

**Texas Commission on Fire Protection
Commissioner's Meeting Agenda
9:00 a.m., February 19, 2026
4800 N. Lamar Boulevard, Room 140, Austin, Texas**

The Texas Commission on Fire Protection (the "Commission") may discuss and act 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 a moment of silence, an invocation and pledge of allegiance.
2. Roll call for a quorum and to excuse Commissioner absences, if any.
3. Approve Commission meeting minutes for the November 20, 2025, meeting.
4. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from TEEEX, the Texas Fire Chiefs Association, the Texas State Association of Firefighters, the State Firefighters' and Fire Marshals' Association of Texas, the Texas Fire Marshals Association, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, the Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, the State Fire Marshal's Office, the National Fallen Firefighters Foundation, and the Firefighter Cancer Support Network.
5. Report from Commission Representative on Texas Homeland Security Council.
6. Matters referred to the Commission by the Health & Wellness Committee.
 - a. Report from House Bill 198 Ad-Hoc Committee.
 - b. Report on other Committee activity.

I Any invocation that may be offered before the official start of the Commission meeting shall be a voluntary offering 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 Commission in part or as a whole. No member of the community is required to attend or participate in the invocation. Such a decision will not impact 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.

7. Matters referred to the Commission by the Firefighter Advisory Committee.

- a. Discussion and possible action on rule review of 37 Texas Administrative Code (TAC), Chapter 427, Training Facility Certification.
- b. Discussion & possible action on rule review of 37 TAC, Chapter 431, Fire Investigator.
- c. Discussion & possible action on rule review of 37 TAC, Chapter 435, Fire Fighter Safety.
- d. Discussion & possible action on rule review of 37 TAC, Chapter 437, Fees.

8. Matters referred to the Commission from the Curriculum and Testing Committee.

- a. Discussion and possible action on proposed changes to 37 TAC, Chapter 439, Examinations for Certification, §439.19.
- b. Discussion and possible action on updates to the Fire and Life Safety Educator Curriculum Manual.
- c. Discussion and possible action on updated to the Incident Commander Curriculum Manual.
- d. Discussion and possible action on updated to the Fire Inspector Curriculum

9. Report from HB1593 Advisory Committee.

10. Discussion and possible action on the replacement of Curriculum & Testing Committee member Richard Guisti.

11. Discussion and possible action on 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.

12. Discussion and possible final adoption of 37 TAC, Chapter 469, Technical Rescue.

13. Discussion and possible final adoption to 37 TAC, Chapter 401, Administrative Practice and Procedure.

14. Discussion on Request from Ryan Smith to discuss exam expiration dates related to IFSAC.

15. Discussion and possible action related to 37 TAC, Chapter 435, Fire Fighter Safety, §435.7 regarding effective date for enforcement of new NFPA 1850.

16. Proposed Rule Review for the following:

- a. 37 TAC, Chapter 439, Examinations for Certification.
- b. 37 TAC, Chapter 441, Continuing Education.

17. Report from the Agency Chief:

- a. Update regarding agency duties and responsibilities.
- b. Decisions of the Agency Chief in contested cases and consent orders.
- c. Status of division functions:
 - i. Training Approval & Testing
 - ii. Certification & Professional Development
 - iii. Compliance
 - iv. Information Technology

18. Discussion on future meeting dates.

19. Executive session (if necessary).

20. Subjects for future Commission meeting agendas.

21. Adjourn Meeting.

AGENDA ITEM NUMBER 1

1. Call to order with a moment of silence, an invocation and pledge of allegiance.

AGENDA ITEM NUMBER 2

2. Roll call for a quorum and to excuse Commissioner absences, if any.

AGENDA ITEM NUMBER 3

3. Approve Commission meeting minutes for the November 20, 2025, meeting.

TEXAS COMMISSION ON FIRE PROTECTION
NOVEMBER 20, 2025 MEETING MINUTES

Presiding Officer Michael Glynn called the November 20, 2025 meeting of the Texas Commission on Fire Protection to order at 10:00 a.m. at the North Lamar Boulevard Building, 4800 N. Lamar Boulevard, Austin, Texas.

Commissioner Attendance:

Christopher Cantu	David Coatney	John Ortega	Michael Glynn
Paul Hamilton	Bob Morgan	Tim Smith	Amanda Friedeck
Brandon Wade	Michael Johnson	Daniel Buford	Sue DeVillez
James Mallinger			

Staff Attendance:

Mike Wisko	Frank King	Yazzy Chavez	Holden Wenger
Cliff Grant	Grace Wilson	Rick Wallace	Joyce Guinn

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1. Call to order with a moment of silence, an invocation and the Pledge of Allegiance. Chairman Michael Glynn called the meeting to order at 10:00 a.m. The invocation and the Pledge of Allegiance was delivered. A moment of silence for fallen firefighters was observed.

 2. Roll Call for a quorum and excuse of absences - Roll was called, and a quorum was present. All Commissioners were present at the time of Roll Call. Commissioner Amanda Friedeck was not present for the second half of the meeting.

 3. Approve Commission meeting minutes of the August 21, 2025 meeting – a motion was made by David Coatney and seconded by Brandon Wade to approve the minutes of the August 21, 2025 meeting. Motion carried.

 4. Reports from fire service interest groups and agencies on matters relating to their specific organizational purpose - reports were given by TEEEX, the State Fire Marshal's Office, the Texas A&M Forest Service, the Texas Fire Chiefs Association, the Texas State Association of Firefighters, the State Firefighters' and Fire Marshals' Association of Texas, The Texas State Association of Fire and Emergency Districts, the National Fire Protection Association, the Center for Public Safety Excellence, the National Fallen Firefighters Foundation, and the Firefighter Cancer Support Network.

 5. Matters referred to the Commission by the Health and Wellness Committee:

- a. Annual report pursuant to 37 Texas Administrative Code (TAC), Chapter 463, Advisory Committees, Practice and Procedures - a brief report was given by Doug Boeker. HB 198 Advisory Committee meeting is scheduled for December 3, 2025, at 1:00 p.m. No action was taken.
 - b. Overview of Firefighter Cancer Study by Dr. Jooyeon Hwang of UT Health Science Center - a brief summary was presented by Dr. Hwang. No action was taken.
 - c. Discussion and possible action on letter of support for the Firefighter Cancer Study for UT Health Science Center - a motion was made by James Mallinger and seconded by Daniel Buford to approve the letter of support. Motion carried.
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6. Matters referred to the Commission from the Curriculum and Testing Committee:

- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures - a brief report was given. No action was taken.
 - b. Discussion and possible final adoption to 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, §429.203 - a motion was made by David Coatney and seconded by Brandon Wade to approve the final adoption of Chapter 429. Motion carried.
 - c. Discussion and possible action regarding the replacement of Curriculum and Testing member Desha Turner who resigned October 7, 2025 - a motion was made by Tim Smith and seconded by Paul Hamilton to approve the appointment of Jonathan Tunnell to the Curriculum and Testing Committee. Motion carried.
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7. Matters referred to the Commission by the Firefighter Advisory Committee:

- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures - a brief report was given. No action was taken.
- b. Discussion and final adoption of 37 TAC, Chapter 433, Driver/Operator – a motion was made by Daniel Buford and seconded by James Mallinger to approve the final adoption of Chapter 433. Motion carried.
- c. Discussion and possible action on rule review of 37 TAC, Chapter 423, Fire Suppression was tabled for further review. No action was taken.
- d. Discussion and possible action on rule review 37 TAC, Chapter 427, Training Facility Certification was tabled for further review. No action was taken.
- e. Discussion and possible action on rule review of 37 TAC, Chapter 431, Fire Investigator was tabled for further review. No action was taken.

8. Discussion and possible action on the appointment of an Advisory Committee on HB 1593 - a motion was made by Brandon Wade and seconded by David Coatney to approve the appointment of eleven members to the HB 1593 Advisory Committee. Motion carried. The HB 1593 Advisory Committee Appointments are Manuel Casarez, Amy Ramon, Tammy Boudreaux, Bill Crews, Eric Secrest, Suzi Gulliver, John Hosea, George Samples, Alisa McDonald, Lowell Ercanbrack and Karen Padgett.
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9. Discussion and possible action on the report from the Subcommittee on Advisory Committee Member selection:

- a. Review of relevance of each Advisory Committee Pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures, §463.3(f) - a motion was made by James Mallinger and seconded by David Coatney to continue all standing committees. Motion carried.
- b. Appointment of member positions 3, 4 and 5 on the Firefighter Advisory Committee, the Curriculum and Testing Committee and the Health and Wellness Committee to become effective January 1, 2026 - a motion was made by Brandon Wade and seconded by James Mallinger to approve the following appointments to Positions 3, 4, and 5 of each Advisory Committee. Motion carried.

Firefighter Advisory Committee appointments: Shane Parker, Michael Silva and Robert Van Dine.

Curriculum and Testing Committee appointments: Sam Baucom, Chuck French and Chris Watson.

Health and Wellness Committee appointments: Daniel DeYear, Doug Boeker and Christine Cox.

- c. Establish a new member eligibility list for each Advisory Committee for 2026 - the Commission approved the following updated eligibility lists for all Advisory Committees. Firefighter Advisory Committee: David Coatney and Christopher Cantu were motioned and approved unanimously. Curriculum and Testing Committee: Tim Smith and Brandon Wade were motioned and approved unanimously. Health and Wellness Committee: Brandon Wade and Paul Hamilton were motioned and approved 6-5.
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10. Discussion and possible final adoption of 37 TAC, Chapter 435, Fire Fighter Safety, §435.7 as it relates to HB 3732 on extension to comply with NFPA standards - a motion was made by James Mallinger and seconded by Tim Smith to approve the final adoption of changes to Chapter 435.7. Motion carried. A motion was made by David Coatney and seconded by Christopher Cantu to establish September 9, 2026 as the implementation date for NFPA 1850. Motion carried.
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11. Discussion and possible final adoption to 37 TAC, Chapter 437, Fees, §437.3 related to HB 5629 on certification application fees for military personnel - a motion was made by Christopher Cantu and seconded by David Coatney to approve the final adoption of changes to Chapter 437.3. Motion carried.

12. Discussion and possible action on 37 TAC, Chapter 469, Technical Rescue - a motion was made by Brandon Wade and seconded by John Ortega to approve proposed changes to Chapter 469. Motion carried.

13. Discussion and readoption of 37 TAC, Chapter 401, Administrative Practice and Procedure related to HB 5629, Fees for Military Personnel - a motion was made by Tim Smith and seconded by David Coatney to approve submitting adopted Chapter 401 to the Texas Register. Motion carried.

14. Proposed Rule Review for the following:

- a. 37 TAC, Chapter 435, Fire Fighter Safety - a motion was made by David Coatney and seconded by James Mallinger to refer the Rule Review of Chapter 435 to the Firefighter Advisory Committee. Motion carried.
 - b. 37 TAC, Chapter 437, Fees - a motion was made by David Coatney and seconded by James Mallinger to refer the Rule Review of Chapter 437 to the Firefighter Advisory Committee. Motion carried.
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15. Discussion and possible action on the appointment of a Texas Commission on Fire Protection representative to the Texas Homeland Security Committee - a motion was made by David Coatney and seconded by James Mallinger to appoint Brandon Wade as the Commission's representative. Motion carried.

16. Reports from the Agency Chief:

- a. Update regarding agency duties and responsibilities – Agency Chief Mike Wisko gave a brief report regarding the agency duties and responsibilities.
- b. Decisions of Agency Chief Mike Wisko in contested cases and consent orders – there was nothing to report.
- c. Status regarding division functions - Agency Chief Mike Wisko gave a brief report on the division functions for each division listed below:
 - i. Training Approval & Testing – numbers of tests administered, training approvals, record reviews, and online training audits.
 - ii. Certification and Professional Development – numbers of training applications, IFSAC seals issued, certifications issued, new training facilities, curriculum developments and library resource requests.
 - iii. Compliance – numbers of biennial inspections, compliance officers training and issues involving regulated entities.
 - iv. Information Technology – updates on public website design, FARM and FIDO improvements, CAPPS (Central Accounting Payroll/Personnel System), IT security policy and service requests.

17. Discussion on future meeting dates - Commissioners approved the 2026 meeting dates as follows: February 18-19, 2026, May 14, 2026, August 19-20, 2026 and November 12, 2026.

18. Executive Session - No executive session was needed or held.

19. Subjects for future Commission meeting agendas –Commissioners identified several topics for future consideration: a Rule Review of 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures; discussion of Internal Policy # 004 and upcoming budget-related items.

20. Adjourn Meeting - Meeting was adjourned at 2:09 p.m.

X _____
Michael Glynn, Presiding Officer Date

AGENDA ITEM NUMBER 4

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

AGENDA ITEM NUMBER 5

5. Report from Commission Representative on Texas Homeland Security Council.

AGENDA ITEM NUMBER 6

6. Matters referred to the Commission by the Health & Wellness Committee.

a. Report from House Bill 198 Ad-Hoc Committee

AN ACT

relating to periodic health screenings for firefighters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Wade Cannon Act.

SECTION 2. Chapter 180, Local Government Code, is amended by adding Section 180.011 to read as follows:

Sec. 180.011. OCCUPATIONAL CANCER SCREENING FOR FIREFIGHTERS. (a) In this section, "firefighter" means an individual defined as fire protection personnel under Section 419.021, Government Code.

(b) A political subdivision that employs firefighters shall offer an occupational cancer screening to each firefighter at no cost to the firefighter in the fifth year of the firefighter's employment, and once every year following the initial screening.

(c) The occupational cancer screening offered under Subsection (b) must be confidential, and in addition to testing for cancer, include:

- (1) a urine test;
- (2) a pulmonary function test;
- (3) an electrocardiogram;
- (4) an infectious disease screening;
- (5) a breast cancer screening;
- (6) a blood test; and
- (7) subject to Subsection (d), a chest x-ray.

1 (d) A firefighter is eligible to receive a chest x-ray
2 during the screening under this section once every five years.

3 (e) The Texas Commission on Fire Protection shall adopt
4 rules establishing minimum standards for the screening under this
5 section using standards developed by the National Fire Protection
6 Association.

7 (f) Notwithstanding Subsection (b), a political subdivision
8 that employs firefighters is not required to offer a screening
9 under this section if the political subdivision offers an annual
10 occupational medical examination under a plan submitted to the
11 Texas Commission on Fire Protection no later than February 1 of each
12 year. The plan must be endorsed by a physician and be in
13 substantial compliance with standards developed by the National
14 Fire Protection Association. The Texas Commission on Fire
15 Protection shall adopt rules to implement this subsection.

16 SECTION 3. This Act takes effect June 1, 2026.

President of the Senate

Speaker of the House

I certify that H.B. No. 198 was passed by the House on May 6, 2025, by the following vote: Yeas 148, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 198 was passed by the Senate on May 19, 2025, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Title 37

PUBLIC SAFETY AND CORRECTIONS

Part 13

TEXAS COMMISSION ON FIRE PROTECTION

Chapter 435

FIRE FIGHTER SAFETY

Rule §435.33 - Occupational Cancer Screening for Firefighters

Pursuant to HB 198 (Wade Cannon Act)

- A. A regulated entity shall assess the occupational health risks, including, but not limited to, cancer, cardiovascular, and other medical conditions, associated with firefighting duties as defined by 419.021(3). The procedure used to make this assessment shall be documented.
 1. A regulated entity shall develop and maintain a standard operating procedure (SOP) ensuring that each firefighter is offered a confidential occupational cancer screening at no cost to the firefighter with the initial screening starting no later than in the fifth year of employment with that entity and annually thereafter. The approach and implementation of these screenings may be adapted to local medical resources so long as the latest edition of NFPA 1580-based minimum standards (11.7.13-11.7.21) are met as required by Section 180.011(e), Local Government Code.
 2. The occupational cancer screening offered must be confidential, and in addition to testing for cancer, include:
 - a. A urine test;
 - b. A pulmonary function test;
 - c. An electrocardiogram (ECG);
 - d. An infectious disease screening;
 - e. A breast cancer screening;
 - f. A blood test; and
 - g. A chest x-ray, offered once every five years.
- B. Regulated entities that do not offer the screening under this section must submit an alternative occupational medical examination plan to the Commission by February 1 of each year. The plan must:
 1. Be endorsed by a licensed physician;
 2. Be in substantial compliance with standards developed by the National Fire Protection Association (NFPA 1580)
- C. The standard operating procedure, any alternative plan, and confirmation of compliance shall be made available to the Commission for inspection.

AGENDA ITEM NUMBER 6

6. Matters referred to the Commission by the Health & Wellness Committee.

b. Report on other Committee activity

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

a. Discussion and possible action on rule review of 37 Texas Administrative Code (TAC), Chapter 427, Training Facility Certification.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

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.

(1) For a certified on-site training facility--approved for basic structure fire protection personnel certification training:

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

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

(2) For a certified on-site training facility--approved for basic aircraft rescue fire fighting (ARFF) personnel certification training:

(A) an ARFF vehicle for assigned aircraft type and size,

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

(C) Support vehicles per authority having jurisdiction.

(3) For a certified on-site training facility--approved for Driver/Operator certification training:

(A) 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.

(B) 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 and 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 or its successor suitable for the tasks the individual is expected to perform.

(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.

§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.

(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. 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.

§427.11. Reference Material.

A reference library is required. The library must contain the publications required each of the required and recommended references, as identified in the applicable curriculum, in order 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 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 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) All records must be maintained by the regulated training entity 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.

(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 (relating to Personnel Accountability System);

(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.

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.

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.

§427.205. Apparatus.

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

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

- (A) A pumper apparatus fully equipped for functions as required by the basic fire suppression curriculum.
 - (B) An aerial ladder truck for functions as required by the basic fire suppression curriculum.
- (2) For a certified distance training provider--approved for basic aircraft rescue fire fighting (ARFF) personnel certification training:
- (A) an ARFF vehicle for assigned aircraft type and size,
 - (B) an ARFF vehicle with 260 gpm minimum turret; and
 - (C) Support vehicles per AHJ.
- (3) For a certified distance training provider--approved for Driver/Operator certification training:
- (A) 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.
 - (B) 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 and 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.

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. 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.

§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 (relating to Personnel Accountability System),

(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.

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 and Minimum Standards for Distance Training Provider, respectively).

(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 original training must be requested for approval from the commission at least one day before the change takes place unless the training provider is unable to do so because of unforeseen circumstances.

§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 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 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 possess Fire Instructor Certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.

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

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

(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 (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 (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 (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 (901-1) or current TIFMAS guidelines for this level of course.

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.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

b. Discussion & possible action on rule review of 37 TAC, Chapter 431, Fire Investigator.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 431 FIRE INVESTIGATOR

SUBCHAPTER A MINIMUM STANDARDS FOR ARSON INVESTIGATOR CERTIFICATION

§431.1. Minimum Standards for Arson Investigation Personnel.

(a) Fire protection personnel who are appointed arson investigation duties must be certified, as a minimum, as a basic arson investigator as specified in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification) within one year from the date of initial appointment to such position.

(b) Prior to being appointed to arson investigation duties, fire protection personnel must complete a commission approved basic fire investigator training program, successfully pass the commission examination pertaining to that curriculum, and possess a current peace officer license from the Texas Commission on Law Enforcement or document that the individual is a federal law enforcement officer.

(c) Personnel holding any level of arson investigation certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

§431.3. Minimum Standards for Basic Arson Investigator Certification.

In order to be certified as a Basic Arson Investigator an individual must:

- (1) possess a current basic peace officer's license from the Texas Commission on Law Enforcement or documentation that the individual is a federal law enforcement officer;
- (2) hold a current license as a peace officer and notify the commission on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; and

- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire Investigator; or
- (4) complete a commission approved basic fire investigation training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved fire investigation training program shall consist of one of the following:
- (A) completion of the commission approved Fire Investigator Curriculum, as specified in Chapter 5 of the commission's Certification Curriculum Manual;
 - (B) successful completion of an out-of-state, NFA, or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements as listed in the commission approved Fire Investigator Curriculum as specified in Chapter 5 of the commission's Certification Curriculum Manual; or
 - (C) successful completion of the following college courses: Fire and Arson Investigation I or II, 3 semester hours; Hazardous Materials I, II, or III, 3 semester hours; Building Construction in the Fire Service or Building Codes and Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12.

§431.5. Minimum Standards for Intermediate Arson Investigator Certification.

- (a) Applicants for Intermediate Arson Investigator Certification must complete the following requirements:
- (1) hold as a prerequisite a Basic Arson Investigator Certification as defined in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the requirements listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses;

or eight B-List courses; or one A-List course and four B-List courses (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or

(D) Option 4--Hold current Intermediate Peace Officer certification from the Texas Commission on Law Enforcement with four additional law enforcement courses applicable for fire investigations (See exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.7. Minimum Standards for Advanced Arson Investigator Certification.

