

**Self-Evaluation Report
for the
Texas Commission on Fire Protection**



***Submitted to
Sunset Advisory Commission
August 2019***

TABLE OF CONTENTS

I.	Agency Contact Information	1
II.	Key Functions and Performance	2
III.	History and Major Events.....	14
IV.	Policymaking Structure	17
V.	Funding	21
VI.	Organization.....	24
VII.	Guide to Agency Programs	26
	<i>Fire Safety Information and Education</i>	26
	<i>Compliance</i>	30
	<i>Curriculum and Test Development</i>	38
	<i>Training Approval and Testing</i>	43
	<i>Certification and Professional Development</i>	50
VIII.	Statutory Authority and Recent Legislation.....	57
IX.	Major Issues	59
	<i>Issue: Non-certified Individuals Performing Fire Code Enforcement Inspections</i>	60
X.	Other Contacts	61
XI.	Additional Information	63
XII.	Agency Comments	68

Texas Commission on Fire Protection Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

**Texas Commission on Fire Protection
Exhibit 1: Agency Contacts**

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[Table 1 Exhibit 1 Agency Contacts](#)

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in a later section.

A. Provide an overview of your agency's mission, objectives, and key functions.

The Texas Commission on Fire Protection is one of many state and local agencies that make up the Texas fire protection community. The commission's statutory authority and role within this community is to serve Texas fire departments and the public by:

- *providing information and educational resources* to Texas fire departments and individuals, with the goal of promoting improved fire protection and response capabilities in the state, and
- *establishing and enforcing standards* for fire protection personnel training, certification, protective clothing, self-contained breathing apparatus, breathing air and standard operating procedures.

Providing information and educational resources

- The **injury reporting program** involves gathering data related to fire personnel injuries, analyzing the data, and publishing the results with recommendations annually. All regulated entities are required to report injuries sustained by their personnel.
- The **Ernest A. Emerson Fire Protection Resource Library** provides fire protection research and educational materials to Texas fire departments, fire personnel, schools and the general public. The library's collection of audiovisual materials is available for circulation to the public. The library also provides research assistance on fire protection issues.

Establishing and enforcing fire protection standards

- The commission's **Certification and Professional Development Section** certifies approximately 34,000 fire protection personnel. State law requires paid fire protection personnel assigned to certain duties to be certified by the commission. Volunteers and individuals not affiliated with a paid or volunteer department can choose to be certified by the commission on a voluntary basis. The commission certifies fire protection personnel to multiple levels in several different disciplines, including: structure fire protection, aircraft rescue fire protection, marine fire protection, fire and arson investigation, fire instructor, fire inspector, fire chief, fire officer, hazardous materials, wildland firefighting, driver-operator, and fire/life safety educator. Additionally, the commission certifies nearly 300 training providers. The certification section also performs audits of continuing education, and administers the annual certification renewal program for departments, individuals, and training facilities.
- The commission's **curriculum and test development program** is contained within both the Certification and Training Approval/Testing Sections. The program is charged with developing and maintaining the training curricula for each certification required for appointment to duties (also called mandatory certifications), and test question banks for all disciplines, both mandatory and professional development. The program staff works closely with advisory committees to ensure that each curriculum and test question bank is current and in conformance with the applicable National Fire Protection Association (NFPA) standard and any applicable laws, and

that the questions on the commission's certification exams address the job performance requirements referenced in the various NFPA Standards.

- The commission's **Training Approval and Testing Section** annually administers over 10,000 written and skill examinations for fire service personnel certification. Training approval and testing staff members ensure that training programs scheduled by providers meet the requirements set out in commission rules; perform audits of programs that are underway; schedule, prepare, conduct, and grade exams, and evaluate training completed by individuals coming from out of state to determine whether the individuals are eligible to challenge the commission examination process. The staff has also been active recently in the development of the agency's online testing program.
- The goal of the commission's **Compliance Section** is to ensure the safety of the state's fire protection personnel by inspecting fire departments and other regulated entities to see that they are in compliance with state laws and rules. The commission's compliance officers travel to every regulated entity at least once every two years to inspect fire protection personnel certifications, training records, breathing air test records, protective clothing, self-contained breathing apparatus and certain departmental procedures and policies. If a department is found to be in violation of a state law or commission rule, the compliance section works with the entity to attain compliance.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed.

The commission is the only state agency having the authority to adopt and enforce standards designed to ensure the safety and competency of career fire protection personnel in the State of Texas, which in turn benefits those they have pledged to protect in our communities.

The commission is solely responsible for requiring fire personnel to undergo training programs that expose them to information and competencies addressed in the applicable NFPA standards. The training is then proven through a state examination process that requires successful completion of both a written exam and motor skills testing before certification can be attained. Training curricula and tests are developed and thoroughly vetted by subject matter experts to ensure the training and testing adhere to the high standards established by the NFPA. The commission also works alone to ensure that fire protection personnel receive the required continuing education each year through an audit program and inspections of regulated entities.

Furthermore, the commission is the only agency ensuring that fire departments and other fire protection entities provide for the safety of personnel by way of its compliance inspection activities. The inspection program ensures that regulated organizations: (1) provide and maintain personal protective clothing and equipment for personnel and trainees; (2) establish and maintain certain policies and procedures related to areas of concern such as PPE, breathing apparatus, emergency operations, fire fighter accountability, and personnel health and safety; and (3) adhere to other rules adopted by the commission for fire departments, fire marshal offices, training providers, and other entities. The compliance inspection program brings assurance that fire protection organizations will continue to do their part, and will not compromise when it comes to providing for the safety of fire service personnel.

Established by legislative action in a previous session, the injury reporting program provides critically important data for use by the commission, fire departments, training providers, and others in the development of safety guidelines. Originally established in 2010, the program now provides a wealth of valuable information regarding types of injuries, how and where they occur, the severity of injuries, the impact on individuals and departments, trends from year to year, and other important information. As the subject of occupational illnesses in the fire service is gaining prominence, discussions have also revolved around how the injury reporting program can assist in shedding light on the subject. Ceasing this program

would result in the loss of a critical planning tool for both the commission and local fire service organizations.

The commission's library is important not only to the commission's work in developing and maintaining training and testing resources, but it also provides a valuable resource for the commission's fire service constituents. The library makes educational and instructional materials available to fire service organizations and individuals who may not otherwise have access. Materials are offered in both audio/visual and written form. Without it, the level of training and the health and safety of Texas fire protection personnel could be compromised.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

All current functions performed by the agency continue to serve an ongoing purpose for the state.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Issue #1: Appointment of Personnel

Section 419.032 of the commission's enabling statute no longer reflects how the commission addresses requirements for newly-appointed personnel. The section describes the requirements for a person who has been appointed (employed) to a fire department, and the subsequent requirement to be certified within one year following the appointment (employment). The wording of the statutory language was originally interpreted to mean that a department was required to train and certify a person within one year of the date of the person's employment.

For some time however, the commission has defined "appointment" as assignment to fire protection duties following the completion of required training, rather than initial employment with a fire department. The commission begins counting the one-year period at the point where the person is appointed to duties following training; this begins the "temporary" or "probationary" appointment status. The person must then be certified within one year of the appointment to duties. A specific status is assigned to a probationary appointee in the agency's database so that it can be tracked.

The change in how the agency implements this part of the statute was instituted subsequent to recommendations by the agency's legal counsel at the time.

Issue #2: Part Time Fire Protection Employees

Section 419.0321 of the commission's statute also no longer reflects current practice. Subsection (a) of the section calls for the agency to create a separate certification class for part-time fire protection employees. However, the commission abandoned this practice a number of years ago since subsection (d) of the same section calls for individuals fitting this criteria to be subject to the same requirements as full-time personnel. Consequently, individuals appointed to part-time duties with a department now hold the same certification as full-time personnel.

The same can be said of a person holding commission certification and serving as a volunteer with a commission-regulated department. If the department chooses to show the volunteer as appointed to duties in the commission's database, then that person must hold the same certification as full or part time personnel. The distinction with volunteer personnel is that a department does not have to show the person as appointed to duties, and therefore the person does not have to hold commission certification in order to

serve as a volunteer. The requirement only applies if a department chooses to show a volunteer as appointed to duties in the commission's database.

Issue #3: Definition of Fire Protection Personnel

Closely related to issue #2 above, the current practice of having a single certification class regardless of work status (FT, PT, Vol) also suggests the need for a change in the definition of "fire protection personnel" as referenced in various locations of Section 419.021, 419.0321, and 419.0322. Section 419.021 defines "fire protection personnel" as being full time employees. However, for all practical purposes any individual holding a commission certification who is appointed to the applicable duties is considered "fire protection personnel", regardless of work status.

Issue #4: Commission Manual

Section 419.025 of the enabling statute calls for the commission to set and collect a fee for a manual that states rules and minimum standards for fire protection personnel.

However, the commission no longer produces a full manual for interested parties. Instead, individuals can click a link on the commission's website to view a specific chapter of the "standards manual". The link takes the individual directly to the current administrative code on the Texas Register's website. This has the obvious advantage of providing the most up-to-date information possible.

E. Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?

No changes have been recommended to the Legislature since the last Sunset review of the agency.

F. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

The commission is careful to avoid duplication of efforts through a close working relationship and coordination with fire service agencies and organizations across the state. Other state agencies include the State Fire Marshal's Office, the Texas A&M Forest Service, and the Texas A&M Engineering Extension Service-Emergency Services Training Institute.

