.2.8)
- h. The student will prepare a policy, procedure, or amendment to the locally adopted fire code detailing the process and requirements for the acceptance of a performance-based alternative. (5.2.9)

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Regulatory - Skill Number 2 Performance Standards Evaluation

- i. Provided a complex complaint, the candidate shall identify the facts of the complaint, the applicable codes, standards, policies and/or procedures of the AHJ, and explain a resolution based on the AHJ requirements. The candidate will respond in writing to the person who submitted the complaint. (5.2.10)
- j. Given a fire inspection policy, the candidate shall review the policy, make suggestions for improvement to the policy, and prepare a draft of the updated policy. (5.2.11)
- k. Given a regulatory issue, the candidate will identify the role of the AHJ, identify other agencies that have regulatory jurisdiction, and explain the roles and responsibilities of the AHJ and the other agencies. The candidate will explain potential conflicts between the AHJ and other regulatory agencies and how they can be resolved or mitigated. (5.2.12)

EXAMINER'S NOTE

The candidate must meet the objectives by writing or typing their work product to meet the requirements of the above objectives. Students are encouraged to use data and their given communities when completing the objectives above. If a student does not have available data, or is not currently employed with an AHJ, scenarios or data may be supplied by the examiner.

PREPARATION & EQUIPMENT

Most skills require the use of a pen or pencil, paper, applicable codes and standards, local practices and procedures, and a computer with a printer or typewriter and official letterhead if applicable. Additional preparation and equipment information is located with the specific performance skill.

TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL Regulatory - Skill Number 2 Performance Standards Evaluation

Candidate: _____ Notes: _____

Dept: _____

School: _____

Examiner(s) _____ / _____

Fire Marshal				
Performance Standards Evaluation - Skill # 2 NFPA 1037: 5.2.2, 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8, 5.2.9, 5.2.10 5.2.10, 5.2.11, 5.2.12	<u>TEST</u>		<u>RETEST</u>	
Regulatory	S	U	S	U
a. Developed and modified code				
b. Developed jurisdictional requirements fire inspections				
c. Developed jurisdictional requirements for plan review				
d. Managed appeals				
e. Managed records				
f. Managed permit application				
g. Evaluated prescriptive codes				
h. Evaluated non prescriptive designs and alternative compliance				
i. Evaluated and resolved complaints				
j. Interpreted and formulated jurisdictional requirements				
k. Evaluated and negotiated conflicts				
Oral Presentation				
The candidate demonstrates:	S	U	S	U
a) Ability to communicate orally				
b) Ability to relate interpersonally				
c) Ability to articulate collected and evaluated data				
d) Demonstrate familiarity with media presentation techniques				

S = Satisfactorily completed/performed

U = Unsatisfactorily performed/failed to meet objective or grading step

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

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TEXAS COMMISSION ON FIRE PROTECTION FIRE MARSHAL

Examiner/Candidate Comments:

Certifying Examiner

Date

Overall Skill Sheet Score
Pass <input type="checkbox"/> Fail <input type="checkbox"/>
Overall Skill Sheet Re-Test Score
Pass <input type="checkbox"/> Fail <input type="checkbox"/>

Re-Test Certifying Examiner

Date

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Fire and Life Safety Educator - Skill Number 3 Performance Standards Evaluation

NFPA 1037: 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7

Fire Marshal

OBJECTIVE

Manage a comprehensive fire and life safety education strategy, given a planning process and relevant information, so that program goals, design, resources, implementation, and evaluation methods are included. (5.3.2)

The ability to create a collaborative fire and life safety education partnership, given a description of local community groups, a list of fire and injury priorities, and organizational policies for community partnerships, so that a specific fire or injury priority is mitigated by the partnership. (5.3.3)

Develop an awareness campaign, within the organization, given fire and life safety education goals and policies, so that members are informed of their role within the organization's fire and life safety education strategy. (5.3.4)

Manage the fire and life safety education report(s) for policy makers, given relevant information, so that educational strategies, goals, objectives, activities, impact, budgets, and outcomes are described. (5.3.5)

The ability to evaluate fire and life safety programs, given data to indicate risk reduction and loss reduction, so that measurable interpretation of educational efforts can be reported. (5.3.6)

The ability to implement a comprehensive fire and life safety program, given a systematic development process, so that program goals, objectives, design, resources, and evaluation methods are included. (5.3.7)

INSTRUCTIONS - procedures for achieving the objectives

The fire marshal candidate shall perform all the following task. The candidate's work product will meet the following objectives.

- a. The candidate will develop a public education initiative and identify community group and partnerships that will improve outcomes of the initiative and explain the role each group or partner will have in increasing the effectiveness of the initiative. (5.3.2)
- b. Given a public education initiative, the candidate will identify local community groups that can improve the outcomes. The candidate will

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Fire and Life Safety Educator - Skill Number 3 Performance Standards Evaluation

develop a meeting agenda to discuss the partnership. (5.3.3)

- c. The candidate will develop an awareness campaign, identify the audience for the campaign, and provide in writing the plan for disseminating the campaign material. (5.3.3)
- d. Given data for a specific public education campaign, the candidate will develop a plan to increase the outcomes while determining the financial impact of the new strategies, goal, and objectives. (5.3.4)
- e. Given data for a specific public education campaign, the candidate will evaluate the data to determine the effectiveness of the campaign. The candidate will make recommendations in writing, if appropriate, to modify the program for improved outcomes. (5.3.5)
- f. The candidate will develop an awareness campaign, identify the audience for the campaign, identify local community groups that can improve the outcomes, describe how the community groups can participate, and provide in writing the plan for disseminating the campaign material. The candidate will identify methods for evaluating the effectiveness of the program. (5.3.6)

EXAMINER'S NOTE

The candidate must meet the objectives by writing or typing their work product to meet the requirements of the above objectives.

Students are encouraged to use data and their given communities when completing the objectives above.

If a student does not have available data, or is not currently employed with an AHJ, scenarios or data may be supplied by the examiner.

PREPARATION & EQUIPMENT

Most skills require the use of a pen or pencil, paper, applicable codes and standards, local practices and procedures, and a computer with a printer or typewriter and official letterhead if applicable. Additional preparation and equipment information is located with the specific performance skill.

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Fire and Life Safety Educator - Skill Number 3 Performance Standards Evaluation

Candidate: _____ Notes: _____

Dept: _____

School: _____

Examiner(s) _____ / _____

Fire Marshal				
Performance Standards Evaluation - Skill # 3 NFPA 1037: 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.6, 5.3.7	<u>TEST</u>		<u>RETEST</u>	
Fire & Life Safety Educator	S	U	S	U
a. Designed and applied program strategies				
b. Facilitated meetings, maintained teamwork, and goals				
c. Developed and disseminated awareness campaign				
d. Generated and interpreted reports and data				
e. Applied evaluation practices and procedures				
f. Selected program components, stimulated interest, and established partnerships				
Oral Presentation				
The candidate demonstrates:	S	U	S	U
a) Ability to communicate orally				
b) Ability to relate interpersonally				
c) Ability to articulate collected and evaluated data				
d) Demonstrate familiarity with media presentation techniques				

S = Satisfactorily completed/performed

U = Unsatisfactorily performed/failed to meet objective or grading step

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to pass the skill.

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TEXAS COMMISSION ON FIRE PROTECTION FIRE MARSHAL

Examiner/Candidate Comments:

Certifying Examiner

Date

Re-Test Certifying Examiner

Date

Overall Skill Sheet Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>
Overall Skill Sheet Re-Test Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Investigations - Skill Number 4 Performance Standards Evaluation

NFPA 1037: 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.6, 5.4.7

Fire Marshal

OBJECTIVE

The ability to administer applicable codes, standards, and jurisdictional requirements for investigations, given applicable codes, standards, and jurisdictional requirements for investigations, so that investigators are knowledgeable and operate within the organizational policies. (5.4.2)

The ability to review and assess investigation reports and data to be submitted in anticipation of litigation or resolution, given details of an investigation including evidence collected, reports, scene sketches, photographs, other related information, and data relevant to the investigation, so that complete, accurate documents are submitted for possible legal action. (5.4.3)

The ability to conduct investigative analysis given reports compiled from investigation data, to recommend action, so that fire prevention and other programs can be enhanced. (5.4.4)

The ability to manage technical resources needed to perform investigations, given personnel, protective equipment, jurisdictional requirements, and other necessary equipment, including investigation tools and resources for investigations so that investigators are protected and equipped, and investigations are conducted according to safety requirements. (5.4.5)

The ability to develop and manage a comprehensive investigation program given reference materials and laws related to investigations, including due process, so that legal mandates are met, and jurisdictional requirements are formulated for required investigations that are consistent, complete, and safe. (5.4.6)

The ability to construct a resource plan for investigations with allied groups to adapt to incident needs, given knowledge of the capabilities of available groups and resources, so that response to various types of incidents can be investigated. (5.4.7)

INSTRUCTIONS - procedures for achieving the objectives

The fire marshal candidate shall perform all the following task. The candidate's work product will meet the following objectives.

- a. Given investigative data, the candidate will evaluate the cause, trends

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

Investigations - Skill Number 4 Performance Standards Evaluation

and outcomes of the results and will make recommendations for policies related to the investigate process to improve outcomes. (5.4.2), (5.4.4)

- b. Given an investigation file the candidate will assess the data to ensure the file is complete and accurate for possible legal action, based on jurisdictional requirements. (5.4.3)
- c. The candidate will determine an equipment or training deficiency within their department, write a proposal to remedy the deficiency, and prepare a written policy for implementation of the proposed remedy. (5.4.5)
- d. The candidate will prepare a written investigative policy, in accordance with the laws and policies of the AHJ, which upon implementation will ensure more consistent and complete investigations. The candidate will present the policy to their employees in a 3-5 minute presentation. (5.4.6)
- e. The candidate will prepare a 5-10 minute presentation on investigative resources available to the AHJ, dependent on the type or complexity of the investigations. (5.4.7)

EXAMINER'S NOTE

The candidate must meet the objectives by writing or typing their work product to meet the requirements of the above objectives. Students are encouraged to use data and their given communities when completing the objectives above. If a student does not have available data, or is not currently employed with an AHJ, scenarios or data may be supplied by the examiner.

PREPARATION & EQUIPMENT

Most skills require the use of a pen or pencil, paper, applicable codes and standards, local practices and procedures, and a computer with a printer or typewriter and official letterhead if applicable. Additional preparation and equipment information is located with the specific performance skill.

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL Investigations - Skill Number 4 Performance Standards Evaluation

Candidate: _____ Notes: _____

Dept: _____

School: _____

Examiner(s) _____ / _____

Fire Marshal				
Performance Standards Evaluation - Skill # 4 NFPA 1037: 5.4.2, 5.4.3, 5.4.4, 5.4.5, 5.4.6, 5.4.7	<u>TEST</u>		<u>RETEST</u>	
Investigation	S	U	S	U
a. Managed the investigative process and evaluated the results				
b. Formulated technical reports and compiled/ analyzed data				
c. Demonstrate the ability to utilize resources to coordinate tasks and people				
a. Demonstrate the ability to use verbal and written communication skills when utilizing: <ul style="list-style-type: none"> • Policy issues • Law and legal aspects • Code and standards • Jurisdictional requirements 				
d. Local, state, federal, tribal, and provincial resources				
Oral Presentation				
The candidate demonstrates:	S	U	S	U
a) Ability to communicate orally				
b) Ability to relate interpersonally				
c) Ability to articulate collected and evaluated data				
d) Demonstrate familiarity with media presentation techniques				

S = Satisfactorily completed/performed

U = Unsatisfactorily performed/failed to meet objective or grading step

All steps of the skill objective are mandatory and must be scored as “Satisfactory” to

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TEXAS COMMISSION ON FIRE PROTECTION

FIRE MARSHAL

pass the skill.