(a) Applicants for Advanced Arson Investigator certification must complete the following requirements:

(1) hold as a prerequisite an Intermediate Arson Investigator Certification as defined in §431.5 of this title (relating to Minimum Standards for Intermediate Arson Investigator Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the requirements listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses;

or eight B-List courses; or one A-List course and four B-List courses (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or

(D) Option 4--Advanced Arson for Profit or Complex Arson Investigative Techniques (Bureau of Alcohol, Tobacco, Firearms, and Explosives resident or field course, 80 hours); or

(E) Option 5--Hold current Advanced Peace Officer certification from the Texas Commission on Law Enforcement with four additional law enforcement courses applicable for fire investigations (See exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.9. Minimum Standards for Master Arson Investigator Certification.

(a) Applicants for Master Arson Investigator Certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Arson Investigator Certification as defined in §431.7 of this title (relating to Minimum Standards for Advanced Arson Investigator Certification); and

(2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate's degree, either of which includes at least 18 college semester hours in fire science or criminal justice subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Arson Investigator Certification.

§431.11. Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel.

(a) A law enforcement officer employed or commissioned by a law enforcement agency as a peace officer who is designated as an arson investigator by an appropriate local authority is eligible for certification on a voluntary basis by complying with this chapter.

(b) An individual holding commission certification as a fire investigator who becomes a law enforcement officer employed or commissioned by a law enforcement agency as a peace officer, and who is designated as an arson investigator by an appropriate local authority will qualify for a similar level arson investigator certification. To obtain an arson investigator certification the individual must make application to the commission to include confirmation of commission.

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

Individuals completing a commission approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator 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.

SUBCHAPTER B MINIMUM STANDARDS FOR FIRE INVESTIGATOR CERTIFICATION

§431.201. Minimum Standards for Fire Investigation Personnel.

(a) Fire protection personnel who receive temporary or probationary appointment to fire investigation duties must be certified as a fire investigator by the Commission within one year of appointment to such duties.

(b) Prior to being appointed to fire investigation duties, personnel must:

(1) complete a commission approved basic fire investigator training program and successfully pass the commission examination pertaining to that curriculum; or

(2) hold current certification as structure fire protection personnel.

(c) Individuals holding a Fire Investigator certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

(d) Individuals certified under this subchapter shall limit their investigation to determining fire cause and origin. If evidence of a crime is discovered, custody and control of the investigation shall be immediately transferred to a certified arson investigator or licensed peace officer.

(e) Individuals who previously held arson investigator certification, who no longer hold a current commission as a peace officer, will qualify for certification as a fire investigator of similar level upon notice to the commission. To obtain a fire investigator certification the individual will be required to make application to the commission.

§431.203. Minimum Standards for Fire Investigator Certification.

(a) In order to be certified as a Fire Investigator an individual must complete the requirements specified in §431.3(a)(3) or (4) of this title (relating to Minimum Standards for Basic Arson Investigator Certification).

(b) A person who holds or is eligible to hold a certificate as a Fire Investigator may be certified as an Arson Investigator by meeting the requirements of Chapter 431, Subchapter A, but shall not be required to repeat the applicable examination requirements.

§431.205. Minimum Standards for Intermediate Fire Investigator Certification.

(a) Applicants for Intermediate Fire Investigator must complete the following requirements:

- (1) hold as a prerequisite a Basic Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and
- (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.207. Minimum Standards for Advanced Fire Investigator Certification.

(a) Applicants for Advanced Fire Investigator must complete the following requirements

- (1) hold as a prerequisite an Intermediate Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and

- (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit

documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from the either A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.209. Minimum Standards for Master Fire Investigator Certification.

(a) Applicants for Master Fire Investigator Certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Fire Investigator Certification as defined in §431.207 of this title (relating to Minimum Standards for Advanced Fire Investigator Certification); and

(2) acquire a minimum of twelve years of fire protection experience; and

(3) sixty college semester hours or an associate degree, that must include at least eighteen college semester hours in fire science or criminal justice subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Investigator Certification.

§431.211. International Fire Service Accreditation Congress (IFSA) Seal--Fire

Investigator.

Individuals completing a commission approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator 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.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

c. Discussion & possible action on rule review of 37 TAC, Chapter 435, Fire Fighter Safety.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 435 FIRE FIGHTER SAFETY**

§435.1. Protective Clothing.

(a) A regulated entity shall:

(1) purchase, rent, lease, provide, and maintain a complete set of protective clothing for each fire protection person who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of properly fitting protective clothing shall consist of garments, including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;

(2) ensure that all protective clothing complies with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, repaired, or used protective clothing; and

(3) maintain, provide to the commission upon request, and comply with a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor.

(b) To ensure that protective clothing for fire protection personnel continues to be suitable for assigned tasks, risk assessments must be conducted in accordance with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor .

§435.3. Self-Contained Breathing Apparatus.

The regulated entity shall:

(1) provide and maintain a complete self-contained breathing apparatus that complies with the minimum standards of the National Fire Protection Association identified in *NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighter* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, where the atmosphere is unknown or would be exposed to hazardous atmospheres from fire or other emergencies, or where the potential for such exposure exists;

(2) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used self-contained breathing apparatus;

(3) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the commission shall order that

the use be discontinued and shall set an appropriate date for compliance with the revised standard;

(4) develop an air quality program that complies with the most recent edition of the *NFPA 1989, Standard on Breathing Air Quality for Emergency Services Respiratory Protection* or its successor;

(5) maintain and supply, upon request by the commission, records and reports documenting compliance with commission requirements concerning self-contained breathing apparatus and breathing air. Records of all tests shall be made and the records shall be retained for a period of no less than three years;

(6) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the use of self-contained breathing apparatus; and

(7) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the selection, care, and maintenance of self-contained breathing apparatus that complies with the most recent edition of the *NFPA 1852, Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)* or its successor.

§435.5. Commission Recommendations.

The commission recommends that all regulated entities use as a guide the *NFPA 1500, Fire Department Occupational Safety and Health Program* or its successor.

§435.7. Implementation of Mandatory NFPA Standards.

- (a) Allow implementation of TCFP-mandated NFPA standards at the Commissioner's discretion up to 365 days from the effective date of the new NFPA standard.
- (b) Extensions to meet mandated NFPA standards may be granted upon plan submission and Commission approval.
- (c) Insufficient funding will not justify delays.
- (d) Subsection (b) of this section expires on September 1, 2027.

§435.9. Personal Alert Safety System (PASS).

The regulated entity shall:

- (1) provide and maintain a PASS device complying with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, or where the atmosphere is unknown, or where hazardous conditions from fire or other emergencies exist, or where the potential for such exposure exists;
- (2) ensure that all PASS devices used by fire protection personnel comply with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters*. The National Fire Protection Association standard applicable to a PASS device is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used PASS devices;

(3) ensure that the PASS device assigned to an individual user be inspected at the beginning of each duty period and before each use; and

(4) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the proper use, selection, care, and maintenance of PASS devices.

§435.11. Incident Management System (IMS).

(a) The regulated entity shall develop, maintain, and use an incident management system.

(b) The incident management system shall:

(1) include a written standard operating procedure for the management of emergency incidents;

(2) require that the IMS be used at all emergency incidents;

(3) require operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries;

(4) require that all fire protection personnel be trained in the use of the IMS; and

(5) require that the IMS be applied to all drills, exercises, and all other situations that involve hazards similar to those encountered at an actual emergency.

(c) The IMS shall meet the requirements of *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.13. Personnel Accountability System.

(a) The regulated entity shall develop, maintain, and use a personnel accountability system that provides for a rapid accounting of all personnel at an emergency incident.

(b) The accountability system shall:

(1) require all fire protection personnel be trained in the use of the accountability system;

(2) require that the fire protection personnel accountability system be used at all incidents;

(3) require that all fire protection personnel operating at an emergency incident to actively participate in the personnel accountability system; and

(4) require that the incident commander be responsible for the overall personnel accountability system for the incident.

(c) The fire department shall be responsible for developing the system components required to make the personnel accountability system effective.

(d) The personnel accountability system shall meet the minimum standards required by the *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.15. Operating At Emergency Incidents.

(a) The regulated entity shall develop, maintain, and use a standard operating procedure for fire protection personnel operating at emergency incidents.

(b) The standard operating procedure shall:

- (1) specify an adequate number of personnel to safely conduct emergency scene operations;
- (2) limit operations to those that can be safely performed by personnel at the scene;
- (3) require all personnel to be trained in and use the standard operating procedures; and
- (4) comply with §435.17 of this title (relating to Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule)).

(c) The regulated entity may use standards established by the National Fire Protection Association for fire protection personnel operating at an emergency incident.

§435.17. Procedures for Interior Structural Fire Fighting (2-In /2-Out Rule).

(a) The regulated entity shall develop, maintain, and comply with written standard operating procedures that adhere with the Occupational Safety and Health Administration's Final Rule, 29 CFR Section 1910.134(g)(4) by requiring:

- (1) a team of at least four fire protection personnel must be assembled before an interior fire attack can be made when the fire has progressed beyond the incipient stage;

(2) at least two fire protection personnel to enter the IDLH atmosphere and remain in visual or voice (not radio) contact with each other;

(A) visual means that the fire protection personnel must be close enough to see each other; and

(B) voice means that the fire protection personnel of the entry team must be close enough to speak to one another without the use of radios;

(3) at least two fire protection personnel remain located outside the IDLH atmosphere to perform rescue of the fire protection personnel inside the IDLH atmosphere;

(4) all fire protection personnel engaged in interior structural fire fighting use self-contained breathing apparatus and be clothed in a complete set of protective clothing as identified in Chapter 435;

(5) all fire protection personnel located outside the IDLH atmosphere be equipped with appropriate retrieval equipment where retrieval equipment would contribute to the rescue of the fire protection personnel who have entered the IDLH atmosphere;

(6) one of the outside fire protection personnel must actively monitor the status of the inside fire protection personnel and not be assigned other duties. The second outside fire protection personnel may be assigned to an additional role, including, but not limited to, incident commander, safety officer, driver-operator, command technician or aide, or fire fighter/EMS personnel, so long as this individual is able to perform assistance or rescue activities without jeopardizing

the safety or health of any fire protection personnel working at the scene;

(7) All fire protection personnel entering an IDLH atmosphere must be equipped with an operable portable radio; and

(8) each outside fire protection personnel must have a complete set of protective clothing and self-contained breathing apparatus, as identified in Chapter 435, immediately accessible for use if the need for rescue activities inside the IDLH atmosphere is necessary.

(b) The regulated entity shall comply with the 2-in/2-out rule as described in this section except in a reasonable belief of an imminent life-threatening situation when immediate action could prevent the loss of life or serious injury before the team of four fire protection personnel are assembled.

(c) Whenever there is a variance to these procedures, a supplemental report must be submitted to the Texas Commission on Fire Protection, documenting the rationale used to deviate from these written procedures.

§435.19. Enforcement of Commission Rules.

(a) The commission shall enforce all commission rules at any time, including, but not limited to, commission investigations, fire department inspections, or upon receiving a complaint from any person or entity of an alleged infraction of a commission rule.

(b) The commission shall initiate a biennial inspection with an email, notifying the fire department and requesting electronic copies of the Standard Operating Procedures (SOPs), training

records, and/or other documentation needed for review be submitted within 48 business hours of notification. The email will also indicate the date range for an on-site inspection within the upcoming two-week period. Compliance officers may work with the Head of Department to ensure all necessary department representatives will be present at the time of the inspection. Compliance Officers may postpone an inspection for extenuating circumstances with the Compliance Manager's approval.

(c) Upon receipt of a complaint alleging a violation of a commission rule, the commission shall have 30 days to initiate an investigation and report back to the complainant its progress.

(d) Upon substantiating the validity of a complaint, the commission shall follow the procedures outlined in Texas Government Code, Chapter 419, §419.011(b) and (c).

§435.21. Fire Service Joint Labor Management Wellness-Fitness Initiative.

(a) A regulated entity shall assess the wellness and fitness needs of the personnel in the department. The procedure used to make this assessment shall be written and made available for Commission inspection.

(b) A regulated entity shall develop and maintain a standard operating procedure to address those needs.

(c) The approach to the fitness needs of the regulated entity shall be based on the local assessment and local resources.

(d) The standard operating procedure shall be made available to the Commission for inspection.

§435.23. Fire Protection Personnel Injuries.

(a) A regulated entity shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigatable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigatable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigatable fire protection personnel injury and shall be made available to the Commission for inspection.

§435.25. Courage to be Safe So Everyone Goes Home Program.

(a) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year following appointment to a regulated entity if the individual has not previously completed the program. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

[(b)] (c) Regulated entities will report the completion of training through the commission's web-based reporting system.

[(c)] (d) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.27. Live Fire Training Structure 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 Structure Evolutions conducted.

(1) The officer- or instructor-in-charge will ensure that the water supply rate and duration for each individual Live Fire Training Structure Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.

(2) The instructor-in-charge shall assign the following personnel:

(A) one instructor to each functional crew, which shall not exceed five students;

(B) one instructor to each backup line;

(C) additional personnel to backup lines to provide mobility; and

(D) one additional instructor for each additional functional assignment.

(3) The officer- or instructor-in-charge 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 Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend, or 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.

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

(6) 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.

(7) 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.

(8) A standard operating procedure shall be developed and utilized for Live Fire Training Structure Evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all participating in live fire training and shall meet the requirements in §435.9 of this title (relating to Personal Alert Safety System (PASS));

(B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personnel Accountability System) shall be utilized;

(C) an Incident Management System;

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

(E) an evacuation signal and procedure; and

(F) pre-burn, burn, and post-burn procedures.

§435.29. Federal Highway Administration Traffic Incident Management Program.

(a) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission within one year of appointment to a regulated entity. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

[(b)] (c) Departments will report the completion of training through the commission's web-based reporting system.

[(c)] (d) Failure to complete the Federal Highway Administration Traffic Incident Management program or an equivalent course that is approved by the commission before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.31. Firefighter Cancer Support Network Cancer Awareness Training Program.

(a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the Firefighter Cancer Support Network Cancer Awareness Training program ~~[be]~~ will be completed within one year of appointment to a regulated entity ~~[as part of the continuing education required for certified fire protection personnel by December 1, 2024.~~ Individuals will be credited with 2 hours of continuing education credit for completing this program].

(b) All fire protection personnel will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program every 5 years, at a minimum. Individuals will be credited with two hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

~~[(b) All regulated fire protection personnel must complete the Firefighter Cancer Support Network Cancer Awareness Training program prior to December 1, 2024.]~~

~~[(c) All fire protection personnel appointed after December 1, 2024, will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program training within one year of appointment to a fire department.]~~

~~[(d)]~~ (c) Departments will report the completion of training through the commission's web-based reporting system.

~~[(e)]~~ (d) Failure to complete the Firefighter Cancer Support Network Cancer Awareness Training program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

d. Discussion & possible action on rule review of 37 TAC, Chapter 437, Fees.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 437 FEES

§437.1. Purpose and Scope.

(a) The purpose of this chapter is to set forth requirements governing the fees charged by the commission as prescribed by Texas Government Code, Chapter 419, §419.025 and §419.026, and commission rule.

(b) This chapter shall govern all proceedings before and dealing with the commission concerning fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.

(c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.

(d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service provider.

§437.3 - Certification Application Processing Fees.

(a) A non-refundable application processing fee of \$85 is required for each certificate issued by the Commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.

(b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.

(c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).

(d) A facility that provides training for any discipline for which the Commission has established a curriculum must be certified by the Commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.

(e) The certification application processing fee is waived for a military service member, military veteran, or military spouse.

§437.5. Renewal Fees.

(a) A non-refundable annual renewal fee of \$60 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the commission may collect only one renewal fee of \$60, which will renew all certificates held by the individual or certified training facility.

(b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.

(c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.

(d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.

(e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of employment.

(f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.

(g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.

(h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).

(i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.

(j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$30 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.

(k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$60 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.

(l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.

(m) An individual or entity may petition the commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action.

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

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

(n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, the individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$60.

§437.7. Standards Manual and Certification Curriculum Manual Fees.

(a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.

~~(b) The commission does not provide printed copies of the manuals. A printed copy of the commission's standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.thomsonreuters.com. The Commission does not provide printed copies of the manuals. Individuals may obtain official printed copies from authorized legal publishers or by downloading the publicly available digital versions from the Texas Secretary of State website.~~

§437.11. Copying Fees.

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

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

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

§437.13. Processing Fees for Test Application.

(a) A non-refundable application processing fee of \$55 shall be charged for each examination.

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

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

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

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

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

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

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

A non-refundable \$30 fee shall be charged for each IFSAC seal issued by the commission.

§437.17. Records Review Fees.

(a) A non-refundable fee of \$75 shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.

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

§437.19. Early Review Fees.

A non-refundable fee of \$75 will be charged for each early review conducted by the commission for the purpose of determining the eligibility of a person to be certified by the commission based upon a review of their criminal history.

AGENDA ITEM NUMBER 8

8. Matters referred to the Commission from the Curriculum and Testing Committee.

- a. Discussion and possible action on proposed changes to 37 TAC, Chapter 439, Examinations for Certification, §439.19.

Figure: 37 TAC §439.19(b)

NUMBER OF TEST QUESTIONS				
37 TAC §439.19(b) – Examinations For On-Site Delivery Training				
Examination	Section	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed (Hours)
Combined Basic Structure Firefighter	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	TOTAL	225	25	4.5
Combined Hazmat Awareness & Operations	Hazmat Awareness	25		
	Hazmat Operations	50		
	TOTAL	75	8	1.5
Combined Firefighter I & Firefighter II	Firefighter I	100		
	Firefighter II	75		
	TOTAL	175	15	3.0
Sectional Exams	Hazardous Materials Awareness	50	5	1.0
	Hazardous Materials Operations	50	5	1.0
	Firefighter I	100	10	2.0
	Firefighter II	75	8	1.5
Basic Fire Inspector	Basic Fire Inspector	100	10	2.0
FOR ALL OTHER EXAMINATIONS, SECTIONAL EXAMINATIONS, AND RETESTS				
	Recommended Hours	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed (Hours)
IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:	Less than 30	25	3	0.5
	31 to 100	50	5	1.0
	101 to 200	75	8	1.5
	201 to 300	100	10	2.0
	301 to 400	125	13	2.5
	401 or More	150	15	3.0

AGENDA ITEM NUMBER 8

8. Matters referred to the Commission from the Curriculum and Testing Committee.

b. Discussion and possible action on updates to the Fire and Life Safety Educator Curriculum Manual.

CERTIFICATION CURRICULUM MANUAL

CHAPTER THIRTEEN FIRE AND LIFE SAFETY EDUCATOR I & II

NFPA 1030, 2024 Edition

Effective May 1, 2026



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

CERTIFICATION CURRICULUM MANUAL – CHAPTER THIRTEEN

FIRE AND LIFE SAFETY EDUCATOR I

OVERVIEW

Fire and Life Safety Educator I

The Fire and Life Safety Educator I is required to meet the Job Performance Requirements (JPRs) of National Fire Protection Association (NFPA) 1030 Chapter 9, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition.

The following items are included in Fire and Life Safety Educator I of Chapter 13 of this curriculum manual:

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

This is a voluntary (non-mandatory) certification; therefore, a formal “curriculum” is not provided. Please use Chapter 9 of NFPA 1030 as a guide when creating your own course curriculum for Fire and Life Safety Educator I.

Performance skills are available in Chapter 13 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. TCFP does not provide printed copies.

Definition of a Fire and Life Safety Educator I

A Fire and Life Safety Educator I is an individual who has met the requirements specified in Chapter 9 of NFPA 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition and has the knowledge, skill, and abilities to provide fire and life safety education programs by:

- Documenting fire and life safety educational activities
- Maintaining work schedules
- Identifying and partnering with community resources, services and organizations
- Selecting instructional materials
- Assuring safety during fire and life safety education activities
- Presenting and adapting lessons
- Publicizing fire and life safety information
- Disseminating educational information
- Administering and scoring evaluation instruments

CURRICULUM OUTLINE
Fire and Life Safety Educator I

FIRE AND LIFE SAFETY EDUCATOR –I		
SECTION	SUBJECT	RECOMMENDED HOURS
9.1	Administration (FLSE Program Overview, not required)	0
9.2	General Requirements	2
9.3	Administration	4
9.4	Planning and Development	6
9.5	Education and Implementation	8
9.6	Evaluation	4
	TOTAL RECOMMENDED HOURS*	24

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

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REFERENCE LIST

Fire and Life Safety Educator I

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is not all inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

Required References

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

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

Fire and Life Safety Educator (4th ed.) (2022). Stillwater, OK: International Fire Service Training Association.

Fire and Life Safety Educator: Principles and Practice (2nd ed. 2018 or Revised 2nd ed. 2025). Giesler, Marsha P. Burlington, MA: Jones and Bartlett Learning.

NFPA 1030: Standard for Professional Qualifications for Fire Prevention Program Positions, (2024 ed.). Quincy, MA: National Fire Protection Association NFPA Publications.