Also included are several non-governmental fire service organizations such as the Texas State Association of Fire Fighters (TSAFF), Texas Fire Chief's Association (TFCA), the State Firefighters' and Fire Marshals' Association (SFFMA-volunteer association), the Texas Fire Marshal's Association (TXFMA), and the Texas State Association of Fire and Emergency Services (SAFE-D).

The commission joins with all the entities above in a consortium that meets regularly to discuss issues pertinent to the overall mission. These entities are also included on every commission meeting agenda, giving representatives of each the opportunity to provide a report on their activities.

The commission provides several services to the state which are appropriate for its mission:

- Development of certification examinations for all available fire protection disciplines, and curriculum development for a few critical disciplines, all based upon national fire protection standards. Following a review of its curriculum development program, the commission opted to limit curriculum development to only its mandatory certifications. This represents just nine of the 43 certifications currently offered by the commission.

Self-Evaluation Report

- Processing of applications for basic and advanced levels of certification, and management of the certification renewal process for all regulated personnel and training facilities. The processes include activities such as criminal background checks, verification of other credentials that may be required for a given certification, and review/verification of required continuing education.
- Inspection of fire departments and other regulated entities to ensure they provide and maintain the clothing, equipment, and programs necessary for personnel safety. Inspections of regulated training programs also ensure that specific training delivery standards are met. Again, national fire protection standards are utilized when assessing regulated entities.
- The commission's library has a unique collection of fire service-specific materials. The materials are used by committees charged with curriculum and test development, and by local fire service individuals and entities.
- The commission captures injury data specific to fire service personnel throughout the state. Although general injury data for the state's workforce is also captured by the Texas Department of Insurance workers' compensation program, the data gathered by the commission provides detail regarding injuries unique to the fire service. The commission also maintains the authority to investigate fire personnel injuries for the purpose of assisting local jurisdictions in reducing injuries.

There are functions within the state's fire protection mission that the commission does *not* perform, which are handled by other state or federal agencies. For example:

- The commission does not take the lead in the investigation of a fire fighter death, but rather assists the State Fire Marshal's Office (SFMO), a division of the Texas Department of Insurance, in the investigation. Typically, the commission's assistance takes the form of providing inspection related information pertinent to the specific investigation.
- Members of the public as well as industry representatives often approach the commission for information regarding fire extinguishers, fire sprinklers, fire alarm systems, and fireworks. These are all regulated by the SFMO. The SFMO also administers the Texas Fire Incident Reporting System (TEXFIRS) to gather statewide information about the number and type of incidents to which the fire service responds.
- The commission does not maintain statutory authority regarding building or fire codes, which generally fall under the authority of local jurisdictions. (In areas not covered by a local authority, the SFMO generally has jurisdiction.)
- The commission does not provide training. It does, however, approve and oversee entities that deliver training leading to the certifications issued by the commission. The commission regulates many such entities statewide, which include fire departments, fire marshal offices, community colleges, other state agency training programs, and private providers.

G. In general, how do other states carry out similar functions?

Other states are similar to Texas in that the broad scope of fire protection services mentioned in the previous section may fall under different authorities in those states as well.

Regarding the specific functions of the commission:

Other states vary widely when it comes to certification of fire protection personnel. Some may require little training/testing prior to an individual beginning their service, while others may employ as robust a system

as Texas. Many states do utilize the existing national standards to some degree for credentialing purposes. Many states have also become accredited by one of the two organizations that validate the competency of individuals who have completed training and passed an examination in a particular fire service discipline. Texas is accredited by one of those, the International Fire Service Accreditation Congress (IFSAC). IFSAC provides third-party verification that the commission's testing and certification processes meet the established requirements.

Texas tends to be among the leaders in the country when it comes to having statewide requirements for the safety of career fire protection personnel, such as those addressing the care/maintenance of protective clothing and equipment, or requirements for local fire departments to adopt certain processes and procedures to enhance safe operations.

The National Fire Protection Association collects fire personnel injury data every year from fire departments around the country that participate on a voluntary basis. A few other states have also instituted voluntary reporting programs. However, to the knowledge of this agency, no other state has taken the step to require local fire protection entities to report injury data to a centralized fire agency. The result has been the development of a database that is generally considered much more comprehensive and accurate than any of the voluntary systems.

The commission is also fairly unique among state-level fire protection oversight agencies in that working members of the fire service and the public constitute the membership of the commission's rulemaking authority. Statute (Chapter 419.004, Tx. Govt. Code) requires representation by the major fire service interest groups, which results in virtually continuous input from the fire service as issues are addressed.

H. What key obstacles impair your agency's ability to achieve its objectives?

A significant obstacle to fully achieving agency objectives involves a limitation on the efforts the agency can dedicate to its information resource (IR) initiatives. A statutory mandate calls for the commission to *"...implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet"* (Sec 419.012, TGC). Web based applications are now the primary interface for both staff and fire service users:

- Many processes once managed via paper/hard copy are now done electronically. Fire service users can now log into their commission account and perform numerous functions that previously required the submission of a form and possibly other documents. Several paper forms used by the commission have been, or are in the process of being phased out.
- Certain components of the commission's business processes are now significantly more efficient than in previous years. The commission is also undergoing the transition to the statewide CAPPS system, which requires significant programming development involving its internal processes so that the processes can interface correctly with CAPPS.
- The commission now has online delivery of certification exams. All disciplines except one can be tested at one of the designated testing centers around the state. Although onsite examinations are still available, the online exam process is quickly becoming the method of choice for many examinees.
- As rule language is adopted or revised by the commission, programming within the agency's affected processes must also occur to reflect those changes.

- As the IR infrastructure becomes an even more integral part of the commission's processes, maintenance of the system becomes more of a critical issue than ever before. When viewed accurately, the IR component can no longer be considered simply a "support" function...it is a core function involving all operations. Those operations have become dependent upon robust, uninterrupted services. If the services fail, many of the commission's operations become severely crippled, or essentially cease to function during the "down" time.

In recent years, the commission was forced to shift a few FTE positions from other activities to the Information Resources section to help address the increased workload and demands on staff in that section. Greater efficiencies realized by technological improvements to commission processes allowed the shift to occur while still managing the increasing demand on other services. However, this type of solution is limited. The commission simply does not have the resources (personnel or monetary) to continue enacting additional shifts, but the demand for further development and maintenance of state-of-the-art information resource capabilities continues to build.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

A great deal of attention is being paid to the long-term health effects of fire fighting on the personnel engaged in those duties. For example, over the past several years empirical evidence has been developed to indicate that fire fighters are significantly more prone to certain types of cancers than the general population.

Many in the Texas fire service are looking to the commission to take a more proactive approach when it comes to collection and reporting of Texas fire fighter cancer data. Although the commission already collects information on injuries that are required to be reported to workers' comp, cancer diagnoses may or may not get reported. Discussions are already occurring to consider a requirement for local fire departments to report cancer cases to the commission independently from other injuries. This type of change would likely require legislative authorization; and because of the trend in this area, it is seen as a distinct possibility. If legislation of this nature were passed, it would place an additional demand on agency workload and staff requirements.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

The biggest opportunities for improvement lie in technological advances the commission can make. The agency has made significant strides in the past five years to improve its online features and capabilities for both staff and outside users, and there are plans for more improvements in the future. Plans are also being developed to further enhance the security and resiliency of the agency's information resources system.

Continued improvements to the commission's online features offer enhanced efficiencies: Staff members can continue to manage the workload even with a growing number of regulated organizations and personnel. Fire service personnel can take care of more personal and fire department business without having to interact directly with a staff member (phone calls and emails!), or submit a form and wait, sometimes weeks, for the change to be processed. A big change that took place recently was the commission's launch of online certification testing. As additional testing centers are added, it will provide more opportunities for the fire service community to take advantage of the program.

One possible function to be explored in the near future is the development of an online continuing education (CE) reporting system for use by fire departments statewide. Currently, CE for fire department personnel

is maintained on file at the local level, and is subject to review by compliance officers during inspections. The commission does not have the staffing resources to review all CE obtained by every regulated individual. However, commission staff does perform audits of approximately 50% of the certificate holders each year who are not associated with a fire department; this represents about 1,500 audits per year. The plan would be to consider the feasibility of having fire departments report CE via an online interface as the classes occur, with the agency's system tallying hours for each individual to ensure required CE is being obtained. Still in question is whether a system like this can realistically be developed in such a way as to function with local fire department data management systems so that it can minimize the reporting burden on departments.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

Key performance measures included in the commission's budget pattern are shown in the table below. More specific information regarding the key measures, including the methodology used to calculate the data can be found in Schedule B of the Agency Strategic Plan for fiscal years 2019-23. See the link in the Attachments for access to the Agency Strategic Plan. See also the Policy and Procedures for Performance Measure Reporting in the Attachments.

**Texas Commission on Fire Protection
Exhibit 2: Key Performance Measures — Fiscal Year 2018**

Key Performance Measures	Dataset Reference Number (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of Inspections of Regulated Entities	N/A	See info above	1,120	1,140	102%
Number of Examinations Administered	N/A	See info above	9,200	12,263	133%
Average Cost Per Inspection of Regulated Facilities	N/A	See info above	\$425	\$353	83%
Percent of Fire Protection Individuals Who Pass the Certification Exam	N/A	See info above	90%	83.92%	93%
Number of Individuals Certified	N/A	See info above	31,600	33,566	106%
Number of Training Providers Certified	N/A	See info above	260	278	107%

Table 2 Exhibit 2 Key Performance Measures

Other measures

The commission tracks several other measures or activities internally. These are not included in the table above since specific target numbers are not assigned to the measures. The measures are tracked regularly, and most are reported quarterly to the commission board. They are monitored for purposes of detecting trends or other issues, and to monitor staff and committee workload. These measures include:

- The number of training courses reviewed/approved by the commission for delivery by the various certified training providers.