Examiner/Candidate Comments:

Certifying Examiner

Date

Re-Test Certifying Examiner

Date

Overall Skill Sheet Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>
Overall Skill Sheet Re-Test Score	
Pass <input type="checkbox"/>	Fail <input type="checkbox"/>

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12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:

- A. Proposed amendment to 37 TAC, Chapter 427, Training Facility Certification.**

CHAPTER 427

TRAINING FACILITY CERTIFICATION

SUBCHAPTER A

ON-SITE CERTIFIED TRAINING PROVIDER

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

(a) An on-site training facility must be certified by the commission in each discipline for which the facility provides training for fire protection personnel certification. An on-site training facility is where instructors and students are in immediate proximity and where content is instructed primarily in classrooms, at demonstration projects, in fire simulation structures, on fire apparatus, or at training sites in the field under direct supervision of the training facility instructors.

(b) A certified on-site training facility may be approved to instruct in any one or all of the disciplines for which fire protection personnel certification is available.

(c) Minimum requirements for certification as a certified on-site training facility shall include facilities, apparatus, equipment, reference materials, standard operating procedures, instructors, and records to support a quality education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for fire protection personnel certification.

(d) The on-site facilities and training shall be performance oriented, when required. Practical performance training with maximum participation by trainees shall be an integral part of the training program. The evaluation process will emphasize performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency required by the respective training program.

(e) It must be clearly understood that the minimum standard for training facilities is applicable only as the title implies and does not address the additional training facility resources which are required for the continuing in-service training essential to the development and maintenance of a well-coordinated and effective fire service organization.

(f) An organization must submit an application for certification as an on-site training facility to the commission. The application will include descriptions, addresses of physical facilities and an inventory of apparatus, equipment, and reference material to be utilized in conducting the training. It is not required that the equipment be owned by, permanently assigned to, nor kept at a training facility, but must be readily available for instructional purposes. In such a case, the training facility must submit a letter of commitment from the provider of the resources with the original training facility certification application authorizing the use of resources not controlled by the training facility. A copy of the letters of commitment must be maintained on-site and available for review. Photographs of resources annotated to reflect their identity may be required as part of the application. When submitting training approvals, the facility shall certify that the resources are provided in accordance with this chapter.

(g) The chief training officer will:

(1) attest to the fact that the training meets the competencies in the applicable commission curriculum and/or NFPA Standards; and

(2) submit a testing schedule for all required academy skills.

§427.3. Facilities.

The following minimum resources, applicable to the discipline, are required for an on-site training facility. These resources may be combined or separated utilizing one or more structures.

(1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose, and rope skills training.

(2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.

(3) An area for practical application of principles and procedures of fire fighting, hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.

(4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

(5) A structure suitable for interior live fire training as required by the particular discipline(s).

(6) Facilities to conduct exterior live fire training as required by the particular discipline(s).

(7) If performance or driving skills are part of the training program, suitable area(s) for practicing required skills, demonstration of skills, and performance testing.

§427.5. Apparatus.

The following minimum apparatus resources, applicable to the discipline, are required for an on-site training facility.

(a) **For a certified** [Certified] on-site training facility--approved for basic structure fire protection personnel certification training:[-]

(1) A pumper apparatus fully equipped **for functions** as required by the basic fire suppression curriculum.

(2) **An aerial ladder** [~~Ladders or a ladder~~] truck **for functions** as required by the basic fire suppression curriculum.

(b) **For a certified** [Certified] on-site training facility--approved for basic aircraft rescue fire fighting (**ARFF**) personnel certification training:[-~~Fire apparatus that is equipped to perform aircraft operations as required by the basic aircraft fire protection curriculum.~~]

(1) an ARFF vehicle for assigned aircraft type and size.

(2) an ARFF vehicle with 260 gpm minimum turret; and

(3) Support vehicles per authority having jurisdiction

(c) **For a certified** [Certified] on-site training facility--approved for Driver/Operator certification training:[-]

(1) Driver/Operator-Pumper--A fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus **or its successor.**

(2) Driver/Operator-Aerial--A fire apparatus with a permanently mounted, power-operated elevating device such as a ladder, ladder platform, telescoping platform, or articulating platform, with an elevating water delivery system.

§427.7. Protective Clothing, Use, Care & Maintenance.

All protective clothing~~including proximity clothing, that will be~~ used during ~~[the course of]~~ instruction for a commission approved fire protection personnel training program shall **be appropriate for the training evolution.** ~~[comply with §435.1 of this title (relating to Protective Clothing). This rule applies whether the protective clothing is provided by the academy or the trainee.]~~

Protective clothing and elements no longer used for emergency operations may be used for non-live fire training provided such clothing and elements are not contaminated, defective, or damaged and are appropriately marked to be easily recognized.

(1) **All protective** ~~[Protective-]clothing [and elements no longer]used [by the organization] for [emergency operations, may be used for training that does not involve] live fire training, **shall comply with the minimum standards of the National Fire Protection Association (NFPA) Standard or its successor suitable for the tasks the individual is expected to perform.** ~~[provided such clothing and elements are not contaminated, defective, or damaged, and are appropriately marked to be easily recognized.]~~~~

(A) A certified training facility that provides personal protective equipment (PPE) shall comply with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor and provide upon request a written Standard Operating Procedure (SOP) on the use, maintenance, and care of personal protective equipment (PPE) to include the application of Preliminary Exposure Reduction for determination of the appropriate level of cleaning and inspection of PPE at the conclusion of a training evolution.

(B) A certified training facility shall verify NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor for compliance with personal protective equipment provided by the participant.

(2) The training facility shall comply with the following guidelines for use, care and maintenance of PPE used during live-fire training depending on the type of burn facility and/or fuel used.

(A) Acquired Structures

Firefighting ensemble and/or element that has been used in an environment created by an acquired structure should be treated as stated in §435.1(a)(3) of this title (relating to Protective Clothing).

(B) Gas-Fired Training Center Buildings

Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP.

(C) Non-Gas Fired Training Center Buildings

Firefighting ensemble and/or element that has been used in an environment that uses non-gas fired props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

(D) Exterior Props

Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP's.

(E) Exterior Class B Liquid Fires

Firefighting ensemble and/or element that has been used in exterior Class B liquid fire props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible. [Protective clothing used for aircraft rescue, live fire training, shall be suitable for the type of fire the student is being trained for and shall be determined by the chief training officer of the training facility.]

§427.9. Equipment.

The training facility must ensure that all equipment necessary for practice of performance skills identified in the commission's Curriculum Manual or Curriculum Skills Manual is available in sufficient quantity for use by trainees.

The minimum equipment required for conducting training is identified in the Equipment List found in each discipline chapter within the Texas Commission on Fire Protection (TCFP) Curriculum Manual. [The following minimum equipment, applicable to the discipline, is required for an on-site training facility.]

(1) All Self-Contained Breathing Apparatus (SCBA) that will be used during the course of instruction for a commission approved fire protection personnel training program shall comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus). This rule applies whether the SCBA is provided by the academy or the trainee. [(1) If instruction in the use of self-contained breathing apparatus is a part of the training, then self-contained breathing apparatus in sufficient numbers shall be provided to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training. If a trainee will be subjected to a hazardous atmosphere or where the atmosphere is unknown, the trainee shall be provided with a self-contained breathing apparatus. (Note: All self-contained breathing apparatus used by a certified training facility and the air used in self-contained breathing apparatus must comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus)). This rule applies whether the self-contained breathing apparatus is provided by the academy or the trainee. All students, instructors, safety personnel, and other personnel participating in any evolution or operation of fire suppression during the live fire training shall breathe from an SCBA air supply whenever operating under one or more of the following conditions:

(A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both;

(B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both;

(C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or

(D) below ground level;

(2) standard classroom equipment to include **appropriate instructional aids and the** [chalkboard or white board, speaker rostrum, supportive instructional aids available to include audio-visual projection equipment. ~~The~~] use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction; and

(3) other equipment, which may include training simulators, training aids, clothing and tools required by the applicable training program. [~~The training facility must ensure that all equipment necessary for practice of performance skills identified in the commission's Curriculum Manual or Curriculum Skills Manual is available for use by trainees.~~]

§427.11. Reference Material.

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

§427.13. Records.

(a) Training records, **print or electronic**, shall be maintained by the **regulated training** entity [~~onsite training facility~~] that reflect **at minimum**:

(1) **training subject**; [who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records); and]

(2) **date(s) of instruction**; [~~individual trainee test scores to include performance testing.~~]

(3) who attended the training.

(4) instructor(s).

(5) course grade report with individual trainee test scores.

(6) individual trainee Commission-Designated Performance Skill Evaluations; and

(7) when administering distance skill evaluations, letter(s) of assurance for performance skill evaluations including the identification of the examinee, evaluating field examiner, and observer.

(b) The regulated training entity must be able to substantiate the evaluation process used to determine the trainee has acquired the knowledge and skills to achieve the minimum level of competency required by the applicable commission curriculum and/or National Fire Protection Association (NFPA) standards.

(c) [~~(b)~~] All [~~training~~] records must be maintained by the **regulated training entity** [~~onsite training facility~~] for **commission review for** a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

§427.18. Live Fire Training Evolutions.

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

(1) Prior to being permitted to participate in live fire training evolutions **for basic fire suppression certification training**, the student shall have received training to meet the performance requirements for Fire Fighter I in NFPA 1001, Standard for Fire Fighter Professional Qualifications **or its successor**, related to the following subjects:

- (A) safety;
- (B) fire behavior;
- (C) portable extinguishers;
- (D) personal protective equipment to include SCBA;
- (E) ladders;
- (F) fire hose, appliances, and streams;

- (G) overhaul;
- (H) water supply;
- (I) ventilation;
- (J) forcible entry; and
- (K) building construction.

(2) The on-site lead instructor will ensure that the water supply rate and duration for each live fire training evolution is adequate to control and extinguish the training fire. The lead instructor will also ensure that the resources necessary for backup lines to protect personnel and exposed property are available and deployed.

(3) The on-site lead instructor will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.

(4) A safety officer shall be appointed for all live fire training evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.

(5) No person(s) shall play the role of a victim inside the building.

(6) The participating student-to-instructor ratio shall not be greater than five to one.

(7) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.

(8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

(9) A standard operating procedure shall be developed and utilized for live fire training evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for each student and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee;

(B) a Personnel Accountability System that complies with §435.13 of this title;

(C) an Incident Management System;

(D) use of personal protective clothing and self-contained breathing apparatus;

(E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

§427.19. General Information.

(a) All certified training facilities shall meet these minimum requirements. Training credit will not be recognized from a training facility that has not been certified by the commission, unless the program has been deemed equivalent. The commission shall take action on an application for certification of a training facility within 30 days from receipt.

(b) Certified training facilities shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a commission approved training course in fire suppression before being assigned to

fire suppression duties. Certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.

(c) A certified training facility may transport trainees to the site of an actual emergency for training purposes only if the following requirements are strictly adhered to:

(1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;

(2) the trainees are kept outside of the emergency operations area; and

(3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.

(d) Certified training facilities are subject to inspection by the commission at any time during regular business hours.

(e) In order to retain the certification as a certified training facility, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(f) The commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.

(g) The commission may revoke, suspend, probate, refuse to renew, or otherwise limit the certification of a training facility when the commission determines that the training facility:

(1) fails to provide the quality of training for which the facility was approved; or

(2) fails to comply with commission rules and/or these minimum standards; or

(3) fails to submit required reports in a timely manner or submits false reports to the commission; or

(4) fails to meet at least a 70% student pass rate on the certification examination per course.

CHAPTER 427
TRAINING FACILITY CERTIFICATION
SUBCHAPTER B
DISTANCE TRAINING PROVIDER

§427.201. Minimum Standards for Distance Training Provider.

(a) The following definition is applicable to this subchapter only. Approved distance training is defined as fire training where instructors and students are primarily in different locations and content is instructed primarily using the internet or an intranet. Courses must be interactive. 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 for which it intends to conduct certification training for fire protection personnel.

(c) In order to become a commission approved distance training provider, the provider must submit a completed training facility application with supporting documentation and fees. The 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 required to complete the training.

(d) A distance training provider that applies for certification as a training facility in a discipline that includes skills training shall comply with Subchapter A of this chapter concerning minimum standards, facilities, apparatus, protective clothing, equipment, and live fire training utilized to teach and test the required skills.

§427.203. Facilities [Records].

The following minimum resources, applicable to the discipline, are required for a distance training provider. These resources may be combined or separated utilizing one or more structures.