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

EQUIPMENT LIST

FLSE I Equipment List

- Activity report forms, formats, software, apps, or other electronic methods
- Policies and procedures of the AHJ
- Equipment needed to communicate in writing
- Equipment needed to create a public notification or announcement
- Educational materials (printed materials, props, audiovisual equipment, etc.)
- An environment in which to present a lesson (e.g. a classroom) that has at least one safety hazard
- Evaluation instrument(s)
- Forms or supplies necessary to report evaluation results

COURSE INSTRUCTOR INFORMATION

Fire and Life Safety Educator I

Instructor Qualifications

Fire and Life Safety Educator 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 in all sections of Chapter 9 of National Fire Protection Association (NFPA) 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition. Any training program must strictly adhere to this 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 1030, section 9.5.3:

NFPA Standard/Curriculum	Explanation
9.5.3 Present a lesson, given a lesson plan with multiple presentation methods, evaluation instruments, time allotment, setting, and identified audience, so that the lesson plan is followed and the objectives are met.	NFPA JPR number 9.5.3
(A) Requisite Knowledge: Lesson content, learning objectives, presentation methods, specific audience needs.	Requisite knowledge objectives for 9.5.3 Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.

<p>(B) Requisite Skills: Presentation skills and methods.</p>	<p>Requisite skills objectives for 9.5.3</p> <p>Only performance skills will be used to test these objectives on the state certification exam.</p>
<p>A.9.5.3: Typical presentation methods can include the following:</p> <ul style="list-style-type: none"> (1) Lectures (2) Skits (3) Games (4) Role playing (5) Questioning (6) Team teaching (7) Discussions (8) Music (9) Etc. 	<p>Annex A: Explanatory Material for 9.5.3</p>

NFPA Annex B Information

Refer to *Annex B: Explanation of the Professional Qualifications Standards and Concepts of JPRs* in the NFPA Standard for an explanation of the NFPA Professional Qualifications Standards, the concepts of JPRs, and the process for converting JPRs into instructional objectives.

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 459, *Minimum Standards for Fire and Life Safety Educator Certification*

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 421 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

PERFORMANCE SKILLS LIST

Fire and Life Safety Educator I			
Objective	Skill #	Functional Name	NFPA 1030 JPR #
Administration	1-1	Complete Activity Records	9.3.1, 9.3.2
Administration	1-2	Schedule Educational Activities	9.3.3
Administration	1-3	Convey Information to Customer	9.3.4
Planning and Development	1-4	Community Partnerships	9.4.1
Education and Implementation	1-5	Notify Public; Present a Lesson	9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.5, 9.5.6, 9.5.7, 9.6.3
Evaluation	1-6	Administer an Evaluation	9.6.1, 9.6.2

CERTIFICATION CURRICULUM MANUAL – CHAPTER THIRTEEN

FIRE AND LIFE SAFETY EDUCATOR II

OVERVIEW

Fire and Life Safety Educator II

The Fire and Life Safety Educator II is required to meet the Job Performance Requirements (JPRs) in Chapter 10 of National Fire Protection Association (NFPA) 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition.

The following items are included in Fire and Life Safety Educator II of Chapter 13 of this curriculum manual:

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

This is a voluntary (non-mandatory) certification; therefore, a formal “curriculum” is not provided. Please use Chapter 10 of NFPA 1030 as a guide when creating your own course curriculum for Fire and Life Safety Educator II.

Performance skills are available in Chapter 13 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. TCFP does not provide printed copies.

Definition of a Fire and Life Safety Educator II

A Fire and Life Safety Educator II is an individual who has met the requirements specified in Chapter 10 of NFPA 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition, and has the knowledge, skill, and abilities to provide fire and life safety education programs by:

- Preparing program budgets
- Developing public policy recommendations for management
- Evaluating subordinate performance
- Establishing fire and life safety education priorities
- Facilitating partnerships
- Requesting resources from external organizations
- Designing and revising education programs to include informational materials, lesson plans and educational materials
- Developing and implementing program evaluation strategies
- Designing program evaluation instruments
- Implementing an evaluation strategy

CURRICULUM OUTLINE
Fire and Life Safety Educator II

FIRE AND LIFE SAFETY EDUCATOR II		
SECTION	SUBJECT	RECOMMENDED HOURS
10.1	General Requirements	2
10.2	Administration	2
10.3	Planning and Development	4
10.4	Education	6
10.5	Evaluation	2
	TOTAL RECOMMENDED HOURS*	16

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

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REFERENCE LIST

Fire and Life Safety Educator II

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is not all inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

Required References

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

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

Fire and Life Safety Educator (4th ed.) (2022). Stillwater, OK: International Fire Service Training Association.

Fire and Life Safety Educator: Principles and Practice (2nd ed. 2018 or Revised 2nd ed. 2025). Giesler, Marsha P. Burlington, MA: Jones and Bartlett Learning.

NFPA 1030: Standard for Professional Qualifications for Fire Prevention Program Positions, 2024 edition. Quincy, MA: National Fire Protection Association NFPA Publications.

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

EQUIPMENT LIST

FLSE II Equipment List

- Policies and procedures of the AHJ
- Live or recorded fire and life safety presentation for the candidate to evaluate
- Policy development guidelines
- Pens or pencils
- Volunteers to act as community partners

COURSE INSTRUCTOR INFORMATION

Fire and Life Safety Educator II

Instructor Qualifications

Fire and Life Safety Educator II courses must be taught by a person meeting the requirements described in Chapter 459 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 in all sections of Chapter 10 of National Fire Protection Association (NFPA) 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions, 2024 edition*. Any training program must strictly adhere to this 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 1030, section 10.3.3:

NFPA Standard/Curriculum	Explanation
10.3.3 Prepare a request for resources from an external organization, given department/agency policies on requesting resources and a description of the resources needed, so that the request identifies needed resources and conforms to department/agency policies and the requirements of the resource provider.	NFPA JPR number 10.3.3
(A) Requisite Knowledge: Legal issues, department or agency policies for requesting resources.	Requisite knowledge objectives for 10.3.3 Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.

<p>(B) Requisite Skills: Write proposals.</p>	<p>Requisite skills objectives for 10.3.3</p> <p>Only performance skills will be used to test these objectives on the state certification exam.</p>
<p>A.10.3.3: Many times, in fire and life safety education programs and individual projects, developing resources outside the organization is necessary to achieve program goals and objectives. These resources might include volunteer educators, educational or promotional materials, financial resources, or any other personnel or material resources required to meet program needs. To solicit these resources effectively in the community, a record of past efforts, including program requirements, providers, methods of solicitation, personnel responsible for solicitation, and methods for managing and accounting for the resources, should be maintained.</p>	<p>Annex A: Explanatory Material for 10.3.3</p>

NFPA Annex B Information

Refer to *Annex B: Explanation of the Professional Qualifications Standards and Concepts of JPRs* in the NFPA Standard for an explanation of the NFPA Professional Qualifications Standards, the concepts of JPRs, and the process for converting JPRs into instructional objectives.

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 459, *Minimum Standards for Fire and Life Safety Educator Certification*

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 421 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

PERFORMANCE SKILLS LIST

Fire and Life Safety Educator II			
Objective	Skill #	Functional Name	NFPA 1030 JPR #
Administration	2-1	Prepare a Budget	10.2.1, 10.2.2
Administration	2-2	Evaluate an Educator	10.2.4
Administration	2-3	Develop Public Policy Recommendation	10.2.3
Planning and Development	2-4	Community Analysis and Partnerships	10.3.1, 10.3.2, 10.3.3
Education, Evaluation	2-5	Written Project and Oral Presentation	10.4.1, 10.4.2, 10.4.3, 10.4.4, 10.4.5, 10.5.1, 10.5.2, 10.5.3

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END OF CURRICULUM MANUAL

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AGENDA ITEM NUMBER 8

8. Matters referred to the Commission from the Curriculum and Testing Committee.

C. Discussion and possible action on updates to the Incident Commander Curriculum Manual.

CERTIFICATION CURRICULUM MANUAL

CHAPTER FOURTEEN INCIDENT COMMANDER

NFPA 1026, Chapter 4, 2024 Edition

Effective May 1, 2026



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

OVERVIEW

Incident Commander

The Incident Commander is required to meet the Job Performance Requirements (JPRs) of chapter 4 of National Fire Protection Association (NFPA) 1026, *Standard for Incident Management Personnel Professional Qualifications*, 2024 edition.

In addition, *NFPA 1550: Standard for Emergency Responder Health and Safety* (2024 ed.) is a reference for this curriculum. Chapters 3, 17, 18, 19, 20 and 21, and also Annex A – Explanatory Material for Chapters 3, 17, 18, 19, 20 and 21 have been identified as required information for this curriculum.

The following items are included in the Incident Commander section of Chapter 14 of the curriculum manual:

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

This is a voluntary (non-mandatory) certification, therefore a formal “curriculum” is not provided. Please use chapter 4 of NFPA 1026 as a guide when creating your own course curriculum.

Performance skills are available in Chapter 14 of the Performance 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 an Incident Commander

An Incident Commander is an individual who has met the requirements of chapter 4 of NFPA 1026, *Standard for Incident Management Personnel Professional Qualifications* and has the knowledge, skills, and abilities to perform as an Incident Commander:

- The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources.
- Has overall authority and responsibility for conducting incident operations and for managing all incident operations at the incident site.

CURRICULUM OUTLINE
Incident Commander

SECTION	SUBJECT	RECOMMENDED HOURS
4.1	General	2
4.2	Assume, Transfer and Receive Command	18
4.3	Communications	8
4.4	Management and Administration	20
	TOTAL RECOMMENDED HOURS*	48

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

REFERENCE LIST Incident Commander

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is not all inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

Required References

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

Command and Control: ICS, Strategy Development and Tactical Selections, Book 1 (2nd ed.) (2012). Stillwater, OK: Fire Protection Publications Oklahoma State University.

National Incident Management System: Principles and Practice (2nd ed.) (2012). Burlington, MA: Jones & Bartlett Learning

NFPA 1026: Standard for Incident Management Personnel Professional Qualifications (2024 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications.

NFPA 1550: Standard for Emergency Responder Health and Safety (2024 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications.

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

EQUIPMENT LIST

Incident Commander

- Scenarios with related information and assigned resources per AHJ
- Simulation software or videos for scenarios
- Tactical command worksheet, ICS forms and other AHJ documentation
- AHJ operational policies and procedures
- Radios

COURSE INSTRUCTOR INFORMATION

Incident Commander

Instructor Qualifications

Incident Commander 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) 1026, *Standard for Incident Management Personnel Professional Qualifications*, 2024 edition, Chapter 4. All training programs must strictly adhere to the NFPA standard.

In addition, *NFPA 1550: Standard for Emergency Responder Health and Safety* (2024 ed.) is a reference for this curriculum. Chapters 3, 17, 18, 19, 20 and 21, and also Annex A – Explanatory Material for Chapters 3, 17, 18, 19, 20 and 21 have been identified as required information for this curriculum.

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 1026, section 4.4.1:

NFPA Standard/Curriculum	Explanation
4.4.1 Develop and manage an incident management organization capable of accomplishing strategic objectives, given an incident or planned event, incident status information, ICS forms and documentation, situational awareness, a communications system, incident resources and an IAP, so that an ICS organization is established and maintained; applicable span of control is maintained through the use of Division/Group Supervisors, Branch Directors, and the Operations Section Chief positions; resources and personnel cooperating in incident objectives are obtained and managed effectively; adjustments are made to the command structure when necessary; and the command structure remains in place until the incident or planned event is terminated.	NFPA JPR number 4.4.1

<p>(A) Requisite Knowledge: NIMS, ICS, ICS forms and documentation; unity of command; procedures for ordering resources specific to the AHJ; Communications protocols; kinds and types of resources available to the AHJ; resource management techniques, roles, and responsibilities; and authority of responders and response agencies available to the AHJ.</p>	<p>Requisite knowledge objectives for 4.4.1</p> <p>Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.</p>
<p>(B) Requisite Skills: Completing ICS forms and documentation, operating incident communications equipment, deploying applicable resources for incident-specific functions, and determining changing incident situations and matching the ICS structure and resources to meet them.</p>	<p>Requisite skills objectives for 4.4.1</p> <p>Only performance skills will be used to test these objectives on the state certification exam.</p>
<p>Instructor Note A.4.4.1: The Incident Commander is responsible for maintaining a manageable span-of-control. This can be accomplished by implementing Operations Section Chiefs, Branch Directors, and Division/Group Supervisors. The generally accepted span-of-control is 3 to 7, with 5 being ideal.</p>	<p>Annex A: Explanatory Material for 4.4.1</p>

NFPA Annex B Information

Refer to *Annex B: Explanation of the Professional Qualifications Standards and Concepts of JPRs* in the NFPA Standard for an explanation of the NFPA Professional Qualifications Standards, the concepts of JPRs, and the process for converting JPRs into instructional objectives.

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 461, *Minimum Standards for Incident Management Personnel Certification*

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 421 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

PERFORMANCE SKILLS LIST
Incident Commander

Objective	Skill #	Functional Name	NFPA JPR
Assume Transfer and Receive Command	1	Assume Initial Command	4.2.1, 4.4.2, 4.4.3
Assume Transfer and Receive Command	2	Assume Command of Established Incident	4.2.2, 4.2.3, 4.3.1, 4.4.1, 4.4.4, 4.4.5, 4.4.6
Management and Administration	3	Coordinate with EOC	4.4.7
Management and Administration	4	Create and Implement a Demobilization Plan	4.4.8, 4.4.9, 4.4.10
Management and Administration	5	Direct an After-Action Review	4.4.11

END OF CURRICULUM MANUAL

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AGENDA ITEM NUMBER 8

8. Matters referred to the Commission from the Curriculum and Testing Committee.

d. Discussion and possible action on updates to the Fire Inspector Curriculum.

CERTIFICATION CURRICULUM MANUAL

CHAPTER FOUR FIRE INSPECTOR

NFPA 1030, 2024 Edition

Effective May 1, 2026



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

COURSE OVERVIEW BASIC FIRE INSPECTOR

The Fire Inspector candidate is required to meet the Job Performance Requirements (JPRs) of chapter 7 of National Fire Protection Association (NFPA) 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions, 2024 edition*.

The following items are included in Chapter 7 of the Basic Fire Inspector certification curriculum manual:

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

This is a required certification; therefore, an expanded curriculum is provided as a guideline when creating your own course lesson plans.

Performance skills are available in Chapter 4 of the Performance 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. TCFP does not provide printed copies.

Definition of a Fire Inspector

A Basic Fire Inspector is an individual who has met the requirements in Chapter 7 of NFPA 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions, 2024 edition*. An individual who meets the job performance requirements specified in this standard and applies codes and standards, performs fire inspections, plans review duties, facilitates training, and resolves code-related issues.

CURRICULUM OUTLINE

BASIC FIRE INSPECTOR		
SECTION	SUBJECT	RECOMMENDED HOURS
7.1	General	2
7.2	Administration	10
7.3	Legal	2
7.4	Field Inspection	138
7.5	Plans Review	8
Recommended Hours*		160

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

REFERENCE LIST BASIC FIRE INSPECTOR

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is not all inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

Required References

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

Fire Inspection and Code Enforcement (9th ed.) (2023). Stillwater, OK: Fire Protection Publications. International Fire Service Training Association

Local Codes and Standards

NFPA 1030 (1031): Standard for Professional Qualifications for Fire Prevention Program Positions, (2024 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications

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

Recommended References

The most current edition of the following publications is recommended (not required) supplemental material for program use.

Emergency Response Guidebook, (current edition). U.S. Department of Transportation

EQUIPMENT LIST BASIC FIRE INSPECTOR

- Applicable fire, life safety, and building codes and standards adopted by the AHJ
- AHJ policies and procedures
- Sample inspection reports
- Sample complaint reports
- Sample permit applications with associated plans
- Sample modification or variance request forms or templates
- Sample notices of violation, correction notices, and enforcement documentation
- Floor plans, site plans, facility layout diagrams, or dimensioned architectural plans
- Occupant load calculation references or forms
- Approved fire protection system drawings and specifications
- Hazardous materials inventory information or Safety Data Sheets (SDS)
- Emergency plans or evacuation diagrams
- Fire flow test data or water supply information
- Measuring tools (tape measure or laser measure), if required by the scenario
- Calculator
- Instructor-provided scenario narratives, case studies, photographs, or visual aids
- AHJ-approved inspection, re-inspection, or plan review forms
- Documentation and note-taking tools (paper or electronic)

COURSE INSTRUCTOR INFORMATION BASIC FIRE INSPECTOR

Instructor Qualifications

Fire Inspector 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) 1030, *Standard for Professional Qualifications for Fire Prevention Program Positions*, 2024 edition, Chapter 7. 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.

Components of the Expanded Curriculum

Each section of the curriculum identifies the NFPA JPR and subdivides the requisite knowledge requirements into learning components. For example:

Curriculum	Explanation
7.4.2 Identify the occupancy classifications of a building, given a description of the uses, so that all areas are classified in accordance with applicable codes and standards.	NFPA JPR
Requisite Knowledge: Occupancy classification, applicable codes and standards, operational features, and fire hazard classifications presented by various occupancies.	Requisite Knowledge Statement
1) Occupancy classifications	First part of Requisite Knowledge
a. (if applicable)	Associated learning components
2) Applicable codes and standards	Second part of Requisite Knowledge
a. (if applicable)	Associated learning components

3) Operational features and fire hazards	Third part of Requisite Knowledge
a. (if applicable)	Associated learning components
<div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <p>Instructor Note: A.7.4.2 – Judgment should be exercised in the classification of occupancies within a building. Small uses that are an accessory to a major occupancy should be evaluated within the framework of the adopted codes and standards, recognizing that not all spaces require separation while some spaces will always require separation.</p> </div>	Refers to Annex A – Explanatory Material

NFPA Annex B Information

Refer to *Annex B: Explanation of the Professional Qualifications Standards and Concepts of JPRs* in the NFPA Standard for an explanation of the NFPA Professional Qualifications Standards, the concepts of JPRs, and the process for converting JPRs into instructional objectives.

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 437, Fees
- Chapter 429, Fire Inspector and Plan Examiner Certification
- Chapter 439, Examinations for Certification
- Chapter 449, Subchapter B, Head of a Prevention Only Department

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.

Description of Certification Level

For additional information, see Chapter 429 of the Texas Commission on Fire Protection standards manual for fire protection personnel.

PERFORMANCE SKILLS LIST

BASIC FIRE INSPECTOR			
Category	Skill #	Functional Name	NFPA JPR #
Administration	1	Code Application, Inspection, and Report Writing	7.2.1, 7.2.2
Administration	2	Permit and Plan Review Administration	7.2.3, 7.2.4, 7.2.5
Administration	3	Complaint Investigation	7.2.6
Administration	4	Code Modification	7.2.7
Legal	5	Complaint Investigation to Policy Improvement	7.3.1, 7.3.2, 7.3.3
Field Inspection	6	Occupancy, Construction, and Life Safety Compliance	7.4.1, 7.4.2
Field Inspection	7	Construction	7.4.3
Field Inspection	8	Life Safety Compliance	7.4.6
Field Inspection	9	Fire Protection and Integrated Systems Testing	7.4.4, 7.4.5, 7.4.13, 7.4.14
Field Inspection	10	Hazardous Materials and Special Hazards Compliance	7.4.7, 7.4.10, 7.4.11
Field Inspection	11	Emergency Planning	7.4.8, 7.4.9
Field Inspection	12	Fire Growth Potential	7.4.12
Field Inspection	13	Site Inspection – Access and Fire Flow	7.4.15, 7.4.16
Plans Review	14	Occupancy Classification and Construction Type	7.5.1, 7.5.6
Plans Review	15	Fire Protection System Review and Field Comparison	7.5.3, 7.5.4
Plans Review	16	Occupancy Load Calculation and Means of Egress	7.5.2, 7.5.5

CURRICULUM MANUAL BASIC FIRE INSPECTOR

7.1 General

The Fire Inspector shall meet the job performance requirements defined in Sections 7.2 through 7.5.

Instructor Note A.7.1

The intent of the committee is that individuals at the fire inspector level perform fire safety inspections. This level can include first responder inspector individuals who through experience and formal continuing education have achieved the prerequisite knowledge and skills noted and graduates of degree programs in associated fields who can demonstrate the prerequisite knowledge and skills noted.

7.2 Administration

This duty involves conducting research, interpreting codes, implementing policy, testifying at legal proceedings, and facilitating training, according to the job performance requirements in 7.2.1 through 7.2.7.

Instructor Note A.7.2

The responsibilities and duties of this position are at a higher level than that of first responder inspector. If functions are similar or overlapping, it is assumed that those performed at this level will be at a higher technical level and will require more professional expertise, as should be visible in presentation, performance, and quality.

7.2.1 Apply applicable codes or standards, given the findings of a completed inspection, the codes and standards, and the policies of the AHJ, so that the applicable codes, standards, and policies are identified, and compliance is determined.

Requisite Knowledge: Fire behavior; fire department access; water supply; flame spread and smoke development ratings of contents, interior finishes, building construction elements, life safety systems, decorations, decorative materials, and furnishings; and safe housekeeping practices.