- The number of record reviews performed by the Training Approval/Testing Section. Training records are submitted by individuals who have completed courses in other jurisdictions (states). The records are reviewed to determine equivalency with commission approved training. If the training is deemed to be equivalent, the individual is typically allowed to challenge the commission's certification testing process.
- The number of training or testing audits performed by commission staff. Training programs are subject to inspection at any time. Training Approval/Testing and Compliance staff members will perform unannounced inspections (audits) of training programs in progress to ensure the program is conducting a class according to required guidelines, and according to the schedule submitted as part of the training prior approval process.
- The number of certifications issued. This can include certifications issued to either individuals or to training providers.
- The number of certification renewals processed. Both individuals and training providers are required to renew certifications annually. Most are done at certain times of the year, with individuals' certifications renewed during the September-October timeframe, and training provider certifications during December-January. However, renewals can be processed at any time during the year as well.
- The number of professional development training applications reviewed. Individuals submit documentation of training received during the year. The documentation is reviewed to determine if it can be credited toward higher levels of certification in various disciplines.
- Other applications submitted for review/approval. Documentation is also submitted for such things as required medical training, service time, IFSAC credentials from other jurisdictions (states), or peace officer credentials.
- The number of continuing education audits conducted for individual certificate holders. These individuals are not associated with a fire department or other regulated entity, and had indicated at the time of certification renewal that required CE had been completed.
- Activities of the various ad hoc committees and associated staff. Ad hoc committees do much of the work of developing and maintaining curricula and test banks. The commission has staff members dedicated to supporting these committees.
- Activities of the commission's fire protection resource library. The following are tracked and reported each quarter:
 - The number of print and audio/visual resources loaned.
 - The number of internal (usually committee) and external research and reference requests.
 - The number of print and audio/visual resources catalogued.
- The number of service requests handled by Information Resources staff. Requests may be from both external and internal customers.
- The percentage of "up time" of the agency website and web applications.

- L. Please list all key datasets your agency maintains. Why does the agency collect these datasets and what is the data used for? Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any "high-value data" the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency has posted those high-value datasets on publically available websites as required by statute.**

Information listed in the table below represents what could be considered key datasets maintained by or on behalf of the agency. Other data not included in the table, but available on the commission's website would include the agency's legislative appropriations request, strategic plan, annual financial report, operating

budget, customer satisfaction survey, and other reports. Numerous smaller datasets are also available on the commission's website that are not included in the table.

**Texas Commission on Fire Protection
Exhibit 3: Key Datasets**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	Applicant Information	Sensitive data such as social security number, agency-issued personal ID#, test grades	Agency	N/A	Y
N/A	Certificate Holder Information	Sensitive data such as social security number, agency-issued personal ID#, test grades	Agency	N/A	Y
N/A	Certification Lookup	Information regarding certifications held and employment history for any certificate holder	Agency	Certification Lookup	N
N/A	Current Active Certifications	List showing the number of active certifications in each discipline and level	Agency	Current Certifications	N
N/A	Injury Data	Data submitted by regulated entities regarding injuries experienced by fire service personnel. Annual report is produced and made available to public.	Agency	Injury Reports	Some data withheld from annual report to protect privacy of individuals.

Self-Evaluation Report

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	Fire Departments by Region or Size	Listing of all TCFP-regulated fire departments, downloadable as an Excel file	Agency	Fire Departments	N
N/A	Certified Training Facilities	Listing of all TCFP-approved training facilities, searchable and filterable	Agency	Training Facilities	N
N/A	Upcoming Training	Listing of all upcoming training that has been approved by TCFP for delivery. Can be filtered by provider or course.	Agency	Upcoming Training	N
N/A	Regional Testing Sites (onsite exams)	Listing of regional testing sites, and schedule of upcoming testing dates	Agency	Regional Test Sites	N
N/A	Online Testing Sites	Listing/location of facilities approved to deliver online exams	Agency	Online Testing Locations	N
N/A	Online Library Catalog	Searchable listing of resources available in the commission's library	Agency	Library Catalog	N
N/A	Continuing Education Sources	Listing of TCFP-approved continuing education providers	Agency	Continuing Education	N
N/A	A- and B-list Courses	Listing of courses that can be used to obtain higher levels of certification	Agency	A and B List Courses	N

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
N/A	Standards Manual	Commission rules, as codified in Title 37, Part 13, TAC	Texas Register	Standards Manual	N
N/A	Curriculum/Skill Manuals	Information for training programs to assist in delivering course material, and conducting the skill portion of certification exams	Agency	Curriculum Manual	N
N/A	Enabling Statute in Government Code	Chapter 419, TGC, as maintained on the Texas Constitution and Statutes website	State of Texas	Enabling Statute	N
N/A	Meeting Archives	Audio recordings of commission and ff advisory committee meetings, plus copies of agendas, minutes, and meeting materials	Agency	Meeting Archives	N

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

Provide a timeline of your agency's history and key events, including

- the date your agency was established;
- the original purpose and responsibilities of your agency; and
- major changes in responsibilities or statutory authority.

Also consider including the following information if beneficial to understanding your agency

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).

- 1969 – The Commission on Fire Protection Personnel Standards and Education was created by the 61st Legislature. The authority for the commission was originally codified as Article 4413(35), VTCS.
- 1989 – The functions of the Fire Department Emergency Board were authorized under constitutional amendment House Joint Resolution 33. The emergency board was originally established under House Bill 708, 71st Legislature, Regular Session, as an “adjunct” to the State Fire Marshal's Office, to provide grants, loans and scholarships to fire departments for fire protection training, equipment and facilities.
- 1991 – Senate Bill 383, 72nd Legislative Session, merged the Texas Commission on Fire Protection Personnel Standards and Education with the State Fire Marshal's Office and the Key Rate Section, both of which were administered by the Texas Department of Insurance. The legislation also assigned the Fire Department Emergency Board to the expanded commission. The newly consolidated agency was renamed the Texas Commission on Fire Protection to reflect its broader scope. A study by the Texas Sunset Advisory Commission during the 72nd Legislative Session concluded that the commission should have additional authority in the form of a volunteer standards and certification program.
- 1993 – The 73rd Legislature's Senate Bill 1110 revised several key areas of the commission's statutes. The bill delineated distinctions between volunteer, part-paid and full-paid fire departments and fire fighters, provided a “bridge” to allow volunteer fire fighters to become paid fire fighters, and required that entities providing fire protection to local governments for profit comply with commission regulations.
- 1997 – The commission was subject to review by the Sunset Advisory Commission during the 75th Legislative Session. Senate Bill 371, the commission's sunset legislation, revised the commission's scope considerably. Among the changes enacted was the return of the State Fire Marshal's Office to the Texas Department of Insurance. The Senate bill also abolished the commission's authority to conduct key rate inspections following the Texas Department of Insurance's 1997 repeal of the key rate system in Texas. (TDI replaced the system with the Insurance Services Office's *Fire Suppression Rating Schedule*). Additionally, SB371 transferred the agency's engineering assistance program, designed to assist fire departments with the transition to the *Fire Suppression Rating Schedule*, to TDI. The sunset legislation allowed the Fire Department Emergency Program to remain with the agency. The size of the agency was reduced from 145 to 35 FTEs.

- 2001 – The 77th Legislature passed Senate Bill 382, which significantly refined several areas of the commission’s statute relative to fire fighter safety. The bill addressed personal protective equipment and self-contained breathing apparatus, requiring departments to develop and maintain standard operating procedures covering the proper use, selection, care and maintenance of all protective clothing and self-contained breathing apparatus. The bill also required fire departments to provide all personnel with a Personal Alert Safety System (PASS). Additionally, the bill required departments to develop, based upon National Fire Protection Association (NFPA) standards, standard operating procedures (SOPs) relating to Incident Management Systems, Personnel Accountability Systems, and Fire Protection Personnel Operating at Emergency Incidents.
- 2003 – The 78th Legislature reduced the agency’s budget approximately 650,000 per year and the size of the agency by three FTEs.
- 2005 – The 79th Legislature passed Senate Bill 879 amending Chapter 419, Texas Government Code to delete obsolete language as well as giving the commission the right to make non-substantive clerical changes to its rules without review by the fire fighter advisory committee. In addition, the bill added a requirement stating that all fire departments seeking funding from the Fire Department Emergency Program must routinely and consistently report incidents to the Texas Fire Incident Reporting System (TEXFIRS) and participate in the National Incident Management System (NIMS).
- 2007 – The 80th Legislature increased the size of the agency by one FTE, to 33. House Bill 2484 changed the composition of the funds allocation advisory committee, reducing the members appointed by the State Firemen’s and Fire Marshals’ Association (SFFMA) and the Texas State Association of Fire Fighters (TSAFF) from three members each to two, and giving the Texas Fire Chiefs Association (TFCA) authority to appoint two members.
- 2009 – The commission underwent a review by the Sunset Advisory Commission, which recommended continuation of the agency through 2021. The report made several notable comments regarding the commission’s organization and functions:
 - The state has a continuing interest in ensuring that the paid fire service is trained, certified, and equipped to safely protect local communities (Sunset Staff Report, page 35).
 - The commission is uniquely positioned to establish standards for certifying paid fire service personnel and training providers (page 33).
 - The commission does not have the significant problems to justify changing its organizational structure (page 33).
 - Little benefit would result from transferring the TCFP’s functions to another agency (page 37).

