

FIRE FIGHTER ADVISORY COMMITTEE
September 15 & 16, 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 will be held in-person at the physical location above. If you are not feeling well or were possibly exposed to COVID-19, please stay at home.

1. Roll call and excuse of committee members.
2. Adoption of the June 23, 2022, Fire Fighter Advisory Committee meeting minutes.
3. Discussion and possible action of proposed recommendations to 37 Administrative Code, part 13 Chapter 427, Training Facility Certification.
4. Discussion and possible action on proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 421, Standard for Certification.
5. Discussion and possible action on proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 431, Fire Investigation.
6. Discussion and possible action on rule review of 37 Tex. Administrative Code, Part 13, Chapter 433, Driver/Operator.
7. Discussion and possible action on rule review of 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.
8. Discussion and possible action on rule review for the following:
 1. 37 Tex. Administrative Code, Part 13, Chapter 441, Continuing Education.
 2. 37 Tex. Administrative Code, Part 13, Chapter 443, Certification Curriculum Manual.
 3. 37 Tex. Administrative Code, Part 13, Chapter 447, Part-Time Fire Protection Employee.
 4. 37 Tex. Administrative Code, Part 13, Chapter 455, Minimum Standards for Wildland Fire Protection Certification.
9. Subjects for future agenda items.
10. Future meeting dates.
11. Adjourn meeting.

1. Roll call and excuse of committee members.

2. Adoption of the June 22, 2022, Fire Fighter Advisory Committee meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Daniel DeYear called the June 22 and 23, 2022, meeting of the Fire Fighter Advisory Committee to order at 9:04 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	

Staff	Mike Wisko	Robert Reese	Amanda Khan	Holden Wenger	Grace Wilson
	Rick Wallace	Joyce Guinn	Cliff Grant	Mohammed Adams	

Attendees	Lynwood Dunseth	Paul Hamilton	Buddy Rice	Michael Kennon	Kyle Mills
	Vince Abrigo	Joel Baker	Robert Havens	John Rodgers	Michael Lugo
	P Rodriguez	Johnny Fisher	Patrick Brody	Daryl Maretha	Pat McAuliff
	Joe Murady	Brad McCutchen	Mike Jones	Paul Hamilton.	

1. Roll call Secretary, Keith Schmidt called roll and a quorum was present.

2. Adoption of Minutes A motion was made by Jim Reidy and seconded by Daniel Buford to approve the minutes from the March 10, 2022, Fire Fighter Advisory Committee meeting without corrections. The motion carried.

3. Chapter 425 Fire Service Instructors A motion was made by Jim Reidy and seconded by Antonio Ramos to recommend to the commission approval of the Training Facility Certification without changes discussed. The motion carried.

4. Chapter 427 Training Facility Certification After in depth Discussion on Chapter 427, no action taken.

5. Chapter 435 Fire Fighter Safety A motion was made by Jason Collier and seconded by Jim Reidy to forward to the commission with changes to grammatical spelling corrections, removing 435.3 #8, 435.7 approving 365 days and changing 435.31 (a) and (c) to December 1, 2024. The motion carried.

6. Chapter 439 Examinations For Certification Review on 439, after in depth discussion, a motion was made by Daniel DeYear and seconded by Daniel Anderson to table this item. The motion carried.

7. Chapter 463
 Advisory
 Committees
1. A motion was made by Jim Reidy to forward to the commission and a second by Daniel Buford with changes to 463.213, 463.313, and 463.413. Jim Reidy withdrew the motion.
- A motion was made by Jason Collier and seconded by Daniel Anderson to forward to the commission without changes.
- After further discussion Jason Collier and seconded by Daniel Anderson amended his motion to forward to the Commission with changes to 463.3 (a). The motion carried.
2. A motion was made by Jim Reidy and seconded by Jason Collier to forward Subchapter B with proposed changes to the commission, The motion carried.
 3. A motion was made by Jim Reidy and seconded by Jason Collier to forward Subchapter C with proposed changes to the commission. The motion carried.
 4. A motion by Keith Schmidt and seconded by Jim Reidy to forward Subchapter D with proposed changed to the commission. The motion carried.
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8. Injury Report
- A motion was made by Jim Reidy and seconded by Antonio Ramos to send to the commission with recommendations. The motion carried.
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9. Rule Reviews
1. A motion was made by Jim Reidy and seconded by Daniel Buford to forward for approval of 401with approval with notation of 401.3 (1) to the commission. The Motion carried.
 2. A motion was made by Jason Collier and seconded by Jim Reidy to move back to to the commission requestion direction on how to create or have them create a limited subcommittee that FFAC will control to help review 421. The motion carried.
 3. A motion was made by Jim Reidy and seconded by Daniel Buford to move 429 back to the commission with changes. The motion carried.
 4. A motion was made by Keith Schmidt and a second by Daniel Anderson was made to move 431 to the commission for adoption with changes to the titles of Sub Chapter A and Sub Chapter B. The motion carried.
 5. A motion was made by Keith Schmidt and seconded by Jason Collier to move 433 to the commission for adoption with grammatical changes. The motion carried.
 6. A motion was made by Keith Schmidt and seconded by Jim Reidy to approve review 437 with changes to 437.17 (b) and address and web address corrections to request Copies of the manual. The motion carried.

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10. Subjects for future agendas Next in series of scheduled rule review.
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11. Future meeting Dates The committee previously set September 15, 2022, for the next meeting. The committee discussed the need for an additional day for September meeting. The date discussed and determined to be September 16, 2022.
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12. Adjournment A motion was made by Daniel Buford and seconded by Antonio Ramos to adjourn. The motion carried.
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Daniel DeYear
Presiding Officer

- 3. Discussion and possible action on rule review amendments to 37 Tex. Administrative Code, Part 13, Chapter 427, Training Facility Certifications.**

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.