- 1) Fire behavior
- 2) Fire department access

- 3) Water supply
 - a. Types
 - i. Public systems
 - ii. Private systems
 - iii. Other sources
 - b. Distribution System Components
 - c. Water Supply System Testing and Inspection
 - d. Fire Flow Testing
- 4) Flame spread and smoke development ratings of:
 - a. Contents
 - b. Interior finishes
 - c. Building construction elements
 - d. Life safety systems
 - e. Decorations
 - f. Decorative materials
 - g. Furnishings
- 5) Safe housekeeping practices

Requisite Skills: The ability to observe, communicate, apply codes and standards, recognize hazardous conditions, and make correct and appropriate decisions.

7.2.2 Complete inspection reports, given agency policy and procedures and observations from an assigned field inspection, so that the report is clear and concise and reflects the findings of the inspection in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Applicable codes, standards, and policies adopted by the AHJ.

- 1) Applicable codes
 - a. Model codes
 - b. Model code organizations
 - i. International Code Council (ICC)
 - ii. National Fire Protection Association (NFPA)
 - c. Code adoption
- 2) Applicable standards
 - a. National Fire Protection Association (NFPA)
- 3) Applicable policies
 - a. Inspection priorities and frequency
 - i. Permit model

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ii. Inspection model

Requisite Skills: The ability to conduct a field inspection, apply codes and standards, and communicate orally, in writing, and electronically in a manner approved by the AHJ.

7.2.3 Process a permit application, given a specific request, so that the application is evaluated, and a permit is issued or denied in accordance with the applicable codes and standards and the policies and procedures of the AHJ.

Requisite Knowledge: Permit application process and applicable codes, standards, and policies and procedures of the AHJ.

- 1) Permit application process
- 2) Applicable codes, standards, and policies and procedures adopted by the AHJ

Requisite Skills: The ability to apply the applicable codes, standards, and policies and procedures of the AHJ to the permit application process.

7.2.4 Enforce permit regulations, given a permit application or report of a violation and applicable codes, standards, and policies of the AHJ, so that enforcement actions are taken in accordance with the applicable codes and standards and the policies of the AHJ and the violation is corrected.

Requisite Knowledge: Legal authority for permit issuance and revocation, and applicable codes and standards adopted by the AHJ.

- 1) Legal authority for permit issuance and revocation
 - a. Conditions of issuance
 - b. Liability
 - c. Authority to suspend or revoke
- 2) Applicable codes and standards adopted by the AHJ

Requisite Skills: The ability to communicate, make correct and appropriate decisions, and evaluate consequences of improper enforcement.

7.2.5 Process a plan review application, given a specific submittal, so that the application is evaluated and processed in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Plan review application process, policies, procedures, and code requirements of the AHJ.

- 1) Plan review application process
- 2) Policies and procedures
- 3) Code requirements

Requisite Skills: The ability to communicate orally, in writing, and electronically in a manner approved by the AHJ on matters related to policies, procedures, and code requirements of the AHJ.

7.2.6

Investigate complaints, given a reported situation or condition, so that complaint information is recorded, the investigation process is initiated, and the complaint is resolved or referred in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Applicable codes, standards, and policies adopted by the AHJ and policies of the AHJ.

- 1) Applicable codes and standards adopted by the AHJ
- 2) Policies adopted by the AHJ

Requisite Skills: The ability to interpret codes and standards, recognize problems, and refer complaints to other agencies when required.

Instructor Note A.7.2.6

The objective of a complaint investigation is the recognition and correction or removal of a fire or life safety hazard. The resolution of the complaint will depend heavily on the technical evaluation of the complaint and the selection of possible corrective actions. More than one solution might be available.

7.2.7

Explain the modifications process to the adopted codes and standards of the AHJ, given a fire or life safety issue, so that the proposed modifications address the problem, need, or deficiency.

Requisite Knowledge: State statutes or local ordinances establishing or empowering the AHJ to adopt, enforce, and modify codes and standards; the legal instruments establishing or adopting codes and standards; and the development and adoption process for fire and life safety legislation or regulations.

- 1) State statutes or local ordinances establishing or empowering the AHJ to adopt, enforce, and modify codes and standards
- 2) The legal instruments establishing or adopting codes and standards
- 3) The development and adoption process for fire and life safety legislation or regulations

Requisite Skills: The ability to recognize problems, collect information and develop alternative solutions.

Instructor Note A.7.2.7

Local or regional modifications to codes and standards developed through the consensus process can be made to address specific local environmental and societal factors with adequate input from affected parties and oversight by the AHJ's governing body. Such modifications should be based on substantiated information, compiled and presented to justify the impacts of the regulation or modification proposed. Data professionally presented can support a request for a governing body to modify a code or a standard.

7.3

Legal

This duty involves the ability to participate in various legal proceedings, such as enforcement of the adopted codes and standards of the AHJ, handling various complaints, and initiating legal action where necessary.

7.3.1

Understand legal proceedings, given the findings of a field inspection or a complaint and consultation with legal counsel, so that all information is presented in a factual manner.

Requisite Knowledge: The legal requirements pertaining to rules of evidence and types of legal proceedings.

- 1) The legal requirements pertaining to rules of evidence and types of legal proceedings
 - a. Texas Rules of Evidence
 - b. Types of legal proceedings
 - i. Appeals
 - ii. Criminal
 - iii. Civil

Requisite Skills: The ability to maintain a professional demeanor, communicate, listen, and differentiate facts from opinions.

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Instructor Note A.7.3.1

Inspectors should have knowledge of the process for legal proceedings in their AHJs, such as the appeals process related to code enforcement, administrative hearings, depositions, and professional demeanor for formal court appearances.

7.3.2 Initiate legal action related to a fire code violation, given a description of a violation and a legal opinion, so that the action taken is in accordance with the policies of the AHJ and due process of law is followed.

Requisite Knowledge: Legal procedure for fire code enforcement and authority and limitations of police powers.

- 1) Legal procedure for fire code enforcement and authority and limitations of police powers

Requisite Skills: The ability to address legal action in accordance with the policies and procedures of the AHJ.

7.3.3 Recommend policies and procedures for the delivery of inspection services, given management objectives, so that inspections are conducted in accordance with the policies of the AHJ.

Requisite Knowledge: Policies and procedures of the AHJ related to code enforcement as well as sources of detailed and technical information relating to fire protection and life safety.

- 1) Policies and procedures of the AHJ related to code enforcement
- 2) Sources of detailed and technical information relating to fire protection and life safety

Requisite Skills: The ability to identify approved construction methods and materials related to fire safety, read and interpret construction plans and specifications, educate, conduct research, make decisions, recognize problems, and resolve conflicts.

Instructor Note A.7.3.3

Mandated inspection frequencies, follow-up visits, and timely response to complaints require good time-management skills of the individual and a coordinated management program. Improvements in the delivery of inspection services can often be originated at the inspector level.

7.4 Field Inspection

This duty involves conducting fire and life safety inspections, to include enforcement actions, and analyses of new and existing structures and properties for construction, occupancy, fire protection, and exposures, according to the job performance requirements in 7.4.1 through 7.4.16.

7.4.1 Compute the maximum allowable occupant load of a building, given plans, field observations, or description of its uses, so that the maximum allowable occupant load calculation is in accordance with applicable codes and standards.

Requisite Knowledge: How to calculate occupant loads for an occupancy and for building use and code requirements, regulations, and operational features presented by various occupancies.

- 1) Calculate occupant loads for an occupancy and for building use
 - a. Code requirements
 - b. Regulations
 - c. Operational features presented by various occupancies

Requisite Skills: The ability to calculate occupant loads, identify occupancy factors related to various occupancy classifications, use measuring tools, read plans, and use a calculator.

7.4.2 Identify the occupancy classifications of a building, given a description of the uses, so that all areas are classified in accordance with applicable codes and standards.

Requisite Knowledge: Occupancy classification, applicable codes and standards, operational features, and fire hazard classifications presented by various occupancies.

- 1) Occupancy classifications
- 2) Applicable codes and standards
- 3) Operational features and fire hazards

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Requisite Skills: The ability to interpret code requirements and recognize building uses associated with each occupancy classification.

Instructor Note A.7.4.2

Judgment should be exercised in the classification of occupancies within a building. Small uses that are an accessory to a major occupancy should be evaluated within the framework of the adopted codes and standards, recognizing that not all spaces require separation while some spaces will always require separation.

7.4.3 Evaluate a building's area, height, occupancy classification, and construction type, given an approved set of plans and construction features, so that it is confirmed that the building is in compliance with applicable codes and standards.

Requisite Knowledge: Building construction with emphasis on fire-rated construction, evaluation of methods of construction and assemblies for fire rating, analysis of test results, and manufacturer's specifications.

- 1) Building construction with emphasis on fire-rated construction
- 2) Evaluation of methods of construction
- 3) Assemblies for fire rating
- 4) Analysis of test results
- 5) Manufacturer's specifications

Requisite Skills: The ability to identify characteristics of each type of building construction and occupancy classification.

Instructor Note A.7.4.3

The fire inspector should be able to assess proper construction type based on new construction or changes to a building that have occurred since the original occupancy of the building. Examples of such changes can include renovations or additions, changes in storage commodity, changes in occupancy classification, and similar changes that might occur throughout the life of a building.

7.4.4 Evaluate fire protection systems and equipment provided for life safety and property protection, given field observations and hazard classifications of

the facility and documentation, the hazards protected, and the system specifications, so that the fire protection systems provided are approved for the occupancy, commodity, or hazard being protected.

Requisite Knowledge: Applicable codes and standards for fire protection systems, basic physical science as it relates to fire behavior and fire suppression, implications and hazards associated with system operation, installation techniques and acceptance inspection, testing and reports of maintenance of completed installations, and use and function of various systems.

- 1) Applicable codes and standards for fire protection systems
- 2) Basic physical science as it relates to fire behavior and fire suppression
- 3) Implications and hazards associated with system operation
- 4) Installation techniques and acceptance inspection
- 5) Testing and reports of maintenance of completed installations
- 6) Use and function of various systems

Requisite Skills: The ability to recognize hazards and deficiencies, use codes and standards, and read reports, plans, and specifications.

Instructor Note A.7.4.4

This requirement includes buildings under construction or demolition. Building documentation includes performance-based design documents to ensure input features remain applicable to the building as it is currently configured. The design documentation should include an operations and maintenance manual, which acts as a user guide to the performance-based design. The operations and maintenance manual includes the assumptions and estimates made during the design regarding concepts such as selected fire scenarios and fuel loads, building use, occupant characteristics, and system reliability. The inspector should be able to compare these original assumptions and estimates to those that would be used to evaluate the building as it is currently configured.

7.4.5 Witness an acceptance test for an integrated fire protection system, given approved shop drawings, test protocols, and an installed system, so that system performance can be evaluated for compliance, and deficiencies are

identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Acceptance test procedures and applicable codes and standards.

- 1) Acceptance test procedures
- 2) Applicable codes and standards

Requisite Skills: The ability to witness and validate the performance of acceptance tests.

Instructor Note A.7.4.5

As determined by the AHJ, individuals should be able to demonstrate knowledge of the codes and standards related to the installation requirements and acceptance testing requirements for an integrated fire protection and life safety system, such as elevator recall upon activation of a fixed fire alarm system or activation and operation of a smoke removal (HVAC) system upon activation of a fire detector or suppression system, or other integrated fire protection systems of a similar nature in a structure in accordance with the applicable building, mechanical, or fire code of the jurisdiction. Test protocols might include contractor's pretest documentation, test criteria from codes and standards, and other specific test criteria as might be developed by the system designer. (See *NFPA 3*)

7.4.6 Inspect means of egress elements, given observations made during a field inspection of an existing building, so that means of egress elements are maintained in compliance with applicable codes and standards and deficiencies are identified, documented, and reported in accordance with the policies of the AHJ.

Requisite Knowledge: Applicable codes and standards adopted by the AHJ related to means of egress elements, maintenance requirements of egress elements, types of construction, occupancy egress requirements, and the relationship of fixed fire protection systems to egress requirements and to approved means of egress elements, including, but not limited to, doors, hardware, and lights.

- 1) Acceptable means of egress devices

Requisite Skills: The ability to observe and recognize problems, calculate, make correct and appropriate decisions related to means of egress, use measuring tools, and make field sketches.

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Instructor Note A.7.4.6

Examples of means of egress elements include exit access, exit enclosures, exit discharges, exit travel distances, arrangement, capacity, stairways, ramps, doors, hardware, exit markings, and illumination.

7.4.7 Identify hazardous conditions involving equipment, processes, and operations, given field observations and documentation, so that the equipment, processes, or operations are installed in accordance with applicable codes and standards and deficiencies are identified, documented, and reported in accordance with the policies of the AHJ.

Requisite Knowledge: Applicable codes and standards, accepted fire protection practices, fire behavior, ignition sources, safe housekeeping practices, and additional reference materials related to protection of hazardous processes and code enforcement.

- 1) Applicable codes and standards
- 2) Accepted fire protection practices
- 3) Fire behavior
- 4) Ignition sources
- 5) Safe housekeeping practices
- 6) Additional reference materials related to protection of hazardous processes and code enforcement

Requisite Skills: The ability to observe, communicate, interpret codes, recognize problems, and make decisions.

Instructor Note A.7.4.7

The fire inspector is expected to have knowledge of processes and operations that include milling operations, energy storage systems, other emerging technologies or industries, and the manufacture, storage, and use of hazardous chemicals and explosives.

7.4.8 Evaluate emergency planning and preparedness procedures, given existing or proposed plans and procedures and applicable codes and standards, so that compliance is determined.

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Requisite Knowledge: Occupancy requirements for emergency evacuation plans, fire safety programs for crowd control, roles of agencies and individuals in implementation and development of emergency plans.

- 1) Occupancy requirements for emergency evacuation plans
- 2) Fire safety programs for crowd control
- 3) Roles of agencies and individuals in implementation and development of emergency plans

Requisite Skills: The ability to compare submitted emergency plans and procedures with applicable codes and standards adopted by the AHJ.

Instructor Note A.7.4.8

Emergency planning might include components for building evacuation, sheltering of occupants in place, and securing occupants from outside threats.

7.4.9

Assist with the development and evaluation of emergency planning and procedures, given a description of a building and its use, so that plans and procedures are in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Applicable codes and standards adopted by the AHJ; purpose, use, and applicability of evacuation plans; and human behavior.

- 1) Applicable codes and standards adopted by the AHJ
- 2) Purpose, use, and applicability of evacuation plans; and human behavior

Requisite Skills: The ability to read plans and reports and recognize problems.

Instructor Note A.7.4.9

The fire inspector is expected to evaluate emergency planning and procedures, which can incorporate the location and operation of emergency shutdown systems where provided in chemical, explosive, large mechanical, high-voltage electrical, or hazardous occupancies, and occupancies where security needs involve lock-down procedures or other egress procedures.

7.4.10 Verify code compliance for storage, handling, and use of flammable and combustible liquids and gases, given field observations and inspection guidelines from the AHJ, so that deficiencies are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Flammable and combustible liquids properties and hazards, safety data sheets, safe handling practices, applicable codes and standards, fire protection systems and equipment approved for the material, fire behavior, safety procedures, and storage compatibility.

- 1) Flammable and combustible liquids properties and hazards
- 2) Material safety data sheet
- 3) Safe handling practices
- 4) Applicable codes and standards
 - a. Quantity
 - b. Limits
- 5) Fire protection systems and equipment approved for the material
- 6) Fire behavior
- 7) Safety procedures
- 8) Storage compatibility

Requisite Skills: The ability to identify typical fire hazards associated with processes or operations utilizing flammable and combustible liquids and to observe, communicate, interpret codes, recognize deficiencies, and make appropriate decisions.

7.4.11 Evaluate code compliance for the storage, handling, and use of hazardous materials, given field observations, so that deficiencies are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Hazardous materials properties and hazards, safety data sheets, safe handling practices, applicable codes and standards, fire protection systems and equipment approved for the material, fire behavior, safety procedures, chemical reactions, and storage compatibility.

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- 1) Hazardous materials properties and hazards
- 2) Safety data sheets
- 3) Safe handling practices
- 4) Applicable codes and standards
 - a. Quantity
 - b. Limits
- 5) Fire protection systems
- 6) Equipment approved for the material
- 7) Fire behavior
- 8) Safety procedures
- 9) Chemical reactions
- 10) Storage compatibility

Requisite Skills: The ability to identify fire hazards associated with processes or operations utilizing hazardous materials and to observe, communicate, interpret codes, recognize deficiencies, and make appropriate decisions.

7.4.12

Determine fire growth potential in a building or space, given field observations or plans, so that the contents, interior finish, and construction elements are evaluated for compliance, and deficiencies are identified, documented, and corrected in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Basic fire behavior; flame spread and smoke development ratings of contents, interior finishes, building construction elements, decorations, decorative materials, and furnishings; and safe housekeeping practices.

- 1) Basic fire behavior
- 2) Flame spread ratings of contents
- 3) Smoke development ratings of contents

- 4) Interior finishes
- 5) Building construction elements
- 6) Decorations
- 7) Decorative materials
- 8) Furnishings
- 9) Safe housekeeping practices

Requisite Skills: The ability to observe, communicate, interpret codes and standards, recognize hazardous conditions, and make appropriate decisions.

Instructor Note A.7.4.12

Fire growth is dependent on several factors, including, but not limited to, fuel load, characteristics of the materials involved, exposed surface area, material height and array, continuity of combustible materials within a space, ceiling height, and ventilation or openness of the space. Availability of an ignition source is usually not considered since fire growth is evaluated on the assumption that a fire has already begun and is not predicated on whether a fire will or will not start.

7.4.13

Verify compliance with construction documents, given a performance-based design, so that life safety systems and building services equipment are installed, inspected, and tested to perform as described in the engineering documents and the operations and maintenance manual that accompanies the design, so that deficiencies are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Applicable codes and standards for installation and testing of fire protection systems, means of egress, and building services equipment.

- 1) Applicable codes and standards for installation and testing of fire protection systems
 - a. Fire sprinklers (e.g., NFPA 13)
 - b. Standpipe systems (e.g., NFPA 14)
 - c. Fire alarm systems (e.g., NFPA 72)
 - d. Fire pumps (e.g., NFPA 20)
 - e. Smoke control (e.g., International Building Code or NFPA 92A)

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f. Emergency and/or standby power requirements (e.g., International Building Code and applicable electrical code(s))

- 2) Means of egress
- 3) Building services equipment

Requisite Skills: The ability to witness and validate tests of fire protection systems and building services equipment.

Instructor Note A.7.4.13

Performance-based design involves the evaluation of risk through a systematic process. See Rose, Flamberg, and Leverenz, *Guidance Document for Incorporating Risk Concepts* into NFPA Codes and Standards, for further information. The *SFPE Guide to Performance-Based Fire Protection* also provides detailed information on how to conduct a performance-based design.

7.4.14

Verify code compliance of heating, ventilation, air conditioning, and other building service equipment and operations, given field observations, so that the systems and other equipment are maintained in accordance with applicable codes and standards and deficiencies are identified, documented, and reported in accordance with the policies of the AHJ.

Requisite Knowledge: Types, installation, maintenance, and use of building service equipment; operation of smoke and heat vents; installation of kitchen cooking equipment (including hoods and ducts), laundry chutes, elevators, and escalators; emerging technologies and energy efficiency systems; and applicable codes and standards adopted by the AHJ.

- 1) Types of building service equipment
- 2) Installation of building service equipment
- 3) Maintenance of building service equipment
- 4) Use of building service equipment
- 5) Operation of smoke and heat vents
- 6) Installation of kitchen cooking equipment (including hoods and ducts)
- 7) Installation of laundry chutes
- 8) Installation of elevators

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- 9) Installation of escalators
- 10) Applicable codes and standards adopted by the AHJ

Requisite Skills: The ability to observe, recognize deficiencies, interpret codes and standards, and write reports.

Instructor Note A.7.4.14

The fire inspector should coordinate with other agencies within the AHJ that have expertise in the area of mechanical equipment to provide a uniform approach to achieve a fire-safe environment. There are emerging technologies in energy efficiency that the fire inspector should be aware of that these systems can impact fire growth development and fire protection system design.

7.4.15

Verify emergency access for an existing site, given field observations and approved plans, so that the required access for emergency responders is maintained and deficiencies are identified, documented, and corrected in accordance with the applicable policies of the AHJ.

Requisite Knowledge: Policies of the AHJ, and emergency access and accessibility requirements.

- 1) Policies of the AHJ
- 2) Emergency access and accessibility requirements

Requisite Skills: The ability to identify the emergency access requirements and observe and report deficiencies per the policies of the AHJ.

Instructor Note A.7.4.15

Emergency access includes emergency vehicle access roadways, pathway access from roadways to the building, fire department connections, key box facilities, gate access, and door access into structures. The fire inspector is expected to be able to find and correct deficiencies and obstructions to fire and emergency personnel access into buildings, such as blocked roadways, missing or outdated keys in key boxes, locked gates, and inaccessible doors. Actual response operations, safe zones, and vehicle size, width, and turning capabilities should be evaluated for a given site. For sites with topographical limitations, such as a riverfront or mountainside setting, alternate methods to provide access should be evaluated based upon the requirements of the responding personnel to approach and address incidents within the site.