Senate Bill 1011 (TCFP’s sunset legislation) also called for new commission responsibilities that had been recommended in the report. The legislation called for expansion of the commission’s authority and responsibility to:

- Perform risk-based inspections of regulated entities.
- Perform fingerprint-based criminal history background checks for applicants and certificate holders.
- Collect, track, and report injury data of fire protection personnel statewide.
- Use appropriate technological solutions to enhance the ability of the public (and regulated personnel/entities) to interact with the agency.
- Maintain a complaint tracking system.

The bill also called for the transfer of the Fire Department Emergency Program and its funds to the Texas Forest Service, which already administered a similar program.

- 2011 – The 82nd Legislature made the Texas Commission on Fire Protection a “self-funded” agency. Funding for the agency’s operations had previously been almost entirely from taxes collected on insurance policies, but the appropriation would now come from the state’s general fund. The commission would be expected to generate enough revenue to cover all appropriated amounts, plus an additional amount set forth in a budget rider. This new funding arrangement necessitated a significant increase in the primary fees collected by the commission. Fee amounts for testing, certification, and renewal were increased from \$35 to \$85, a 142% change.
- 2013 – Administratively attaching the commission to another agency was being given consideration by the 83rd Legislature, but ultimately no action was taken. Instead, a resolution was brought by the Texas State Association of Firefighters, calling for the commission to conduct a study to determine if administrative attachment to another agency would meet the following objectives:
 1. Reduce the costs associated with TCFP.
 2. Improve the services provided by the agency.
 3. Lower fees set and collected by the agency.

The project represented a collaborative effort involving agency personnel and members of several key stakeholder organizations, including the Texas State Association of Firefighters (TSAFF), the Texas Fire Chief’s Association (TFCA), The State Firemen’s and Fire Marshal’s Association (SFFMA), and the State Association of Fire and Emergency Districts (SAFE-D). Members from each of these groups comprised the study team, which performed the work of the project. The overall conclusion from the study was that administrative attachment would not likely serve to meet the stated objectives. A study report was produced and sent to key legislative and stakeholder groups.

The amount of additional revenue required by the budget rider established in the previous legislative session was also lowered by approximately 11%.

- 2015 – The 84th Legislature reduced the amount of revenue required by the agency’s budget rider. The required amount was reduced by 50%, from \$3 million to \$1.5 million over the biennium. This change, along with marked increases in revenue from testing, certification issuance, and renewal fees, allowed the commission to enact reductions in some fee amounts.

The \$1.5 million rider requirement continues as of the date of this report.

- 2017 to current – The commission continues to experience significant increases in the volume of testing, certification issuance, and in the number of individuals holding one or more commission-issued certifications. This has resulted in corresponding increases in the amount of revenue generated, which will hopefully allow the commission to consider additional fee reductions going forward. There also continues to be an increase in the number of regulated entities in the state, particularly the number of commission-approved training providers.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

**Texas Commission on Fire Protection
Exhibit 4: Policymaking Body**

Member Name	All are 6 Year Terms Appointment Begin-End Dates All appointed by Governor	Qualification	City
Robert Moore	Aug 2015 – Feb 2021	Higher Education	Bryan
Jody Gonzalez	Feb 2013 – Feb 2019	Fire Inspector/Investigator	Denton
Tommy Anderson	Aug 2015 – Feb 2021	Volunteer FF	Santa Fe
John McMakin	Feb 2013 – Feb 2019	Volunteer FF	LaRue
Steven Tull	Aug 2015 – Feb 2021	Career FF	Waco
Mike Jones	Oct 2017 – Feb 2023	Career FF, <100,000 pop	Burleson
Leonardo Perez	Feb 2013 – Feb 2019	Fire Chief	Pharr
J.P. Steelman	Oct 2017 – Feb 2023	Fire Chief, <100,000 pop	Longview
Bob Morgan	Oct 2017 – Feb 2023	Fire Protection Engineer	Fort Worth
Carlos Cortez	Aug 2015 – Feb 2021	Public Member	Harlingen
Kelly Doster	Aug 2015 – Feb 2021	Public Member	Frisco
Mala Sharma	Oct 2017 – Feb 2023	Public Member	Houston
Arminda Garza	Jan 2019 – Feb 2019	Public Member	Mission

Table 4 Exhibit 4 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The commission's role and responsibilities are to develop and adopt rules under Title 37, Part 13, Texas Administrative Code. The rules are developed to implement the commission's authority as found in Chapter 419, Texas Government Code.

The commission is assisted in its policymaking responsibilities by the Firefighter Advisory Committee, as established under Chapter 419, Texas Government Code. The commission may also appoint other advisory committees as needed to assist it in the performance of its duties.

C. How is the chair selected?

The chair of the commission is appointed by the governor.

All commission members are appointed by the governor and confirmed by the Senate.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Texas Commission on Fire Protection is probably somewhat unique in two respects: size and makeup.

The commission board is probably larger than most at 13 members. When first formed, the board was set at 12 members who were all fire service personnel of some type. The makeup changed somewhat in 1997, when the number of fire service members was reduced, and three public members were added. The change to the current total occurred in 2003, with the addition of one more public member.

The commission's enabling legislation has created a state government entity that is uniquely responsive to the public it serves. To a large extent the commission's rulemaking processes are controlled by representatives of the entities that are regulated by the commission. The majority of members of the rulemaking body — the commissioners themselves — are required to be active members of the fire service. They each serve and represent specific constituencies within the fire protection community, while at the same time being responsible for addressing fire protection issues of the state as a whole. With its initial formation, the board represented a broad spectrum of the fire service. The addition of public members to the body brings a true diversity of perspectives and expertise to bear on any issue confronting the Texas fire service.

As with the commissioners, the members of the statutorily-created Firefighter Advisory Committee represent a cross-section of the fire service community. The committee plays a vital role in the commission's work, in that the commission must permit the committee to review and comment on any proposed rule or amendment prior to its adoption.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2017? In FY 2018?

The commission is required by statute to meet at least quarterly. Twice a year, the day before the January and July quarterly meetings, the commission also meets for a separate workshop.

With the workshops, the commission met six times each year in 2017 and 2018.

F. Please list or discuss all training members of the agency's policymaking body receive. How often do these members receive training?

New commissioners are required to complete a training program that covers the following information:

- The enabling legislation that created the commission.
- The programs operated by the commission.
- The role and functions of the commission.
- The rules of the commission.
- The current budget for the commission.
- The results of the most recent formal audit.
- The requirements of laws relating to open meetings, public information, and conflicts of interest.
- Ethics policies adopted by the commission or the Texas Ethics Commission.

Commission members may also participate in targeted or refresher training during workshops, at the discretion of the presiding officer.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

The executive office and budget director provide a quarterly report to the commissioners at each meeting. The reports include the agency’s budget status, performance of the various agency sections, personnel updates, issues related to regulatory activities, and other management related activities.

Various agency section heads may also provide status reports regarding specific programs as needed during commission quarterly meetings.

H. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

Any person may petition the commission requesting the adoption of a new rule or an amendment to an existing rule as referenced in Title 37, Part 13, 401.19, Texas Administrative Code. The commission publishes all proposed rule changes in the Texas Register. Feedback is solicited via this public comment process as well as at all commission and advisory committee meetings.

Comments received by the executive office during the interim following a rule change proposal are included in the informational material for commissioners at their next meeting.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 25.

**Texas Commission on Fire Protection
Exhibit 5: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Firefighter Advisory Committee	<u>Size:</u> Nine members <u>Composition:</u> -Six active or retired fire protection personnel. -Three must be certified Fire Instructors. -One must be a volunteer firefighter or fire chief. <u>How appointed:</u> By the commission	The committee is responsible for reviewing any proposed rules or amendments drafted by the commission, and providing comment regarding the proposed changes.	Chapter 419.0082 & 419.023, Texas Government Code Chapter 421.1, Texas Administrative Code	Created: 11/26/1991 Ongoing. No abolishment date set.

Self-Evaluation Report

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Curriculum and Testing Committee	<p><u>Size:</u> Eleven members</p> <p><u>Composition:</u> Active fire protection personnel, most of whom are involved in training programs with their organizations.</p> <p><u>How appointed:</u> By the commission upon recommendation of Firefighter Advisory Committee.</p>	The committee is responsible to oversee development and maintenance of curricula and test banks for the commission.	<p>Chapter 419.008, Texas Government Code</p> <p>Chapter 421.1, Texas Administrative Code</p>	<p>Created 12/13/1991</p> <p>Ongoing. No abolishment date set.</p>
Health and Wellness Committee	<p><u>Size:</u> Eight to ten members</p> <p><u>Composition:</u> Committee chair is a commissioner; others are members of various fire service organizations.</p> <p><u>How Appointed:</u> As a newly-formed committee, members were chosen by the chair with input from already-selected members.</p>	Provide data and guidance to the Texas fire service regarding key areas of health and wellness to educate, inform, and facilitate the development of action guides for individuals and departments.	Chapter 419.008, Texas Government Code	<p>Created 7/12/2018</p> <p>Ongoing. No abolishment date set.</p>

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency's funding.