(1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose, and rope skills training.

(2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.

(3) An area for practical application of principles and procedures of fire fighting, hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.

(4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

(5) A structure suitable for interior live fire training as required by the particular discipline(s).

(6) Facilities to conduct exterior live fire training as required by the particular discipline(s).

(7) If performance or driving skills are part of the training program, suitable area(s) for practicing required skills, demonstration of skills, and performance testing.

~~[(a) Training records shall be maintained by the distance training provider that reflect:]~~

~~[- (1) Who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records);]~~

~~[- (2) Individual trainee test scores to include performance testing; and]~~

~~[- (3) Evidence to substantiate the test scores received by each trainee to include performance testing. Such records will include materials (completed tests and/or answer sheets, other documents, video, or audio recording, etc.), and will provide identification of the examinee, identification of the evaluating field examiner, and the observer as defined in Chapter 439 of this title (relating to Examinations for Certification).]~~

~~[(b) All distance training provider records must be maintained by the distance training provider for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.]~~

~~[(c) A master copy of tests will be maintained for review by commission representatives. The certified distance training provider shall maintain copies of all tests for a minimum of three years.]~~

§427.205. Apparatus.

The following minimum apparatus resources, applicable to the discipline, are required for a distance training provider.

(a) For a certified distance training provider--approved for basic structure fire protection personnel certification training:

(1) A pumper apparatus fully equipped for functions as required by the basic fire suppression curriculum.

(2) An aerial ladder truck for functions as required by the basic fire suppression curriculum.

(b) For a certified distance training provider--approved for basic aircraft rescue fire fighting (ARFF) personnel certification training:

(1) an ARFF vehicle for assigned aircraft type and size.

(2) an ARFF vehicle with 260 gpm minimum turret; and

(3) Support vehicles per AHJ.

(c) For a certified distance training provider--approved for Driver/Operator certification training:

(1) Driver/Operator-Pumper--A fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus or its successor.

(2) Driver/Operator-Aerial—A fire apparatus with a permanently mounted, power-operated elevating device such as a ladder, ladder platform, telescoping platform, or articulating platform, with an elevating water delivery system.

§427.207. Protective Clothing, Use, Care & Maintenance.

All protective clothing used during instruction for a commission approved fire protection personnel training program shall be appropriate for the training evolution.

Protective clothing and elements no longer used for emergency operations may be used for non-live fire training provided such clothing and elements are not contaminated, defective, or damaged and are appropriately marked to be easily recognized.

(1) All protective clothing used for live fire training shall comply with the minimum standards of the National Fire Protection Association (NFPA) Standard suitable for the tasks the individual is expected to perform.

(A) A certified training provider that provides personal protective equipment shall comply with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor and provide upon request a written Standard Operating Procedure (SOP) on the use, maintenance, and care of personal protective equipment (PPE) to include the application of Preliminary Exposure Reduction for determination of the appropriate level of cleaning and inspection of PPE at the conclusion of a training evolution.

(B) A certified training provider shall verify NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor, for compliance with personal protective equipment provided by the participant.

(2) The distance training provider shall comply with the following guidelines for use, care and maintenance of PPE used during live-fire training depending on the type of burn facility and/or fuel used.

(A) Acquired Structures

Firefighting ensemble and/or element that has been used in an environment created by an acquired structure should be treated as stated in §435.1(a)(3) of this title (relating to Protective Clothing).

(B) Gas-Fired Training Center Buildings

Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP.

(C) Non-Gas Fired Training Center Buildings

Firefighting ensemble and/or element that has been used in an environment that uses non-gas fired props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

(D) Exterior Props

Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP's.

(E) Exterior Class B Liquid Fires

Firefighting ensemble and/or element that has been used in exterior Class B liquid fire props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

§427.209. Equipment [~~General Information~~].

The distance training provider must ensure that all equipment necessary for practice of performance skills identified in the commission's Curriculum Manual or Curriculum Skills Manual is available in sufficient quantity for use by trainees.

The minimum equipment required for conducting training is identified in the Equipment List found in each discipline chapter within the Texas Commission on Fire Protection (TCFP) Curriculum Manual.

All Self-Contained Breathing Apparatus (SCBA) that will be used during the course of instruction for a commission approved fire protection personnel training program shall comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus). This rule applies whether the SCBA is provided by the academy or the trainee.

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

(A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both.

(B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both.

(C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or

(D) below ground level.

(2) standard classroom equipment to include appropriate instructional aids and the use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction; and

(3) other equipment, which may include training simulators, training aids, clothing and tools required by the applicable training program.

{(a) All distance training providers shall meet these minimum requirements. Training credit will not be recognized from a distance training provider that has not been certified by the commission. The commission shall take action on an application for certification of a distance training provider within 30 days from receipt.}

{(b) Distance training providers conducting on-site activities shall ensure that all training is conducted in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents, or dangerous rescue situations.}

{(c) A distance training provider may transport trainees to the site of an actual emergency for training purposes, only if the following requirements are strictly adhered to:}

{ (1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;}

{ (2) the trainees are kept outside of the emergency operations area; and}

{ (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.}

{(d) Distance training providers are subject to inspection by the commission at any time during regular business hours. Distance training providers shall provide the commission with access to the training facility to monitor the course in progress.}

{(e) The commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.

{(f) The commission may revoke, suspend, probate, refuse to renew, or otherwise limit the certification of a distance training provider when the commission determines that the provider:}

{ (1) fails to provide the quality of training and education for which the provider was approved; or}

~~[(2) fails to comply with commission rules and/or these minimum standards; or]~~

~~[(3) fails to submit required reports in a timely manner or submits false reports to the commission; or]~~

~~[(4) per course, fails to meet at least a 70% student pass rate on the certification examination.]~~

§427.211. Reference Material.

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

§427.213. Records.

(a) Training records, print or electronic, shall be maintained by the regulated distance training provider that reflect at minimum:

(1) training subject,

(2) date(s) of instruction,

(3) who attended the training,

(4) instructor(s),

(5) course grade report with individual trainee test scores,

(6) individual trainee Commission-Designated Performance Skill Evaluations; and

(7) when administering distance skill evaluations, letter(s) of assurance for performance skill evaluations including the identification of the examinee, evaluating field examiner, and observer.

(b) The regulated distance training provider must be able to substantiate the evaluation process used to determine the trainee has acquired the knowledge and skills to achieve the minimum level of competency required by the applicable commission curriculum and/or NFPA standards.

(c) All records must be maintained by the regulated distance training provider for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

§427.218. Live Fire Training Evolutions.

The most current edition of NFPA 1403, Standard on Live Fire Training Evolutions or its successor, shall be used as a guide when developing standard operating procedures for conducting live fire training.

(1) Prior to being permitted to participate in live fire training evolutions for basic fire suppression certification training, the student shall have received training to meet the performance requirements for Fire Fighter I in NFPA 1001, Standard for Fire Fighter Professional Qualifications or its successor, related to the following subjects:

(A) safety,

(B) fire behavior,

(C) portable extinguishers,

(D) personal protective equipment to include SCBA,

(E) ladders,

(F) fire hose, appliances, and streams,

(G) overhaul.

(H) water supply.

(I) ventilation.

(J) forcible entry; and

(K) building construction.

(2) The on-site lead instructor will ensure that the water supply rate and duration for each live fire training evolution is adequate to control and extinguish the training fire. The lead instructor will also ensure that the resources necessary for backup lines to protect personnel and exposed property are available and deployed.

(3) The on-site lead instructor will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.

(4) A safety officer shall be appointed for all live fire training evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.

(5) No person(s) shall play the role of a victim inside the building.

(6) The participating student-to-instructor ratio shall not be greater than five to one.

(7) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.

(8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

(9) A standard operating procedure shall be developed and utilized for live fire training evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for each student and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee.

(B) a Personnel Accountability System that complies with §435.13 of this title,

(C) an Incident Management System.

(D) use of personal protective clothing and self-contained breathing apparatus; or

(E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

§427.219 General Information.

(a) All distance training providers shall meet these minimum requirements. Training credit will not be recognized from a distance training provider that has not been certified by the commission unless the program has been deemed equivalent. The commission shall take action on an application for certification of a distance training provider within 30 days from receipt.

(b) Certified distance training providers shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a commission approved training course in fire

suppression before being assigned to fire suppression duties. Certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents, or dangerous rescue situations.

(c) A certified distance training provider may transport trainees to the site of an actual emergency for training purposes, only if the following requirements are strictly adhered to:

(1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;

(2) the trainees are kept outside of the emergency operations area; and

(3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.

(d) Certified distance training providers are subject to inspection by the commission at any time during regular business hours.

(e) In order to retain the certification as a certified distance training provider, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(f) The commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.

(g) The commission may revoke, suspend, probate, refuse to renew, or otherwise limit the certification of a distance training provider when the commission determines that the distance training provider:

(1) fails to provide the quality of training and education for which the provider was approved; or

(2) fails to comply with commission rules and/or these minimum standards; or

(3) fails to submit required reports in a timely manner or submits false reports to the commission;
or

(4) fails to meet at least a 70% student pass rate on the certification examination.

CHAPTER 427

TRAINING FACILITY CERTIFICATION

SUBCHAPTER C

TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

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

(a) Training programs that are intended to satisfy the requirements for fire protection personnel certification must meet the objectives and competencies in that discipline.

(b) A system for evaluating the comprehension of the trainee, including periodic and comprehensive written tests, is required. If performance skills are part of the applicable curriculum, performance testing shall be done in accordance with §439.11 of this title (relating to Commission-Designated Performance Skill Evaluations).

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

(a) When seeking training **prior** approvals (**TPAs**), a training provider shall certify that it has provided the resources described in §427.1 **or §427.201** of this title **as applicable**. [~~(relating to Minimum Standards for Certified Training Facilities for Fire Protection Personnel).~~]

(b) All training for certification must be approved by the commission. A training provider must submit training prior approval information at least 10 days prior to the proposed start date of the training.

(c) Approved courses are subject to audit by commission staff at any time. Any deviation from the information submitted in **the** [~~an~~] original **training prior approval** [~~course approval~~] must be reported to the commission at least one day prior to the change taking place unless the training provider is unable to do so because of unforeseen circumstances. [~~All deviations must be approved by the commission.~~]

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

(a) The requirements and provisions in this section apply to procedures for periodic and final testing conducted by training providers. For procedures regarding examinations for certification that occur after a training program is completed, see Chapter 439 of this title (relating to Examinations for Certification).

(b) Periodic and comprehensive final tests shall be given by the training provider in addition to the commission examination required in Chapter 439 of this title.

(c) Periodic tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. An average score of 70% must be achieved on all required periodic tests.

(d) In addition to periodic tests, a comprehensive final test must be administered. The final test must be conducted in a proctored setting. For purposes of this section, a proctor can be an approved TCFP Field Examiner, or a member **of a** [~~or~~] testing center of an educational institution. A passing score of 70% must be achieved.

(e) If a course is taught in phases **or sections**, a comprehensive **test** [~~exam~~] for each phase **or section** shall be administered upon completion of each phase **or section** and a passing score of 70% must be achieved.

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

(a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.

(b) All training instructors (except guest instructors) **as a minimum shall** [~~must~~] possess **Fire Instructor Certification** [~~fire instructor certification~~]. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.

(c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline, except as stated in subsections (h)(2) and (i)(2) of this section.

(d) Guest instructors are not required to be certified as instructors.

(e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.

(f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:

(1) A Fire Service Instructor II certification or higher; or

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

(A) as a minimum, a minor in education; and

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

(3) An associate degree with the following:

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

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

(g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:

(1) A Fire Service Instructor III certification; or

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

(A) as a minimum, a minor in education; and

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

(3) An associate degree with the following:

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

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

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

(1) The unit instructor must hold Intermediate Wildland Fire Protection certification or be approved by the commission to instruct a Basic Wildland course and hold:

(A) commission Fire Service Instructor I certification or higher; or

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

(2) The lead instructor must hold NWCG or TIFMAS Single Resource Boss qualification and hold:

(A) commission Fire Service Instructor I certification or higher; or

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

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

(1) The unit instructor must hold an Intermediate Wildland Fire Protection certification or be approved by the commission to instruct an Intermediate Wildland course and hold:

(A) commission Fire Service Instructor I certification or higher; or

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

(2) The lead instructor must hold NWCG or TIFMAS Single Resource Boss qualification and:

(A) commission Fire Service Instructor I certification or higher; or

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

CHAPTER 427

TRAINING FACILITY CERTIFICATION

SUBCHAPTER D

CERTIFIED TRAINING FACILITIES

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

(a) The provisions in this subchapter apply only to certified training facilities that are not owned or operated by the State of Texas or a political subdivision of the State of Texas.