~~[(4)]~~ 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

(3) 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~~ [of] 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. **Discussion and possible action on rule review amendments to 37 Tex. Administrative Code, Part 13, Chapter 421, Standards for Certification.**

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.1. Procedures for Meetings.

- (a) The Commission may maintain advisory committees and ad hoc committees to assist with rulemaking, curriculum development, and the performance of the Commission's duties. These committee names, make up, term limits, roles and meeting requirements will be outlined within this rule. These committees shall exist for no more than five (5) years and shall be reviewed and evaluated for continuance before the end of the fifth year.
 - (b) Time and place. The committees shall meet at such time and place in the State of Texas as they deem proper.
 - (c) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of a quorum of members.
 - (d) Quorum. A majority of members shall constitute a quorum.
 - (e) Members. Committee members serve at the will of the Commission and may serve six-year staggered terms but may not serve more than two (2) consecutive terms.
 - (f) Officers. Committee Officers shall consist of a chairman and vice-chairman appointed by the Commission.
 - (g) Responsibility. Committee responsibilities shall be established by the Commission.
 - (h) Effective Date. All committees will have designated effective dates not to exceed five years without review and reestablishment by the Commission.
 - (i) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.
 - (j) Effective in 2021, the Commission established three (3) advisory committees, the Curriculum and Testing, Firefighter Advisory, and Health and Wellness. These committees will expire in 2026 unless reviewed and reestablished by the Commission. The Commission has established two (2) ad hoc committees, 427 and 435, which will exist for the period of time needed, not to exceed two years.
- Source Note: The provisions of this §421.1 adopted to be effective November 1, 1998, 23 TexReg 10886; amended to be effective March 2, 2000, 25 TexReg 1721; amended to be effective July 29, 2002, 27 TexReg 6722; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective November 28, 2007, 32 TexReg 8522; amended to be effective November 25, 2021, 46 TexReg 7897*

§421.3. Minimum Standards Set by the Commission.

- (a) General statement. It shall be clearly understood that the specified minimum standards described in this section are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.
- (b) Functional position descriptions.

(1) Structural Fire Protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.

(B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the commission's Certification Curriculum Manual.

(2) Aircraft Rescue Fire Fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.

(B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the commission's Certification Curriculum Manual.

(3) Marine Fire Protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the commission's Certification Curriculum Manual.

(4) Fire Inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the commission's Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

(B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the commission's Certification Curriculum Manual.

(6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a commission approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.
- (B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the commission's Certification Curriculum Manual.
- (7) Hazardous Materials Incident Commander personnel. The following general position description for Hazardous Materials Incident Commander serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Hazardous Materials Incident Commander operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for awareness and operations level personnel, the Hazardous Materials Incident Commander is an individual who has met all the job performance requirements of Hazardous Materials Incident Commander as defined in Chapter 8 of NFPA 472, Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction. The individual should demonstrate knowledge in the policies, plans, and procedures regarding hazardous materials response as adopted by the local jurisdiction; and all components of the incident command system and their proper utilization.
- (B) Competency. In addition to the competencies of awareness and operations level personnel, a Hazardous Materials Incident Commander must demonstrate competency in such areas as: analyzing an incident via the collection of information and an estimation of potential outcomes; planning appropriate response operations; implementing a planned response; evaluating the progress of a planned response and revising as necessary; terminating an incident; conducting a post-incident critique; and reporting and documenting an incident in a manner consistent with local, state, and federal requirements.
- (8) Driver/Operator-Pumper personnel. The following general position description for driver/operator-pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator-pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.
- (B) Competency. A driver/operator-pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the commission's Certification Curriculum Manual.
- (9) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform

routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

- (B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.
- (10) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.
- (B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.
- (11) Fire Officer III personnel. The following general position description for Fire Officer III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions. In addition to the qualifications and competency for Fire Officer II, the Fire Officer III is an individual who has met all the job performance requirements of Fire Officer III as defined in Chapter 6 of 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.
- (B) Competency. A Fire Officer III must demonstrate competency doing research; analyzing data and using evaluative techniques; developing proposals; developing, preparing, and implementing various procedures and programs within an organization; managing personnel resources; preparing and managing budgets; utilizing techniques to encourage personnel participation and development; and working in top-level positions within the incident command system.
- (12) Fire Officer IV personnel. The following general position description for Fire Officer IV personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer IV operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) **Qualifications.** A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions. In addition to the qualifications and competency for Fire Officer III, the Fire Officer IV is an individual who has met all the job performance requirements of Fire Officer IV as defined in Chapter 7 of 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.
- (B) **Competency.** A Fire Officer IV must demonstrate competency in appraising and evaluating departmental programs to ensure adherence to current laws and best practices; developing medium and long-range plans for organizations; and assuming a top-level leadership role in both the organization and community.
- (13) **Fire Service Instructor I personnel.** The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) **Qualifications.** In addition to successfully completing a commission approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.
- (B) **Competency.** A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.
- (14) **Fire Service Instructor II personnel.** The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) **Qualifications.** In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.
- (B) **Competency.** A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.
- (15) **Fire Service Instructor III personnel.** The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is

ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

- (A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.
- (B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.
- (16) Incident Safety Officer personnel. The following general position description for Incident Safety Officer personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Incident Safety Officer operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, Standard for Fire Officer Professional Qualifications and Chapter 6 of NFPA 1521, Standard for Fire Department Safety Officer and has the knowledge, skill, and abilities to manage incident scene safety. Typical Incident Safety Officer duties include risk and resource evaluation; hazard identification and communication; action plan reviews; safety briefings; accident investigation; post incident analysis; and participation in safety committee activities.
- (B) Competency. An Incident Safety Officer must demonstrate competency in management of incident scene safety through a working knowledge of the various emergency operations as prescribed by the local jurisdiction; an understanding of building construction; fire science and fire behavior; managing an organization's personnel accountability system; and incident scene rehabilitation methodology.
- (17) Basic Wildland Fire Protection personnel. The following general position description for Basic Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Basic Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. A Basic Wildland Fire Fighter is an individual who has met the requirements of Chapter 5 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: wildland fire behavior; fireline safety and use; limitations of personal protective equipment; fire shelter use; fire suppression tactics and techniques in wildland settings; and have an understanding of the fire fighter's role within the local incident management system.
- (B) Competency. A Basic Wildland Fire Fighter must demonstrate competency in such areas as: maintaining personal protective equipment and assigned fire suppression tools and equipment; the ability to quickly prepare for a response when notified; recognizing hazards and unsafe situations in a wildland fire; securing a fire line; mopping up a fire area; and patrolling a fire area so as to ensure fire control.
- (18) Intermediate Wildland Fire Protection personnel. The following general position description for Intermediate Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Intermediate Wildland Fire

Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications and competency for the Basic Wildland Fire Fighter, the Intermediate Wildland Fire Fighter is an individual who has met the requirements of Chapter 6 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: basic map reading; use of a locating device such as a compass; radio procedures as adopted by the local jurisdiction; and record keeping.

(B) Competency. An Intermediate Wildland Fire Fighter must demonstrate competency in such areas as: the ability to lead a team of fire fighters in the performance of assigned tasks while maintaining the safety of personnel; implementing appropriate fireline construction methods and other techniques for protection of exposed property; operation of water delivery equipment; securing an area of suspected fire origin and associated evidence; and serving as a lookout in a wildland fire.

Source Note: The provisions of this §421.3 adopted to be effective November 1, 1998, 23 TexReg 10886; amended to be effective May 23, 1999, 24 TexReg 3861; amended to be effective November 14, 1999, 24 TexReg 10139; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective June 17, 2003, 28 TexReg 4566; amended to be effective March 2, 2005, 30 TexReg 1085; amended to be effective May 21, 2006, 31 TexReg 3903; amended to be effective December 3, 2006, 31 TexReg 9618; amended to be effective May 9, 2007, 32 TexReg 2470; amended to be effective November 28, 2007, 32 TexReg 8522; amended to be effective August 5, 2013, 38 TexReg 4901

§421.5. Definitions.

The following words and terms, when used in the Standards Manual, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.
- (2) Appointment--The designation or assignment of a person to a discipline regulated by the commission. The types of appointments are:
 - (A) permanent appointment--the designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, Chapter 419, §419.032); and
 - (B) probationary or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the commission's certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, Chapter, §419.032.)
- (3) Approved training--Any training used for a higher level of certification must be approved by the commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.
- (4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the commission and has been permanently appointed, as defined in this section, to the particular discipline.

- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).
- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.
- (12) Commission--Texas Commission on Fire Protection.
- (13) Commission-recognized training--A curriculum or training program which carries written approval from the commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.
- (14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).
- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in Texas Government Code, Chapter 419, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.

- (20) Fire Code Inspection—Also called Fire Safety Inspection as referenced in Texas Government Code, Chapter 419, §419.909. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code.
- (21) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.
- (22) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.
- (23) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.
- (24) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.
- (25) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.
- (26) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.
- (27) Instructor:
- (A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.
- (B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.
- (C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.
- (28) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155.)
- (29) Military active duty (or active duty)-Current full-time military service in the armed forces of the United States, or full-time military service as a member of the Texas military forces or a similar service of another state.
- (30) Military service member-A person who is on active duty.
- (31) Military spouse-A person who is married to a military service member.

- (32) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (33) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.
- (34) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).
- (35) National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.
- (36) National Wildfire Coordinating Group (NWCG)--An operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies.
- (37) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.
- (38) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.
- (39) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.
- (40) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.
- (41) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982 and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.
- (42) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:
- (A) city;
 - (B) county;
 - (C) school district;
 - (D) junior college district;
 - (E) levee improvement district;
 - (F) drainage district;
 - (G) irrigation district;
 - (H) water improvement district;
 - (I) water control and improvement district;

- (J) water control and preservation district;
 - (K) freshwater supply district;
 - (L) navigation district;
 - (M) conservation and reclamation district;
 - (N) soil conservation district;
 - (O) communication district;
 - (P) public health district;
 - (Q) river authority;
 - (R) municipal utility district;
 - (S) transit authority;
 - (T) hospital district;
 - (U) emergency services district;
 - (V) rural fire prevention district; and
 - (W) any other governmental entity that:
 - (i) embraces a geographical area with a defined boundary;
 - (ii) exists for the purpose of discharging functions of the government; and
 - (iii) possesses authority for subordinate self-government through officers selected by it.
- (43) Pre-fire Planning—Also called a Pre-fire Survey. A walk-through performed by fire fighters for the purpose of gaining familiarity with a building, its contents, and its occupancy.
- (44) Reciprocity for IFSAC seals and TEEEX Pro Board certificates--Valid documentation of accreditation from the International Fire Service Accreditation Congress and the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service used for commission certification may only be used for obtaining an initial certification.
- (45) Recognition of training--A document issued by the commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.
- (46) School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.
- (47) Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

- (48) Trainee--An individual who is participating in a commission approved training program.
- (49) Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.
- (50) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the commission.
- (51) Years of experience--For purposes of higher levels of certification or fire service instructor certification:
- (A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:
- (i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
- (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
- (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or
- (iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.
- (B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

