

**COMBINED FIRE FIGHTER ADVISORY COMMITTEE AND 427 AD HOC  
WORKSHOP/MEETING  
December 7, 2022, 9:00 A.M. and December 8, 2022, 9:00 A.M.  
1701 N. Congress Ave., William B. Travis Bldg., Room 1-104, Austin, Texas**

**The meeting of the Fire Fighter Advisory Committee and 427 Ad Hoc Committee will be held in-person at the physical location above.**

- 1. Roll call and excuse of committee members.**
- 2. Review/Approval of the September 15, 2022, Fire Fighter Advisory Committee meeting minutes.**
- 3. Rule review amendments to 37 Tex. Admin. Code (TAC), Part 13, Chapter 427, Training Facility Certification.**
- 4. Rule review for the following:**
  - A. 37 TAC, Chapter 449, Head of Fire Department.**
  - B. 37 TAC, Chapter 451, Fire Officer.**
  - C. 37 TAC, Chapter 453, Hazardous Materials.**
  - D. 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**
- 5. Subjects for future agenda items.**
- 6. Future meeting dates.**
- 7. Adjourn meeting.**

**1. Roll call and excuse of committee members.**

- 2. Review/Approval of the September 15, 2022, Fire Fighter Advisory Committee meeting minutes.**

**TEXAS COMMISSION ON FIRE PROTECTION**

Presiding Officer Daniel DeYear called the September 15, 2022, meeting of the Fire Fighter Advisory Committee to order at 9:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Member	Vince Abrigo	Ken Swindle	Keith Schmidt	Antonio Ramos	Jim Reidy
Attendance	Jason Collier	Daniel DeYear	Daniel Buford	Daniel Anderson	

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

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Staff	Mike Wisko	Joyce Guinn	Amanda Khan	Cliff Grant	Grace Wilson
	TC Ryan	Candace Barnett	Kenneth Barnett	Robert Reese	

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Attendees	Marco Martinez	Pat McAuliff	Buddy Rice	Adam North
	Damon Stewart	Daniel King	Ron Stewart	

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1. Roll call                      Secretary, Keith Schmidt called roll and a quorum was present.
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2. Adoption of Minutes              A motion was made by Daniel Buford and seconded by Jim Reidy to approve the minutes from the June 22 and 23, 2022, Fire Fighter Advisory Committee meeting with corrections as discussed. The motion carried.
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3. Chapter 427 Training Facility Certification              A motion was made by Jim Reidy and seconded by Jason Collier to approve accept the amendments to 37 TAC, Chapter 427, Training Facility Certifications and move to the Commission with changes to 427.7 and 427.207. The motion minutes carried.
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4. Chapter 421 Standards for Certification              A motion was made by Keith Schmidt and seconded by Daniel Buford to accept the amendments to 37 TAC, Chapter 421, Standards for Certification as proposed by the commission. The motion carried.
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5. Chapter 431 Fire Investigation              A motion was made by Daniel Anderson and seconded by Jim Reidy to accept the amendments to 37 TAC, Chapter 431, Fire Investigation as proposed by the commission. The motion carried.
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6. Chapter 433 Driver/Operator              A motion was made by Keith Schmidt and seconded by Daniel Buford to accept the amendments to 37 TAC, Chapter 433, Driver/Operator as proposed by the commission. The motion carried.
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7. Chapter 437 Fees A motion was made by Keith Schmidt and seconded by Antonio Ramos to accept the amendments to 37 TAC, Chapter 437, Fees as proposed by the commission. The motion carried.

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9. Rule Reviews

1. A motion was made by Daniel Anderson and seconded by Jim Reidy to recommend to the commission for possible publication the rule review of 37 TAC, Chapter 441, Continuing Education without changes. The motion carried.
2. A motion was made by Keith Schmidt and seconded by Jim Reidy to recommend to the commission for possible publication the rule review of 37 TAC, Chapter 443, Certification Curriculum Manual, with changes as discussed. The motion carried.
3. A motion was made by Keith Schmidt and seconded by Jim Reidy to recommend to the commission the rule review of 37 TAC, Chapter 447, Part-Time Fire Protection Employee, without changes. The motion carried.
4. A motion was made by Danial Buford and seconded by Antonio Ramos to recommend to the commission for possible publication the rule review of 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification, without changes. The motion carried.

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10. Subjects for Future Agendas There were no subjects for future agendas.

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11. Future meeting Dates The committee previously set December 7 and 8, 2022, for the next meeting.

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12. Adjournment A motion was made by Jason Collier and seconded by Daniel Anderson to adjourn. The motion carried.