7.4.16 Verify available fire flows for a site, given fire flow test results and water supply data, so that required fire flows are in accordance with applicable codes and standards and deficiencies are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Types of water distribution systems and other water sources in the local community, water distribution system testing, characteristics of public and private water supply systems, and flow testing procedures.

- 1) Types of water distribution systems
- 2) Other water sources in the local community
- 3) Water distribution system testing
- 4) Characteristics of public water supply systems
- 5) Characteristics of private water supply systems
- 6) Flow testing procedures

Requisite Skills: The ability to use Pitot tubes, gauges, and other data gathering devices as well as the ability to graph and evaluate fire flow results.

7.5 Plans Review

This duty involves field verification of shop drawings, plans, and construction documents to ensure that they meet the intent of applicable codes and standards for fire and life safety, according to the following job performance requirements.

7.5.1 Classify an occupancy, given a set of plans, specifications, and a description of a building and its use, so that the classification is made in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Occupancy classification, applicable codes and standards, regulations, operational features, and fire hazards presented by various occupancies.

- 1) Occupancy classification presented by various occupancies

- 2) Applicable codes and standards presented by various occupancies
- 3) Regulations presented by various occupancies (e.g., applicable state licensing rules, Texas Health and Safety Code)
- 4) Operational features presented by various occupancies
- 5) Fire hazards presented by various occupancies
 - a. Assembly (e.g., decorations)
 - b. Business (e.g., combustible waste)
 - c. Education (e.g., ignition sources)
 - d. Factory/Industrial (e.g., fabrication)
 - e. High-hazard (e.g., hazardous materials)
 - f. Institutional (e.g., egress)
 - g. Mercantile (e.g., fire load)
 - h. Residential (e.g., occupant activities)
 - i. Storage (e.g., storage arrangement)
 - j. Utility/miscellaneous (e.g., combustible waste)

Requisite Skills: The ability to read plans and make appropriate decisions.

Instructor Note A.7.5.1

For facilities that might qualify for more than one occupancy classification, additional information should be sought from the applicant following the initial review of a given set of plans. Occupancy classifications affect the construction type permitted or might limit the use of the building in the future. A different construction type or a more flexible future use of the building might be possible. Judgment should be exercised in the classification of occupancies within a mixed-use building. Small uses that are accessory to a major occupancy should be evaluated within the framework of the adopted building code, recognizing that not all spaces might require separation while some spaces will always require separation.

7.5.2 Compute the maximum allowable occupant load, given a floor plan of a building or portion of the building, so that the calculated occupant load is in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: How to calculate occupant loads for an occupancy and building use, code requirements, regulations, operational features such as fixed seating, and fire hazards presented by various occupancies.

- 1) How to calculate occupant loads for an occupancy and building use

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- 2) Code requirements
- 3) Regulations
- 4) Operational features such as fixed seating
- 5) Fire hazards presented by various occupancies
 - a. Assembly (e.g., decorations)
 - b. Business (e.g., combustible waste)
 - c. Education (e.g., ignition sources)
 - d. Factory/Industrial (e.g., fabrication)
 - e. High-hazard (e.g., hazardous materials)
 - f. Institutional (e.g., egress)
 - g. Mercantile (e.g., fire load)
 - h. Residential (e.g., occupant activities)
 - i. Storage (e.g., storage arrangement)
 - j. Utility/miscellaneous (e.g., combustible waste)
- 6) Mixed-use occupancies
 - a. Incidental use areas
 - b. Accessory use areas
- 7) Design Occupant Load
 - a. Actual occupant load
 - b. Occupant load factors
 - c. Occupant load combinations
 - d. Increased occupant load
- 8) Posting of occupant load
- 9) Outdoor area occupant loads

Requisite Skills: The ability to calculate accurate occupant loads, identify occupancy factors related to various occupancy classifications, use measuring tools, read plans, and use a calculator.

Instructor Note A.7.5.2

Occupant load calculation procedures should recognize the intended use of a given space as determined in the adopted codes and be based on applying a load factor to either the net or gross area of the space. Except for public assembly occupancies, these factors are based on the overall use of a facility and do not guarantee a minimum space allocation per individual in a space.

7.5.3 Review the proposed installation of fire protection systems, given shop drawings and system specifications for a storage commodity, process, or operation, so that the system is reviewed for code compliance and installed in accordance with the approved drawings, and deficiencies are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Proper selection, distribution, location, and testing of portable fire extinguishers; methods used to evaluate the operational readiness of water supply systems used for fire protection; evaluation and testing of automatic sprinkler, water spray, and standpipe systems and fire pumps; evaluation and testing of fixed fire suppression systems; and evaluation and testing of automatic fire detection and alarm systems and devices.

- 1) Proper selection, distribution, location, and testing of portable fire extinguishers (e.g., NFPA 10, International Fire Code)
- 2) Methods used to evaluate the operational readiness of water supply systems used for fire protection (e.g., NFPA 24, 25, 13, 14)
- 3) Evaluation and testing of automatic sprinkler, water spray, and standpipe systems and fire pumps (e.g., NFPA 13, 14, 17, 20)
- 4) Evaluation and testing of fixed fire suppression systems (e.g., NFPA 15, 16, 17A, 18, 19)
- 5) Evaluation and testing of automatic fire detection and alarm systems and devices (e.g., NFPA 72, International Fire Code)

Requisite Skills: The ability to read basic floor plans or shop drawings and identify symbols recognized by the AHJ.

Instructor Note A.7.5.3

The fire inspector is expected to be able to evaluate proposed fire protection systems and equipment for moderately technical applications. Knowledge of the compatibility and effectiveness of the protection systems and equipment with the hazard to be protected is essential.

7.5.4 Compare an approved plan to an existing fire protection system, given approved plans and field observations, so that any modifications to the system are identified, documented, and reported in accordance with the applicable codes and standards and the policies of the AHJ.

Requisite Knowledge: Fire protection symbols and terminology.

- 1) Fire protection symbols
- 2) Fire protection terminology

Requisite Skills: The ability to read and comprehend plans for fire protection systems, observe, communicate, apply codes and standards, recognize problems, and make appropriate decisions.

7.5.5 Review the means of egress elements provided, given a floor plan of a building or portion of a building, so that all elements are identified and checked against applicable codes and standards and deficiencies are discovered and communicated in accordance with the policies of the AHJ.

Requisite Knowledge: Applicable codes and standards adopted by the AHJ, the identification of standard symbols recognized by the AHJ used in plans, and field verification practices.

- 1) Applicable codes and standards adopted by the AHJ
- 2) Identification of standard symbols recognized by the AHJ used in plans
- 3) Field verification practices

Requisite Skills: The ability to read plans and research codes and standards.

7.5.6 Review the construction type of a building or portion thereof, given a set of plans and specifications, so that the construction type complies with adopted codes and standards of the AHJ.

Requisite Knowledge: Building construction with emphasis on fire-rated construction, evaluation of methods of construction and assemblies for fire rating, analysis of test results, and manufacturer's specifications.

- 1) Building construction with emphasis on fire-related construction
- 2) Evaluation of methods of construction and assemblies for fire ratings
- 3) Analysis of test results
- 4) Manufacturer's specifications

Requisite Skills: The ability to identify characteristics of each type of building construction.

Instructor Note A.7.5.6

The fire inspector should be familiar with current building materials, concepts, and technologies. New building materials, processes, and technologies are continually being introduced in new building systems. The individual should be able to recognize new systems; research information relevant to the fire, life safety, and security impacts of a new system; and request a professional evaluation of a new system from the design engineer-of-record or architect-of-record. The individual should also be able to determine when further evaluation by an independent third party might be required.

END OF CURRICULUM MANUAL

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AGENDA ITEM NUMBER 9

9. Report from HB1593 Committee.

By: Campos, LaHood, Cole, Garcia Hernandez,
Martinez, et al.

H.B. No. 1593

A BILL TO BE ENTITLED

AN ACT

relating to an advisory committee to study suicide prevention and peer support programs in fire departments in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Advisory committee" means the advisory committee established under this Act.

(2) "Commission" means the Texas Commission on Fire Protection.

(3) "Fire department" has the meaning assigned by Section 419.021, Government Code.

(4) "Fire fighter" has the meaning assigned by Section 143.003, Local Government Code.

SECTION 2. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to study the need to implement suicide prevention and peer support programs in fire departments in this state. The committee is composed of the following members:

(1) two fire fighters, appointed by the Texas State Association of Fire Fighters;

(2) two fire fighters, appointed by the State Firefighters' and Fire Marshals' Association of Texas;

(3) two fire chiefs, appointed by the Texas Fire Chiefs Association;

(4) one person who is licensed to provide professional

1 mental health services, as defined by Section 531.002, Health and
2 Safety Code, appointed by the Texas Fire Chiefs Association;

3 (5) one person who is licensed to provide professional
4 mental health services as defined by Section 531.002, Health and
5 Safety Code, appointed by the Texas State Association of Fire
6 Fighters;

7 (6) one person who is licensed to provide professional
8 mental health services, as defined by Section 531.002, Health and
9 Safety Code, appointed by the State Firefighters' and Fire
10 Marshals' Association of Texas;

11 (7) one person, appointed by the executive director of
12 the Texas A&M Engineering Extension Service; and

13 (8) the executive director of the commission.

14 (b) The advisory committee shall designate a member of the
15 committee as chair of the committee.

16 (c) The commission may adopt rules necessary to carry out
17 the purpose and duties of the advisory committee under this Act.

18 (d) The commission shall provide administrative support and
19 resources necessary for the advisory committee to carry out the
20 purpose and duties of the committee under this Act.

21 (e) The advisory committee may meet in person or by
22 telephone conference, videoconference, or other electronic means.

23 SECTION 3. REPORT. Not later than September 1, 2026, the
24 advisory committee shall prepare and submit a report to the
25 governor and the legislature. The report must:

26 (1) provide an overview of suicide prevention and peer
27 support groups in fire departments;

1 (2) address possible licensing requirements and any
2 confidentiality concerns; and

3 (3) provide recommendations on:

4 (A) the need for legislation to implement suicide
5 prevention and peer support groups in fire departments;

6 (B) whether to encourage local governments to
7 develop local suicide prevention and peer support groups in fire
8 departments; and

9 (C) specific programs to be implemented in this
10 state.

11 SECTION 4. EXPIRATION DATE. The advisory committee is
12 abolished and this Act expires January 10, 2027.

13 SECTION 5. EFFECTIVE DATE. This Act takes effect September
14 1, 2025.

AGENDA ITEM NUMBER 10

10. Discussion and possible action on the replacement of Curriculum & Testing Committee member Richard Guisti.



TEXAS COMMISSION ON FIRE PROTECTION

Post Office Box 2286, Austin, Texas 78768-2286 512-936-3838 Fax: 512-936-3808

Website: www.tcfp.texas.gov Email: info@tcfp.texas.gov


Internal Policy

Policy #IP 004

Required Review Date: 2027

Re: Appointment of Committee Members

Date: 12-03-2024 Revised: 02-21-2025

Mike Wisko Agency Chief: 

Purpose

The purpose of this Standard Operating Procedure (SOP) is to establish a method for selection and appointment of members to fill position vacancies for the purpose of serving on standing committees as prescribed by the Texas Commission on Fire Protection (TCFP).

Policy

Annually, an application period for all standing TCFP Committees will occur during the 3rd Quarter (July-Sept) of the year. During the 4th Quarter (Oct-Dec), an Ad Hoc Committee of Commissioners will review the applications and establish a recommended eligibility list for each of the standing committees. These lists will be presented to the full Commission for ratification. These eligibility lists will be effective for one year, beginning Jan 1 and expiring Dec 31, each year. When a standing committee vacancy occurs, TCFP staff will follow the applicable list to fill the vacancy.

Committee Selection Committee

- A.** The ad hoc committee shall consist of one (1) Chairperson, with a total membership of five (5) members to include the Chairperson.
- B.** The ad hoc committee Chair, in coordination with TCFP staff, shall ensure public notification of committee vacancies is posted on the TCFP website for a period no less than thirty (30) calendar days and no longer than sixty (60) days.
- C.** TCFP staff shall supply documentation of information pertaining to all applications received to the Chair of the ad hoc committee no later than seven (7) calendar days from the date receipt of applications closes.
- D.** Upon receipt, the ad hoc committee Chair will distribute the list of applicants to all committee members for consideration. Each committee member shall be responsible to narrow the number of candidates to a list of no more than five (5) candidates for a single

vacancy. If multiple vacancies exist an additional two (2) recommendations shall be made for each additional vacancy.

E. The ad hoc committee Chair shall convene the ad hoc committee within thirty (30) days of distribution of the candidate list to committee members for the purpose of finalizing a list of no more five (5) recommended candidates for a single vacancy. If multiple vacancies exist an additional two (2) recommendations shall be made for each additional vacancy. Agreement on the finalist candidates shall be by consensus of the committee.

F. The ad hoc committee Chair shall forward the list of finalist candidates to the Chair of the Commission and the Chief of the Commission within seven (7) calendar days of the committee's consensus agreement for the purpose of presenting to the Commissioners for a final decision at the following regular meeting of the TCFP.

G. The applicants will be notified of their selection status, and the list will be published on the TCFP website before the end of each calendar year with an effective date on January 1st of each year.

Committee Positions/Terms

To simplify the initiation of terms for each committee and committee position, in accordance with TAC 463.7, the list below will be used. It outlines the Committee, the committee position number, the term for each position and the existing member and current time on the committee.

Curriculum & Testing Committee

Position 1 – 2024 – 2029 (Richard Guisti 2024)

Position 2 – 2025 – 2030 (Pat McAuliff 1989)

Position 3 – 2026 – 2031 (Sam Baucom 2017)

Position 4 – 2026 – 2031 (Chuck French 2008)

Position 5 – 2026 – 2031 (Chris Watson 2010)

Position 6 – 2027 – 2032 (Douglas Matthijetz 2022)

Position 7 – 2027 – 2032 (Jacob Smith 2025)

Position 8 – 2027 – 2032 (Buddy Rice 2022)

Position 9 – 2024 – 2029 (Dustin Brown 2024)

Position 10 – 2025 – 2030 (Desha Turner 2025)

Position 11 – 2025 – 2030 (Louis Havens 2006)

Firefighter Advisory Committee

- Position 1 – 2024 – 2029 (Tye Prange 2024)
- Position 2 – 2025 – 2031 (Daniel DeYear 2008)
- Position 3 – 2024 – 2029 (Shane Parker 2024)
- Position 4 – 2024 – 2029 (Michael Silva 2024)
- Position 5 – 2024 – 2029 (Robert Van Dine 2024)
- Position 6 – 2027 – 2032 (Vince Abrigo 2018)
- Position 7 – 2027 – 2032 (Daniel Anderson 2018)
- Position 8 – 2027 – 2032 (Antonio Ramos 2021)
- Position 9 – 2024 – 2029 (Robert Ainesworth 2024)
- Position 10 – 2025 – 2030 (Charles Edwards 2025)
- Position 11 – 2025 – 2030 (William Crews 2025)

Health & Wellness Committee

- Position 1 – 2024 – 2029 (Ashley Watson 2024)
- Position 2 – 2025 – 2030 (Michael Anderson 2025)
- Position 3 – 2026 – 2031 (Daniel DeYear 2018)
- Position 4 – 2026 – 2031 (Doug Boeker 2018)
- Position 5 – 2026 – 2031 (Michael Mire 2018)
- Position 6 – 2027 – 2032 (Steve Green 2018)
- Position 7 – 2027 – 2032 (Homer Salinas 2018)
- Position 8 – 2027 – 2032 (Christopher Kahl 2018)
- Position 9 – 2024 – 2029 (Adam Story 2024)
- Position 10 – 2025 - 2030 (Brian O’Neill 2025)
- Position 11 – 2025 – 2030 (Jason Corthell 2025)

Health & Wellness Committee

Eligibility List Est. Aug 2024

1. ~~Michael Anderson~~
2. ~~Jason Corthell~~
3. Michael Vacek
4. Brandon Kovach
5. Christian Hinojosa
6. David Kouba
7. Rhonda Owns
8. Ricardo Cedillo
9. William Crews

This list will expire on December 31, 2025!

Firefighter Advisory Committee

Eligibility List Est. Oct 2024

1. ~~Tye Micah Prange~~
2. ~~Shane Parker~~
3. ~~Michael Silva~~
4. ~~Robert Van Dine~~
5. ~~Robert Ainsworth~~
6. ~~Daniel DeYear~~
7. ~~Charles Edwards~~
8. ~~William Crews~~
9. James Short
10. Scott Thompson
11. Nicholas Hilton
12. Cameron Neilsen
13. Edward Guerrero
14. Rafael Reyes

This list will expire on December 31, 2025!

Curriculum & Testing Committee

Eligibility List Est. Nov 2024

1. ~~Richard Guisti~~
2. ~~Louie Havens~~
3. ~~Pat McAuliff~~
4. ~~Dustin Brown~~
5. ~~Desha Turner~~
6. ~~John Tanner Morgan~~
7. ~~Jacob Smith~~
8. ~~Jonathan Tunnell~~
9. Megan Schuth
10. Lynwood Dunseith
11. Doug Foster
12. Jason Barnes
13. Devon Craig
14. Timothy Buhler
15. Cesar Cedena

This list will expire on December 31, 2025!

AGENDA ITEM NUMBER 11

11. Discussion and possible action on 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 463 ADVISORY COMMITTEES, PRACTICE AND PROCEDURES**

§463.1 Objective

(a) The Texas Commission on Fire Protection (TCFP) is organized to aid in the protection of the 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. In this Chapter, "Commission" refers to the governing body, and TCFP refers to the state agency.

(b) The Commission has established a Firefighter Advisory Committee, Curriculum and Testing Committee, and Health and Wellness Committee in compliance with the 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 may convene committees that are deemed to be in the best interest of the TCFP and its mission.

(b) All committees shall be subject to and governed by these rules.

(c) 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.

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

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

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

(g) The 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 or time period. The committee chairperson may determine working group selection, but membership is limited only to ad hoc and will disband once the purpose has been met.

(h) Annually each committee chairperson will present to the Commission an end-of-year status report.

(i) 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 of 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, unexpired terms.

§463.7 Terms

(a) Committee members shall be appointed to serve six-year terms of office, with the intent to stagger and to ensure continuity of membership from year to year. Committee members serve six-year terms and may serve consecutively; however, after a second six-year term, the member will not be eligible for another term until after a lapse of two years. For all committees, the member positions will be numbered 1-11.

Figure: 37 TAC §463.7(a)

Position	Initial Appointment
1&9	2024
2,10,11	2025
3,4,5	2026
6,7,8	2027

(b) The current holdover member serving in positions 1-11 will expire on the last day of the month before the initial appointments commence. Current holdover members are eligible to apply for initial appointments.

(c) In the event that a member cannot fulfill a term, a new member shall be appointed to complete the term. This does not count as the individual's first term.

§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 call, but only if they follow the 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, make recommendations, and 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 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 it is re-established by the Commission prior to the abolishment date.

AGENDA ITEM NUMBER 12

12. Discussion and possible final adoption of 37 TAC, Chapter 469, Technical Rescue.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 469 TECHNICAL RESCUE

SUBCHAPTER A MINIMUM STANDARDS FOR ROPE RESCUE AWARENESS AND OPERATIONS

§469.1. Rope Rescue Awareness Level/Operations Level Certification.

(a) A Rope Rescue Awareness Level/Operations Level Rescuer is an individual who has met the requirements of Chapters 5.1 and 5.2 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications and has the knowledge, skills, and ability to perform Rope Rescue at the Awareness Level/Operations Level.

(b) All individuals holding a Rope Rescue Awareness Level/Operations Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

§469.3. Minimum Standards for Rope Rescue Awareness Level/Operations Level Certification.

To be certified to the Rope Rescue Awareness Level/Operations Level, an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) complete a Commission-approved Rope Rescue Awareness Level/Operations Level program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Rope Rescue Awareness Level/Operations Level program must consist of one of the following:
 - (A) completion of an in-state Rope Rescue Awareness Level/Operations Level 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.

§469.5. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Awareness Level/Operations Level certification.

SUBCHAPTER B MINIMUM STANDARDS FOR ROPE RESCUE TECHNICIAN

§469.201. Rope Rescue Technician Level.

(a) A Rope Rescue Technician Level Rescuer is an individual who has met the requirements of chapter 5.3 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, and has the knowledge, skills, and ability to perform Rope Rescue at the Technician Level.

(b) All individuals holding a Rope Rescue Technician Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

§469.203. Minimum Standards for Rope Rescue Technician Level Certification.

In order to be certified at the Rope Rescue Technician Level, an individual must:

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

(A) hold a Rope Rescue Awareness Level/Operations Level certification through the commission; and

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

(i) completion of an in-state Rope Rescue Technician Level 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

(ii) successful 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.