Source Note: *The provisions of this §421.5 adopted to be effective November 1, 1998, 23 TexReg 10886; amended to be effective May 23, 1999, 24 TexReg 3861; amended to be effective November 14, 1999, 24 TexReg 10139; amended to be effective March 2, 2000, 25 TexReg 1721; amended to be effective June 26, 2001, 26 TexReg 4734; amended to be effective March 5, 2002, 27 TexReg 1533; amended to be effective July 29, 2002, 27 TexReg 6722; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective March 10, 2003, 28 TexReg 2122; amended to be effective February 17, 2004, 29 TexReg 1413; amended to be effective May 6, 2004, 29 TexReg 4229; amended to be effective August 5, 2004, 29 TexReg 7452; amended to be effective March 27, 2006, 31 TexReg 2695; amended to be effective December 3, 2006, 31 TexReg 9618; amended to be effective May 9, 2007, 32 TexReg 2470; amended to be effective February 17, 2008, 33 TexReg 1129; amended to be effective August 17, 2008, 33 TexReg 6600; amended to be effective February 23, 2009, 34 TexReg 1259; amended to be effective August 10, 2009, 34 TexReg 5411; amended to be effective August 5, 2013, 38 TexReg 4901, amended to be effective November 11, 2013; 38 TexReg 7978; amended to be effective March 2, 2014, 39 TexReg 1163; amended to be effective May 20, 2014; 39, TexReg 3874; amended to be effective November 26, 2015, 40 TexReg 8343; amended to be effective Feb. 10, 2016; 40 TexReg 980*

§421.9. Designation of Fire Protection Duties.

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
- (1) fire protection personnel;
 - (2) a part-time fire protection employee; or
 - (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.
- (c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

Source Note: The provisions of this §421.9 adopted to be effective November 1, 1998, 23 TexReg 10886; amended to be effective May 23, 1999, 24 TexReg 3861; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective June 17, 2003, 28 TexReg 4566; amended to be effective November 18, 2009, 34 TexReg 8040; amended to be effective May 18, 2010, 35 TexReg 3847; amended to be effective June 3, 2012, 37 TexReg 3861

§421.11. Requirement To Be Certified Within One Year.

- (a) Except for subsection (c) and (d) of this section, fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable commission examination, whichever is less. The commission shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or

local government that appoints an individual in violation of this section will also be subject to administrative penalties.

- (b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.
- (c) A military spouse may be appointed to fire protection personnel duties with a regulated fire department without being required to obtain the applicable certification, provided the military spouse submits the following to the commission prior to appointment and has received confirmation of approval from the commission:

- (1) notification to the commission of intent to perform regulated fire protection duties;
- (2) documentation of equivalent certification from another jurisdiction;
- (3) a fingerprint-based criminal history record using the commission approved system;
- (4) proof of residency in Texas; and
- (5) a copy of the individual's military identification card.

- (d) A military spouse appointed to fire protection duties under this section may engage in those duties only for the period in which the military service member to whom the spouse is married is stationed at a military installation in Texas, but not to exceed three years from the date the military spouse receives approval from the commission to engage in those duties.

Source Note: The provisions of this §421.11 adopted to be effective May 23, 1999, 24 TexReg 3861; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective May 18, 2010, 35 TexReg 3847; amended to be effective December 2, 2019, 44 TexReg 7413

§421.13. Individual Certificate Holders.

- (a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.
- (b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

Source Note: The provisions of this §421.13 adopted to be effective March 2, 2000, 25 TexReg 1721; amended to be effective March 8, 2001, 26 TexReg 2043; amended to be effective November 20, 2002, 27 TexReg 10747

§421.15. Extension of Training Period.

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;
- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the

commission, the extension shall become effective immediately; and

- (3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

Source Note: *The provisions of this §421.15 adopted to be effective July 29, 2002, 27 TexReg 6722; amended to be effective November 15, 2003, 28 TexReg 9883*

§421.17. Requirement to Maintain Certification.

- (a) All full-time or part-time employees of a fire department or local government assigned duties identified as fire protection personnel duties must maintain certification by the commission in the discipline(s) to which they are assigned for the duration of their assignment.
- (b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the commission standards manual.
- (c) Except for subsection (d) of this section, or upon determination by the ~~Agency Chief~~ **Agency Chief** when special circumstances are presented, an individual whose certificate has been expired for one year or longer may not renew the certificate previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).
- (d) A military service member whose certificate has been expired for three years or longer may not renew the certificate previously held. To obtain a new certification, the person must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification). In order to qualify for this provision, the individual must have been a military service member at the time the certificate expired and continued in that status for the duration of the three-year period.
- (e) The commission will provide proof of current certification to individuals whose certification has been renewed.

Source Note: *The provisions of this §421.17 adopted to be effective March 5, 2002, 27 TexReg 1533; amended to be effective November 20, 2002, 27 TexReg 10747; amended to be effective August 10, 2009, 34 TexReg 5411; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective Feb. 10, 2016, 40 TexReg 980; amended to be effective February 24, 2021, 46 TexReg 1250; amended to be effective August 11, 2021, 46 TexReg 4857;*

5. **Discussion and possible action on rule review amendments to 37 Tex. Administrative Code, Part 13, Chapter 431, Fire Investigations.**

CHAPTER 431**FIRE INVESTIGATOR ~~[INVESTIGATION]~~****SUBCHAPTER A****MINIMUM STANDARDS FOR ARSON INVESTIGATOR CERTIFICATION****§431.1. Minimum Standards for Arson Investigation Personnel.**

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

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

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

§431.3. Minimum Standards for Basic Arson Investigator Certification.