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Daniel DeYear  
Presiding Officer

- 3. Rule review amendments to 37 Tex. Admin. Code (TAC), Part 13, Chapter 427, Training Facility Certification.**

## CHAPTER 427

### TRAINING FACILITY CERTIFICATION

#### SUBCHAPTER A

#### ON-SITE CERTIFIED TRAINING PROVIDER

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

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

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

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

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

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

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

(g) The chief training officer will:

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

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

##### **§427.3. Facilities.**

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

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

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

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

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

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

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

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

#### **§427.5. Apparatus.**

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

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

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

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

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

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

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

**(3) Support vehicles per authority having jurisdiction**

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

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



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

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

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

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

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

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

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

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

#### **(A) Acquired Structures**

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

#### **(B) Gas-Fired Training Center Buildings**

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

#### **(C) Non-Gas Fired Training Center Buildings**

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

#### **(D) Exterior Props**

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

### **(E) Exterior Class B Liquid Fires**

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

### **§427.9. Equipment.**

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

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

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

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

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

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

(D) below ground level;

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

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

### **§427.11. Reference Material.**

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

#### **§427.13. Records.**

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

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

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

**(3) who attended the training.**

**(4) instructor(s).**

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

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

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

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

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

#### **§427.18. Live Fire Training Evolutions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) an Incident Management System;

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

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

#### **§427.19. General Information.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 427

### TRAINING FACILITY CERTIFICATION

#### SUBCHAPTER B

##### DISTANCE TRAINING PROVIDER

###### **§427.201. Minimum Standards for Distance Training Provider.**

(a) The following definition is applicable to this subchapter only. Approved distance training is defined as fire training where instructors and students are primarily in different locations and content is instructed primarily using the internet or an intranet. Courses must be interactive. Distance training that serves as nothing more than electronic text is not acceptable. Online courses must provide the opportunity for the student to interact or ask questions via e-mail, chat rooms or some other method of communication. Other computer-mediated methods of instruction may be used to enhance instruction; however, the primary delivery method must be through the internet or an intranet.

(b) A distance training provider must seek certification as a training facility in each discipline for which it intends to conduct certification training for fire protection personnel.

(c) In order to become a commission approved distance training provider, the provider must submit a completed training facility application with supporting documentation and fees. The application will include descriptions and addresses of where the distance training provider will have their course delivery and materials. A distance training provider must provide documentation of its ability to meet all minimum requirements for each discipline for which it seeks certification. The documentation must also identify how students and instructors will access resources required to complete the training.

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

###### **§427.203. Facilities [Records].**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§427.205. Apparatus.**

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

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

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

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

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

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

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

**(3) Support vehicles per AHJ.**

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

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

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

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

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

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

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

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

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

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

**(A) Acquired Structures**

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

**(B) Gas-Fired Training Center Buildings**

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

**(C) Non-Gas Fired Training Center Buildings**

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

**(D) Exterior Props**

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

**(E) Exterior Class B Liquid Fires**

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

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

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

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

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



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

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

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

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

**(D) below ground level.**

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

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

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

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

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

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

~~[- (2) the trainees are kept outside of the emergency operations area; and]~~

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

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

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

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

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

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

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

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

#### **§427.211. Reference Material.**

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

#### **§427.213. Records.**

**(a) Training records shall be maintained by the regulated distance training provider that reflect at minimum:**

**(1) training subject,**

**(2) date(s) of instruction,**

**(3) who attended the training,**

**(4) instructor(s),**

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

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

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

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

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

#### **§427.218. Live Fire Training Evolutions.**

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

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

**(A) safety,**

**(B) fire behavior,**

**(C) portable extinguishers,**

**(D) personal protective equipment to include SCBA,**

**(E) ladders,**

**(F) fire hose, appliances, and streams,**

(G) overhaul.

(H) water supply.

(I) ventilation.

(J) forcible entry; and

(K) building construction.

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

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

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

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

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

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

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

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

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

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

(C) an Incident Management System.

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

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

#### §427.219 General Information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CHAPTER 427

### TRAINING FACILITY CERTIFICATION

#### SUBCHAPTER C

##### TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) An associate degree with the following:

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

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

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

(1) A Fire Service Instructor III certification; or

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

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

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

(3) An associate degree with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CHAPTER 427**  
**TRAINING FACILITY CERTIFICATION**  
**SUBCHAPTER D**  
**CERTIFIED TRAINING FACILITIES**

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

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

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

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

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

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

**§427.403. Financial Standards.**

(a) Definitions Relating to Financial Requirements.

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

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

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

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

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

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



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

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

(1) positive equity or net worth balance;

(2) unearned tuition as a current liability;

(3) a current ratio of at least one-to-one (current assets divided by current liabilities); and

(4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.