(b) Training facilities seeking certification under this subchapter must comply with all the provisions of this chapter and must also meet and comply with all commission rules.

(c) Training facilities seeking certification under this subchapter must apply for training facility certification in each discipline for which they intend to conduct certification training for fire protection personnel.

(d) In order to become a commission approved training facility under this subchapter, the provider must submit a completed commission training facility application for certification with supporting documentation and fees. Supporting documentation will consist of:

- (1) descriptions, photos and addresses of where the provider will have their course delivery and materials;
- (2) documentation of how the provider will meet all the minimum requirements for each discipline for which it seeks certification;
- (3) complete and correct financial statements, as specified in this subchapter, demonstrating the facility is financially stable and capable of fulfilling its commitments for training;
- (4) statement of ownership which identifies the owners, stockholders, partners, representatives, management, trustees, board members; **and**
- (5) documentation showing registration with the Texas Secretary of State as a business.

§427.403. Financial Standards.

(a) Definitions Relating to Financial Requirements.

(1) Balance Sheet--A statement of financial position or statement of condition, showing the status of assets, liabilities, and owner equity for a defined period i.e., monthly, quarterly, etc.

(2) Current ratio--ability to pay current obligations from current assets.

(3) Generally Accepted Accounting Principles (GAAP)--Conventions, rules and procedures that define accepted accounting practices to include both broad guidelines as well as detailed procedures.

(4) Generally Accepted Auditing Standards (GAAS)--Conventions, rules and procedures that define accepted audit practices.

(5) Stockholders Equity (net worth)--amount by which assets exceed liabilities.

(6) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."

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

(b) The balance sheet required in this subchapter shall reflect the following:

- (1) positive equity or net worth balance;
- (2) unearned tuition as a current liability;
- (3) a current ratio of at least one-to-one (current assets divided by current liabilities); and
- (4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.

(c) Compilations shall be accompanied by the owner's sworn statement that all submitted documents are true and correct to the best of the owner's knowledge.

(d) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.

(e) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter.

(f) A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.

(g) Requirements for Original Approvals.

(1) The owner shall furnish the commission with the following:

(A) a school owned by a sole proprietor must submit a reviewed personal balance sheet stating the disclosure of payments for the next five years to meet debt agreements as required by GAAP; or

(B) all other ownership structures must submit an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.

(2) The facility shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school; a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of the certification. Projected expenses may include the following:

(A) employee salaries, listed by position title, including withholding and unemployment taxes, and other related expenses;

(B) lease or rent payments for listed equipment;

(C) lease or rent payments for facilities;

(D) accounting, legal and other specifically identified professional fees;

(E) an estimate of expenses such as advertising, travel, textbooks, office and classroom supplies, printing, telephone, utilities, taxes;

(F) a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation; and

(G) such other evidence as may be deemed appropriate by the commission to establish financial stability.

(h) Prior to a change in ownership of a facility, the purchaser shall furnish the commission a current balance sheet meeting the requirements outlined in this subchapter for original approvals, excluding the sufficient cash requirement for initial expenses. The purchaser shall furnish any other evidence deemed appropriate by the commission to establish financial stability.

(i) The deletion or addition of any person that would be considered an owner is considered a change in facility ownership. The facility must notify the commission of the change in ownership within 14 days of the transaction.

(j) The commission may require submission of a full application for approval of a change in ownership.

(k) Management agreements must be disclosed to the commission. Parties to a management agreement shall be of good reputation and character.

(l) The deletion, addition or moving of a facility will be reported to the commission 14 days prior to the transaction.

(m) If the commission determines that the deletion, addition or moving of a facility presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.

(n) The commission shall be notified in writing of any legal action to which the facility, any of its owners, representatives or management employees is a party.

(o) The notification shall be within 14 days after the action is known to be filed or the facility, owner, representative or management employee is served.

(p) The facility shall include, with the required notice, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.

(q) If the commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the facility, the commission may require at the facility's expense:

(1) an audit of the facility that has been certified by an accountant; or

(2) The owner must furnish any other evidence deemed appropriate by the commission to establish financial stability.

(r) The entity certified under this subchapter shall maintain, in a permanent format that is acceptable and readily accessible to the commission, a record of any funds received from, or on behalf of, the student. The entity shall clearly identify the payer, the type of funding, and the reason for the charges. These records shall be posted and kept current.

(s) An entity certified under this subchapter shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the commission. Each separately charged item shall be clearly itemized on the student-signed receipt.

(t) An entity certified under this subchapter shall develop and maintain a cancellation and refund policy.

(u) The student shall be entitled to a full refund of all monies paid to the facility if classes or courses are cancelled by the facility.

(v) For classes or courses cancelled by the student, refund policies will be based on a prorated basis or percentage of the class or program completed by the student.

(w) An entity certified under this subchapter shall comply with Chapter 437 of this title (relating to Fees).

(x) Upon application for renewal, an entity certified under this subchapter will provide a balance sheet with a sworn statement.

§427.405. Policy Regarding Complaints.

(a) Complaints. The entity shall:

(1) Submit a written grievance procedure designed to resolve disputes between current and former students and the school for commission approval;

(2) Provide a copy of the grievance procedure to each student and maintain proof of such delivery;

(3) Maintain records regarding grievance filings and resolutions; and

(4) Diligently work to resolve all complaints at the local school level.

(b) Investigations.

(1) The commission may investigate a complaint about an entity and may determine the extent of investigation needed by considering various factors, such as:

(A) the seriousness of the alleged violation;

(B) the source of the complaint;

(C) the school's history of compliance and complaints;

(D) the timeliness of the complaint; and

(E) any other reasonable matter deemed appropriate.

(2) The commission may require documentation or other evidence of the violation before initiating a complaint investigation.

§427.407. School Responsibilities Regarding Instructors.

(a) The facility chief training officer (CTO) shall ensure that there are an appropriate number of instructors.

(b) The facility CTO shall ensure that instructors are qualified to instruct in the subjects they are teaching or assisting.

(c) The facility CTO shall ensure continuity of instruction and that instructors provide students with a quality education.

(d) The facility CTO shall formally evaluate each instructor in writing at least annually and shall make the evaluations available for review by the commission.

(e) The facility CTO shall ensure that students are allowed the opportunity to formally evaluate each instructor in writing and make the evaluations available for review by the commission.

§427.409. Advertising.

(a) General Information for Advertising.

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

(b) Advertisement Method.

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

(c) Advertisement Content.

- (1) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.
- (2) Advertisements shall not include:
 - (A) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;
 - (B) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government;
 - (C) statements that represent the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school; or
 - (D) statements as being commission approved or IFSAC approved in order to solicit students prior to receiving actual commission approval. Any such activity by the school, prior to the commission's approval of the training course, shall constitute misrepresentation by the training facility and shall entitle each student in the course to a full refund of all monies paid and a release from all obligations to the student.
- (3) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.
- (4) a school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.

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

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

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

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

(d) Financial Incentives. Advertisements shall not:

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

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

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

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

(e) Advertisements for student tuition loans shall:

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

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

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

(f) Advertisement Monitoring.

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

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

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

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

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

§427.411. Cancellations or Suspensions.

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

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

- (1) inadequate instruction;
- (2) unapproved or inadequate curriculum;
- (3) inadequate equipment; or
- (4) inadequate facilities.

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

§427.413. Liabilities.

(a) Curriculum and Testing.

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

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

(b) Equipment and Facilities.

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

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

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

12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:

B. Rule review of the following:

1. 37 TAC, Chapter 449, Head of Department.

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 appointed 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. The requirements in this subchapter also apply to an individual who is appointed on an interim basis to head of a suppression fire department.

(b) Prior to being appointed as the head of a suppression fire department, an individual must:

(1) hold a Texas Commission on Fire Protection certification as fire protection personnel in any discipline that has a commission approved curriculum that requires structural fire protection personnel certification. The individual must have five years of experience in a full-time fire suppression position or ten years in a part-time fire suppression position at the time of appointment, or attain the required years of experience within one year of the appointment; or

(2) provide 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 of experience in a full-time fire suppression position in a jurisdiction other than Texas; or

(3) provide documentation in the form of a sworn non-self-serving affidavit of ten years of 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

(4) provide documentation in the form of a sworn non-self-serving affidavit of ten years of experience as an active volunteer fire fighter in one or more volunteer fire departments. 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 ten or more active members that conducts a minimum of 48 hours of drills in a calendar year.

(c) Holding the Head of a Fire 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.

Source Note: The provisions of this §449.1 adopted to be effective February 26, 2015, 40 TexReg 831; amended to be effective November 18, 2018, 43 TexReg 7557

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

Applicants for Head of a Suppression 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 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, 300, 400, 700, and 800.

Source Note: The provisions of this §449.3 adopted to be effective February 26, 2015, 40 TexReg 831; amended to be effective November 18, 2018, 43 TexReg 7557

CHAPTER 449
HEAD OF A FIRE DEPARTMENT
SUBCHAPTER B
MINIMUM STANDARDS FOR HEAD OF A PREVENTION ONLY FIRE DEPARTMENT

§449.201. Minimum Standards for the Head of a 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. The requirements in this subchapter also apply to an individual who is appointed on an interim basis to head of a prevention only fire department.
- (b) Prior to being appointed as the head of a prevention only fire department, an individual must:
- (1) hold a Texas Commission on Fire Protection certification as a fire inspector, fire investigator, or arson investigator. The individual must have five years of experience in a full-time fire prevention position or ten years in a part-time fire prevention position at the time of appointment, or attain the required years of experience within one year of the appointment; or
 - (2) possess 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 of experience in a full-time fire prevention position in a jurisdiction other than Texas; or
 - (3) provide documentation in the form of a sworn non-self-serving affidavit of ten years of 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
 - (4) provide documentation in the form of a sworn non-self-serving affidavit of ten years of 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 of fire prevention experience as an active volunteer fire inspector, fire investigator, or arson investigator.
- (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).

Source Note: The provisions of this §449.201 adopted to be effective February 26, 2015, 40 TexReg 831; amended to be effective November 18, 2018, 43 TexReg 7558

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

Applicants for 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, 300, 400, 700 and 800.

Source Note: The provisions of this §449.203 adopted to be effective February 26, 2015, 40 TexReg 831; amended to be effective November 18, 2018, 43 TexReg 7558

12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:

B. Rule review of the following:

2. 37 TAC, Chapter 451, Fire Officer.

CHAPTER 451
FIRE OFFICER
SUBCHAPTER A
MINIMUM STANDARDS FOR FIRE OFFICER I

§451.1. Fire Officer I Certification.

A Fire Officer I is defined as an individual who may supervise fire personnel during emergency and non-emergency work periods; serve in a public relations capacity with members of the community; implement departmental policies and procedures at the unit level; secure fire scenes and perform fire investigations to determine preliminary cause; conduct pre-incident planning; supervise emergency operations; or ensure a safe working environment for all personnel.

Source Note: The provisions of this §451.1 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective December 27, 2001, 26 TexReg 10621; amended to be effective July 29, 2002, 27 TexReg 6727

§451.3. Minimum Standards for Fire Officer I Certification.

(a) In order to be certified as a Fire Officer I an individual must:

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

(2) hold Fire Service Instructor I certification through the commission; and

(A) possess valid documentation as a Fire Fighter II and Fire Officer I from either:

(i) the International Fire Service Accreditation Congress; or

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

(B) complete a commission approved Fire Officer I program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer I program must consist of one of the following:

(i) completion of a commission approved Fire Officer I Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;

(ii) 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 I Curriculum; or

(iii) successful completion of 12 college semester hours consisting of the following courses or their equivalent:

(I) Fire Prevention Codes and Inspections, 3 semester hours;

(II) Fire and Arson Investigation I or II, 3 semester hours;

(III) Fire Administration I, 3 semester hours; and

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

(b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer I) of the commission's Certification Curriculum Manual are met.