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

- (1) possess a current basic peace officer's license from the Texas Commission on Law Enforcement or documentation that the individual is a federal law enforcement officer;
- (2) hold a current license as a peace officer and notify the commission on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire Investigator; or
- (4) complete a commission approved basic fire investigation training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved fire investigation training program shall consist of one of the following:
 - (A) completion of the commission approved Fire Investigator Curriculum, as specified in Chapter 5 of the commission's Certification Curriculum Manual;
 - (B) successful completion of an out-of-state, NFA, or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements as listed in the commission approved Fire Investigator Curriculum as specified in Chapter 5 of the commission's Certification Curriculum Manual; or
 - (C) successful completion of the following college courses: Fire and Arson Investigation I or II, 3 semester hours; Hazardous Materials I, II, or III, 3 semester hours; Building Construction in the Fire Service or Building Codes and Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12.

§431.5. Minimum Standards for Intermediate Arson Investigator Certification.

- (a) Applicants for Intermediate Arson Investigator Certification must complete the following requirements:
- (1) hold as a prerequisite a Basic Arson Investigator Certification as defined in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the requirements listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or
 - (D) Option 4--Hold current Intermediate Peace Officer certification from the Texas Commission on Law Enforcement with four additional law enforcement courses applicable for fire investigations (See exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.7. Minimum Standards for Advanced Arson Investigator Certification.

- (a) Applicants for Advanced Arson Investigator certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Arson Investigator Certification as defined in §431.5 of this title (relating to Minimum Standards for Intermediate Arson Investigator Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the requirements listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or Option 4--Advanced Arson for Profit or Complex Arson Investigative Techniques (Bureau of Alcohol, Tobacco, Firearms, and Explosives resident or field course, 80 hours); or
 - (D) Option 5--Hold current Advanced Peace Officer certification from the Texas Commission on Law

Enforcement with four additional law enforcement courses applicable for fire investigations (See exception outlined in subsection (c) of this section).

- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.9. Minimum Standards for Master Arson Investigator Certification.

- (a) Applicants for Master Arson Investigator Certification must complete the following requirements:
 - (1) hold as a prerequisite an Advanced Arson Investigator Certification as defined in §431.7 of this title (relating to Minimum Standards for Advanced Arson Investigator Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, either of which includes at least 18 college semester hours in fire science or criminal justice subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Arson Investigator Certification.

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

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

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

Individuals completing a commission approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

6. **Discussion and possible action on rule review amendments to 37 Tex. Administrative Code, Part 13 Chapter 433, Diver/Operator.**

CHAPTER 433**DRIVER/OPERATOR****SUBCHAPTER A****MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER****§433.1. Driver/Operator-Pumper Certification.**

A driver/operator - pumper is defined as an individual who safely operates a fire pumper in accordance with all state and local laws; operates a fire pump in a safe manner; and determines effective fire stream calculations and pump discharge pressures. Responsibilities include routine apparatus tests, maintenance, inspections, and servicing functions.

§433.3. Minimum Standards for Driver/Operator-Pumper Certification.

(a) In order to obtain Driver/Operator-Pumper certification, the 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 Driver/Operator-Pumper 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

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

(A) complete a commission approved Driver/Operator-Pumper Curriculum as specified in Chapter 7 of the commission's Certification Curriculum Manual;

(B) complete an out-of-state training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Driver/Operator-Pumper Curriculum; or

(C) complete a military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Driver/Operator-Pumper Curriculum.

(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 7 (pertaining to Driver/Operator-Pumper) of the commission's Certification Curriculum Manual are met.

§433.5. Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Driver/Operator-Pumper certification.

(b) Individuals will be permitted to take the commission examination for Driver/Operator-Pumper by documenting, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a commission approved Driver/Operator-Pumper Curriculum.

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

Individuals completing a commission approved Driver/Operator-Pumper program; documenting, as a minimum, an IFSAC seal for Fire Fighter I; and passing the applicable state examination may be granted an IFSAC seal as a Driver/Operator-Pumper 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 433**DRIVER/OPERATOR****SUBCHAPTER B****MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS****§433.201. Driver/Operator-Aerial Apparatus Certification.**

A Driver/Operator-Aerial Apparatus is defined as an individual who operates an aerial apparatus safely and in accordance with all state and local laws; safely and correctly maneuvers, positions, stabilizes, and operates an aerial apparatus and device; and effectively deploys and operates an elevated master stream from a water source. Other responsibilities include routine apparatus testing, maintenance, inspections, and servicing functions.

§433.203. Minimum Standards for Driver/Operator-Aerial Apparatus Certification.

(a) In order to obtain Driver/Operator-Aerial Apparatus certification, the 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 Driver/Operator-Aerial Apparatus 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 2014 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 Driver/Operator-Aerial Apparatus training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Driver/Operator-Aerial Apparatus training program must consist of one of the following:

(A) completion of an in-state Driver/Operator-Aerial Apparatus 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 training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; or

(C) completion of a military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

7. Discussion and possible action on proposed new 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.

CHAPTER 437**FEES****§437.1. Purpose and Scope.**

- (a) The purpose of this chapter is to set forth requirements governing the fees charged by the commission as prescribed by Texas Government Code, Chapter 419, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.
- (d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service providers.

§437.3. Certification Application Processing Fees.

- (a) A non-refundable application processing fee of \$85 is required for each certificate issued by the commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.
- (e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.
- (f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

§437.5. Renewal Fees.

- (a) A non-refundable annual renewal fee of \$60 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the commission may collect only one renewal fee of \$60, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.
- (h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$30 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$60 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.

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

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

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

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

§437.7. Standards Manual and Certification Curriculum Manual Fees.

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

(b) The commission does not provide printed copies of the manuals. A printed copy of the commission's standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.thomsonreuters.com [www.west.thomson.com].

§437.11. Copying Fees.

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

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

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

§437.13. Processing Fees for Test Application.

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

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

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

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

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

(d) The test application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are

not included.

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

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

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

§437.17. Records Review Fees.