The method of financing for commission operations is from the General Revenue Fund, Appropriated Receipts Fund, and the License Plate Trust Fund – Account No. 802.

B. List all riders that significantly impact your agency's budget.

Rider 2: Appropriations Limited to Revenue Collections. Fees, fines, and other miscellaneous revenues as authorized and generated by the operation of the Texas Commission on Fire Protection pursuant to Texas Government Code §419.025 and §419.026 shall cover, at a minimum, the cost of appropriations made above, as well as the amount identified above in the informational item “Other Direct and Indirect Costs Appropriated Elsewhere in the Act” in addition to \$1,500,000 over the biennium. “Other direct and indirect costs” are estimated to be \$894,287 for fiscal year 2018 and \$888,408 for fiscal year 2019. In the event that actual and/or projected revenue collections are insufficient to offset the costs identified by this provision, the Legislative Budget Board may direct that the Comptroller of Public Accounts reduce the appropriation authority provided above to be within the amount of revenue expected to be available.

Rider 3: Appropriations – License Plate Receipts. Included in the amounts appropriated above in Strategy B.1.1, Certify and Regulate Fire Service, is an amount estimated to be \$17,500 in fiscal year 2018 and \$17,500 in fiscal year 2019 from available balances and revenue collected on or after September 1, 2017 from the sale of license plates as provided by the Texas Transportation Code Sec. 504.414. Any unexpended balances as of August 31, 2018 are appropriated to the Texas Commission on Fire Protection for the fiscal year beginning September 1, 2018.

C. Show your agency's expenditures by strategy. See Exhibit 6 Example.

**Texas Commission on Fire Protection
Exhibit 6: Expenditures by Strategy — 2018 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A.1.1 Fire Safety Education	\$148,031.22	7.35	\$324.44
B.1.1 Certify and Regulate Fire Service (includes transfers to fund 0802: License Plate Trust Fund)	\$1,207,437.84	60.00	\$3,782.31
C.1.1 Indirect Administration	\$657,304.92	32.65	\$1,647.24
GRAND TOTAL:	\$2,012,773.98	100.00	\$5,753.99

Table 6 Exhibit 6 Expenditures by Strategy

- D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example.**

**Texas Commission on Fire Protection
Exhibit 7: Sources of Revenue — Fiscal Year 2018 (Actual)**

Source	Amount
General Revenue Fund (Original spending authority minus lapsed remaining funds.)	\$1,884,797.68
Professional Fees: Fees generated by certifications, testing, and renewals. These funds are not part of the agency’s spending authority and are swept by the comptroller into the state’s general revenue account. Fund 1001	\$4,532,224.08
Appropriated Receipts for sale of IFSAC seals to stakeholders.	\$94,719.20
License Plate Trust Fund 0802 Pass through fund with no direct benefits to the agency.	\$31,461.97
Credit Card Services Related Fees Convenience fees associated with online processing transactions by Texas.gov These fees are a separate appropriation not utilized by any strategies and paid directly to Texas.gov	\$35,055.34
TOTAL	\$6,578,258.27

Table 7 Exhibit 7 Sources of Revenue

- E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.**

**Texas Commission on Fire Protection
Exhibit 8: Federal Funds — Fiscal Year 2018 (Actual)**

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
N/A	N/A	N/A	N/A	N/A
TOTAL		N/A	N/A	N/A

Table 8 Exhibit 8 Federal Funds

- F. If applicable, provide detailed information on fees collected by your agency. *See Exhibit 9 Example.*

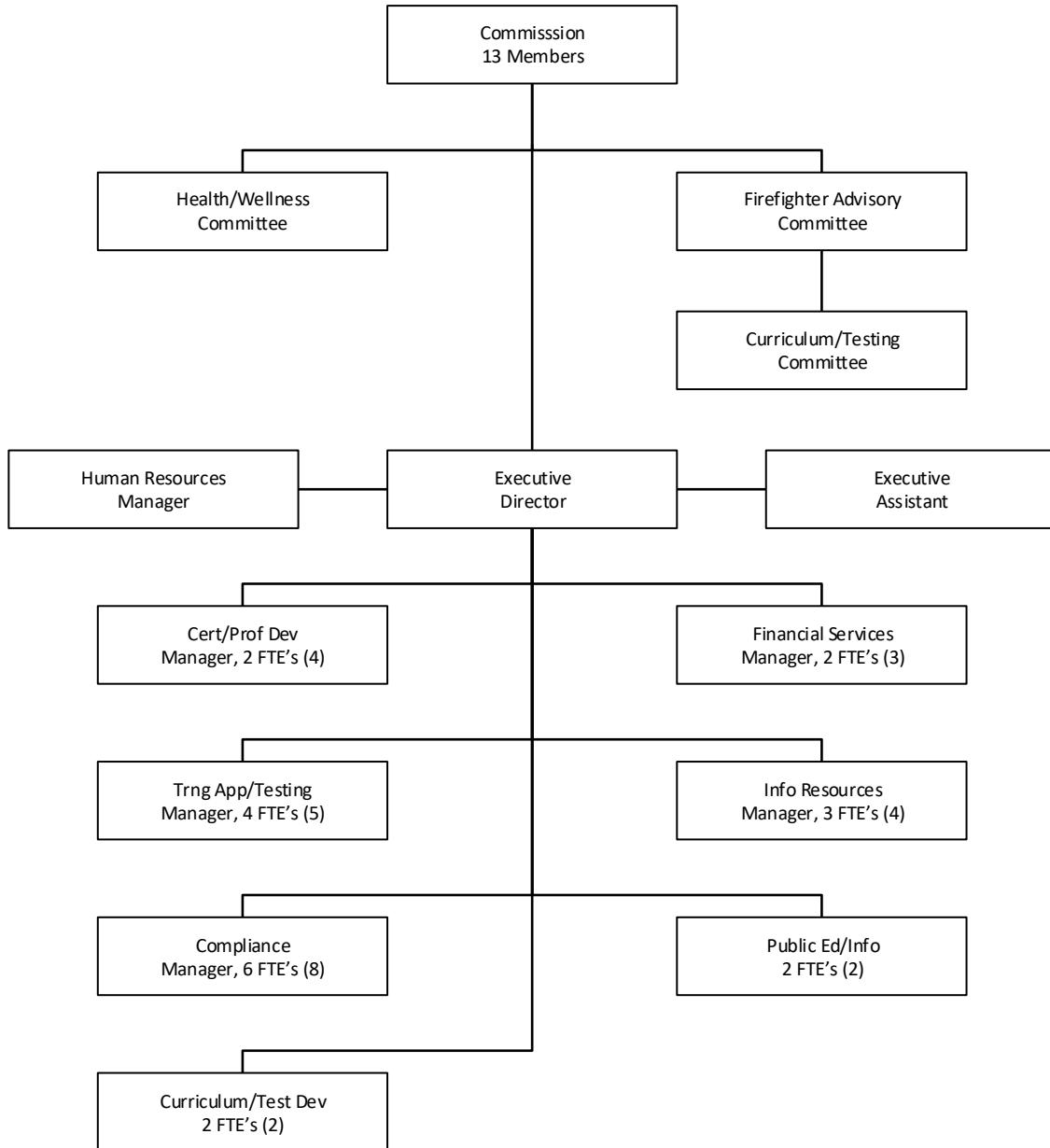
**Texas Commission on Fire Protection
Exhibit 9: Fee Revenue — Fiscal Year 2018**

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number	Fee Revenue	Where Fee Revenue is Deposited
Exam	\$35, \$55, or \$85 Depending Upon Exam	Title 37 Part 13 Chapter 437	419.026, TGC	12,263	\$876,554	General Revenue Fund
Certification	\$85	Title 37 Part 13 Chapter 437	419.026, TGC	14,192	\$1,206,320	General Revenue Fund
Certification Renewal (Persons Renewed)	\$75	Title 37 Part 13 Chapter 437	419.026, TGC	32,041	\$2,403,075	General Revenue Fund
IFSAC Seal	\$15	Title 37 Part 13 Chapter 437	N/A	6,343	\$95,145	General Revenue Fund
Record Review to Determine Training Equivalency	\$75	Title 37 Part 13 Chapter 437	N/A	612	\$45,900	General Revenue Fund
Early Review to Determine Eligibility for Certification	\$75	Title 37 Part 13 Chapter 437	N/A	5	\$375	General Revenue Fund

Table 9 Exhibit 9 Fee Revenue

VI. Organization

- A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.



B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

Texas Commission on Fire Protection
Exhibit 10: FTEs by Location — Fiscal Year 2019

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2019	Number of Actual FTEs (as of SER submission)
Headquarters	Austin	Yes	25	23
Region 1 – Capitol	Not Active	N/A	0	0
Region 2 – Plains and West	Abilene	No	1	1
Region 3 – North Central	Decatur	No	1	1
Region 4 – Northeast	Crandall	No	1	1
Region 5 – East Central	Crockett	No	1	1
Region 6 – Houston/Galveston	Magnolia	No	1	1
Region 7 – South/Rio Grande Valley	San Antonio	No	1	1
			TOTAL: 31	TOTAL: 29

Table 10 Exhibit 10 FTEs by Location

C. What are your agency's FTE caps for fiscal years 2017–2020?

The agency's FTE cap for each of the four fiscal years is 31.

D. How many temporary or contract employees did your agency have in fiscal year 2018? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

The agency did not utilize temporary or contract employees in fiscal year 2018.