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

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

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

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

(g) Requirements for Original Approvals.

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

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

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

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

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

(B) lease or rent payments for listed equipment;

(C) lease or rent payments for facilities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§427.405. Policy Regarding Complaints.**

(a) Complaints. The entity shall:

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

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

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

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

(b) Investigations.

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

(A) the seriousness of the alleged violation;

(B) the source of the complaint;

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

(D) the timeliness of the complaint; and

(E) any other reasonable matter deemed appropriate.

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

#### **§427.407. School Responsibilities Regarding Instructors.**

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

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

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

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

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

#### **§427.409. Advertising.**

(a) General Information for Advertising.

(1) A school shall not make deceptive statements in attempting to enroll students.

(2) The commission may require a school to furnish proof of any of its advertising claims.

(b) Advertisement Method.

(1) A school may advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.

(2) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.

(3) A school shall not use terms to describe the significance of the approval that specify or connote greater approval. Terms that schools may not use to connote greater approval by the commission include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended." A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the commission.

(4) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

(c) Advertisement Content.

(1) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.

(2) Advertisements shall not include:

(A) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;

(B) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government;

(C) statements that represent the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school; or

(D) statements as being commission approved or IFSAC approved in order to solicit students prior to receiving actual commission approval. Any such activity by the school, prior to the commission's approval of the training course, shall constitute misrepresentation by the training facility and shall entitle each student in the course to a full refund of all monies paid and a release from all obligations to the student.

(3) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.

(4) a school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.

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

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

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

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

(d) Financial Incentives. Advertisements shall not:

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

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

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

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

(e) Advertisements for student tuition loans shall:

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

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

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

(f) Advertisement Monitoring.

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

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

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

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

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

#### **§427.411. Cancellations or Suspensions.**

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

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

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

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

**§427.413. Liabilities.**

(a) Curriculum and Testing.

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

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

(b) Equipment and Facilities.

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

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

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

**4. Rule review for the following:**

- A. 37 TAC, Chapter 449, Head of Fire Department.**

**CHAPTER 449**

**HEAD OF A FIRE DEPARTMENT**

**SUBCHAPTER A**

**MINIMUM STANDARDS FOR HEAD OF A SUPPRESSION FIRE DEPARTMENT**

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

(a) An individual who becomes employed and is appointed as the head of a suppression fire department must be certified by the commission as Head of a Suppression Fire Department within one year of appointment. The requirements in this subchapter also apply to an individual who is appointed on an interim basis to head of a suppression fire department.

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

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

**(2)** provide documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire suppression curriculum, and provide documentation in the form of a sworn non-self-serving affidavit of five years of experience in a full-time fire suppression position in a jurisdiction other than Texas; or

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

**(4)** provide documentation in the form of a sworn non-self-serving affidavit of ten years of experience as an active volunteer fire fighter in one or more volunteer fire departments. The ten years of volunteer service must include documentation of attendance at 40% of the drills for each year and attendance of at least 25% of a department's emergencies in a calendar year while a member of a volunteer fire department or departments with ten or more active members that conducts a minimum of 48 hours of drills in a calendar year; ~~or;~~

(5) document a combined total of five years of experience using:

(A) full-time experience while holding a commission certification as referenced in paragraph (1) of this subsection; and

(B) provide documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time structural fire protection position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection, with two years of affidavit time counted as one year of experience for purposes of this qualification; or

(C) provide documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire fighter and meeting the attendance requirements referenced in paragraph (4) of this subsection, with two years of affidavit time counted as one year of experience; or

(6) document a combined total of five years of experience using:



- (A) full-time experience while holding a commission certification as referenced in paragraph (1) of this subsection; and
  - (B) documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire suppression curriculum while appointed to a full-time fire suppression position in a jurisdiction other than Texas. Documentation of experience will be in the form of a sworn non-self-serving affidavit; or
- (7) document a combined total of five years of experience using:
- (A) documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire suppression curriculum while appointed to a full-time fire suppression position in a jurisdiction other than Texas, with documentation of experience being in the form of a non-self-serving affidavit; and
  - (B) provide documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time structural fire protection position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection, with two years of affidavit time counted as one year of experience for purposes of this qualification; or
  - (C) provide documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire fighter and meeting the attendance requirements referenced in paragraph (4) of this subsection, with two years of affidavit time counted as one year of experience for purposes of this qualification; or
- (8) document a combined total of ten years of experience using:
- (A) documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time structural fire protection position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection; and
  - (B) documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire fighter and meeting the attendance requirements referenced in paragraph (4) of this subsection.
- (c) Holding the Head of a Fire Suppression Fire Department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.
- (d) Nothing contained in this chapter shall be construed to supersede Chapter 143, Local Government Code, regarding appointment as the head of a suppression fire department.
- (e) Individuals certified as the Head of a Suppression Fire Department must meet the continuing education requirement as provided for in Chapter 441 of this title (relating to Continuing Education).
- (f) An individual certified as Head of a Suppression Fire Department under this subchapter may engage in fire fighting activities only as the head of a suppression fire department. These activities include incident command, direction of fire fighting activities or other emergency activities typically associated with fire fighting duties, i.e. rescue, confined space and hazardous materials response.