(2) Option 2--hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(A) complete a commission-approved Rope Rescue Awareness Level/Operations Level program. An approved Rope Rescue Awareness Level/Operations Level program must consist of one of the following:

(i) completion of an in-state Rope Rescue Awareness Level/Operations Level 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

(ii) successful 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; and

(B) complete a commission-approved Rope Rescue Technician Level program. An approved Rope Rescue Technician Level program must consist of one of the following:

(i) completion of an in-state Rope Rescue Technician Level 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

(ii) 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; and

(C) successfully pass the commission examination for Rope Rescue Awareness Level & Operations Level combined with the Technician Level as specified in Chapter 439 of this title (relating to Examinations for Certification).

§469.205. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Technician Level certification.

AGENDA ITEM NUMBER 13

13. Discussion and possible final adoption to 37 TAC, Chapter 401, Administrative Practice and Procedure.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 401 ADMINISTRATIVE PRACTICE AND PROCEDURE**

SUBCHAPTER A GENERAL PROVISIONS AND DEFINITIONS

§401.1. Purpose and Scope.

(a) Purpose. The purpose of this chapter is to provide a system of procedures for practice before the Commission that will promote the just and efficient disposition of proceedings and public participation in the decision-making process. The provisions of this chapter shall be given a fair and impartial construction to attain these objectives.

(b) Scope.

(1) This chapter shall govern the initiation, conduct, and determination of proceedings required or permitted by law in matters regulated by the Commission, whether instituted by order of the Commission or by the filing of an application, complaint, petition, or any other pleading.

(2) This chapter shall not be construed so as to enlarge, diminish, modify, or otherwise alter the jurisdiction, powers, or authority of the Commission, its staff, or the substantive rights of any person.

(3) This chapter shall not apply to matters related solely to the internal personnel rules and practices of this agency.

(4) To the extent that any provision of this chapter is in conflict with any statute or substantive rule of the Commission, the statute or substantive rule shall control.

(5) In matters referred to the State Office of Administrative Hearings (SOAH), hearings or other proceedings are governed by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH. To the extent that any provision of this chapter is in conflict with SOAH Rules of Procedures, the SOAH rules shall control.

§401.3. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section indicates otherwise:

- (1) Advisory Committee--An advisory committee that is required to assist the Commission in its rule-making functions and whose members are appointed by the Commission pursuant to Government Code, §419.008, or other law.
- (2) Agency--Includes the Commission, the Agency Chief, and all divisions, departments, and employees thereof.
- (3) Agency Chief--The Agency Chief appointed by the Commission pursuant to Government Code, §419.009.
- (4) APA--Government Code, Chapter 2001, The Administrative Procedure Act, as it may be amended from time to time.
- (5) Applicant--A person, including the Commission staff, who seeks action from the Commission by written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (6) Application--A written request seeking a license from the Commission, a petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (7) Authorized Representative--A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate in a Commission proceeding.
- (8) Chairman--The Commissioner who serves as presiding officer of the Commission pursuant to Government Code, §419.007.
- (9) Commission--The Texas Commission on Fire Protection.
- (10) Commissioner--One of the appointed members of the decision-making body defined as the Commission.
- (11) Complainant--Any person, including the Commission's General Counsel, who files a signed written complaint intended to initiate a proceeding with the Commission regarding any act or omission by a person subject to the Commission's jurisdiction.
- (12) Contested Case--A proceeding, including but not restricted to the issuance of certificates, licenses, registrations, permits, etc., in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.
- (13) Days--Calendar days, not working days, unless otherwise specified in this chapter or in the Commission's substantive rules.
- (14) Division--An administrative unit for the regulation of specific activities within the Commission's jurisdiction.
- (15) Hearings Officer--An administrative law judge on the staff of the State Office of Administrative Hearings assigned to conduct a hearing and to issue a proposal for decision, including findings of fact and conclusions of law, in a contested case pursuant to Government Code, Chapter 2003.
- (16) License--Includes the whole or part of any agency permit, certificate, approval, registration, or similar form of permission required or permitted by law.
- (17) Licensee--A person who holds an agency permit, certificate, approval, registration, license, or similar form of permission required or permitted by law.
- (18) Licensing--Includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a

license.

(19) Party--Each person or agency named or admitted to as a party in a contested case.

(20) Person--Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the Commission.

(21) Pleading--A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a Commission proceeding.

(22) Preliminary Staff Conference--A conference with Commission staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.

(23) Presiding Officer--The chairman, the acting chairman, the Agency Chief, or a duly authorized hearings officer.

(24) Proceeding--Any hearing, investigation, inquiry, or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint.

(25) Respondent--A person under the Commission's jurisdiction against whom any complaint or appeal has been filed or who is under formal investigation by the Commission.

(26) SOAH--State Office of Administrative Hearings.

§401.5. Delegation of Authority.

All decisions to suspend, revoke, or deny an application for any certificate or approval, to reprimand or place on probation the holder of such certificate or approval, or to impose an order for restitution, remedial action, or administrative penalties pursuant to Government Code, Chapter 419, shall be made by the Agency Chief or designee.

§401.7. Construction.

(a) A provision of a rule referring to the Commission or the chairman, or a provision of a rule referring to the Agency Chief as the presiding officer, is construed to apply to the Commission or chairman, if the matter is within the jurisdiction of the Commission, or to the Agency Chief, if the matter is within the jurisdiction of the Agency Chief.

(b) Unless otherwise provided by law, any duty imposed on the Commission, the chairman, or the Agency Chief may be delegated to a duly authorized representative. In such a case, the provisions of any rule referring to the Commission, the chairman, or the Agency Chief shall be construed to also apply to the duly authorized representative of the Commission, the chairman, or the Agency Chief.

§401.9. Records of Official Action.

All official acts of the Commission or the Agency Chief shall be evidenced by a

recorded or written record. Official action of the Commission or the Agency Chief shall not be bound or prejudiced by any informal statement or opinion made by any member of the Commission, the Agency Chief, or the employees of the agency.

§401.11. Conduct of Commission and Advisory Committee Meetings.

(a) Statements concerning items which are part of the Commission's posted agenda. Persons who desire to make presentations to the Commission concerning matters on the agenda for a scheduled Commission or an advisory committee meeting shall complete registration cards, which shall be made available at the entry to the place where the scheduled meeting is to be held. The registration cards shall include blanks in which all of the following information must be disclosed:

- (1) name of the person making a presentation.
- (2) a statement as to whether the person is being reimbursed for the presentation; and if so, the name of the person or entity on whose behalf the presentation is made.
- (3) a statement as to whether the presenter has registered as a lobbyist in relationship to the matter in question.
- (4) a reference to the agenda item which the person wishes to discuss before the Commission.
- (5) an indication as to whether the presenter wishes to speak for or against the proposed agenda item; and
- (6) a statement verifying that all factual information to be presented shall be true and correct to the best of the knowledge of the speaker.

(b) Discretion of the presiding officer. The presiding officer of the Commission or the advisory committee, as the case may be, shall have discretion to employ any generally recognized system of parliamentary procedures, including, but not limited to, Robert's Rules of Order for the conduct of Commission or committee meetings, to the extent that such parliamentary procedures are consistent with the Texas Open Meetings Act or other applicable law and these rules. The presiding officer shall also have discretion in setting reasonable limits on the time to be allocated for each matter on the agenda of a scheduled Commission meeting or advisory committee meeting and for each presentation on a particular agenda item. If several persons wish to address the Commission or an advisory committee on the same agenda item, it shall be within the discretion of the chairperson to request that persons who wish to address the same side of the issue coordinate their comments, or limit their comments to an expression in favor of views previously articulated by persons speaking on the same side of an issue.

(c) Requests for issues to be placed on an agenda for discussion. Persons who wish to bring issues before the Commission shall first address their request in writing to the Agency Chief. Such requests should be submitted at least 15 days in advance of a Commission or an advisory committee meeting. The decision whether to place a matter on an agenda for discussion before the full Commission, or alternatively, before an advisory committee, or with designated staff members, shall be within the discretion of the appropriate presiding officer.

§401.13. Computation of Time.

(a) Computing Time. In computing any period of time prescribed or allowed by these rules, by order of the Agency, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. A party or attorney of record notified under §401.61 of

this title (relating to Record) is deemed to have been notified on the date that the notice is sent.

(b) Extensions. Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended by order of the Agency Chief or designee, upon the following conditions:

(1) A written motion must be duly filed with the Agency Chief or designee prior to the expiration of the applicable period of time allowed for such filings.

(2) The written motion must show good cause for such extension and that the need is not caused by the neglect, indifference, or lack of diligence on the part of the movant.

(3) A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

§401.15. Agreements To Be in Writing.

(a) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(b) No stipulation or agreement between the parties, their attorneys or representatives, with regard to any matter involved in any proceeding before the Agency, shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive,

modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

SUBCHAPTER B RULEMAKING PROCEEDINGS

§401.19. Petition for Adoption of Rules.

(a) Any person may petition the Commission requesting the adoption of a new rule or an amendment to an existing rule as authorized by the APA, §2001.021.

(b) Petitions shall be sent to the Agency Chief. Petitions shall be deemed sufficient if they contain:

(1) the name and address of the person or entity on whose behalf the application is filed.

(2) specific reference to the existing rule which is proposed to be changed, amended, or repealed.

(3) the exact wording of the new, changed, or amended proposed rule with new language underlined and deleted language in brackets.

(4) the proposed effective date; and

(5) a justification for the proposed action set out in narrative form with sufficient particularity to inform the Commission and any other interested person of the reasons and arguments on which the petitioner is relying.

(c) The Agency Chief shall direct that the petition for adoption of rules be placed on the next agenda for discussion by the Commission with subject matter jurisdiction in accordance with §401.11 of this title (relating to Conduct of Commission and Advisory Committee Meetings).

(d) A request for clarification of a rule shall be treated as a petition for a rule change. The Commission staff may request submission of additional information from the applicant to comply with the requirements of subsection (b) of this section.

SUBCHAPTER C EXAMINATION APPEALS PROCESS

§401.21. Examination Challenge.

(a) An examinee who seeks to challenge the failure of an examination must submit a written request to the Agency Chief or his designee to discuss informal disposition of the complaint(s).

(b) An examination may be challenged only on the basis of examination content, failure to comply with the Commission's rules by a certified training facility, or problems in the administration of the examination.

(c) The written request must identify the examinee, the specific examination taken, the date of the examination, and the basis of the appeal.

(d) An examinee who challenges the content of an examination must identify the subject matter of the question(s) challenged and is not entitled to review the examination due to the necessity of preserving test security.

(e) The request must be submitted within 30 days from the date the grade report is posted on the website.

(f) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the challenge within 30 days of the request or as soon as practical. The examinee may accept or reject the settlement recommendations of the Commission staff. If the examinee rejects the proposed agreement, the examinee must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

§401.23. Examination Waiver Request.

(a) An individual who is required to take a Commission examination may petition the Commission for a waiver of the examination if the person's certificate or eligibility expired because of a good-faith clerical error on the part of the individual or an employing entity.

(b) The waiver request must include a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with the Commission's requirements and that failure to comply was due to circumstances beyond the control of the certificate holder or applicant.

(c) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the waiver request within 30 days of the request, or as soon as practical. The applicant may accept or reject the settlement recommendations of the Commission staff. If the examinee rejects the proposed agreement, the applicant must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

SUBCHAPTER D DISCIPLINARY PROCEEDINGS

§401.31. Disciplinary Proceedings in Contested Cases.

(a) If the Commission staff recommends administrative penalties or any other sanction for alleged violations of laws or rules, the respondent may request a preliminary staff conference.

(b) Commission staff shall schedule a preliminary staff conference with the applicant to discuss the alleged violations of laws or rules within 30 days of the request or as soon as practical. The respondent may accept or reject the settlement recommendations of the Commission staff. If the respondent rejects the proposed agreement, the respondent must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the notice of the staff's recommended disciplinary action.

SUBCHAPTER E PREHEARING PROCEEDINGS

§401.41. Preliminary Staff Conference.

(a) General. After receipt of notice of alleged violations of laws or rules administered or enforced by the Commission and its staff, the holder of the certificate, applicant, or regulated entity may request a conference with the Commission's staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.

Representation. The certificate holder, applicant, or regulated entity may be represented by counsel or by a representative of his or her choice. The Commission shall be represented by one or more members of its staff and by the Commission's General Counsel .

Informal Proceedings. The conference shall be informal and will not follow procedures for contested cases. The Commission's representative(s) may prohibit or limit attendance by other persons; may prohibit or limit access to the Commission's investigative file by the licensee, the licensee's representative, and the complainant, if present; and may record part or all of the staff conference. At the discretion of the Commission's representative(s), the licensee, the licensee's representative, and the Commission staff may question witnesses; make relevant statements; and present affidavits, reports, letters, statements of persons not in attendance, and such other evidence as may be appropriate.

(b) Settlement Conference. At the discretion of the Commission's representative(s), the preliminary staff conference may be concluded and a settlement conference initiated to discuss staff recommendations for informal resolution of the issues. Such recommendations may include any disciplinary actions authorized by law, including administrative penalties, restitution, remedial actions, or such reasonable restrictions that may be in the public interest. These recommendations may be modified by the Commission's representative(s) based on new information, a change of circumstances, or to expedite resolution in the interest of protecting the public. The Commission's representative(s) may also recommend that the investigation be closed or referred for further investigation.

(c) Proposed Consent Order. The licensee may accept or reject the settlement recommendations of the Commission staff. If the licensee accepts the recommendations, the licensee shall execute a settlement agreement in the form of a

proposed consent order as soon thereafter as practicable. If the licensee rejects the proposed agreement, the matter may be scheduled for a hearing as described in Subchapter F of this chapter.

(d) Approval of Consent Order. Following acceptance and execution of the settlement agreement recommended by staff, said proposed agreement shall be submitted to the Agency Chief for approval. If the order is approved, it shall be signed by the Agency Chief. If the proposed order is not approved, the licensee shall be so informed, and the matter shall be referred to the Commission staff for appropriate action to include dismissal, closure, further negotiation, further investigation, or a formal hearing.

(e) Preliminary Notice. A revocation, suspension, annulment, denial, or withdrawal of a certificate or license is not effective unless, before the institution of contested case proceedings, the holder of the certificate receives preliminary notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law.

(f) Request for Formal Hearing. Except as otherwise provided by law, if an applicant's original application or request for a certificate is denied, he or she shall have 30 days from the date of denial to make a written request for a formal hearing, and if so requested, the formal hearing will be granted and the provisions of the APA and this chapter with regard to contested cases shall apply.

SUBCHAPTER F CONTESTED CASES

§401.51. Opportunity for Hearing.

In general, except as otherwise provided by law, the procedure for the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a certificate is governed by Government Code, Chapter 2001, pertaining to Administrative Procedures and by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH.

§401.53. Contested Case Hearing.

(a) The Commission appoints SOAH to be its finder of fact in contested cases. The Commission does not delegate to the hearings officer and retains for itself the right to determine the sanctions and make the final decision in a contested case.

(b) SOAH hearings of contested cases shall be conducted in accordance with the APA by a hearings officer assigned by SOAH. Jurisdiction over the case is acquired by SOAH when the Commission staff files a request to docket case.

(c) The Commission may serve the notice of hearing on the respondent at his or her last known address as shown by Commission records. The notice may be served by registered U.S. mail or by certified mail, return receipt requested.

§401.57. Filing of Exceptions and Replies to Proposal for Decision.

(a) Once the SOAH hearing of the contested case is concluded, a proposal for decision shall be issued by the SOAH hearings officer assigned to the case. A copy of the proposal for decision [in a contested case] shall be simultaneously delivered

or mailed by certified mail, return receipt requested, to each party representative of record.

(b) Exceptions to the proposal for decision shall be filed within 20 days of the date of the proposal for decision.

(c) Replies to exceptions shall be filed within 15 calendar days after the date of filing of the exceptions and briefs.

(d) The exceptions shall be specifically and concisely stated. The evidence relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

(e) The SOAH hearings officer will rule on all exceptions, briefs, replies, and requests for extension of time and notify the parties of decisions and any amendments to the proposal for decision.

§401.59. Orders.

After the time for filing exceptions and replies to exceptions expires, the SOAH hearings officer's proposal for decision will be considered by the Agency Chief and either adopted or modified and adopted. All final decisions or orders of the Commission or the Agency Chief shall be in writing and signed. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accomplished by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by certified mail of any decision or order, and a copy of the decision or order shall be delivered or mailed to any party and to his or her authorized representative.

§401.61. Record.

(a) The record in a contested case includes the matters listed in the APA, Government Code, §2001.060.

(b) Proceedings, or any part of them, shall be transcribed upon written request of any party. The party requesting the proceeding to be transcribed shall make the initial payment for the transcription. Ultimately, however, the Commission or Agency Chief has the authority to assess, in addition to an administrative penalty, the costs of transcribing the administrative hearing.

(c) Appeal. The costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the party who appeals.

§401.63. Final Decision and Orders.

(a) Commission action. A copy of the final decision or order shall be delivered or mailed to any party and to the attorney of record.

(b) Recorded. All final decisions and orders shall be in writing. A final order shall include findings of fact and conclusions of law, separately stated.

(c) Changes stated in final order. If the hearings officer's proposed findings of fact or conclusions of law are modified, the final order shall reflect the specific reason and legal basis for each change made.

(d) In general. Any party aggrieved by a final decision or order of the executive director in a contested case may appeal to the Commission after the decision or order complained of is final. An appeal to the Commission for review of action of the executive director shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commissions may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission.

(e) Oral argument. On the request of any party, the Commission may allow oral argument prior to the final determination of an appeal of a decision or order of the executive director.

(f) If the executive director's final decision or order is appealed to the Commission, the matter shall be set for the next available Commission I meeting and the Commission shall take action in open session. A copy of the Commission decision shall be delivered or mailed to any party and to the attorney of record.

§401.67. Motions for Rehearing.

(a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed by a party within 20 days after the date the party representative is notified of the final decision or order.

(b) Replies to a motion for rehearing must be filed with the agency within 30 days after the date the party representative is notified of the final decision or order.

(c) Agency action on the motion for rehearing must be taken within 45 days after the date a party representative is notified of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party representative is notified of the final decision or order.

(d) The Commission may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, facsimile transmission, or another suitable means of communication. The motion shall be deemed overruled by operation of law, unless a majority of the commissioners serving vote to grant the motion within the time provided by law for ruling on the motion for rehearing.

(e) The agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date a party representative is notified of the final order or decision.

(f) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party representative is notified of the final decision or order.

SUBCHAPTER G CONDUCT AND DECORUM, SANCTIONS, AND PENALTIES

§401.105. Administrative Penalties.

(a) Following the hearing, the administrative law judge shall issue a proposal for decision containing findings of fact and conclusions of law. While the administrative law judge may recommend a sanction, findings of fact and conclusions of law are

inappropriate for sanction recommendations, and sanction recommendations in the form of findings of fact and conclusions of law are an improper application of applicable law and these rules. In all cases, the Commission or Agency Chief has the discretion to impose the sanction that best accomplishes the Commission's legislatively assigned enforcement goals. The Commission or Agency Chief is the ultimate arbiter of the proper penalty.

(b) The Commission, acting through the Agency Chief may, after notice and hearing required by Government Code, Chapter 2001, Administrative Procedure Act, impose an order requiring payment of an administrative penalty or monetary forfeiture in an amount not to exceed \$1,000 for each violation of Government Code, Chapter 419, or rule promulgated there under, as provided by Government Code, §419.906.

(c) In determining the amount of the administrative penalty or monetary forfeiture, the Commission or the Agency Chief shall consider the following penalty matrix:

- (1) the seriousness of the violation, including, but not limited to, the nature, circumstances, extent, and gravity of the prohibited act, and the hazard or potential hazard created to the health and safety of the public.
- (2) the economic damage to property or the public's interests or confidences caused by the violation.
- (3) the history of previous violations.
- (4) any economic benefit gained through the violation.
- (5) the amount necessary to deter future violations.
- (6) the demonstrated good faith of the person, including efforts taken by the alleged violator to correct the violation.
- (7) the economic impact of the imposition of the penalty or forfeiture on the person; and
- (8) any other matters that justice may require.

(d) The Commission or Agency Chief retains the right to increase or decrease the amount of an administrative penalty based on the circumstances in each case. In particular, the Commission or Agency Chief may increase the amount of administrative penalties when the respondent has committed multiple violations (e.g., some combination of different violations). Any party aggrieved by a final decision or order of the Agency Chief in a contested case may appeal to the Commission after the decision or order complained of is final. An appeal to the Commission for review of the action of the Agency Chief shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commission may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission.

(e) Oral argument. On the request of any party, the Commission may allow oral argument prior to the final determination of an appeal of a decision or order of the Agency Chief.

(f) If the Agency Chief's final decision or order is appealed to the Commission, the matter shall be set for the next available Commission meeting.