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

Source Note: The provisions of this §451.3 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective July 29, 2002, 27 TexReg 6727; amended to be effective September 2, 2003, 28 TexReg 7403; amended to be effective March 27, 2006, 31 TexReg 2701; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective November 28, 2007, 32 TexReg 8532; amended to be effective February 21, 2012, 37 TexReg 912; amended to be effective March 2, 2014, 39 TexReg 1171

§451.5. 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 I certification.

(b) 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.

Source Note: The provisions of this §451.5 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective August 10, 2009, 34 TexReg 5415; amended to be effective February 17, 2010, 35 TexReg 1289

§451.7. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission approved Fire Officer I program, documenting an IFSAC seal for Fire Fighter II and Instructor I, and passing the applicable state examination may be granted an IFSAC seal as a Fire Officer I by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

Source Note: The provisions of this §451.7 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective March 2, 2005, 30 TexReg 1089; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective August 26, 2015, 40 TexReg 5345; amended to be effective November 23, 2016, 41 TexReg 9162

CHAPTER 451
FIRE OFFICER
SUBCHAPTER B
MINIMUM STANDARDS FOR FIRE OFFICER II

§451.201. Fire Officer II Certification.

A Fire Officer II is defined as an individual who may evaluate the performance of personnel; deliver public education programs; prepare budget requests, news releases, and policy changes; conduct inspections and investigations; supervise multi-unit emergency operations; and identify unsafe work environments and take preventive action; or review injury, accident, and health exposure reports. Individuals who perform inspections must comply with Chapter 429 of this title (relating to Minimum Standards for Fire Inspectors). Individuals who perform investigations must comply with Chapter 431 of *this title (relating to Fire Investigation)*.

Source Note: The provisions of this §451.201 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective December 27, 2001, 26 TexReg 10621; amended to be effective July 29, 2002, 27 TexReg 6727

§451.203. Minimum Standards for Fire Officer II Certification.

(a) In order to be certified as a Fire Officer II an individual must:

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

(2) hold Fire Officer I certification through the commission; and

(3) hold, as a minimum, Fire Service Instructor I certification through the commission; and

(A) possess valid documentation as Fire Officer II; from either:

(i) the International Fire Service Accreditation Congress; or

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

(B) complete a commission approved Fire Officer II program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer II program must consist of one of the following:

(i) completion of a commission approved Fire Officer II Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;

(ii) 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 II Curriculum; or

(iii) successful completion of 15 college semester hours consisting of the following courses or their equivalent:

- (I) Fire Prevention Codes and Inspections, 3 semester hours;
- (II) Fire and Arson Investigation I or II, 3 semester hours;
- (III) Fire Administration I, 3 semester hours;
- (IV) Fire Administration II or Company Fire Officer, 3 semester hours; and
- (V) Firefighting Strategies and Tactics I or II, 3 semester hours.

(b) Out-of-state or military training programs which are submitted to the commission 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.

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

Source Note: The provisions of this §451.203 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective July 29, 2002, 27 TexReg 6727; amended to be effective September 2, 2003, 28 TexReg 7403; amended to be effective May 26, 2005, 30 TexReg 3037; amended to be effective March 27, 2006, 31 TexReg 2701; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective November 28, 2007, 32 TexReg 8532; amended to be effective February 21, 2012, 37 TexReg 913; amended to be effective March 2, 2014, 39 TexReg 1171

§451.205. 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 II certification.

(b) 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.

Source Note: The provisions of this §451.205 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective August 10, 2009, 34 TexReg 5415; amended to be effective February 17, 2010, 35 TexReg 1289

§451.207. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission approved Fire Officer II program; documenting IFSAC seals for Fire Fighter II, Instructor I and Fire Officer I; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer II by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

Source Note: The provisions of this §451.207 adopted to be effective February 1, 2001, 25 TexReg 10750; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective March 2, 2005, 30 TexReg 1089; amended to be effective December 3, 2006, 31 TexReg 9620; amended to be effective November 28, 2007, 32 TexReg 8532; amended to be effective August 26, 2015, 40 TexReg 5345; amended to be effective November 23, 2016, 41 TexReg 9162

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.

Source Note: The provisions of this §451.301 adopted to be effective February 28, 2013, 38 TexReg 1220

§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;
- (vii) Community Risk Reduction; or

(D) 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.

(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.

Source Note: The provisions of this §451.303 adopted to be effective February 28, 2013, 38 TexReg 1220; amended to be effective March 2, 2014, 39 TexReg 1171; amended to be effective September 1, 2014, 39 TexReg 6876; amended to be effective February 18, 2018, 43 TexReg 779

§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.

Source Note: The provisions of this §451.305 adopted to be effective February 28, 2013, 38 TexReg 1220

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

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. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

Source Note: The provisions of this §451.307 adopted to be effective August 9, 2016, 41 TexReg 5766; amended to be effective February 18, 2018, 43 TexReg 779

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.

Source Note: The provisions of this §451.401 adopted to be effective February 28, 2013, 38 TexReg 1220

§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 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.

(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.

Source Note: The provisions of this §451.403 adopted to be effective February 28, 2013, 38 TexReg 1220; amended to be effective March 2, 2014, 39 TexReg 1171; amended to be effective September 1, 2014, 39 TexReg 6876; amended to be effective February 18, 2018, 43 TexReg 779

§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.

Source Note: The provisions of this §451.405 adopted to be effective February 28, 2013, 38 TexReg 1220

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

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. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

Source Note: The provisions of this §451.407 adopted to be effective August 9, 2016, 41 TexReg 5766; amended to be effective February 18, 2018, 43 TexReg 779

12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:

B. Rule review of the following:

3. 37 TAC, Chapter 453, Hazardous Materials.

CHAPTER 453
HAZARDOUS MATERIALS
SUBCHAPTER A
MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

§453.1. Hazardous Materials Technician Certification.

(a) A Hazardous Materials Technician is defined as an individual who performs emergency response to an occurrence which results in, or is likely to result in, an uncontrolled release of a hazardous substance where there is a potential safety or health hazard (i.e., fire, explosion, or chemical exposure). A Hazardous Materials Technician responds to such occurrences and is expected to perform work to handle and control (stop, confine, or extinguish) actual or potential leaks or spills. The Hazardous Materials Technician assumes a more aggressive role than a first responder at the operations level, in that the Hazardous Materials Technician will approach the point of release. The Hazardous Materials Technician is expected to use specialized Chemical Protective Clothing (CPC) and specialized control equipment.

(b) All individuals holding a Hazardous Materials Technician Certification shall be required to comply with the continuing education requirements in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

Source Note: The provisions of this §453.1 adopted to be effective September 1, 1997, 22 TexReg 7904; amended to be effective August 10, 1999, 24 TexReg 6098; amended to be effective November 5, 2000, 25 TexReg 10752; amended to be effective November 28, 2007, 32 TexReg 8533

§453.3. Minimum Standards for Hazardous Materials Technician Certification.

In order to be certified as a Hazardous Materials Technician an individual must:

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

(2) possess valid documentation as a Hazardous Materials Technician from either:

(A) the International Fire Service Accreditation Congress; or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 of this title (relating to Requirements—General); or

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

(A) completion of an in-state Hazardous Materials Technician training program that meets the requirements of the applicable NFPA standard, is conducted by a commission certified training provider and approved through the commission's training prior approval system; or

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to meet or exceed the NFPA standard for Hazardous Materials Technician.

Source Note: The provisions of this §453.3 adopted to be effective September 1, 1997, 22 TexReg 7904; amended to be effective August 10, 1999, 24 TexReg 6098; amended to be effective November 5, 2000, 25 TexReg 10752; amended to be effective January 30, 2002, 27 TexReg 614; amended to be effective September 2, 2003, 28 TexReg 7404; amended to be effective May 26, 2005, 30 TexReg 3038; amended to be effective November 28, 2007, 32 TexReg 8533; amended to be effective February 28, 2013, 38 TexReg 1221; amended to be effective March 2, 2014, 39 TexReg 1172; amended to be effective August 23, 2017, 42 TexReg 4142

§453.5. Examination Requirements.

(a) 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) Individuals will be permitted to take the commission examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Technician training program.

Source Note: The provisions of this §453.5 adopted to be effective September 1, 1997, 22 TexReg 7904; amended to be effective August 10, 1999, 24 TexReg 6098; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective March 2, 2005, 30 TexReg 1090; amended to be effective November 28, 2007, 32 TexReg 8533; amended to be effective August 10, 2009, 34 TexReg 5416; amended to be effective February 28, 2013, 38 TexReg 1221; amended to be effective August 23, 2017, 42 TexReg 4142

§453.7. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission approved Hazardous Materials Technician training program, documenting an IFSAC seal for Hazardous Materials Awareness Level Personnel; and

(1) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or

(2) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and

(3) upon passing the applicable state examination, may be granted an IFSAC seal as a Hazardous Materials Technician by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

Source Note: The provisions of this §453.7 adopted to be effective March 2, 2000, 25 TexReg 1723; amended to be effective January 30, 2002, 27 TexReg 614; amended to be effective March 10, 2003, 28 TexReg 2125; amended to be effective March 2, 2005, 30 TexReg 1090; amended to be effective May 18, 2010, 35 TexReg 3850; amended to be effective February 28, 2013, 38 TexReg 1221; amended to be effective August 26, 2015, 40 TexReg 5345; amended to be effective November 23, 2016, 41 TexReg 9162; amended to be effective August 23, 2017, 42 TexReg 4142

CHAPTER 453
HAZARDOUS MATERIALS
SUBCHAPTER B
MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

§453.201. Hazardous Materials Incident Commander Certification.

The Hazardous Materials Incident Commander is defined as that person responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

Source Note: The provisions of this §453.201 adopted to be effective February 28, 2013, 38 TexReg 1221

§453.203. Minimum Standards for Hazardous Materials Incident Commander.

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

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) possess valid documentation as a Hazardous Materials Incident Commander from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (3) complete a commission approved Hazardous Materials Incident Commander training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:
 - (A) completion of an in-state Hazardous Materials Incident Commander training program that meets the requirements of the applicable NFPA standard, is conducted by a commission certified training provider and approved through the commission's training prior approval system; or
 - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to meet or exceed the NFPA standard for Hazardous Materials Incident Commander.

Source Note: The provisions of this §453.203 adopted to be effective February 28, 2013, 38 TexReg 1221; amended to be effective March 2, 2014, 39 TexReg 1172; amended to be effective September 1, 2014, 39 TexReg 6877; amended to be effective August 23, 2017, 42 TexReg 4142

§453.205. Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Incident Commander certification.

(b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Incident Commander training program.

Source Note: The provisions of this §453.205 adopted to be effective February 28, 2013, 38 TexReg 1221; amended to be effective August 23, 2017, 42 TexReg 4142

§453.207 International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission approved Hazardous Materials Incident Commander program and documenting the following IFSAC seals:

(1) Hazardous Materials Awareness Level Personnel; and

(2) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or

(3) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and

(4) upon passing the applicable state examination, may be granted an IFSAC seal for Hazardous Materials Incident Commander by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the application and fee for the seal prior to the expiration of the examination in order to qualify for the IFSAC seal.

Source Note: The provisions of this §453.207 adopted to be effective May 20, 2018; 43 TexReg 3105; amended to be effective December 2, 2019, 44 TexReg 7413

12. Matters referred from the Fire Fighter Advisory Committee, including, but not limited to:

B. Rule review of the following:

- 4. 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**

CHAPTER 457

MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION

§457.1. Incident Safety Officer Certification.

(a) An Incident Safety Officer is defined as a member of the command staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring personnel safety at an incident.

(b) All individuals holding an Incident Safety Officer certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

(c) All Safety Officer certifications issued by the commission and referenced in this chapter are voluntary.

Source Note: The provisions of this §457.1 adopted to be effective August 20, 2012, 37 TexReg 6316

§457.3. Minimum Standards for Incident Safety Officer Certification.