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

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

§437.19. Early Review Fees.

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

8. Discussion and possible action on rule review for the following:

- 1. 37 Tex. Administrative Code, Part 13, Chapter 441, Continuing Education.**
- 2. 37 Tex. Administrative Code, Part 13, Chapter 443, Certification Curriculum Manual.**
- 3. 37 Tex. Administrative Code, Part 13, Chapter 447, Part-Time Fire Protection Employee.**
- 4. 37 Tex. Administrative Code, Part 13, Chapter 455, Minimum Standards for Wildland Fire Protection Certification.**

8. Discussion and possible action on rule review for the following:

- 1. 37 Tex. Administrative Code, Part 13, Chapter 441, Continuing Education.**

CHAPTER 441**CONTINUING EDUCATION****§441.1. Objective.**

Continuing education is intended to maintain or increase the knowledge and skills pertinent to the fire service.

Source Note: The provisions of this §441.1 adopted to be effective November 1, 1998, 23 TexReg 10903.

§441.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Certification period--That period from the time a certificate is obtained or renewed until it is time for the certificate to be renewed again. See §437.5 of this title (relating to Renewal Fees) for the definition of certification period.

(2) Level 1--Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.

(3) Level 2--Fire service training or education intended to develop new skills that are not contained in the commission's certification curriculum manual for certifications held.

Source Note: The provisions of this §441.3 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective October 11, 2000, 25 TexReg 10190; amended to be effective March 8, 2001, 26 TexReg 2046; amended to be effective December 24, 2002, 27 TexReg 12008; amended to be effective November 8, 2005, 30 TexReg 7239; amended to be effective March 27, 2006, 31 TexReg 2701; amended to be effective December 18, 2012, 37 TexReg 9783

§441.5. Requirements.

(a) Continuing education shall be required in order to renew certification.

(b) The continuing education requirement for renewal shall consist of a minimum of 18 hours of training to be conducted during the certification period. Of the 18 hours, two hours shall be a review of the most recent TCFP injury report, with a focus on the top three leading causes of injuries during the reporting period. All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.

(c) Level 1 training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.

(d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.

(e) No more than four hours per year in any one subject of Level 1 training may be counted toward the continuing education requirement for a particular certification.

(f) There shall be no "hour per subject limit" placed on Level 2 courses, except that emergency medical courses shall be limited to four hours per year.

(g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.

(h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal document. Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.

(i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.

(j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.

(k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation provided by the individual and the individual's treating physician of the illness or injury that cumulatively lasts six months or longer, or by documentation of military service or activation to military service.

(l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period in Level 1 or Level 2 subjects relating to the certification being renewed shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

(m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training upon notification by the commission. An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her training records for a period of three years from the date of the training.

(n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

Source Note: The provisions of this §441.5 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective October 11, 2000, 25 TexReg 10190; amended to be effective June 26, 2001, 26 TexReg 4734; amended to be effective July 29, 2002, 27 TexReg 6726; amended to be effective December 24, 2002, 27 TexReg 12008; amended to be effective May 26, 2005, 30 TexReg 3037; amended to be effective November 8, 2005, 30 TexReg 7239; amended to be effective March 27, 2006, 31 TexReg 2701; amended to be effective March 7, 2007, 32 TexReg 1099; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 26, 2015, 40 TexReg 8344; amended to be effective Feb. 10, 2016; 40 TexReg 980; amended to be effective November 25, 2021, 46 TexReg 7897

§441.7. Continuing Education for Structure Fire Protection Personnel.

(a) A minimum of two hours of continuing education in structure fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as structure fire protection personnel and who are appointed to structure fire protection duties.

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

Source Note: The provisions of this §441.7 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.9. Continuing Education for Aircraft Rescue Fire Fighting Personnel.

(a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.

(b) Continuing education must, at a minimum, meet the specific training requirements of FAR 139.319(i)(2) and (3) (pertaining to Aircraft Rescue and Fire Fighting Operational Requirements). Continuing education required by this subsection may exceed 20 hours, if necessary, to complete all required subjects.

Source Note: The provisions of this §441.9 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 24, 2002, 27 TexReg 12008; amended to be effective May 21, 2006, 31 TexReg 3905

§441.11. Continuing Education for Marine Fire Protection Personnel.

(a) A minimum of two hours of continuing education in marine fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as marine fire protection personnel and who are appointed to marine fire protection duties for any certification period beginning after October 31, 1993.

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

Source Note: The provisions of this §441.11 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.13. Continuing Education for Fire Inspection Personnel.

(a) A minimum of two hours of continuing education in fire inspection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as fire inspection personnel and who are appointed to fire inspection duties.

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

Source Note: The provisions of this §441.13 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.15. Continuing Education for Arson Investigator or Fire Investigator.

(a) A minimum of two hours of continuing education in arson or fire investigation subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as arson investigation or fire investigation personnel and who are appointed to arson or fire investigation duties.

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

Source Note: The provisions of this §441.15 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.17. Continuing Education for Hazardous Materials Technician.

(a) Eight hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.

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

Source Note: The provisions of this §441.17 adopted to be effective November 1, 1998, 23 TexReg 10903; amended to be effective December 24, 2002, 27 TexReg 12008; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.19. Continuing Education for Head of a Fire Department.

(a) A minimum of twenty hours of continuing education in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as head of a fire department and who are appointed as head of a department. The twenty hours of continuing education shall include:

(1) ten hours in emergency operations subjects; and

(2) ten hours in fire administration subjects. These subjects may include emergency management, leadership, budget and finance, labor relations, human resources and personnel management, collective bargaining, conflict resolution, organizational and strategic planning, community relations and public education, intergovernmental regulations, and personnel health, safety and wellness.