(g) Because it is the policy of the Commission to pursue expeditious resolution of complaints when appropriate, administrative penalties in uncontested cases may be less than the amounts assessed in contested cases. Among other reasons, this may be

because the respondent admits fault, takes steps to rectify matters, timely responds to Commission concerns, or identifies mitigating circumstances, and because settlements avoid additional administrative costs.

(h) The Commission or Agency Chief may impose an administrative penalty alone or in addition to other permitted sanctions.

SUBCHAPTER H REINSTATEMENT

§401.111. Application for Reinstatement of License or Certificate.

(a) At the expiration of one year from the date of revocation or suspension, or upon the conclusion of any specified period of suspension, the Commission may consider a request for reinstatement by the former licensee or certificate holder (applicant).

(b) The request for reinstatement must be submitted to the Commission's office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated.

(c) Upon denial of any application for reinstatement, the Commission may not consider a subsequent application until the expiration of one year from the date of denial of the prior application.

(d) In taking action to revoke or suspend a license or certificate, the Commission may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered.

§401.113. Evaluation for Reinstatement.

In considering reinstatement of a suspended or revoked license or certificate, the Commission will evaluate:

- (1) the severity of the act that resulted in revocation or suspension of the license or certificate.
- (2) the conduct of the applicant subsequent to the revocation or suspension of the license or certificate.
- (3) the lapse of time since revocation or suspension.
- (4) the degree of compliance with all conditions the Commission may have stipulated as a prerequisite for reinstatement.
- (5) the degree of rehabilitation attained by the applicant as evidenced by sworn notarized statements sent directly to the Commission from qualified people who have personal and professional knowledge of the applicant; and
- (6) the applicant's present qualifications to perform duties regulated by the Commission.

§401.115. Procedure upon Request for Reinstatement.

(a) An applicant for reinstatement of a revoked or suspended license or certificate must personally appear before an administrative law judge designated by the Commission at a scheduled date and time to show why the license or certificate should be reinstated.

(b) Upon submission of proof of past revocation or suspension of the applicant's

license or certificate, the applicant has the burden of proof to show present fitness and/or rehabilitation to perform duties regulated by the Commission.

(c) Upon receipt of a written request for reinstatement as required by §401.111 of this title (relating to Application for Reinstatement of License or Certificate), the applicant will be notified of a date and time of an appearance before the administrative law judge.

§401.117. Commission Action Possible upon Reinstatement.

After evaluation, the Commission may:

- (1) deny reinstatement of a suspended or revoked license or certificate;
- (2) reinstate a suspended or revoked license or certificate and probate the practitioner for a specified period of time under specific conditions;
- (3) authorize reinstatement of the suspended or revoked license or certificate;
- (4) require the satisfactory completion of a specific program of remedial education approved by the Commission; and/or
- (5) reinstate a suspended or revoked license or certificate after verification through examination of required knowledge and skills appropriate to the suspended or revoked license or certificate. All applicable procedures shall be followed and all applicable fees shall be paid.

§401.119. Failure To Appear for Reinstatement.

An applicant for reinstatement of a revoked or suspended license or certificate who makes a commitment to appear before the administrative law judge and fails to appear at a hearing set with notice by the agency shall not be authorized to appear before the administrative law judge before the expiration of six months. For good cause shown, the Agency Chief may authorize an exception to this rule.

SUBCHAPTER I NOTICE AND PROCESSING PERIODS FOR CERTIFICATE APPLICATIONS

§401.121. Purpose of Establishing Time Periods.

In order to minimize delays, this subchapter establishes time periods within which the Commission shall review and process certificate applications efficiently and provides for an appeal process should the agency violate these periods in accordance with the Government Code, Chapter 2005.

§401.123. Notice of Deficiency.

Written notice that an application is deficient must be mailed to the applicant or delivered by such means as will reasonably provide actual notice.

§401.125. Processing Periods.

(a) Notice to applicant. Within 30 days from receipt of an application for a certificate or approval issued pursuant to the Government Code, Chapter 419, the agency shall determine a filing to be complete or deficient and issue written notice in accordance

with §401.123 of this title (relating to Notice of Deficiency) to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall advise the applicant of the time period in which the agency must deny or approve the application unless such information has previously been provided to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is not complete, set out the specific additional information that is required for completion, and advise the applicant that the agency may disapprove an application that is not complete. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 60 days after receipt of a complete application, the agency shall:

(1) issue the certificate on payment of the appropriate fees and successful completion of all required examinations; or

(2) deny the certificate.

§401.127. Appeal.

(a) Hearing.

(1) Notice. An applicant who does not receive notice as to the complete or deficient status of a certificate application within the period established in this subchapter for such application may petition for a hearing to review the matter.

(2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such certificate may petition for a hearing to review the matter.

(3) Procedure. A hearing under this section shall be in accordance with the Administrative Procedure Act and Subchapter E of this chapter (relating to Contested Cases).

(b) Petition. A petition filed under this section must be in writing and directed to the Agency Chief. The petition shall identify the applicant, indicate the type of certificate sought and the date of the application, specify each provision in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the office of the Agency Chief.

(c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the Agency Chief finds that:

(1) the agency exceeded an established period under this subchapter; and

(2) the agency failed to establish good cause for exceeding the period.

(d) Good cause. The agency is considered to have good cause for exceeding a

notice or processing period established for a permit if:

- (1) the number of certificates to be processed exceeds by 15% or more the number of certificates processed in the same calendar quarter of the preceding year;
- (2) the agency must rely on another public or private entity for all or part of its certificate processing, and the delay is caused by the other entity;
- (3) the hearing and decision-making process results in a reasonable delay under the circumstances;
- (4) the applicant is under administrative review; or any other conditions exist giving the agency good cause for exceeding a notice or processing period.

(e) Commission review. A permit applicant aggrieved by a final decision or order of the Agency Chief concerning a period established by these sections may appeal to the Commission in writing after the decision or order complained of is final, in accordance with §401.63 of this title (relating to Final Decision and Orders).

(f) Relief.

- (1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.
- (2) Certificate approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a certificate shall be entitled to such approval or denial of the certificate and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

SUBCHAPTER J CHARGES FOR PUBLIC RECORDS

§401.129. Charges for Public Records.

(a) The Commission is subject to Texas Government Code, Chapter 552, Texas Public Information Act. The Act gives the public the right to request access to government information.

(b) The Commission adopts by reference Title 1, Part 13, Chapter 70, Cost of Copies of Public Information, as promulgated by the Office of the Attorney General.

(c) The Agency Chief may waive or reduce a charge for copies when furnishing the information benefits the general public.

SUBCHAPTER K HISTORICALLY UNDERUTILIZED BUSINESSES

§401.131. Historically Underutilized Businesses.

The Commission adopts by reference Title 34, Part 1, Chapter 20, Texas Procurement and Support Services, Subchapter B, Historically Underutilized Business Program, as promulgated by the Comptroller of Public Accounts.

AGENDA ITEM NUMBER 14

14. Discussion on Request from Ryan Smith to discuss exam expiration dates related to IFSAC.

AGENDA ITEM NUMBER 15

15. Discussion and possible action related to 37 TAC, Chapter 435, Fire Fighter Safety, §435.7 regarding effective date for enforcement of new NFPA 1850.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 435 FIRE FIGHTER SAFETY**

§435.1. Protective Clothing.

(a) A regulated entity shall:

(1) purchase, rent, lease, provide, and maintain a complete set of protective clothing for each fire protection person who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of properly fitting protective clothing shall consist of garments, including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;

(2) ensure that all protective clothing complies with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, repaired, or used protective clothing; and

(3) maintain, provide to the commission upon request, and comply with a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor.

(b) To ensure that protective clothing for fire protection personnel continues to be suitable for assigned tasks, risk assessments must be conducted in accordance with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor .

§435.3. Self-Contained Breathing Apparatus.

The regulated entity shall:

(1) provide and maintain a complete self-contained breathing apparatus that complies with the minimum standards of the National Fire Protection Association identified in *NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighter* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, where the atmosphere is unknown or would be exposed to hazardous atmospheres from fire or other emergencies, or where the potential for such exposure exists;

(2) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used self-contained breathing apparatus;

(3) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the commission shall order that

the use be discontinued and shall set an appropriate date for compliance with the revised standard;

(4) develop an air quality program that complies with the most recent edition of the *NFPA 1989, Standard on Breathing Air Quality for Emergency Services Respiratory Protection* or its successor;

(5) maintain and supply, upon request by the commission, records and reports documenting compliance with commission requirements concerning self-contained breathing apparatus and breathing air. Records of all tests shall be made and the records shall be retained for a period of no less than three years;

(6) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the use of self-contained breathing apparatus; and

(7) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the selection, care, and maintenance of self-contained breathing apparatus that complies with the most recent edition of the *NFPA 1852, Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)* or its successor.

§435.5. Commission Recommendations.

The commission recommends that all regulated entities use as a guide the *NFPA 1500, Fire Department Occupational Safety and Health Program* or its successor.

§435.7. Implementation of Mandatory NFPA Standards.

(a) Allow implementation of TCFP-mandated NFPA standards at the Commissioner's discretion up to 365 days from the effective date of the new NFPA standard.

(b) Extensions to meet mandated NFPA standards may be granted upon plan submission and Commission approval.

(c) Insufficient funding will not justify delays.

(d) Subsection (b) of this section expires on September 1, 2027.

§435.9. Personal Alert Safety System (PASS).

The regulated entity shall:

(1) provide and maintain a PASS device complying with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, or where the atmosphere is unknown, or where hazardous conditions from fire or other emergencies exist, or where the potential for such exposure exists;

(2) ensure that all PASS devices used by fire protection personnel comply with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters*. The National Fire Protection Association standard applicable to a PASS device is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used PASS devices;

(3) ensure that the PASS device assigned to an individual user be inspected at the beginning of each duty period and before each use; and

(4) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the proper use, selection, care, and maintenance of PASS devices.

§435.11. Incident Management System (IMS).

(a) The regulated entity shall develop, maintain, and use an incident management system.

(b) The incident management system shall:

(1) include a written standard operating procedure for the management of emergency incidents;

(2) require that the IMS be used at all emergency incidents;

(3) require operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries;

(4) require that all fire protection personnel be trained in the use of the IMS; and

(5) require that the IMS be applied to all drills, exercises, and all other situations that involve hazards similar to those encountered at an actual emergency.

(c) The IMS shall meet the requirements of *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.13. Personnel Accountability System.

(a) The regulated entity shall develop, maintain, and use a personnel accountability system that provides for a rapid accounting of all personnel at an emergency incident.

(b) The accountability system shall:

(1) require all fire protection personnel be trained in the use of the accountability system;

(2) require that the fire protection personnel accountability system be used at all incidents;

(3) require that all fire protection personnel operating at an emergency incident to actively participate in the personnel accountability system; and

(4) require that the incident commander be responsible for the overall personnel accountability system for the incident.

(c) The fire department shall be responsible for developing the system components required to make the personnel accountability system effective.

(d) The personnel accountability system shall meet the minimum standards required by the *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.15. Operating At Emergency Incidents.

(a) The regulated entity shall develop, maintain, and use a standard operating procedure for fire protection personnel operating at emergency incidents.

(b) The standard operating procedure shall:

- (1) specify an adequate number of personnel to safely conduct emergency scene operations;
- (2) limit operations to those that can be safely performed by personnel at the scene;
- (3) require all personnel to be trained in and use the standard operating procedures; and
- (4) comply with §435.17 of this title (relating to Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule)).

(c) The regulated entity may use standards established by the National Fire Protection Association for fire protection personnel operating at an emergency incident.

§435.17. Procedures for Interior Structural Fire Fighting (2-In /2-Out Rule).

(a) The regulated entity shall develop, maintain, and comply with written standard operating procedures that adhere with the Occupational Safety and Health Administration's Final Rule, 29 CFR Section 1910.134(g)(4) by requiring:

- (1) a team of at least four fire protection personnel must be assembled before an interior fire attack can be made when the fire has progressed beyond the incipient stage;

(2) at least two fire protection personnel to enter the IDLH atmosphere and remain in visual or voice (not radio) contact with each other;

(A) visual means that the fire protection personnel must be close enough to see each other; and

(B) voice means that the fire protection personnel of the entry team must be close enough to speak to one another without the use of radios;

(3) at least two fire protection personnel remain located outside the IDLH atmosphere to perform rescue of the fire protection personnel inside the IDLH atmosphere;

(4) all fire protection personnel engaged in interior structural fire fighting use self-contained breathing apparatus and be clothed in a complete set of protective clothing as identified in Chapter 435;

(5) all fire protection personnel located outside the IDLH atmosphere be equipped with appropriate retrieval equipment where retrieval equipment would contribute to the rescue of the fire protection personnel who have entered the IDLH atmosphere;

(6) one of the outside fire protection personnel must actively monitor the status of the inside fire protection personnel and not be assigned other duties. The second outside fire protection personnel may be assigned to an additional role, including, but not limited to, incident commander, safety officer, driver-operator, command technician or aide, or fire fighter/EMS personnel, so long as this individual is able to perform assistance or rescue activities without jeopardizing

the safety or health of any fire protection personnel working at the scene;

(7) All fire protection personnel entering an IDLH atmosphere must be equipped with an operable portable radio; and

(8) each outside fire protection personnel must have a complete set of protective clothing and self-contained breathing apparatus, as identified in Chapter 435, immediately accessible for use if the need for rescue activities inside the IDLH atmosphere is necessary.

(b) The regulated entity shall comply with the 2-in/2-out rule as described in this section except in a reasonable belief of an imminent life-threatening situation when immediate action could prevent the loss of life or serious injury before the team of four fire protection personnel are assembled.

(c) Whenever there is a variance to these procedures, a supplemental report must be submitted to the Texas Commission on Fire Protection, documenting the rationale used to deviate from these written procedures.

§435.19. Enforcement of Commission Rules.

(a) The commission shall enforce all commission rules at any time, including, but not limited to, commission investigations, fire department inspections, or upon receiving a complaint from any person or entity of an alleged infraction of a commission rule.

(b) The commission shall initiate a biennial inspection with an email, notifying the fire department and requesting electronic copies of the Standard Operating Procedures (SOPs), training

records, and/or other documentation needed for review be submitted within 48 business hours of notification. The email will also indicate the date range for an on-site inspection within the upcoming two-week period. Compliance officers may work with the Head of Department to ensure all necessary department representatives will be present at the time of the inspection. Compliance Officers may postpone an inspection for extenuating circumstances with the Compliance Manager's approval.

(c) Upon receipt of a complaint alleging a violation of a commission rule, the commission shall have 30 days to initiate an investigation and report back to the complainant its progress.

(d) Upon substantiating the validity of a complaint, the commission shall follow the procedures outlined in Texas Government Code, Chapter 419, §419.011(b) and (c).

§435.21. Fire Service Joint Labor Management Wellness-Fitness Initiative.

(a) A regulated entity shall assess the wellness and fitness needs of the personnel in the department. The procedure used to make this assessment shall be written and made available for Commission inspection.

(b) A regulated entity shall develop and maintain a standard operating procedure to address those needs.

(c) The approach to the fitness needs of the regulated entity shall be based on the local assessment and local resources.

(d) The standard operating procedure shall be made available to the Commission for inspection.

§435.23. Fire Protection Personnel Injuries.

(a) A regulated entity shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigatable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigatable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigatable fire protection personnel injury and shall be made available to the Commission for inspection.

§435.25. Courage to be Safe So Everyone Goes Home Program.

(a) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year following appointment to a regulated entity if the individual has not previously completed the program. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

[(b)] (c) Regulated entities will report the completion of training through the commission's web-based reporting system.

[(c)] (d) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.27. Live Fire Training Structure 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 Structure Evolutions conducted.

(1) The officer- or instructor-in-charge will ensure that the water supply rate and duration for each individual Live Fire Training Structure Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.

(2) The instructor-in-charge shall assign the following personnel:

(A) one instructor to each functional crew, which shall not exceed five students;

(B) one instructor to each backup line;

(C) additional personnel to backup lines to provide mobility; and

(D) one additional instructor for each additional functional assignment.

(3) The officer- or instructor-in-charge 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 Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend, or 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.

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

(6) 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.

(7) 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.

(8) A standard operating procedure shall be developed and utilized for Live Fire Training Structure Evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all participating in live fire training and shall meet the requirements in §435.9 of this title (relating to Personal Alert Safety System (PASS));

(B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personnel Accountability System) shall be utilized;

(C) an Incident Management System;

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

(E) an evacuation signal and procedure; and

(F) pre-burn, burn, and post-burn procedures.

§435.29. Federal Highway Administration Traffic Incident Management Program.

(a) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission within one year of appointment to a regulated entity. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

[(b)] (c) Departments will report the completion of training through the commission's web-based reporting system.

[(c)] (d) Failure to complete the Federal Highway Administration Traffic Incident Management program or an equivalent course that is approved by the commission before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.31. Firefighter Cancer Support Network Cancer Awareness Training Program.

(a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the Firefighter Cancer Support Network Cancer Awareness Training program ~~[be]~~ will be completed within one year of appointment to a regulated entity ~~[as part of the continuing education required for certified fire protection personnel by December 1, 2024.~~ Individuals will be credited with 2 hours of continuing education credit for completing this program].

(b) All fire protection personnel will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program every 5 years, at a minimum. Individuals will be credited with two hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

~~[(b) All regulated fire protection personnel must complete the Firefighter Cancer Support Network Cancer Awareness Training program prior to December 1, 2024.]~~

~~[(c) All fire protection personnel appointed after December 1, 2024, will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program training within one year of appointment to a fire department.]~~

~~[(d)]~~ (c) Departments will report the completion of training through the commission's web-based reporting system.

~~[(e)]~~ (d) Failure to complete the Firefighter Cancer Support Network Cancer Awareness Training program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

AGENDA ITEM NUMBER 16

16. Proposed Rule Review for the following:

- a. 37 TAC, Chapter 439, Examinations for Certification.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 439 EXAMINATIONS FOR CERTIFICATION

SUBCHAPTER A EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

§439.1. Requirements--General.

(a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with commission rules and; as applicable, with:

(1) International Fire Service Accreditation Congress (IFSAC) regulations; or

(2) National Board on Fire Service Professional Qualifications (Pro Board) regulations for examinations administered by the Texas A&M Engineering Extension Service. Only Pro Board examinations administered by the Texas A&M Engineering Extension Service will be accepted by the commission for certification. In order for a Pro Board document to be accepted for certification, it must:

(A) List the commission issued course approval number for which the examination was conducted;

(B) Indicate that the examination was conducted in English; and

(C) List any special accommodations provided to the examinee. The commission may not issue a certificate for an examination conducted under special accommodations other than those specified in §439.13 of this title (relating to Special Accommodations for Testing).

(b) It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of the state certification examination process (or portion thereof) for which they are responsible.

(c) The commission shall reserve the authority to conduct an annual review of Pro Board examinations, procedures, test banks, and facilities utilized by the Texas A&M Engineering Extension Service. The commission may also conduct a review at any

time for cause and as deemed necessary to ensure the integrity of the certification examination process.

(d) Exams will be based on the job performance requirements and knowledge and skill components of the applicable NFPA standard for that discipline, if a standard exists and has been adopted by the commission. If a standard does not exist or has not been adopted by the commission, the exam will be based on curricula as currently adopted in the commission's Certification Curriculum Manual.

(e) Commission examinations that receive a passing grade shall expire two years from the date of the examination.

(f) An examination for Basic Structure Fire Protection shall consist of four sections: Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level, and Hazardous Materials Operations Level including the Mission-Specific Competencies for Personal Protective Equipment and Product Control. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.

(g) An examination for Basic Fire Inspector shall consist of two sections: Inspector I, and Inspector II. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.

(h) An examination for Basic Structure Fire Protection and Intermediate Wildland Fire Protection shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.

(i) All other state examinations consist of only one section.

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

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

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

(m) If an individual completes a commission approved training program, or a program that has been evaluated and deemed equivalent to a certification curriculum

approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual may use only one of the following examination processes for certification:

- (1) pass a commission examination; or
- (2) submit documentation of the successful completion of the Pro Board examination process administered by the Texas A&M Engineering Extension Service; and
- (3) meet any other certification requirements in order to become eligible for certification as fire protection personnel.
- (4) An individual cannot use a combination of the two examination processes in this subsection from a single commission approved class for certification. An individual who chooses to submit to the commission examination process may not utilize the other process toward certification.

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

- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
- (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

§439.3. Definitions.

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

- (1) Certificate of Completion--A statement by the provider of training certifying that an individual has successfully completed a commission-approved certification

curriculum or phase program for a particular discipline, including having been evaluated by field examiners on performance skills identified by the commission. The certificate of completion qualifies an individual to take an original certification examination. The certificate expires two years from the date of completion. If an individual does not take the certification examination prior to the expiration of the certificate of completion, he or she must again complete the curriculum in order to obtain a new certificate of completion.

(2) Curriculum--The competencies established by the commission as a minimum requirement for certification in a particular discipline.

(3) Designee--An entity or individual approved by commission staff to administer commission certification examinations and/or performance skills in accordance with this chapter.