E. List each of your agency's key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

Texas Commission on Fire Protection
Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2018

Program	Actual FTEs FY 2018	Budgeted FTEs FY 2019	Actual Expenditures FY 2018	Budgeted Expenditures FY 2019
Fire Safety Information/Education	2	2	\$148,031.22	\$124,990
Compliance	7.2	7	\$549,530.62	\$465,304
Certification/Prof. Development	2.73	5	\$203,897.94	\$257,385
Training Approval/Testing	5.18	6	\$373,294.97	\$328,689
Curriculum Development	.79	1	\$49,252.33	\$51,090
TOTAL	17.9	21	\$1,324,007.09	\$1,227,458

Table 11 Exhibit 11 List of Program FTEs and Expenditures

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Fire Safety Information/Education

Location/Division: Austin Headquarters

Contact Name: Tim Rutland

Statutory Citation for Program: 419.028, 419.031, 419.048, Texas Government Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Fire Safety Information/Education program has two primary objectives:

1. Support the commission, committees, agency staff, fire protection personnel, training programs and the public by providing educational and informational resources for training and research. The program is responsible for managing the agency's fire protection resource library, which makes printed and audio/visual resources available upon request. The resources are used for development of curricula and certification exams by staff and committees, and for training program delivery by various training providers throughout the state. The program also performs research regarding various fire service issues in support of the above entities and personnel.
2. Receive information regarding fire personnel injuries, analyze the data, and publish the results annually with recommendations. All regulated entities are required to report injuries sustained by their personnel. The program also works with the agency's compliance program to inform regarding injury incidents that meet certain criteria, and that may require an investigation by the agency.

A third objective of the program resides in the social media activities of the commission. Information and educational material is presented via these channels in a less formal, but no less important manner.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

The commission tracks three library-focused fire safety information/education measures or activities internally. Specific target numbers are not assigned to the measures, but are instead monitored for purposes of detecting trends or other issues, and to monitor staff and/or committee workload. The measures are

tracked regularly, and reported quarterly to the commission board. A fourth measure, fire personnel injuries, is monitored daily to review submitted reports for accuracy and completeness, and determine if an investigation of a specific injury incident is necessary. A comprehensive injury report is compiled at the end of each fiscal year and submitted to the office of the State Fire Marshal for inclusion in its annual report. The injury report is also made available on the commission's website.

Texas Commission on Fire Protection
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of library print resources checked out	N/A	N/A	N/A	32	N/A
Number of audio/visual resources checked out	N/A	N/A	N/A	71	N/A
Number of research requests fulfilled	N/A	N/A	N/A	16	N/A
Number of fire personnel injuries or exposures reported, analyzed, and included in annual report	N/A	N/A	N/A	3,931 (2018 calendar year)	N/A

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

Following its establishment in 1993, the Ernest A. Emerson Fire Protection Resource Library continues to support the original intent of its founders. The inventory of the library has grown to over 2,000 audio/visual, and 2,400 print resources available to the state's fire service and the public. The resources have been periodically updated over the years to ensure the available information remains current and relevant.

The commission's injury reporting program was initiated in 2010, following the passage of legislation in the 81st Legislature. A wealth of valuable information is now available to fire departments, training programs, and other organizations, which can assist them in planning, purchase of safety equipment, development and revision of operational procedures, and other activities.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The commission maintains a library of training resources and research material in print and audiovisual media. Training materials are publicly available in an online catalog which allows patrons to search for specific titles, view item details, and place a resource on hold for checkout. Hold requests are generally processed within 2-3 business days and sent via US mail to the requestor. The archival collection can be used on-site during agency hours. Reference and research questions are received via phone, email, or in person and responded to as quickly as possible. The librarian is responsible for program planning, collection development, acquisitions, and cataloging. Additionally, the librarian serves as the agency's records management officer, continuity of operations plan coordinator, and online job posting manager.

The agency's information officer manages the injury reporting program. Regulated entities report via the agency's online interface. The information officer typically reviews submitted injury reports daily to:

- Determine completeness of the report.
- Ensure the report does not include inappropriate information such as personally identifying information regarding an injured person.
- Determine whether the reported injury may necessitate an investigation by the commission.

Compilation of the annual report usually begins as soon as possible after the end of the previous calendar year. A draft of the report is presented to the commissioners in their April quarterly meeting, with a final draft presented to the commissioners in their July meeting; the report is formally adopted in this meeting. Once adopted by the commission, the report is forwarded to the State Fire Marshal's Office to be included in that office's annual report. The commission report is also posted, along with previous years' reports, on the commission website.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funds for the Fire Safety Information/Education program are appropriated in Budget Strategy A.1.1: Fire Safety Information and Education Programs. The method of funding is the General Revenue Fund. For fiscal year 2018, \$140,463 was appropriated for the program, with \$148,031 actually spent.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

While other libraries in Texas collect some fire protection related resources, the Emerson Library provides a unique collection devoted exclusively to resources specific to fire protection and emergency services subjects. The library provides easy access to materials for fire service personnel and other patrons. Typically, the only other access to resources such as those in the library, especially audio/visual resources, are by purchase. The library provides a valuable avenue for organizations that simply do not have the budget for purchasing the same materials. Research activities are also solely devoted to fire protection issues.

The National Fire Protection Association collects fire personnel injury data every year from fire departments around the country that participate on a voluntary basis. A few other states have also instituted voluntary reporting programs. However, to the knowledge of this agency, no other state has taken the step to require local fire protection entities to report injury data to a centralized fire agency. The result has been the development of a database that is generally considered much more comprehensive and accurate than any of the voluntary systems.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The commission coordinates with other associated agencies and stakeholder groups on a regular basis, and would likely become aware of any activity that might represent a duplication of efforts or conflict with either of these two programs.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

The commission library may occasionally seek information from the Texas A&M Forest Service or the Texas Engineering Extension Service (TEEX) regarding training resources that may be of importance. The agency may procure resources based upon those discussions. The library also occasionally coordinates with the NFPA Resource Learning Center regarding new materials.

- K. If contracted expenditures are made through this program please provide**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

- L. Provide information on any grants awarded by the program.**

N/A

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

N/A

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

Nothing additional to add.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;

- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

N/A

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Compliance

Location/Division: Austin Headquarters and Regional Offices

Contact Name: Paul Maldonado

Statutory Citation for Program: 419.022, 419.027, 419.040, 419.041, 419.042, 419.043, 419.044, 419.045, 419.046, 419.047, Texas Government Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The compliance program is designed to ensure safety for individuals being trained to become fire protection personnel, and those employed by political subdivisions of the State of Texas that provide fire protection. The state is divided into regions, with a compliance officer assigned to each region, and maintaining an office within the region to which they are assigned. Compliance personnel are required by statute to inspect regulated entities once every two years, but they may perform inspections on a more frequent basis as necessary. Compliance activities include:

- Inspecting training facilities to ensure the facility is compliant with commission rules.
The inspection ensures that:
 - Required standard operating procedures are in place.
 - Compliant self-contained breathing apparatus (SCBA), breathing air, and personal protective equipment (PPE) are being used when necessary.
 - Approved personnel are being utilized as training instructors.
 - Adequate and safe teaching aids or props are being utilized.
 - Adequate classrooms, equipment and facilities are provided.
 - Proper testing procedures are followed.
 - Proper records are being maintained.
- Inspecting regulated entities at least every two years to ensure fire fighter safety and compliance with commission rules. The inspection includes:
 - Inspecting PPE.

- Inspecting SCBA's and PASS (Personal Alert Safety System) devices.
- Reviewing inspection records for PPE.
- Reviewing SCBA inspection and test records.
- Reviewing breathing air test records.
- Ensuring that the required standard operating procedures are in place.
- Reviewing continuing education records.
- Ensuring that entities are participating in the injury reporting program.

The compliance section is also responsible for investigating complaints filed concerning a regulated entity or individual. When a complaint is received, the program manager determines if the complaint is valid or warrants an investigation. Information is then entered into the database and an investigator is assigned to the case. The investigator may travel to the location and conduct interviews, review records, and collect supporting documentation concerning the investigation. The compliance officer's report is forwarded to the compliance program manager's office for review. An informal staff conference may be scheduled with the entity or individual under investigation. During the informal staff conference, there is an open dialog between commission staff and the entity or individual on ways to correct the violation or to bring them into compliance with commission rules. If an agreement is reached, the agreement is reduced to writing and signed by the entity or individual and the executive director or director's designee. Administrative penalties may be assessed, or other actions taken depending on the situation.

Compliance staff also assists the State Fire Marshal in line of duty death investigations. Upon receiving a call for assistance from the State Fire Marshal's Office (SFMO) a compliance officer is assigned to aid in the investigation. The compliance officer will travel to a designated location and:

- Inspect and photograph PPE involved in the incident.
- Obtain and review copies of PPE inspection and maintenance records.
- Inspect and photograph SCBA(s) involved in the incident.
- Obtain and review copies of SCBA inspection, maintenance and test records.
- Obtain and review copies of breathing air test records,
- Inspect and photograph PASS device(s) involved in the incident.
- Obtain and review copies of PASS inspection and maintenance records.
- Obtain and review copies of department standard operating procedures.
- Obtain and review copies of individual's training records.

Once the site visit is complete the compliance officer compiles the information into a report and sends the report to the compliance program manager for review. The report is then forwarded to the State Fire Marshal's Office (SFMO).