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

Source Note: The provisions of this §441.19 adopted to be effective May 23, 1999, 24 TexReg 3864; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742; amended to be effective August 26, 2015, 40 TexReg 5344

§441.21. Continuing Education for Fire Service Instructor.

(a) A minimum of two hours of continuing education in fire service instruction subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for individuals certified as a fire service instructor and who are appointed to fire service instructor duties.

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

Source Note: The provisions of this §441.21 adopted to be effective July 27, 2005, 30 TexReg 4217; amended to be effective December 18, 2012, 37 TexReg 9783; amended to be effective November 10, 2014, 39 TexReg 8742

§441.23. Continuing Education for Wildland Fire Fighter.

A minimum of four hours of continuing education in Wildland Fire Fighting subjects will be required for individuals certified as a Wildland Fire Fighter. The required hours must include hands-on refresher training in the use and deployment of a fire shelter. The four hours may be included in the eighteen hours required during the certification renewal period.

Source Note: The provisions of this §441.23 adopted to be effective February 28, 2013, 38 TexReg 1220; amended to be effective May 20, 2014, 39 TexReg 3876

8. Discussion and possible action on rule review for the following:

- 2. 37 Tex. Administrative Code, Part 13, Chapter 443, Certification Curriculum Manual.**

CHAPTER 443**CERTIFICATION CURRICULUM MANUAL****§443.1. Approval by the Fire Fighter Advisory Committee.**

(a) All proposals for new or revised curricula and training programs must be submitted to the Fire Fighter Advisory Committee for approval.

(b) The Fire Fighter Advisory Committee may:

(1) submit proposals to a subcommittee formed of members of the Fire Fighter Advisory Committee for study and review before approval; or

(2) submit proposals to an advisory committee formed of members of the fire service who are recommended by the Fire Fighter Advisory Committee and appointed by the commission to report to the Fire Fighter Advisory Committee, for study and review before approval.

(c) All proposals approved by the Fire Fighter Advisory Committee shall be placed on the next scheduled meeting agenda of the Texas Commission on Fire Protection.

Source Note: The provisions of this §443.1 adopted to be effective November 1, 1998, 23 TexReg 10904; amended to be effective August 23, 2017, 42 TexReg 4141

§443.3. Approval by the Texas Commission on Fire Protection.

(a) All proposals for new or revised curricula and training programs approved by the Fire Fighter Advisory Committee must receive final approval by the Texas Commission on Fire Protection.

(b) Proposals not approved by the commission shall be sent back to the committee for further development. The commission shall indicate to the committee the reasons that the proposals were not approved.

Source Note: The provisions of this §443.3 adopted to be effective November 1, 1998, 23 TexReg 10904; amended to be effective August 23, 2017, 42 TexReg 4141

§443.5. Effective Date of New or Revised Curricula and Training Programs Required by Law or Rule.

(a) New curricula and training programs will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission.

(b) Changes to curricula and training programs will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission.

(c) Changes to curricula and training programs which involve reference materials will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission, as recommended by the Fire Fighter Advisory Committee, depending on the impact the change will have on the curricula or training programs.

(d) Changes to curricula and training programs that involve a safety consideration as determined by the Fire Fighter Advisory Committee shall become effective immediately following final approval by the commission.

Source Note: The provisions of this §443.5 adopted to be effective November 1, 1998, 23 TexReg 10904; amended to be effective March 1, 1999, 24 TexReg 791; amended to be effective August 23, 2017, 42 TexReg 4141

§443.7. Effective Date of New or Revised Curricula and Training Programs Which Are Voluntary.

(a) New curricula and training programs will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the commission.

(b) Changes to curricula and training programs will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the commission.

(c) Changes to curricula and training programs that involve a safety consideration as determined by the Fire Fighter Advisory Committee shall become effective immediately following final approval by the commission.

Source Note: The provisions of this §443.7 adopted to be effective November 1, 1998, 23 TexReg 10904; amended to be effective August 23, 2017, 42 TexReg 4141

§443.9. National Fire Protection Association Standard.

(a) All curricula and training programs must, as a minimum, meet the standards, to include manipulative skills objectives and knowledge objectives, of the current NFPA standard pertaining to the discipline, if such a standard exists and subject to subsection (c) of this section.

(b) New curricula and training programs presented to the Fire Fighter Advisory Committee must, as a minimum, meet the standards of the current edition of the applicable NFPA standard for the discipline, if such a standard exists.

(c) If a NFPA standard is adopted or an existing NFPA standard is revised, all curricula and training programs must meet the standards of the new or revised applicable NFPA standard within three years of the official adoption date of the applicable NFPA standard.

Source Note: The provisions of this §443.9 adopted to be effective November 1, 1998, 23 TexReg 10904; amended to be effective February 17, 2004, 29 TexReg 1415; amended to be effective August 23, 2017, 42 TexReg 4141

8. Discussion and possible action on rule review for the following:

- 3. 37 Tex. Administrative Code, Part 13, Chapter 447, Part-Time Fire Protection Employee.**

CHAPTER 447

PART-TIME FIRE PROTECTION EMPLOYEE

§447.1. Minimum Standards for Part-Time Fire Protection Employees.

(a) Regulated entities that appoint part-time fire protection employees are subject to the same Commission rules that apply to fire departments as defined in §421.5(18) of this title.

(b) Part-time fire protection employees are subject to the same Commission rules that apply to full-time fire protection personnel.

Source Note: The provisions of this §447.1 adopted to be effective November 1, 1998, 23 TexReg 10906; amended to be effective December 24, 2002, 27 TexReg 12008; amended to be effective July 19, 2007, 32 TexReg 4447

§447.3. Minimum Standards for Higher Levels of Part-Time Certification.

Part-time persons seeking higher levels of certification must complete the same requirements as full-time fire protection personnel. Years of experience for part-time fire personnel shall be in calendar years.