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

- (1) hold commission certification as Fire Officer I and;
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Safety Officer; or
- (3) complete a commission approved Incident Safety Officer program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Incident Safety Officer program must consist of one of the following:
 - (A) completion of an in-state Incident Safety Officer program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or
 - (B) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

Source Note: The provisions of this §457.3 adopted to be effective August 20, 2012, 37 TexReg 6316; amended to be effective March 2, 2014, 39 TexReg 1173; amended to be effective November 10, 2014, 39 TexReg 8743; amended to be effective January 26, 2017, 42 TexReg 244;

§457.5. Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive an Incident Safety Officer certification, unless otherwise specified in this chapter.

(b) Individuals will be permitted to take the commission examination for Incident Safety Officer certification by documenting Fire Officer I certification through the commission or the equivalent IFSAC seal, and completing a commission approved Incident Safety Officer training program.

Source Note: The provisions of this §457.5 adopted to be effective August 20, 2012, 37 TexReg 6316; amended to be effective August 5, 2013, 38 TexReg 4909; amended to be effective January 26, 2017, 42 TexReg 244;

§457.7 International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission approved Incident Safety Officer program; documenting Fire Fighter II, Instructor I and Fire Officer I seals and passing the applicable state examination, may be granted an IFSAC seal for Incident Safety Officer by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the application and fee for the seal prior to the expiration of the examination in order to qualify for the IFSAC seal.

Source Note: The provisions of this §457.7 adopted to be effective May 20, 2018; 43 TexReg 3105; amended to be effective December 2, 2019, 44 TexReg 7414

13. Proposed new 37 TAC, Chapter 463, Advisory Committees.

CHAPTER 463
ADVISORY COMMITTEES
SUBCHAPTER A
PRACTICE AND PROCEDURES

§463.1. OBJECTIVE.

(a) The Texas Commission on Fire Protection (TCFP) is organized to aid in the protection of lives and property of Texas citizens through the development and enforcement of recognized professional standards for individuals and the fire service. To achieve the goals of TCFP, each committee will evaluate, make recommendations, and issue reports to the Commission on any issue in the committee's purview. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee.

(b) The Commission has established a Firefighter Advisory Committee, Curriculum and Testing Committee, and Health and Wellness Committee in compliance with Texas Government Code 2110.008 Duration of Advisory Committees. These committees will continue for four years from the date of creation and may be continued following a vote of the commission, to extend each of the established committees. The commission may create short-term Ad Hoc working groups for specific purposes in accordance with this rule. The committee's purpose, eligibility, terms, and meeting procedures are identified in this rule.

§463.3. GENERAL

(a) The Commission shall approve all committees.

(b) The Commission may convene additional committees that are deemed to be in the best interest of the Texas Commission on Fire Protection (TCFP) and its mission.

(c) All committees shall be subject to, and governed by, these bylaws.

(d) The approved committee shall elect a member of their committee as the chairperson who may remain in this position for two (2) years before reappointment or until such time as a new person is appointed as the Chairperson.

(e) Committees should be composed of a reasonable odd number of members, with a minimum of nine and a maximum of 15 members.

(f) The committees shall meet at least twice each calendar year at the call of either the committee chairperson or the Commission.

(g) All committees shall be reviewed for relevance by the Commission every odd year and will either be renewed or discontinued.

(h) Committee Chairperson may form ad hoc working groups, when in the judgment of the Chair, it will enhance or provide guidance for a specific purpose and time limit/period. Committee Chairperson may determine working group selection, but membership is limited only to the ad hoc and will disband once the purpose has been met.

(i) Annually each Committee Chairperson will present to the Commission an end of year status report.

(j) Meetings to deliberate a test item or information related to a test item do not require an open meeting per Texas Government Code §551.088.

§463.5. ELIGIBILITY.

(a) Any person, association, corporation, partnership, or other entity having an interest in the above-recited objectives shall be eligible for membership.

(b) Committee composition should have representatives from each fire protection stakeholder group, with consideration on department size, region, and mission.

(c) Vacant positions will be announced. Interested, qualified candidates may apply for committee appointments. A candidate selection committee may be formed to assist in the application process and may make recommendations for appointments. The list of candidates will then be presented to the Commission during their next meeting for consideration. The Commission will appoint committee members and select alternates at the same time in the event committee members cannot fulfill their tenure and/or replacement members are needed. Terms shall begin immediately following Commission approval. Interim appointments may be made to complete vacated, un-expired terms.

§463.7. TERMS.

Committee members shall be appointed to serve four (4) year terms of office, with the intent to stagger and to ensure continuity of membership from year to year. Committee members serve four-year terms and may serve consecutively; however, after a second four-year term, the member will not be eligible for another term until after a lapse of two years.

§463.9. MEETINGS.

(a) Committee Chairperson or a designated Committee member when the Chairperson is unavailable, shall conduct all committee meetings.

(b) Committee meetings should be held in Austin, Texas. Committee meetings cannot be held outside of the state of Texas.

(c) Committees shall post meeting times, locations, and agendas with the Secretary of State in accordance with the Open Meetings Act, Texas Government Code Chapter 551. Committees shall keep minutes in accordance with the Open Meetings Act. When feasible, committees may allow members of the public to participate in a meeting from a remote location by videoconference call pursuant to Texas Government Code §551.127(k) to encourage access and participation throughout the state.

(d) Committee Chairpersons may limit discussion times, if in the opinion of the Chairperson it is warranted. Participants who fail to follow the above rules may be subject to removal from the meeting.

(e) Committees may meet by videoconference calls, but only if they follow requirements of Texas Government Code §551.127. The committee must still have a physical location for the public to attend. The member presiding over the meeting must attend in person, while other members and staff may attend remotely.

§463.11. LIMITATION OF POWERS.

No action by any Committee Chairperson or its members shall be binding upon, or constitute an expression of, the policy of TCFP until it has been approved or ratified by the Commission. It shall be the function of the committees to evaluate, to make recommendations, and to report only to the Commission. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee.

§463.13. TESTIMONY.

Once committee action has been approved by both the Chairperson of the Commission and the Commission, testimony and/or presentations may be given and made before stakeholders, governmental agencies, or any other entity as deemed appropriate by the Chairperson of the Commission.

§463.15. EXPULSION.

After written notice and a hearing before the Commission, any Committee member may be expelled from a committee for conduct that is unbecoming or prejudicial to the aims or repute of TCFP or expelled for lack of attendance, unless excused, to more than half of the scheduled committee meetings in a calendar year.

§463.17. Abolishment Date

Any Advisory committee created by the Commission, will be abolished after four years from the date of creation, unless re-established by the Commission prior to the abolishment date.

14. Update from 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification ad hoc committee.

CHAPTER 403

CRIMINAL CONVICTIONS AND ELIGIBILITY FOR CERTIFICATION

§403.3. Scope.

(a) The policy and procedures established in this chapter apply to a person who holds or applies for any certificate issued under the commission's regulatory authority contained in Government Code, Chapter 419.

(b) When a person is convicted of a crime of a sexual nature, the conviction of which would require the individual to be registered as a sex offender under Chapter 62 of the Code of Criminal Procedure; or

(c) When a person is convicted of a crime that is an offense under Title 7 of the Texas Penal Code, or a similar offense under the laws of the United States of America, another state, or other jurisdiction, the person's conduct directly relates to the competency and reliability of the person to assume and discharge the responsibilities of fire protection personnel. Such conduct includes, but is not limited to, intentional or knowing conduct, without a legal privilege, **which** ~~that~~ causes or is intended to cause a fire or explosion with the intent to injure or kill any person or animal or to destroy or damage any property. The commission may:

(1) deny a person the opportunity to be examined for a certificate;

(2) deny the application for a certificate;

(3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;

(4) refuse to renew a certificate;

(5) suspend, revoke, or probate the suspension or revocation of an existing certificate; or

(6) limit the terms or practice of a certificate holder to areas prescribed by the commission.

(d) When a person's criminal conviction of a felony or misdemeanor directly relates to the duties and responsibilities of the holder of a certificate issued by the commission, the commission may:

(1) deny a person the opportunity to be examined for a certificate;

(2) deny the application for a certificate;

(3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;

(4) refuse to renew a certificate;

(5) suspend, revoke, or probate the suspension or revocation of an existing certificate; or

(6) limit the terms or practice of a certificate holder to areas prescribed by the commission.

§403.5. Access to Criminal History Record Information.

(a) Criminal history record. The commission is entitled to obtain criminal history record information maintained by the Department of Public Safety, or another law enforcement agency to investigate the eligibility of a person applying to the commission for or holding a certificate.

(b) Confidentiality of information. All information received under this section is confidential and may not be released to any person outside the agency except in the following instances:

- (1) a court order;
- (2) with written consent of the person being investigated;
- (3) in a criminal proceeding; or
- (4) in a hearing conducted under the authority of the commission.

(c) Early review. **A regulated entity** [~~fire department~~] that employs a person regulated by the commission, a person seeking to apply for a beginning position with a regulated entity, a volunteer fire department, or an individual participating in the commission certification program may seek the early review under this chapter of the person's present fitness to be certified. Prior to completing the requirements for certification, the individual may request such a review in writing by following the required procedure. A decision by the commission based on an early review does not bind the commission if there is a change in circumstances. The following pertains to early reviews:

- (1) The commission will complete its review and notify the requestor in writing concerning potential eligibility or ineligibility within **ninety** [90] days following receipt of all required and necessary information for the review.
- (2) A notification by the commission regarding the results of an early review is not a guarantee of certification, admission to any training program, or employment with a local government.
- (3) A fee assessed by the commission for conducting an early review will be in an amount sufficient to cover the cost to conduct the review process, as provided in §437.19 of this title (relating to Early Review Fees).
- (4) An early review request will be considered incomplete until the requestor submits all required and necessary information. Early review requests that remain incomplete for 90 days following receipt of the initial request will expire. If the request expires and an early review is still desired, a new request and fee must be submitted.

§403.15. Report of Convictions by an Individual or a Department.

(a) A certificate holder must report to the commission, any conviction, other than a minor traffic offense (Class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, within 14 days of the conviction date.

(b) A **regulated entity** [~~fire department~~] or local government entity shall report to the commission, any conviction of a certificate holder other than a minor traffic offense (class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, that it has knowledge of, within 14 days of the conviction date.

(c) A certificate holder is subject to suspension, revocation, or denial of any or all certifications for violation of the requirements of subsection (a) of this section. Each day may be considered a

separate offense.

(d) A **regulated entity** ~~[fire department]~~ or government entity regulated by the commission violating subsection (b) of this section may be subject to administrative penalties of up to \$500. Each day may be considered a separate offense.

(e) Notification may be made by mail, e-mail, or in person to the Texas Commission on Fire Protection (TCFP) Austin office. TCFP Form #014 shall be used.

15. Proposed rule review of the following:

- A. 37 TAC, Chapter 459, Fire and Life Safety Educator.**
- B. 37 TAC, Chapter 461, Incident Commander.**
- C. 37 TAC, Chapter 491, Voluntary Regulation of State Agencies and State Agency Employees.**
- D. 37 TAC, Chapter 493, Voluntary Regulation of Federal Agencies and Federal Fire Fighters.**
- E. 37 TAC, Chapter 495, Regulation of Nongovernmental Departments.**

CHAPTER 459

FIRE AND LIFE SAFETY EDUCATOR

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR I

§459.1. Fire and Life Safety Educator I Certification.

(a) A Fire and Life Safety Educator I is defined as an individual who performs professional work in the coordination and delivery of public fire and life safety education, and fire prevention programs.

(b) All individuals holding a Fire and Life Safety Educator I certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

(c) A regulated entity that employs an individual certified as Fire and Life Safety Educator I must report the individual's employment via the commission's online data management system (FIDO system).

Source Note: The provisions of this §459.1 adopted to be effective February 28, 2019, 44 TexReg 869; amended to be effective August 14, 2019, 44 TexReg 4194

§459.3. Minimum Standards for Fire and Life Safety Educator I Certification.

