

FIRE FIGHTER ADVISORY COMMITTEE**AGENDA****December 13, 2018, 9:00 A.M.****1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas**

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

1. Roll call - 9:00 a.m.
2. Adoption of September 20, 2018 Fire Fighter Advisory Committee meeting minutes.
3. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 429, Minimum Standards For Fire Inspector Certification.
4. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 439, Examinations For Certification.
5. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 441, Continuing Education.
6. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 459, Minimum Standards For Fire and Life Safety Educator Certification.
7. Overview and discussion of compliance program activities.
8. Discussion and possible action on setting future meeting dates, locations and agenda items.
9. Adjourn meeting.

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

2. Adoption of the September 20, 2018 Fire Fighter Advisory Committee meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Mike Wisko called the September 20, 2018 meeting of the Fire Fighter Advisory Committee to order at 10:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Member	Jim Reidy*	Michael Wisko	Amado Cano, Jr.	Ken Swindle	Keith Schmidt*
Attendance	Jason Collier	Daniel DeYear	Daniel Buford	Daniel Anderson	

*absent entire meeting
**absent part of meeting

Staff	Sylvia Miller	Deborah Cowan	Andrew Lutostanski, Assistant Attorney General
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1. Roll call Assistant Presiding Officer Daniel DeYear called roll and a quorum was present.

2. Adoption of Minutes A motion was made by Jason Collier and seconded by Ken Swindle to approve the minutes of the June 21, 2018, fire fighter advisory committee meeting as discussed. The motion carried.

3. 37 TAC, Chapter 449 A motion was made by Amado Cano Jr., and seconded by Daniel DeYear to approve the amendments to 37 TAC, Chapter 449, Head of a Fire Department, §§449.1, 449.3, 449.201 and 449.203 as proposed by the commission. The motion carried.

4. 37 TAC, Chapter 455 A motion was made by Daniel Buford and seconded by Jason Collier to approve the amendments to 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification as recommended by the commission. The motion carried.

5. Injury Reporting Program After discussion, no action necessary.

Committee member Daniel Buford reiterated the reporting of cancer instances through the program for a more accurate number of cases across the state. He also reiterated the importance of the fire protection personnel on filing workers compensation claims.

6. Inspector Certification No action necessary.

Presiding Officer Mike Wisko informed members that the ad hoc subcommittee had met and the commission will be discussing this issue at its October 25th commission meeting.

7. Future Meeting Dates The next scheduled meeting date was previously set by the committee for December 13, 2018 beginning at 10:00 a.m. Presiding Officer Mike Wisko moved the start time to 9:00 a.m. in lieu of the 10:00 a.m. start time previously scheduled.

8. Adjournment A motion to adjourn was made by Amado Cano Jr. and seconded by Daniel DeYear. The motion carried.

Mike Wisko
Presiding Officer

3. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 429, Minimum Standards For Fire Inspector Certification.

CHAPTER 429

FIRE INSPECTOR AND PLAN EXAMINER

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

§429.1. Minimum Standards for Fire Inspector Personnel.

- (a) Fire code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.
- (b) To qualify for appointment to fire code enforcement duties, individuals must be certified as a Fire Inspector, or meet the requirements in subsections (c) and (d) of this section.
- (c) Individuals may be appointed to fire code enforcement duties on a probationary or temporary status if they have successfully passed the commission exam for Fire Inspector, as specified in Chapter 439 of this title (relating to Examinations for Certification).
- (d) Individuals appointed to fire code enforcement duties in subsection (c) of this section must be certified as a Fire Inspector within one year of the appointment.
- (e) Individuals holding any level of fire inspector certification shall be required to comply with the continuing education requirements in §441.13 of this title (relating to Continuing Education for Fire Inspection Personnel).
- (f) Individuals holding a fire inspector certification issued prior to March 1, 2019, are not required to hold a plan examiner certification to perform plan reviews.

§429.3. Minimum Standards for Basic Fire Inspector Certification.

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

- (1) possess valid documentation as an Inspector I and Inspector II from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (2) complete a commission approved fire inspector training program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved training program shall consist of one or any combination of the following:
 - (A) completion of the commission approved Basic Fire Inspector Curriculum, as specified in the commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/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 Basic Fire Inspector Curriculum as specified in the commission's Certification Curriculum Manual; or

(C) successful completion of the following college courses:

- (i) Fire Protection Systems, three semester hours;**
- (ii) Fire Prevention Codes and Inspections, three semester hours;**
- (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours; and**
- (iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12); or**

(D) documentation of the receipt of Fire Inspector I and Fire Inspector II certificates issued by the State Firemen's and Fire Marshals' Association of Texas that are deemed equivalent to a commission approved Basic Fire Inspector curriculum.

§429.5. Minimum Standards for Intermediate Fire Inspector Certification.

(a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:

(1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.3 of this title (relating to Minimum Standards for Basic Fire Inspector 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 course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

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

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in 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 inspector certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.7. Minimum Standards for Advanced Fire Inspector Certification.

(a) Applicants for Advanced Fire Inspector Certification must complete the following requirements:

- (1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.5 of this title (relating to Minimum Standards for Intermediate Fire Inspector 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 either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
- (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in 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 inspector certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.9. Minimum Standards for Master Fire Inspector Certification.

- (a) Applicants for Master Fire Inspector Certification must complete the following requirements:
- (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.7 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
- (2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Inspector Certification.

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

- (a) Individuals who pass the applicable sections of the state examination may be granted IFSAC seal(s) for Inspector I and Inspector II by making application to the commission for the IFSAC seal(s) and paying the associated fees, provided they meet the following provisions:
- (1) To receive the IFSAC Inspector I seal, the individual must:

(A) complete the Inspector I section of a commission approved course; and

(B) pass the Inspector I section of a commission examination.