Source Note: The provisions of this §447.3 adopted to be effective November 1, 1998, 23 TexReg 10906; amended to be effective July 19, 2007, 32 TexReg 4447

§447.5. Permissible Hours of Work for Part-Time Fire Protection Employees.

(a) Part-time fire protection employees may not:

(1) work more than 24 hours a week or average more than approximately 24 hours a week during a work cycle for any one fire department; or

(2) work more than 500 hours in a calendar year in fire suppression duties for any one fire department.

(b) Part-time fire protection employees may work on a temporary (fill-in) basis for a fire protection personnel who is absent from work due to vacation, illness, injury, or administrative leave.

(1) The hours worked in a temporary position shall not be counted when computing the hours worked in subsection (a)(1) of this section.

(2) If the hours worked in a temporary position are in fire suppression related duties, the hours worked shall be counted when computing the hours worked in subsection (a)(2) of this section.

Source Note: The provisions of this §447.5 adopted to be effective November 1, 1998, 23 TexReg 10906

8. Discussion and possible action on rule review for the following:

- 4. 37 Tex. Administrative Code, Part 13, Chapter 455, Minimum Standards for Wildland Fire Protection Certification.**

CHAPTER 455

MINIMUM STANDARDS FOR WILDLAND FIRE PROTECTION CERTIFICATION

§455.1. Minimum Standards for Wildland Fire Protection Personnel.

(a) A wildland fire fighter is defined as an individual whose assigned function is suppression of fires in the wildland or wildland-urban interface setting.

(b) Individuals holding Wildland Fire Protection certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

(c) All Wildland Fire Protection certifications issued by the commission and referenced in this chapter are voluntary.

Source Note: The provisions of this §455.1 adopted to be effective August 20, 2012, 37 TexReg 6315

§455.3. Minimum Standards for Basic Wildland Fire Protection Certification.

In order to be certified as Basic Wildland Fire Protection personnel, an individual must:

(1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Wildland Fire Fighter Level I; or

(2) complete a commission approved Basic Wildland Fire Protection program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Basic Wildland Fire Protection training program shall consist of one of the following:

(A) completion of the commission approved Basic Wildland Fire Fighter training program, as specified in the applicable chapter of the commission's Certification Curriculum Manual; or

(B) completion of the following National Wildfire Coordinating Group (NWCG) courses:

(i) S-130: Firefighter Training;

(ii) S-190: Introduction to Wildland Fire Behavior;

(iii) L-180: Human Factors on the Fireline; and

(iv) I-100: Introduction to the Incident Command System, or an equivalent basic incident command system course such as NIMS IS-100; or

(C) Completion of a Texas A&M Forest Service approved online Hybrid (I-100, S-130, S-190 & L-180) with in-person test and field day.

Source Note: The provisions of this §455.3 adopted to be effective August 20, 2012, 37 TexReg 6315; amended to be effective January 5, 2014, 38 TexReg 9628; amended to be effective November 26, 2015, 40 TexReg 8344; amended to be effective August 23, 2017, 42 TexReg 4142; amended to be effective March 14, 2022, 47 TexReg 1300;

§455.5. Minimum Standards for Intermediate Wildland Fire Protection Certification.

In order to be certified as Intermediate Wildland Fire Protection personnel, an individual must:

(1) hold Basic Wildland Fire Protection certification issued by the commission; and

(2) complete the associated position task book as adopted by the National Wildfire Coordinating Group (NWCG) 310-1. Proof of completion of the position task book must be from the Texas Intrastate Fire Mutual Aid System (TIFMAS) (e.g. task book approval form or TIFMAS card); and

(3) individual who hold Structure Fire Protection certification issued by the commission must complete a commission approved Intermediate Wildland Fire Protection program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Intermediate Wildland Fire Protection training program shall consist of one of the following:

(A) completion of the commission approved Intermediate Wildland Fire Fighter Curriculum, as specified in the applicable chapter of the commission's Certification Curriculum Manual; or

(B) completion of the NWCG course G-131: Wildland Training (FFT1) for Structural Fire Fighters; or

(C) completion of the NWCG courses S-131 and S-133 prior to October 2016, or only S-131 after October 2016; or

(4) individuals who hold a State Firemen's and Fire Marshals' Association Advanced Accredited certification issued prior to January 1, 2012, or a State Firemen's and Fire Marshals' Association Firefighter II certification issued on or after January 1, 2012, must complete a commission approved Intermediate Wildland Fire Protection program and successfully pass the commission examination which includes both Basic Structure Fire Protection and Intermediate Wildland Fire Protection, as specified in Chapter 439 of this title. An approved Intermediate Wildland Fire Protection training program shall consist of one of the following:

(A) completion of the commission approved Intermediate Wildland Fire Fighter Curriculum, as specified in the applicable chapter of the commission's Certification Curriculum Manual; or

(B) completion of the NWCG course G-131: Wildland Training (FFT1) for Structural Fire Fighters; or

(C) completion of the NWCG courses S-131 and S-133 prior to October 2016, or only S-131 after October 2016.

Source Note: The provisions of this §455.5 adopted to be effective August 20, 2012, 37 TexReg 6315; amended to be effective January 5, 2014, 38 TexReg 9628; amended to be effective November 18, 2018, 43 TexReg 7559

§455.7. Examination Requirements.

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

(b) Persons seeking a commission certification referenced in this chapter who do not currently hold a certification issued by the commission must meet all requirements regarding application for initial certification.

Source Note: The provisions of this §455.7 adopted to be effective August 20, 2012, 37 TexReg 6315; amended to be effective January 5, 2014, 38 TexReg 9628

9. Subjects for future agenda items.

10. Future meeting dates.

11. Adjourn meeting.