(4) Eligibility--A determination of whether or not an individual has met the requirements set by the commission and would therefore be allowed to take a commission examination.

(5) Endorsement of eligibility--A statement testifying to the fact that an individual has met all requirements specified by the commission and is qualified to take a commission examination. An endorsement of eligibility will be issued by a member of the commission staff.

(6) Examination--A state test which an examinee must pass as one of the requirements for certification.

(7) Examinee--An individual who has met the commission requirements and therefore qualifies to take the commission examination.

(8) Field examiner--An individual authorized to evaluate performance skills in commission approved curricula. The field examiner must possess a Fire Instructor Certification or other instructor qualification as allowed by §427.307(h) and (i) of this title (relating to On-Site and Distance Training Provider Staff Requirements) for Wildland courses only, complete the on-line commission field examiner course, and sign an agreement to comply with the commission's testing procedures. The field examiner must be approved by the commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.

(9) Lead Examiner--A member of the commission staff or a designee who has been assigned by the commission to administer a commission examination.

(10) Letter of Intent--A statement, signed by an individual applying to the commission for field examiner status, that he or she is familiar with the

commission's examination procedures, and agrees to abide by the policies and guidelines as set out in Chapter 439 of this title (relating to Examinations for Certification).

(11) Sectional examination--A test that covers one section of a multiple section examination.

§439.5. Procedures.

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

§439.7. Eligibility.

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

(b) An individual who passes an examination and is not certified in that discipline, will not be allowed to test again if the original examination grade is still active, unless required by the commission in a disciplinary matter.

(c) In order to qualify for a commission examination, the examinee must:

- (1) meet or exceed the minimum requirements set by the commission as a prerequisite for the specified examination;
- (2) submit a test application, meet any other prerequisite requirements, and submit the appropriate application processing fee(s);
- (3) receive from the commission an "Endorsement of Eligibility" letter and provide this letter to the lead examiner;
- (4) bring to the test site, and display upon request, a current and valid government issued identification which contains the name and photograph of the examinee;
- (5) report on time to the proper location; and
- (6) comply with all the written and verbal instructions of the lead examiner.

(d) No examinee shall be permitted to:

- (1) violate any of the fraud provisions of this section;
- (2) disrupt the examination;
- (3) bring into the examination site any books, notes, or other written materials related to the content of the examination;
- (4) refer to, use, or possess any such written material at the examination site;
- (5) give or receive answers or communicate in any manner with another examinee during the examination;
- (6) communicate at any time or in any way, the contents of an examination to another person for the purpose of assisting or preparing a person to take the examination;
- (7) steal, copy, or reproduce any part of the examination;
- (8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
- (9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section; or

(10) bring into the examination site any electronic devices.

(e) No person shall be permitted to sit for any commission examination who has an outstanding debt owed to the commission.

§439.9. Grading.

(a) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the Commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:

(1) all mandatory tasks; or

(2) an accumulation of points to obtain a passing score as indicated on the skill sheet; or

(3) a combination of both paragraphs (1) and (2) of this subsection.

(b) The minimum passing score on each written examination or section thereof shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The commission may, at its discretion, invalidate any question.

(c) If the commission invalidates an examination score for any reason, it may also, at the discretion of the commission, require a retest to obtain a substitute valid test score.

§439.11. Commission-Designated Performance Skill Evaluations.

(a) The commission-designated performance evaluations are randomly selected from each subject area within the applicable curriculum containing actual skill evaluations. This applies only for curricula in which performance standards have been developed.

(b) The training provider shall test the commission designated performance skills for competency. The skill evaluations may only take place after all training on the identified subject area has been completed. The date(s), time(s) and location(s) for the commission designated skill evaluations must be submitted on the commission designated skill schedule contained within the Training Prior Approval system. The

commission must be notified immediately of any deviation from the submitted commission designated skill schedule. All skills must be evaluated by a commission approved field examiner. The individual who served as the instructor of a particular subject may not evaluate the performance skill for that subject.

(c) In order to qualify for the commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.

(d) If performance skill evaluations are not conducted for a student during the course of instruction, they must be conducted within ninety days (90) following the end date of the course. In a case such as this the training provider must also obtain a new set of commission designated skills for which to evaluate the student; the provider may not use the same set of skills provided during the original course of instruction. If performance skill evaluations are not conducted within the ninety day (90) period, the student must repeat the course. The ninety (90) day period may be extended for students who were unable to complete their performance skill evaluations due to injury, illness, military commitment, or other situation beyond their control.

(e) The training facility must maintain records (electronic or paper) of skills testing on each examinee. Test results must be recorded and saved on the applicable performance skill sheets provided in the commission Curriculum Skills Manual, and must include all information called for on the skill sheet.

(f) For certification disciplines in which an IDLH environment may exist, all skill testing participants shall have available for use NFPA compliant PPE and SCBA as defined in §435.1 of this title (relating to Protective Clothing) and §435.3 of this title (relating to Self-Contained Breathing Apparatus).

§439.13. Special Accommodations for Testing.

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

(1) A testing room to oneself (examinee is allowed to read the questions out loud to him or herself). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.

(2) The test to be split in two with up to an hour break in between (no access to the first half of the examination will be allowed during or after the break). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.

(3) The questions to be printed in a larger font (approximately 7% larger).

(4) The test to be copied on off-white paper (i.e., cream colored).

(5) The use of highlighters or a highlighter sheet.

(6) Any requests that changes the condition of the examination or the examination process.

(b) If the applicant is seeking a special accommodation test, the applicant must submit written documentation of the disability and a written statement as to which of the allowable accommodations is being requested. The applicant may ask for accommodations not listed above. The request will be reviewed and the applicant will receive a written response regarding the Commission's position on the request.

§439.19. Number of Test Questions.

(a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly. The maximum possible number of pilot questions will be 10% of the number of exam questions, rounded up.

(b) The number of questions on an examination, sectional examination, or retest will be based upon the specific examination, or number of recommended hours for a particular curriculum or section as shown in the table below. Any pilot questions added to an examination, sectional examination, or retest will be in addition to the number of exam questions.

Figure: 37 TAC §439.19(b)

Examination	Section	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
Combined Basic Structure FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	TOTAL	225	25	4.5 Hours
Basic Fire Inspector	Inspector I	50		
	Inspector II	50		
	TOTAL	100	15	2.0 Hours
Sectional Exams	Hazardous Materials Awareness	50	5	1.0 Hour
	Hazardous Materials Operations	50	5	1.0 Hour
	Firefighter I	100	10	2.0 Hour
	Firefighter II	75	8	1.5 Hours
	Inspector I	50	5	1.0 Hours
	Inspector II	50	5	1.0 Hours
FOR ALL OTHER EXAMINATIONS, SECTIONAL EXAMINATIONS, AND RETESTS				
	Recommended Hours	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:	Less than 30	25	3	30 Minutes
	31 to 100	50	5	1.0 Hour
	101 to 200	75	8	1.5 Hours
	201 to 300	100	10	2.0 Hours
	301 to 400	125	13	2.5 Hours
	401 or More	150	15	3.0 Hours

SUBCHAPTER B EXAMINATIONS FOR DISTANCE TRAINING

§439.201. Requirements--General.

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

§439.205. Performance Skill Evaluation.

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

AGENDA ITEM NUMBER 16

16. Proposed Rule Review for the following:

b. 37 TAC, Chapter 441, Continuing Education.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 441 CONTINUING EDUCATION

§441.1. Objective.

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

§441.3. Definitions.

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

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

§441.5. Requirements.

- (a) Continuing education shall be required in order to renew certification.
- (b) The continuing education requirement for renewal shall consist of a minimum of 18 hours of training to be conducted during the certification period. Of the 18 hours, two hours shall be a review of the most recent TCFP injury report, with a focus on the top three leading causes of injuries during the reporting period. All documentation of training used to satisfy the continuing education requirements must be maintained for

a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, or Local Schedule (GR 1050-28), whichever is greater.

(c) Level 1 training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.

(d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.

(e) No more than four hours per year in any one subject of Level 1 training may be counted toward the continuing education requirement for a particular certification.

(f) There shall be no "hour per subject limit" placed on Level 2 courses, except that emergency medical courses shall be limited to four hours per year.

(g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.

(h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal document. Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.

(i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.

(j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.

(k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the

continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation provided by the individual and the individual's treating physician of the illness or injury that cumulatively lasts six months or longer, or by documentation of military service or activation to military service.

(l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period in Level 1 or Level 2 subjects relating to the certification being renewed shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

(m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training upon notification by the commission. An example of documentation of continuing education training may include, but not be limited to, a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his or her training records for a period of three years from the date of the training.

(n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

§441.7. Continuing Education for Structure Fire Protection Personnel.

(a) A minimum of two hours of continuing education in structure fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title

(relating to Requirements) will be required for personnel certified as structure fire protection personnel and who are appointed to structure fire protection duties.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

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

(a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.

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

§441.11. Continuing Education for Marine Fire Protection Personnel.

(a) A minimum of two hours of continuing education in marine fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as marine fire protection personnel and who are appointed to marine fire protection duties for any certification period beginning after October 31, 1993.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

§441.13. Continuing Education for Fire Inspection Personnel.

(a) A minimum of two hours of continuing education in fire inspection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as fire inspection personnel and who are appointed to fire inspection duties.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

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

(a) A minimum of two hours of continuing education in arson or fire investigation subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as arson investigation or fire investigation personnel and who are appointed to arson or fire investigation duties.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

§441.17. Continuing Education for Hazardous Materials Technician.

(a) Eight hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

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

(a) A minimum of twenty hours of continuing education in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as head of a fire department and who are appointed as head of a department. The twenty hours of continuing education shall include:

(1) ten hours in emergency operations subjects; and

(2) ten hours in fire administration subjects. These subjects may include emergency management, leadership, budget and finance, labor relations, human resources and personnel management, collective bargaining, conflict resolution, organizational and strategic planning, community relations and public education, intergovernmental relations, and personnel health, safety and wellness.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

§441.21. Continuing Education for Fire Service Instructor.

(a) A minimum of two hours of continuing education in fire service instruction subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for individuals certified as a fire service instructor and who are appointed to fire service instructor duties.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

§441.23. Continuing Education for Wildland Fire Fighter.

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

AGENDA ITEM NUMBER 17

17. Report from the Agency Chief:

- a. Update regarding agency duties and responsibilities.
- b. Decisions of the Agency Chief in contested cases and consent orders.
- c. Status of division functions:
 - i. Training Approval & Testing
 - ii. Certification & Professional Development
 - iii. Compliance
 - iv. Information Technology

Commission Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training Audits Statistics – 1st Quarter, FY 2026**
 - **Test Administration** – 12,577 exams were administered during this quarter with a pass rate of 89.85%.
 - **Training Approvals** – Total of 1285 training approvals were submitted with start dates during this quarter in the commission’s Training Facility Management System.
 - **Record Reviews** – **One hundred Fifty-nine (159)** record reviews for equivalency were conducted (**37 SFFMA/123 out of state, education, expired test scores, expired certifications, IFSAC, and Wildland**). Fifty-four (**54**) out of state, education and Wildland reviews were processed, two (**2**) are pending for additional information. **Two hundred four (204)** Qual numbers were issued in the Training Facility Management System.
 - **Training and Skill Testing Audits** – **Eighteen (18)** online training audits were conducted during the first quarter. **Four (4)** had no deficiencies noted. **Eleven (11)** had minor deficiencies such as no syllabus attached, no Instructor contact, no course schedule, no textbook information, or no skills examiners. All issues were resolved in one or two days. **Three (3)** was referred to Compliance due to violations.
 - **Online Testing Centers Added:**
 - Tactix - San Antonio**
 - Tactix - Dallas**
 - Tactix – Fort Worth**
 - Tactix – Houston**
 - Tactix – Round Rock**
 - H2O Academy – Prosper**
 - Taylor Made Careers – Round Rock**
 - University of Texas Public Testing Center – Austin**
 - Southwest Texas College – Uvalde**
 - Sul Ross State University International – Del Rio**
 - Sul Ross State University - Alpine**

- **Activities for the Next Quarter:**
 - **Adding St. Phillips College MLK and Southwest campuses testing centers.**
 - **Work with IT to streamline the application process for special accommodations testing.**

	Q1	Q2	Q3	Q4
<u>Certification/Renewal:</u>				
Professional Development Training Applications	2632			
<u>Issued:</u> IFSAC Seals	2246			
TCFP Certifications	9056			
Criminal History	924			
Medical documents:	1113			
Confirmation of Commissions (Peace Officer)	60			
Service time applications	151			
<u>Renewals:</u> Department Personnel	37714			
Certified Training Facilities	23			
Individual Certified Holders	2710			
Registered Seals: IFSAC	704			
TEEX Proboard	355			
Total number of Training Facilities	503			
SFFMA FF2	136			

Quarterly Report – Curriculum Development

1st Quarter Meeting Dates:

- 9/2 Curriculum & Testing Test Question Committee meeting**

 - Question review

- 9/2 Curriculum & Testing Test Question Committee meeting**

 - Question review

- 9/3-9/4 Aircraft Rescue Ad-Hoc Committee meeting**

 - 1010 Consolidation updates
 - Curriculum/ Standard updates
 - Question review

- 9/8 Structure Ad Hoc Committee meeting**

 - 1010 Consolidation updates
 - Curriculum/ Standard updates

- 9/9 Structure Ad Hoc Committee meeting**

 - 1010 Consolidation updates
 - Curriculum/ Standard updates

- 9/10 Curriculum & Testing Test Question Committee meeting**

 - Question review

9/12 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates

9/17 Aircraft Rescue Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

9/19 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

9/24 Structure Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates

9/26 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

9/29 Curriculum & Testing Test Question Committee meeting

- Question review

9/30 Curriculum & Testing Test Question Committee meeting

- Question review

10/3 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

10/6 Aircraft Rescue Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/8 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/9 Marine Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/10 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

10/15 Aircraft Rescue Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/16 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/17 Curriculum & Testing Test Question Committee meeting

- Question review

10/20 Emergency Manager Ad Hoc Committee meeting

- Review of levels and CE hours
- Review of Curriculum and Skills
- Scope and process discussion

10/21-10/22 Curriculum & Testing Committee meeting

- Approved 421.3 rule change
- Reviewed curriculums and exam structures
- Approved courses for CE hours
- Approved applications for Fire Instructor/Incident Safety Officer Ad Hoc Committee
- Approved applications for Fire Officer Ad Hoc Committee
- Reviewed test questions and banks

10/24 Curriculum & Testing Test Question Committee meeting

- Question review

10/27 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

10/29 Curriculum & Testing Test Question Committee meeting

- Question review

10/30 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

10/31 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates

11/5 Marine Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates

11/6 Curriculum & Testing Test Question Committee meeting

- Question review

11/10 Aircraft Rescue Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

11/14 Hazardous Materials Ad Hoc Committee meeting

- 470 standard review
- Question review

11/17 Marine Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

11/18 Structure Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

11/20 Marine Ad Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates

11/21 Structure Ad Hoc Committee meeting

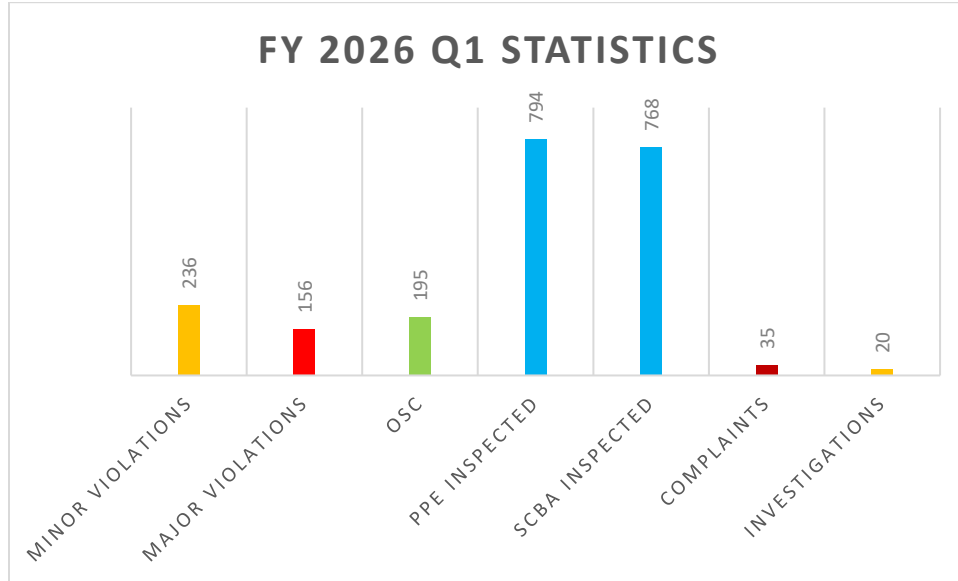
- 1010 Consolidation updates
- Curriculum/ Standard updates

Test Development and Test Bank Maintenance

- Updates/ Maintenance test to bank – Ongoing all discipline
- Feedback questions – Reviewed, Edited, or Archived – Ongoing all discipline
- Question validation/ Reference updates – Ongoing all discipline

Commission Quarterly Report Compliance Division

Compliance Inspection/Investigation Activity Statistics:



Four regional meetings

One big Six Inspection

Presented at One Fire Marshal discussion series

Advertised and started interview process for compliance division positions

Staffed TIFMAS EOC

Compliance Training in Austin

Attended Disaster Conference

Began coordinating NFPA 1850 informational sessions

Five new vehicles placed in service

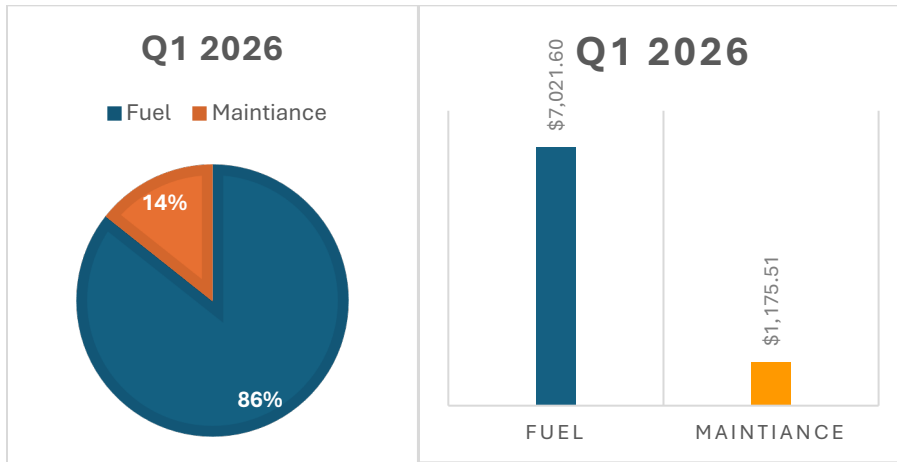
Six inspection files forwarded to Compliance Chief for further action

Compliance Division Q1 2026 Vehicle Cost Report

Total Miles Driven: 35,458

Total Fuel Cost: \$7021.60

Total maintenance Cost: \$1175.52



- **IT Division Report (FY26Q1)**

- **• TCFP Websites and Web Applications**

- Maintained uptime of 99.5% across public and internal systems
- Published and maintained multiple public-facing webpage updates (including new informational pages and content refreshes)
- Resolved site/portal issues including 404 errors, page behavior defects, and user-facing workflow problems
- Supported staff operations through rapid turnaround web changes tied to business processes

- **• Databases and Infrastructure**

- Addressed infrastructure and system-access tickets impacting shared drives (H: drive), OneDrive, laptops, and office devices
- Supported application reliability by responding to outages and connectivity issues (including FARM availability events)

- **• Exams and Certifications**

- Processed **80** exam/certification-related tickets, including eligibility fixes, retest eligibility updates, and certification record support
- Resolved candidate/staff issues such as exam eligibility removals, grade/report questions, and certification-related account inquiries

- **• Payments and Financial Items**

- Handled **30** payment-related requests (invoices, fee/payment questions, and payment workflow support)
- Coordinated issue resolution to reduce disruption to applicant/candidate payment activities

- **• FARM & FIDO Systems**

- Managed **22 FARM** and **19 FIDO** service requests, including:
 - Account email activation and updates

- System downtime notifications and follow-up restoration support
- User access corrections and operational troubleshooting

- **Committee Applications**

- Supported committee-related application needs, including staff-facing processing support and public-facing content requests (limited volume in this period)

- **Service Desk Activity**

- Completed **464 total service requests** across the Sep–Nov 2025 reporting window
- Highest-volume drivers included:
 - **Account & access issues (65)** such as forgot username (**21** occurrences), email changes/activations, and lockouts
 - **General IT support (234 “service desk” type requests)** covering hardware, shared drives, OneDrive, office phones, eSign/document routing, and staff operational assistance

AGENDA ITEM NUMBER 18

18. Discussion on future meeting dates.

AGENDA ITEM NUMBER 19

19. Executive session (if necessary).

AGENDA ITEM NUMBER 20

20. Subjects for future Commission meeting agendas.

AGENDA ITEM NUMBER 21

21. Adjourn Meeting.