(2) To receive the IFSAC Inspector II seal, the individual must:

(A) complete the Inspector II section of a commission approved course;

(B) document possession of an IFSAC Inspector I seal; and

(C) pass the Inspector II section of a commission examination.

(b) 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 PLAN EXAMINER

§429.201. Minimum Standards for Plan Examiner Personnel.

- (a) Plan examiner duties are defined as the review of building or other structure plans for the purpose of determining compliance with adopted fire codes and standards.
- (b) To qualify for appointment to plan examiner duties, individuals must be certified as a Plan Examiner, or meet the requirements in subsections (c) and (d) of this section.
- (c) Individuals may be appointed to plan examiner duties on a probationary or temporary status if they have successfully passed the commission exam for Plan Examiner, as specified in Chapter 439 of this title (relating to Examinations for Certification).
- (d) Individuals appointed to plan examiner duties in subsection (c) must be certified as a Plan Examiner within one year of the appointment.
- (e) Individuals holding any level of plan examiner certification shall be required to comply with the continuing education requirements in §441.25 of this title (relating to Continuing Education for Plan Examiner).
- (f) Individuals holding a fire inspector certification issued prior to March 1, 2019, are not required to hold a plan examiner certification to perform plan reviews.

§429.203. Minimum Standards for Plan Examiner I Certification.

In order to be certified as a Plan Examiner I, an individual must:

- (1) possess valid documentation as a Plan Examiner I from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (2) complete a commission approved Plan Examiner I training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved training program shall consist of one of the following:
 - (A) completion of the commission approved Plan Examiner I Curriculum, as specified in the commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/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 Plan Examiner I Curriculum as specified in the commission's Certification Curriculum Manual; or
 - (C) documentation of the receipt of a Plan Examiner I certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a commission approved Plan Examiner I curriculum.

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

- (a) Individuals who pass the state examination may be granted an IFSAC seal for Plan Examiner I by making application to the commission for the IFSAC seal and paying the associated fee.**
- (b) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.**

4. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 439, Examinations For Certification.

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** [~~three~~] sections: Inspector I, **and** Inspector II. [~~and Plan Examiner I.~~] The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.

- (h) An examination for Basic Structure Fire Protection and Intermediate Wildland Fire Protection shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.
- (i) All other state examinations consist of only one section.
- (j) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or section(s) 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 the 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.
- (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
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		
	Plan Examiner II	50		
	TOTAL	100 [150]	15 [25]	2.0 [3.0] Hours
Basic Structure FP/ Intermediate Wildland FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	Intermediate Wildland FP	25		
	TOTAL	250	25	5.0 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	5	30 Minutes
	31 to 100	50	5	1.0 Hour
	101 to 200	75	10	1.5 Hours
	201 to 300	100	15	2.0 Hours
	301 to 400	125	20	2.5 Hours
	401 or More	150	25	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.

5. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 441, Continuing Education.

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. 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, 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/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 regulations, 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.

§441.25. Continuing Education for Plan Examiner.

(a) A minimum of two hours of continuing education in plan review 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 Plan Examiner and who are appointed to plan examiner duties.

(b) Subjects selected to satisfy the continuing education requirement may be selected from Level 1, Level 2, or a combination of both.

6. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 459, Minimum Standards For Fire and Life Safety Educator Certification.

CHAPTER 459

FIRE AND LIFE SAFETY EDUCATOR

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR I

§459.1. Fire and Life Safety Educator I Certification.

- (a) A Fire and Life Safety Educator I is defined as an individual who performs professional work in the coordination and delivery of public fire and life safety education, and fire prevention programs.
- (b) All individuals holding a Fire and Life Safety Educator I certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) A regulated entity that employs an individual certified as Fire and Life Safety Educator I must report the individual's employment via the commission's online data management system (FIDO system).
- (d) Special temporary provision. Individuals are eligible to take the commission examination for Fire and Life Safety Educator I certification by:
- (1) providing documentation acceptable to the commission that the individual has successfully completed Fire and Life Safety Educator I certification training that meets the minimum requirements of National Fire Protection Association Standard 1035; or
 - (2) providing documentation acceptable to the commission of proficiency in fire and life safety education as an employee of a government entity, a member in a volunteer fire service organization, or an employee of a regulated non-governmental fire department; or
 - (3) holding certification as a Fire Instructor I or higher.
 - (4) This subsection will expire on February 28, 2019.

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

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

- (1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire and Life Safety Educator I; or
- (2) complete a commission approved Fire and Life Safety Educator I program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire and Life Safety Educator I program must consist of one of the following:
 - (A) completion of an in-state Fire and Life Safety Educator I program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider that was submitted and approved through the commission's training prior approval system; or

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

§459.5. Examination Requirement

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

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR II

§459.201 Fire and Life Safety Educator II Certification.

- (a) A Fire and Life Safety Educator II is defined as an individual who performs professional work in the coordination and delivery of public fire and life safety education, and fire prevention programs.
- (b) All individuals holding a Fire and Life Safety Educator II certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) Special temporary provision. Individuals are eligible to take the commission examination for Fire and Life Safety Educator II by:
- (1) holding Fire and Life Safety Educator I certification and meeting one of the following requirements:
 - (2) providing documentation acceptable to the commission that the individual has successfully completed Fire and Life Safety Educator II certification training that meets the minimum requirements of the National Fire Protection Association Standard 1035; or
 - (3) providing documentation acceptable to the commission of proficiency in fire and life safety education as an employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
 - (4) hold a TCFP Fire Instructor II certification or higher.
 - (5) This subsection will expire on February 29, 2020.

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

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

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

§459.205 Examination Requirement

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

7. Overview and discussion of compliance program activities.

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

9. Adjourn meeting