In order to be certified as a Fire and Life Safety Educator I, an individual must:

(1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire and Life Safety Educator I; or

(2) complete a commission approved Fire and Life Safety Educator I program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire and Life Safety Educator I program must consist of one of the following:

(A) completion of an in-state Fire and Life Safety Educator I program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider that was submitted and approved through the commission's training prior approval system; or

(B) completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

Source Note: The provisions of this §459.3 adopted to be effective February 28, 2019, 44 TexReg 869

§459.5. Examination Requirement

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Fire and Life Safety Educator I certification.

Source Note: The provisions of this §459.5 adopted to be effective February 28, 2019, 44 TexReg 869

§459.7. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission-approved Fire and Life Safety Educator I program may be granted an IFSAC seal for Fire and Life Safety Educator I by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the fee for the seal prior to the expiration of the examination to qualify for the IFSAC seal.

Source Note: The provisions of this §459.7 adopted to be effective August 14, 2019, 44 TexReg 4194

CHAPTER 459
FIRE AND LIFE SAFETY EDUCATOR
SUBCHAPTER B
MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR II

§459.201. Fire and Life Safety Educator II Certification.

(a) A Fire and Life Safety Educator II is defined as an individual who performs professional work in the coordination and delivery of public fire and life safety education, and fire prevention programs.

(b) All individuals holding a Fire and Life Safety Educator II certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

Source Note: The provisions of this §459.201 adopted to be effective February 28, 2019, 44 TexReg 869, the provisions of this §459.201 adopted to be effective December 3, 2020, 45 TexReg 8528

§459.203 Minimum Standards for Fire and Life Safety Educator II Certification.

In order to be certified as a Fire and Life Safety Educator II, an individual must:

- (1) hold as a prerequisite Fire and Life Safety Educator I certification; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire and Life Safety Educator II; or
- (3) complete a commission approved Fire and Life Safety Educator II program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire and Life Safety Educator II program must consist of one of the following:
 - (A) completion of an in-state Fire and Life Safety Educator II program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or
 - (B) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

Source Note: The provisions of this §459.203 adopted to be effective February 28, 2019, 44 TexReg 869

§459.205. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Fire and Life Safety Educator II certification.

Source Note: The provisions of this §459.205 adopted to be effective February 28, 2019, 44 TexReg 869

§459.207. International Fire Service Accreditation Congress (IFSAC) Seal.

Individuals completing a commission-approved Fire and Life Safety Educator II program may be granted an IFSAC seal for Fire and Life Safety Educator II by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the fee for the seal prior to the expiration of the examination to qualify for the IFSAC seal.

Source Note: The provisions of this §459.207 adopted to be effective August 14, 2019, 44 TexReg 4194

CHAPTER 461
INCIDENT COMMANDER
MINIMUM STANDARDS FOR INCIDENT COMMANDER

§461.1. Incident Commander Certification.

(a) An Incident Commander is defined as an individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources, who has overall authority and responsibility for conducting and managing all incident operations at the incident site.

(b) All individuals holding an Incident Commander certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

(c) Special temporary provision. Individuals are eligible to take the commission examination for Incident Commander by:

- (1) holding as a minimum, Fire Officer II certification through the commission; and
- (2) providing documentation of completion of the National Incident Management System courses 100, 200, 700 and 800; and
- (3) providing documentation acceptable to the commission that the individual has successfully completed Incident Commander training that meets the minimum requirements of the National Fire Protection Association Standard 1026; or
- (4) providing documentation acceptable to the commission, in the form of an affidavit from the individuals Head of Department or Chief Training Officer, that the individual has met the departments requirements to perform as an Incident Commander and has demonstrated proficiency as an Incident Commander.
- (5) This subsection will expire on January 1, 2022.

Source Note: The provisions of this §461.1 adopted to be effective December 3, 2020, 45 TexReg 8528.

§461.3 Minimum Standards for Incident Commander Certification.

In order to be certified as an Incident Commander, an individual must:

- (1) provide documentation of completion of the National Incident Management System courses 100, 200, 700, and 800; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Commander; or

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

- (A) completion of an in-state Incident Commander program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or
- (B) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

Source Note: The provisions of this §461.1 adopted to be effective December 3, 2020, 45 TexReg 8528.

§461.5. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Incident Commander certification.

Source Note: The provisions of this §461.1 adopted to be effective December 3, 2020, 45 TexReg 8528.

CHAPTER 491

VOLUNTARY REGULATION OF STATE AGENCIES AND STATE AGENCY EMPLOYEES

§491.1. Election of Components for Voluntary Regulation.

A state agency or state employee eligible for regulation under the Texas Government Code, §419.083, may apply to the Commission for regulation. The agency or individual must submit an application to the Commission for regulation under one or more components of the Commission's regulatory authority.

Source Note: The provisions of this §491.1 adopted to be effective September 9, 1992, 17 TexReg 5799; amended to be effective July 14, 1993, 18 TexReg 4330; amended to be effective January 1, 1999, 23 TexReg 11963; amended to be effective November 28, 2007, 32 TexReg 8533

§491.3. Documentation.

(a) The state agency or state agency employee seeking regulation or certification under this chapter must provide written documentation from the administrative head of the department providing fire protection, fire prevention, fire instruction, or fire training evaluation describing the duties, responsibilities, and work schedule of the state agency or state employee seeking regulation.

(b) State agency employees who are employed in the field of fire instruction or fire training evaluation who receive certification under this chapter must be full-time employees.

Source Note: The provisions of this §491.3 adopted to be effective September 9, 1992, 17 TexReg 5799; amended to be effective March 23, 1994, 19 TexReg 1681

§491.5. Notification.

If the applicant meets the requirements of the Texas Government Code, §419.083, the commission shall notify in writing the applying agency or agency employee of its decision. The applicant has one year from the date of notification to comply with all regulations applicable to the components elected by the applicant.

Source Note: The provisions of this §491.5 adopted to be effective September 9, 1992, 17 TexReg 5799.

CHAPTER 493

VOLUNTARY REGULATION OF FEDERAL AGENCIES AND FEDERAL FIRE FIGHTERS

§493.1. Election of Components for Voluntary Regulation.

A federal agency or federal fire fighter eligible for regulation under the Texas Government Code, §419.084, may apply to the Commission for regulation. The agency or individual must submit an application to the Commission for regulation under one or more components of the Commission's regulatory authority.

Source Note: The provisions of this §493.1 adopted to be effective September 9, 1992, 17 TexReg 5800; amended to be effective July 14, 1993, 18 TexReg 4331; amended to be effective March 23, 1994, 19 TexReg 1681; amended to be effective January 1, 1999, 23 TexReg 11963; amended to be effective November 28, 2007, 32 TexReg 8534

§493.3. Documentation.

The federal agency or federal fire fighter seeking regulation or certification under this chapter must provide written documentation from the administrative head of the department providing fire protection or prevention describing the duties, responsibilities, description, or nature of federal property protected, and work schedule of the federal agency or federal fire fighter seeking regulation.

Source Note: The provisions of this §493.3 adopted to be effective September 9, 1992, 17 TexReg 5800; amended to be effective March 23, 1994, 19 TexReg 1681

§493.5. Notification.

If the applicant meets the requirements of the Texas Government Code, §419.084, the commission shall notify in writing the applying agency or federal fire fighter of its decision. The applicant has one year from the date of notification to comply with all regulations applicable to the components elected by the applicant.

Source Note: The provisions of this §493.5 adopted to be effective September 9, 1992, 17 TexReg 5800; amended to be effective March 23, 1994, 19 TexReg 1681.

CHAPTER 495
REGULATION OF NONGOVERNMENTAL DEPARTMENTS
SUBCHAPTER A
VOLUNTARY REGULATION OF NONGOVERNMENTAL DEPARTMENTS

§495.1. Application Procedures.

A nongovernmental entity may apply to the commission for voluntary regulation pursuant to the Texas Government Code, 419.085. A nongovernmental entity seeking voluntary regulation shall inform the commission in writing of its request and must provide the following documentation:

- (1) a letter from the Texas Department of Insurance verifying that the area protected constitutes a rating of one through eight assigned by Insurance Services Organization;
- (2) documentation from the United States Census Bureau verifying the population of the protected area;
- (3) written verification from the administrative head of the department that the entity provides fire protection to an unincorporated area; and
- (4) written documentation of the duties, responsibilities, and work schedules of the fire protection personnel employed by the entity.

Source Note: The provisions of this §495.1 adopted to be effective March 23, 1994, 19 TexReg 1681; amended to be effective March 1, 1999, 24 TexReg 793; amended to be effective December 24, 2002, 27 TexReg 12008

§495.3. Notification.

If the entity meets the requirements of the Texas Government Code, §419.085, the commission shall notify in writing the applying entity and the affected fire protection employees of its decision. Once the entity has been notified, the entity and affected employees have one year after notification to comply with all rules and regulations applicable to fire protection personnel.

Source Note: The provisions of this §495.3 adopted to be effective March 23, 1994, 19 TexReg 1681.

§495.5. Nongovernmental Fire Protection Employees.

A full-time fire protection employee of a nongovernmental entity that meets the requirements of the Texas Government Code, §419.085, is eligible for certification under the same rules as full-time fire protection personnel employed by local governments. Work experience at the nongovernmental department meeting the requirements for voluntary regulation shall be recognized toward certification.

Source Note: The provisions of this §495.5 adopted to be effective March 23, 1994, 19 TexReg 1681

CHAPTER 495
REGULATION OF NONGOVERNMENTAL DEPARTMENTS
SUBCHAPTER B
REGULATION OF NONGOVERNMENTAL ORGANIZATIONS AND PERSONNEL

§495.201. Nongovernmental Organizations.

An organization that is not a local governmental entity or a department of a local government entity is subject to all rules and regulations of the commission as if the organization were a local government if:

(1) the organization provides fire protection to a local governmental entity for profit under a contract or any other agreement with the local governmental entity; and

(2) the organization would be a fire department if the organization were a department of a local governmental entity.

Source Note: The provisions of this §495.201 adopted to be effective March 23, 1994, 19 TexReg 1682.

§495.203. Nongovernmental Organization Employees.

An employee of a nongovernmental organization that is subject to regulation by the commission who would be a fire protection personnel if employed by a local governmental entity is subject to all rules and regulations of the commission pertaining to fire protection personnel.

Source Note: The provisions of this §495.203 adopted to be effective March 23, 1994, 19 TexReg 1682.

§495.205. Nongovernmental Personnel.

An individual that is not employed by a local governmental entity is subject to all rules and regulations of the commission pertaining to fire protection personnel if the individual would be a fire protection personnel if the person was employed by a local governmental entity and:

(1) provides fire protection to a local governmental entity under a contract or other agreement between the individual and the local governmental entity; or

(2) provides fire protection to a local governmental entity under a contract or other agreement between a governmental entity and a nongovernmental organization regulated under §495.201 of this title (relating to Nongovernmental Organizations).

Source Note: The provisions of this §495.205 adopted to be effective March 23, 1994, 19 TexReg 1682.

§495.207. Regulation and Certification.

A nongovernmental organization that is subject to regulation under this chapter on September 1, 1993, is subject to all rules and regulations of the commission effective immediately.