Currently an important part of compliance staff duties also involves conducting state certification exams. The commission maintains several sites around the state where periodic regional testing occurs, and compliance staff members often conduct the testing at these sites. They will also conduct testing at training program sites as needed. The commission must utilize compliance personnel to assist with test administration due to overall staffing limitations within the organization. The commission recently adopted an online testing program, which is expected to lessen the need for onsite testing going forward. The goal is to work toward minimizing or eliminating compliance staff involvement in certification testing so that the program can focus exclusively on its primary mission.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure.

Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

In addition to the key measures shown in Exhibit 2 of this document, the compliance program records and tracks on-site audits of training programs in progress. Although these audits are essentially inspections, and are recorded as such in the key measure data, they are distinct in their intent. The purpose is to ensure that training programs are delivering training as they should, and are conducting testing according to commission requirements. Compliance staff coordinates closely with the Training Approval/Testing manager in the audit process. Auditing of training programs in progress is a relatively new activity for the commission, and target numbers have not yet been established.

The compliance program also tracks the number of investigations that are conducted primarily as a result of a submitted complaint regarding a regulated entity or individual. Complaints, and the resulting investigation, typically involve care/maintenance of protective clothing and equipment, department records, or procedures required by commission rules.

**Texas Commission on Fire Protection
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Audits of Training Programs in Progress	N/A	N/A	N/A	135	N/A
Investigations due to Complaints	N/A	N/A	N/A	7	N/A

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The original fire commission’s primary responsibility was to establish a certification program for fire protection personnel. Over time, the scope of responsibility for the commission has expanded significantly to include the areas managed by the compliance section. The most significant change came in 2001 when the 77th Legislature passed Senate Bill 382 which significantly refined several areas of the commission’s statute relative to fire fighter safety. The bill addressed breathing air used in self-contained breathing apparatus (SCBA’s) and the actual SCBA units, personal protective equipment (PPE), requiring departments to develop and maintain standard operating procedures covering the proper use, selection, care and maintenance of all protective clothing and self-contained breathing apparatus. The bill also required fire departments to provide all personnel with a Personal Alert Safety System (PASS). Additionally, the bill required departments to develop standard operating procedures (SOPs) relating to an incident management system, personnel accountability systems, and fire protection personnel operating at emergency incidents. The requirements for the procedures based upon National Fire Protection Association (NFPA) standards.

There were significant changes to the training facility requirements in 2005 through the rule making process. New rules incorporated portions of NFPA 1403 for live fire training at recruit fire schools. Additional changes in 2005 and 2006 included rules that applied to training conducted via the internet. The changes defined distance training and identified requirements that were unique to an on-line learning

environment. In 2007, a new subchapter was added to the rules (Chapter 427 – Training Facility Certification) to deal with training facilities that are not owned or operated by a government entity.

Commission rules were adopted in 2009 requiring regulated entities to report fire personnel injuries. This requirement added another item to the compliance section’s inspection checklist, and created the potential for investigations of injury incidents.

Recently, the compliance section adopted a more active role regarding inspections of training programs in progress, typically called “audits” so as to differentiate them from statutorily-mandated bi-annual inspections. A compliance officer will conduct an unannounced inspection at a training program that is underway to review procedures, personnel, protective equipment, and other issues to ensure compliance with commission rules and consistency with information submitted by the program in a training prior approval (TPA) request. The most common activities compliance officers audit are those in which skill testing is being conducted, but other activities may be audited as well. The skill portion of the state exam process has been delegated to training providers and is accomplished while a course is in progress, so this represents a critically important part of any training program.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The compliance program addresses all fire protection personnel employed by a political subdivision of the State of Texas, and individuals and volunteer fire departments that have elected to be regulated by the commission. This includes those assigned to firefighting duties, and individuals assigned to fire code enforcement, fire and arson investigation, various training duties, and individuals appointed as the head of a local department. Once an individual has been formally associated with a fire protection entity, the entity becomes responsible to ensure adherence to commission rules regarding certification, clothing, equipment, and training of the individual.

Individuals affected by compliance program (current as of this report):

Fire Protection Discipline (By Type of License)	Number of Persons Holding the License
Structure Firefighter	33,155
Aircraft Rescue Firefighter	3,214
Marine Firefighter	261
Fire Inspector	5,093
Fire Investigator	2,920
Arson Investigator	1,492
Fire Instructor	14,469
Head of Dept-Suppression	428
Head of Dept-Prevention	47

Entities affected by the compliance program (current as of this report):

Type of Fire Protection Entity	Number of Entities
Fire Department	460
Fire Prevention Office (Fire Marshal’s Office)	87
Training Facility	311

Law Enforcement Office	30
State Agency	9

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The compliance program has seven individuals assigned to carry out the program objectives: A manager and six compliance officers. The state is currently divided into six regions with a compliance officer assigned to each region. Each compliance officer has an office located within their assigned region, which is typically located in their residence.

The commission is required by statute to inspect all regulated entities every two years. Inspections may be scheduled at other times as well if needed. Compliance officers reference the agency database for entities needing inspection, and confer with the course approval/testing section to verify upcoming state exams or possible audit candidates. From this, the compliance officer develops a travel schedule. The officers will try to schedule inspections and other activities in such a way as to maximize use of time and minimize cost. For example, more than one inspection is often scheduled as part of a single trip, or an inspection or group of inspections may be combined with conducting a state exam during the same trip. When scheduling is finalized for a trip, the officer submits the information to the compliance manager for approval. Following the completion of a trip, a travel voucher with any required documentation is submitted to the manager for review/approval, then forwarded by the manager to the agency’s finance section for review and processing.

A compliance officer will contact the head of the entity or designee upon arrival at an inspection site. The compliance officer will explain the inspection process, request any assistance that may be needed as part of the inspection, then begin.

During the inspection the compliance officer will:

- Check the entity’s employee roster against the commission database, which includes ensuring that personnel assigned to various duties are shown as being appointed to the duties in the database.
- Physically inspect 10-20 percent of the entity’s PPE, SCBA’s, and PASS devices. Physical inspection is limited to that of on-duty personnel at the time of inspection. A compliance officer may return to a location at another time in order to inspect gear of other on-duty personnel.
- Check the department’s continuing education records.
- Check the breathing air test records.
- Check annual test records for SCBA’s.
- Check PPE inspection records.
- Check to ensure the department has the required standard operating procedures.
- Verify that the entity is aware of and participating in the injury reporting program.
- Check class records of certification training programs.
- Check reference material required for certification training programs.
- Check for facilities and equipment required for certification training programs.

Upon completion of the compliance inspection, the officer conducts an exit interview with the department head or designee and reviews the results of the inspection. Upon return to the field office, the compliance officer:

- Completes the travel voucher process.

- Enters data into agency database for the inspection.
- Writes a follow-up letter to the entity that was inspected.
- Briefs the program manager as deemed necessary (example: numerous major violations cited in the inspection).

Typically, there is an on-going dialog between the compliance officer and the inspected entity until violations cited in the inspection are corrected. Once the compliance officer is satisfied that the violations have been corrected, he/she then completes the data entry into the agency database, writes a closure letter to the entity, and compiles a department inspection file that is maintained in the agency database.

Several compliance officers may be assigned to the inspection of a single large department. There are approximately ten departments in the state for which multiple officers may be involved in a single inspection process. For example, all members of the compliance section may be called upon to participate in the inspection of the largest entities, such as the Houston Fire Department with over 4,000 employees.

The process for conducting an audit of a training program in progress is similar to that of an inspection, in that certain aspects of the program are checked to ensure compliance. Minor issues discovered during an audit may simply require a quick onsite correction. More serious issues may, however, call for additional action by the commission and compliance efforts by the regulated entity.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds for the program are appropriated in Strategy B.1.1: Certify and Regulate Fire Service. The funding source is the General Revenue Fund in the amount of \$530,569 for FY 2018.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no other programs, internal or external to the agency, that provide identical or similar services or functions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The commission's compliance section interacts with local governments in the state through the inspection program. The relationship is regulatory in nature; however, the agency places a great deal of importance on education, information, and advising to achieve the goals associated with its mission. The commission strives to coach entities into compliance whenever possible, allowing limited local funds to be used toward achieving compliance rather than the entity having to pay fines and penalties.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

Although likely not an issue to be addressed within the Sunset study, the main barrier to development of a more robust compliance program is in the lack of resources, both human and fiscal. It can be argued that fire personnel safety would be better served by a yearly inspection cycle rather than a two-year program. Although a mandate doesn't exist regarding the minimum number of personal protective ensembles to be looked at during an inspection, the ability to inspect a larger percentage of gear could also provide a more comprehensive representation and better address the interests of personnel safety, both for a given fire department and statewide. Current resource levels serve to hinder both these initiatives.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The Commission on Fire Protection compliance program is certainly unique in its mission and functions, not only within the state but when compared to many other states as well. The oversight it provides translates directly to the safety and well-being of fire protection personnel, and indirectly to the citizens of the state.

One significant aspect of the program not mentioned in previous sections has to do with the important role compliance officers play as the "face" of the agency. These staff members are often the only direct contact fire department personnel have with the commission, so the quality of their interaction with the regulated community is of great importance. These officers are well aware of that fact, and conduct themselves with that in mind.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and

- **procedures for handling consumer/public complaints against regulated entities.**

The compliance inspection program ensures that fire protection personnel receive adequate training, are provided with safe and compliant protective equipment (clothing, SCBA and PASS), and are provided safe breathing air for their SCBA's. The program also ensures that proper standard operating procedures are in place.