**CHAPTER 449**

**HEAD OF A FIRE DEPARTMENT**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR HEAD OF A PREVENTION ONLY FIRE DEPARTMENT**

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

- (a) An individual who becomes employed and is appointed as the head of a prevention only fire department must be certified by the commission as Head of a Prevention Only Fire Department, within one year of appointment. The requirements in this subchapter also apply to an individual who is appointed on an interim basis to head of a prevention only fire department.
- (b) Prior to being appointed as the head of a prevention only fire department, an individual must:
  - (1) hold a Texas Commission on Fire Protection certification as a fire inspector, fire investigator, or arson investigator. The individual must have five years of experience in a full-time fire prevention position or ten years in a part-time fire prevention position at the time of appointment, or attain the required years of experience within one year of the appointment; or
  - (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic arson investigator, fire investigator, or fire inspector curriculum and provide documentation in the form of a sworn non-self-serving affidavit of five years of experience in a full-time fire prevention position in a jurisdiction other than Texas; or
  - (3) provide documentation in the form of a sworn non-self-serving affidavit of ten years of experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas; or
  - (4) provide documentation in the form of a sworn non-self-serving affidavit of ten years of experience as a certified fire investigator, fire inspector, or arson investigator as a part-time fire prevention employee; or
  - (5) provide documentation in the form of a sworn non-self-serving affidavit of ten years of fire prevention experience as an active volunteer fire inspector, fire investigator, or arson investigator; or
  - (6) document a combined total of five years of experience using:
    - (A) full-time experience while holding commission certification as a fire inspector, fire investigator, or arson investigator; and
    - (B) provide documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection, with two years of affidavit time counted as one year of experience for purposes of this qualification; or
    - (C) provide documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire inspector, fire investigator, or arson investigator in one or more volunteer fire departments, with two years of affidavit time counted as one year of experience for purposes of this qualification; or

(7) document a combined total of five years of experience using:

- (A) full-time experience while holding commission certification as a fire inspector, fire investigator, or arson investigator; and
- (B) documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire investigator or fire inspector curriculum while appointed to a full-time fire prevention position in a jurisdiction other than Texas. Documentation of experience will be in the form of a sworn non-self-serving affidavit; or

(8) document a combined total of five years of experience using:

- (A) documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the commission's approved basic fire investigator or fire inspector curriculum while appointed to a full-time fire prevention position in a jurisdiction other than Texas, with documentation of experience being in the form of a non-self-serving affidavit; and
- (B) provide documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection, with two years of affidavit time counted as one year of experience for purposes of this qualification; or
- (C) provide documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire inspector, fire investigator, or arson investigator in one or more volunteer fire departments, with two years of affidavit time counted as one year of experience for purposes of this qualification; or

(9) document a combined total of ten years of experience using:

- (A) documentation in the form of a sworn non-self-serving affidavit of experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas as referenced in paragraph (3) of this subsection; and
- (B) documentation in the form of a sworn non-self-serving affidavit of experience as an active volunteer fire inspector, fire investigator, or arson investigator in one or more volunteer fire departments.

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

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

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

**4. Rule review for the following:**

**B. 37 TAC, Chapter 451, Fire Officer.**

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER A**

**MINIMUM STANDARDS FOR FIRE OFFICER I**

**§451.1. Fire Officer I Certification.**

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

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

**§451.3. Minimum Standards for Fire Officer I Certification.**

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

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

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

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

(i) the International Fire Service Accreditation Congress; or

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

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

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

(ii) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer I Curriculum; or

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

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

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

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

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

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

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

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

#### **§451.5. Examination Requirements.**

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

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

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

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

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

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

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR FIRE OFFICER II**

**§451.201. Fire Officer II Certification.**

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

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

**§451.203. Minimum Standards for Fire Officer II Certification.**

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

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

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

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

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

(i) the International Fire Service Accreditation Congress; or

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

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

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

(ii) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer II Curriculum; or

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

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

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

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

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

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

#### **§451.205. Examination Requirements.**

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

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

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

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

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

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



**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER C**

**MINIMUM STANDARDS FOR FIRE OFFICER III**

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

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

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

**§451.303. Minimum Standards for Fire Officer III Certification.**

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

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

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

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

(4) document completion of ICS-300: Intermediate Incident Command System; and

(5) possess valid documentation as a Fire Officer III from either:

(A) the International Fire Service Accreditation Congress; or

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

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

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

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer III Curriculum; or

(C) successful completion of 15 college semester hours of upper level coursework from a four-year regionally accredited institution in any of the following subject areas:

- (i) Administration/Management;
- (ii) Budget/Finance;
- (iii) Planning/Organization;
- (iv) Leadership/Ethics;
- (v) Risk Management;
- (vi) Safety and Health;
- (vii) Community Risk Reduction; or

(D) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:

- (i) Fire Science/Administration/Management;
- (ii) Emergency Management;
- (iii) Public Administration;
- (iv) Emergency Medicine;
- (v) Business Management/Administration;
- (vi) Political Science;
- (vii) Human Resources Management;
- (viii) Public Health;
- (ix) Risk Management;
- (x) Criminal Justice; or
- (xi) a related management/administration/leadership degree.

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

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

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

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

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

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

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

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

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

**CHAPTER 451**

**FIRE OFFICER**

**SUBCHAPTER D**

**MINIMUM STANDARDS FOR FIRE OFFICER IV**

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

A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. Typical duties of an individual at the Fire Officer IV level include: Administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

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

**§451.403. Minimum Standards for Fire Officer IV Certification.**

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

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

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

(3) document completion of ICS-400: Advanced Incident Command System; and

(4) possess valid documentation as a Fire Officer IV from either:

(A) the International Fire Service Accreditation Congress; or

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

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

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

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer IV Curriculum; or

(C) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:

(i) Fire Science/Administration/Management;

(ii) Emergency Management;

(iii) Public Administration;

- (iv) Emergency Medicine;
- (v) Business Management/Administration;
- (vi) Political Science;
- (vii) Human Resources Management;
- (viii) Public Health;
- (ix) Risk Management;
- (x) Criminal Justice; or
- (xi) a related management/administration/leadership degree.

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

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

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

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

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

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

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

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

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

**4. Rule review for the following:**

**C. 37 TAC, Chapter 453, Hazardous Materials.**

## CHAPTER 453

### HAZARDOUS MATERIALS

#### SUBCHAPTER A

#### MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

##### **§453.1. Hazardous Materials Technician Certification.**

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

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

##### **§453.3. Minimum Standards for Hazardous Materials Technician Certification.**

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

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

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

(A) the International Fire Service Accreditation Congress; or

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

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

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

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

##### **§453.5. Examination Requirements.**

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

(b) Individuals will be permitted to take the commission examination for Hazardous Materials Technician by documenting completion of Hazardous Materials Awareness and Operations to include Mission-Specific Competencies for Personal Protective Equipment and Product Control level training under the current NFPA standard and completing a commission approved Hazardous Materials Technician training program.

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

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

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

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

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



## CHAPTER 453

### HAZARDOUS MATERIALS

#### SUBCHAPTER B

#### MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

##### **§453.201. Hazardous Materials Incident Commander Certification.**

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

##### **§453.203. Minimum Standards for Hazardous Materials Incident Commander.**

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

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

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

(A) the International Fire Service Accreditation Congress; or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or

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

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

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

##### **§453.205. Examination Requirements.**

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

(b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of Hazardous Materials Awareness and Operations to include Mission-Specific Competencies for Personal Protective Equipment and Product Control level training under the current standard and completing a commission approved Hazardous Materials Incident Commander training program.

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

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

(1) Hazardous Materials Awareness Level Personnel; and

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

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

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

**4. Rule review for the following:**

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

## CHAPTER 457

### MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION

#### **§457.1. Incident Safety Officer Certification.**

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

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

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

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

#### **§457.3. Minimum Standards for Incident Safety Officer Certification.**

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

(1) hold commission certification as Fire Officer I and;

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

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

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

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

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

#### **§457.5. Examination Requirements.**

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

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

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

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

Individuals completing a commission approved Incident Safety Officer program; documenting Fire Fighter II, Instructor I and Fire Officer I seals and passing the applicable state examination, may be granted an IFSAC seal for Incident Safety Officer by making application to the commission for the

IFSAC seal and paying applicable fees. Individuals must submit the application and fee for the seal prior to the expiration of the examination in order to qualify for the IFSAC seal.

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

**5. Subjects for future agenda items.**

**6. Future meeting dates.**

**7. Adjourn meeting.**