Source Note: The provisions of this §495.207 adopted to be effective March 23, 1994, 19 TexReg 1682; amended to be effective December 24, 2002, 27 TexReg 12008

16. Matters from the Agency Chief.

- F. Update regarding agency duties and responsibilities.**
- G. Decisions of Agency Chief in contested cases and consent orders.**
- H. Status regarding division functions:**
 - 1. Training Approval & Testing - test administered, training approvals, record reviews and online training audits**
 - 2. Certification & Professional Development - training applications, IFSAC seals issued, certifications issued, training facilities, curriculum development, library resource requests**
 - 3. Compliance - biennial inspections, compliance officers training, issues involving regulated entities**
 - 4. Information Technology - public website design, FARM and FIDO improvements, CAPPs (Central Accounting Payroll/Personnel System), IT security policy, service requests**

Commission Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training Audits Statistics – 1st Quarter, FY 2023**
 - **Test Administration** –5503 exams were administrated during this quarter with a pass rate of **84.74%**.
 - **Training Approvals** – Total of **957 training approvals** were submitted with start dates during this quarter in the commission’s Training Facility Management System.
 - **Record Reviews** – **One hundred nineteen (119) record reviews** for equivalency were conducted (of those, **60 SFFMA**). **Zero (0)** of the reviews are pending awaiting additional information and **three (3)** were denied. Two hundred twenty-three (**223**) Qual#s were issued in the Training Facility Management System.
 - **Training and Skill Testing Audits** – **Eleven (11) online audits** conducted during the 1st quarter. Out of the **11, 3** of the audits had no deficiencies noted. The other **8** had deficiencies that ranged from No Syllabus, Course Schedule Inst Info not on Syllabus, Skills Examiners Textbook info No Online Access Skills Not Complete. All deficiencies were corrected.
 - **Eight (8) additional testing centers** were added as approved TCFP online testing centers during this quarter. **Eight (8)** are pending and will be on-boarded in January 2023. **Three (3)** additional have returned MOUs and will be added soon.
- **Activities for the Next Quarter**
 - Continue working to establish online testing centers in areas where availability is lacking or limited. We have numerous testing centers that have begun the process to partner with TCFP to administer online exams.
 - Working with IT staff to implement the additional 25 questions to Awareness and Operations sectional tests and adding a few features to Testing FARM.

2023 1st Quarter: Certification & Professional Development
September 1, 2022- November 31, 2022

	Q1	Q2	Q3	Q4
<u>Certification/Renewal:</u>				
Professional Development Training Applications	8772			
<u>Issued:</u> IFSAC Seals	2164			
TCFP Certifications	2465			
Criminal History	802			
Medical documents:	1163			
Confirmation of Commissions (Peace Officer)	31			
Service time applications	120			
<u>Renewals:</u> Department Personnel	34586			
Certified Training Facilities	0			
Individual Certified Holders	2522			
Registered Seals: IFSAC	1773			
TEEX Proboard	443			
Total number of Training Facilities	587			

Quarterly Report – Curriculum Development

September 2022 – November 2022

1st Quarter Meeting Dates:

Texas Commission on Fire Protection Meeting

- October 27

Curriculum and Testing Committee

- September 13-14
- November 15 – Zoom

Fire Marshal Ad Hoc Committee

- October 13 – Zoom
- November 30-1

Hazmat Ad Hoc Committee

- October 13 – Zoom

Inspector Ad Hoc Committee

- November 29-30

Rope Rescue Ad Hoc Committee

- October 27 – Zoom

Vehicle Rescue Ad Hoc Committee

- September 27 – Zoom

Water Rescue Ad Hoc Committee

- September 1

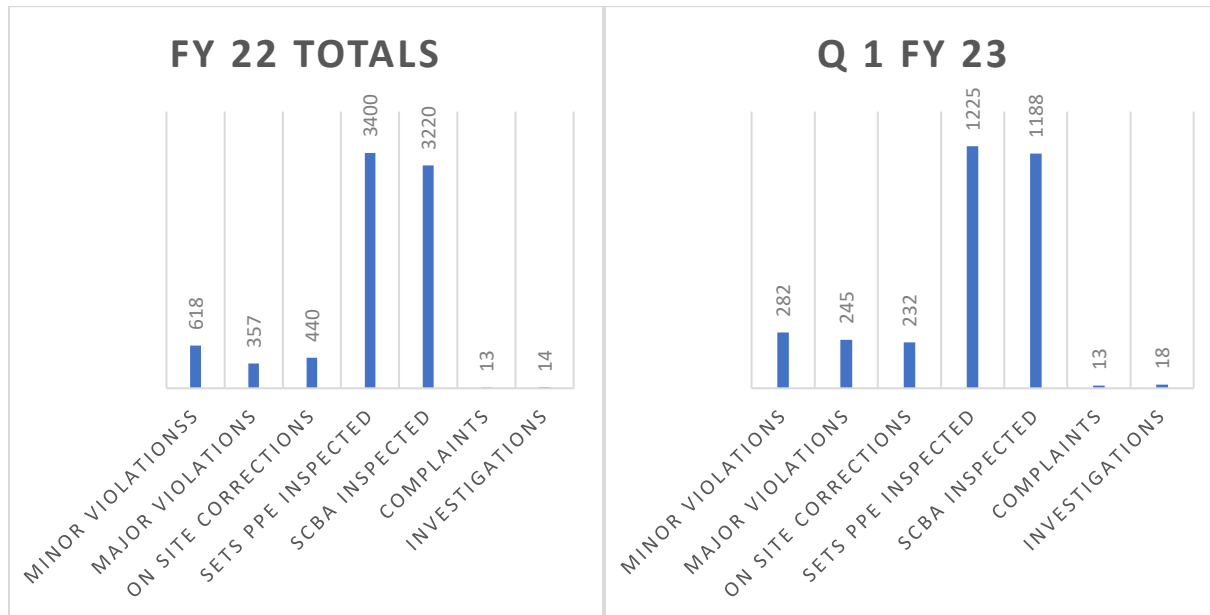
Meetings: Detail

- **Texas Commission on Fire Protection – October 27, 2021 9:00 a.m.**

- Curriculum and Testing had no new business to report to the Commission on this date.
- **Curriculum and Testing Committee – September 13-14**
 - Investigator Skills Manual –
 - Skills Manual updated due to incorrect footer dates
 - Language also added on Skill number 25 (presented clearly and accurately)
 - Effective Date of January 1, 2023. This date was selected to allow for anyone using skills sheets to teach with at this time. The Skills Manual will be posted online October 1, 2022, along with the current Skills Manual with the words (Upcoming) so that people know that it the Manual is changing. – Approved by Pat (09.14.22)
 - New Curriculum Review
 - Technical Rescue Manual Format
 - Curriculum Manual Reviewed/ Edited
 - Skills Manual Reviewed/ Edited
 - Texas Administrative Code Reviewed/ Edited
 - Fire Marshal Manual Review
 - Curriculum Manual Reviewed/ Edited
 - Skills Manual Reviewed/ Edited
 - Texas Administrative Code Reviewed/ Edited
- **Curriculum and Testing Committee – November 15 via Zoom**
 - Committee Vacancies
 - Resignation –
 - Jason Ingram – Hazmat (09.07.22)
 - Harvie Cheshire – Investigator (08.18.22)
 - New Members -
 - Investigator – Aristeo Rodriguez, David Brannon
 - New Curriculum Reviewed
 - Rope Rescue
 - Curriculum Manual – Tabled
 - Skills Manual – Tabled
 - Texas Administrative Code – Reviewed (Approved)
- **Fire Marshal Ad Hoc Committee – October 13 Zoom**
 - Review Test Question
 - Review Skills Manual
 - Skill #2 – Per. C&T divide out Skill #2 into three separate skills.
- **Fire Marshal Ad Hoc Committee – November 30-1**
 - Test Question Reviewed
 - Review Skills Manual
 - Skill #2 – Per. C&T divide out Skill #2 into three separate skills. – Approved by Committee
 - Curriculum Manual Finalized – Approved by Committee

Commission Quarterly Report Compliance Division

Compliance Inspection Activity statistics:



Compliance Team conducted inspections of 3 large metro departments
Coordinated, scheduled, extended invitations, & attended the following regional meetings.

- Leander, Beaumont, Sugarland, & College Station

Attended as participating members at the 2022 Firefighter Life Safety Summit

Two Compliance Officers attended training at W.L. Gore

All certified personnel attended FFCSN cancer awareness training hosted by TEEEX

Compliance Team attended quarterly training with Underwriter Laboratories and was hosted by San Antonio ARFF who highlighted their program. A big thanks to SAFD.

Worked with testing to coordinate and proctor exams

Inspection files forwarded to compliance chief for further action: 1

- Skills Manual Finalized – Approved by Committee
- **Hazmat Ad Hoc Committee – October 13 Zoom**
 - Review –
 - Current Documentation
 - Correlation Sheets
 - Skills Manual
 - Curriculum Manual
 - Updated Documentation 2022
 - NFPA 470 Ch. 5,6,9
 - 2022 Edition Correlation Sheets
- **Inspector Ad Hoc Committee – November 29-30**
 - Review Test Question
 - Low pass rate – questions edited
 - Inspector I and II – Completed in March
 - Plans Examiner completed 11.29.22
 - Correlation Sheet missing questions
 - Questions created and approved
 - Question Reference update-
 - Plans Examiner
 - Continued – February 27-28
 - Review of NFPA Consolidation Phase II
 - NEW 1030
 - Chapter 4 Fire Marshal – Core (1037)
 - Chapter 5 Fire Marshal – Mission- Specific (1037)
 - Chapter 6 First Responder Inspector – (1031)
 - Chapter 7 Inspector – (1031)
 - Chapter 8 Plans Examiner (1031)
 - Chapter 9 Fire and Life Safety Educator I – (1035)
 - Chapter 10 Fire and Life Safety Educator II – (1035)
 - Chapter 11 Fire and Life Safety Educator Pro. Mange. - (1035)
- **Rope Rescue Ad Hoc Committee – October 27 Zoom**
 - Test Question Reviewed
- **Vehicle Rescue Ad Hoc Committee – September 27 Zoom**
 - Vehicle Rescue informed that they would be delayed until further notice per C&T and DJ.
- **Water Rescue Ad Hoc Committee – September 1**
 - Report from Curriculum Coordinator (Brian Luscomb)
 - Identify what needs to be completed
 - Got Clarification that we do not need to list out all of the hours per JPR on a set number of hours for each level (A/O/T)
 - Need equipment list for Additional
 - Report from Skills Manual Coordinator (Cory Landers)
 - Identify what needs to be completed

- Put JPR numbers at the top of the check-off portion (no words)
 - Put JPR verbatim at the top under Objectives
 - Check-off section should all be Past Tense (completed, verbalized, performed)
- Standardize “Candidate did...”
 - ‘Instructions” section needs to be 1st person (candidate, I, me, you, etc)
 - Equipment list reference
 - A full rope rescue team equipment cache consistent with the Equipment List in the Certification Curriculum Manual and AHJ equipment requirements and quantities should be provided.
 - Ending phrase
 - Performs Skill in a Safe and Proficient Manner
 - Skill 4 and 7
 - Report from Written Test Coordinator (Dennis LeVasseur)
 - Identify what needs to be completed
 - JPRs that were difficult to write questions on:
- They will work on creative test writing
 - Breakout session to complete outstanding items
 - Review Completed Certification Manual
 - Certification manual details have been given to Candace.
 - We are working to make the manual a single streamline version
 - Should get draft from Candace by end of day Sept 1, 2022
 - Please review and have feedback to the group by Sept 23.
 - Review Complete Skills Manual
 - Spent a lot of time massaging the skills to comply with all the details we have learned from C&T and IFSAC.
 - Skills are almost ready
 - Instruction sheet is complete
 - Candace will have draft to the group in the next few days
 - Develop plan to review written exam questions
 - Candace will have written test questions to the committee by Sept 23
 - Committee review should be complete by Oct 7
 - Send any edits to Dennis LeVasseur

FARM

- Audit Curriculum and Skills – November 1- 5

Test Question Feedback Review

- Feedback Scheduled Review-
 - Reviewed Sep. 2
 - Reviewed Sep. 19
 - Reviewed Oct. 3
 - Reviewed Oct. 17
 - Reviewed Nov. 7
 - Reviewed Nov. 21

Note: Unscheduled Reviews were conducted when needed by the Testing Department or when stakeholders reached out via. phone or email – on day of request.

Test Development and Test Bank Maintenance

- Updated test bank
 - Questions have been archived – Per Testing, Curriculum, IT when found to be in error when printing test or when identified by online testing. - Ongoing
 - The test bank is being updated during committee meetings.
 - Low performance questions – Edited
 - Feedback questions – Reviewed
 - Question validation/ Reference updates – Ongoing

IT quarterly report:

- TCFP Websites and Web Applications Uptime 99%
- Databases
 - Query optimizations
 - Re-indexing/ re-statistics
 - FionaExams Debug
- Online Exams
 - Enhancements
- FARM/ FIDO
 - Enhancements
- DOC
 - Features updated
- Website tools
 - Redesign
 - Enhancements
- Addressed 467 Service Requests (Tickets)

17. Personnel matters regarding the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Agency Chief.

18. Adjourn meeting.