An inspection includes the physical inspection of a representative sample an entity's PPE, SCBA's, and PASS devices provided to assigned personnel. The inspection also includes a review of the entity's department-wide maintenance and testing records for all the above equipment. Also included is a review of training records and certain standard operating procedures required by statute and/or commission rules.

Upon completion of the inspection, the compliance officer conducts an exit interview with the entity, then follows up with a letter detailing the results of the inspection and any required corrections. A dialog is developed between the compliance officer and the entity during the time given for correcting the violations. Follow-up inspections may be called for depending upon the circumstances.

The commission is also authorized to conduct risk-based inspections as needed. Factors that may indicate the need for a risk-based inspection include: an entity's compliance history; complaints that may have been filed regarding the entity; the entity's ability to inspect and maintain equipment; and other factors the commission deems appropriate to assess an entity's risk.

Entities or individuals found to be in violation of commission standards may be required to make immediate corrections if the violation is seen as a critical safety risk, or may be given a specified period of time to enact corrective measures. If necessary, the commission is authorized to assess monetary penalties, take actions regarding certifications held by the entity or individual, or otherwise limit practice to areas prescribed by the commission.

The commission may also act upon receipt of a written complaint against a regulated individual or entity. Upon receiving a complaint, a compliance officer is assigned to investigate. The officer may collect statements, obtain copies of documents, and take photos to support the investigation. The information gathered is sent to the compliance program manager for his/her review. If the investigation reveals violations of applicable statute or commission rules, an informal staff conference may be offered to the violating party as a means to enact corrections to the violations. The person submitting the complaint is kept informed of the progress of the investigation and any subsequent activities, including final resolution of the issue.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

**Texas Commission on Fire Protection
Compliance Program
Exhibit 13: Information on Complaints Against Regulated Persons or
Entities Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	32,128	33,566
Total number of regulated entities	600 (approx.)	(625 (approx.))
Total number of inspections performed	1,033	1,140
Total number of complaints received from the public	5	7
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	2	4
Number of jurisdictional complaints found to be without merit	2	1
Number of complaints resolved	5	7
Average number of days for complaint resolution	28	43
Complaints resulting in disciplinary action:	-	-
Administrative penalty	0	0
Reprimand	0	0
Probation	1	0
Suspension (of student certifications following review of training program)	50	0
Revocation (training coordinator’s field examiner credential)	1	0
Other (entity notified of status of being subject to risk based inspections)	0	1

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Curriculum and Test Development

Location/Division: Austin Headquarters

Contact Name: Sylvia Miller or Joyce Guinn

Statutory Citation for Program: 419.022, 419.029, 419.032, Texas Government Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The curriculum and test development program develops and maintains curricula and certification tests for the commission. Staff members assigned to the program activities work with various ad hoc committees composed of subject matter experts from the fire service to meet program objectives.

The program:

- Develops curricula for the commission’s core group of mandatory certifications, which are those required for anyone appointed to the applicable duty. The commission also offers a number of

voluntary or professional development certifications, but no longer develops curricula for those. Some curricula for the professional development certifications are still available on the commission's website but will be removed as updates occur to the applicable NFPA standards, and replaced by general guidance information to the training provider. The commission continues to develop and maintain curricula for these mandatory certifications:

- Structure Fire Suppression
- Aircraft Rescue Fire Suppression
- Marine Fire Suppression
- Fire Inspector
- Fire Investigator
- Fire Service Instructor (three levels)
- Ensures that curricula still developed and maintained by the commission are based upon the applicable NFPA standard(s) for the specific discipline. NFPA standards are revised and updated on a five-year cycle, with commission curricula following that same general pattern.
- Reviews newly-published training material to determine possible inclusion in commission-designated references.
- Develops certification exams for all commission certifications based upon the job performance requirements in the applicable NFPA standards.
- Ensures that test questions and the testing process meet the requirements of the International Fire Service Accreditation Congress (IFSAC). The commission's testing program is accredited by IFSAC.
- Reviews, updates, and revises test bank questions following revision of an NFPA standard, and on an ongoing basis in response to feedback from examinees. Test question revision also may occur following a review of statistical information gathered from the statewide testing process.
- Ensures that every test question used by the commission is based upon information found in one or more of the commission-listed reference materials for a training program.
- Develops pilot questions for possible future use.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

The commission has not established specific performance measures for the curriculum and test development program. The pace and volume of work each year is for the most part driven by when the NFPA adopts updates to its various standards, or occasionally when the commission chooses to adopt a new certification. It is important to note that the majority of work done within this program is accomplished by fire service personnel from outside the agency who donate their time and energies as members of the committees charged with the work. Staff members assigned to the program coordinate the work of the committees, provide support as needed, and ensure that completed work is adopted into the commission's processes.

The Curriculum and Testing Committee typically meets four times a year, with various ad hoc committees meeting throughout the year as needed during adoption/update processes. Additional information regarding the committee work process is included in the following sections.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original

intent. If the response to Section III of this report is sufficient, please leave this section blank.

The commission initially offered basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Fire Inspector. In response to the demands of the Texas fire service, the commission has added eighteen additional certifications for Hazardous Materials Technician, Hazardous Materials Incident Commander, Driver/Operator Pumper, Driver/Operator Aerial, Fire Service Instructor (four levels), Fire Officer (four levels), Wildland Fire Fighter I and II, Public Fire Safety Educator I and II, and Head of Department for suppression or prevention departments. All commission certifications are based upon the job performance requirements identified in the applicable National Fire Protection Association (NFPA) standard.

Accreditation of the commission's testing program by the International Fire Service Accreditation Congress (IFSAC) has enabled the commission to issue IFSAC seals for most disciplines. As an accredited entity, the commission has elected to grant reciprocity to applicants from other IFSAC-accredited jurisdictions who wish to work in Texas.

The commission's original scope was limited to paid fire protection personnel. A change brought about by the 1997 sunset legislation gave individuals not affiliated with fire departments the ability to maintain their commission certifications. Generally about 10% of the total number of regulated individuals maintain their own certifications at any given time.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Individuals pursuing any certification offered by the commission, whether mandatory or professional development, must participate in an approved training program and successfully pass the commission's certification exam process. The exam process consists of both a skill exam and a written exam. The only exception to this is for those being allowed reciprocity pursuant to commission rules.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Although curriculum and test development activities are distinct from each other, they are often seen as a single program. When applied to a specific discipline (such as Structural Fire Suppression, Driver/Operator, etc.), both activities are overseen by the same committee. The Curriculum and Testing Committee, comprised of fire service professionals from around the state, is responsible for the finished work of the curriculum and test development/maintenance.

They are assisted in their responsibilities by various ad hoc committees, formed for limited time periods to develop or revise a curriculum and/or test bank for a specific discipline. For example, following the update of an NFPA standard for which the commission offers a certification, an ad hoc committee is formed to do the work of updating the commission's information accordingly. An ad hoc committee will also be formed to develop a curriculum and/or test bank following adoption of a new certification by the commission. The committee will be chaired by a member of the Curriculum and Testing Committee, and comprised of fire service subject matter experts. Once the assigned work is complete, the ad hoc committee is abolished until the next update period for that particular discipline.

The commission's curriculum and test development staff is comprised of a two member team, with one member dedicated to curricula and the other to tests. Each interacts with the various committees as applicable to their area of responsibility, although there is also a fair amount of overlap at times between the two staff members' tasks. Currently the curriculum development staff member reports to the Certification/Professional Development Manager, and the test development staff member reports to the Training Approval/Testing Manager.

Upon completion, a curriculum developed or revised by the committee will be presented to the commissioners for approval, and assigned an effective date according to commission rules if adopted. Test banks are not subject to approval by commissioners.

There are a few important factors regarding the commission's curriculum and test development program that deserve mention:

- All committee members mentioned above volunteer to serve in this capacity; they are doing so because of their passion and commitment to improving the Texas fire service.
- None of the committee members are compensated or reimbursed for their expenses by the state. They are either supported by their local organization, or are serving at their own expense.
- The commission is forever grateful to committee members' service...the agency simply could not accomplish the work of this program without their commitment.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds for the program are appropriated in Strategy B.1.1: Certify and Regulate Fire Service. The funding source is the General Revenue Fund in the amount of \$95,357 for FY 2018.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

It is possible for fire service training programs around the state to obtain instructional resources from various publishers, audio/visual production companies, or other sources. The training programs are not required to utilize commission curricula in their entirety, and can rely on other resources to augment delivery of training. Programs are, however, required to maintain the reference material listed in commission curricula and curriculum guidelines, and the listed equipment required for course delivery.

For most disciplines and in most cases, the commission is the sole organization for delivery of fire service state certification exams. However, many other states, and some organizations outside Texas are accredited by IFSAC. Persons possessing the required IFSAC credentials issued by these other entities may apply directly for state certification in various disciplines. The commission is the only organization in Texas accredited by IFSAC.

Additionally, the commission recently adopted rules allowing persons who have gained credentialing via the "Pro Board" testing process used by the Texas Engineering Extension Service (TEEX) to apply directly for state certification in some disciplines. To ensure that the TEEX Pro Board testing process continues to meet the standards required to allow reciprocity, commission rules allow the agency to conduct reviews of the TEEX Pro Board process and procedures annually or as needed.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

With the exception of the other testing avenues mentioned in H above, the commission is the only developer of certification exams for the Texas fire service.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

As mentioned previously, Texas fire service organizations have generously allowed their staff and personnel time to participate on the commission's advisory and ad-hoc committees. The committee members have a vested interest in the outcome of the committee work in that the members' organizations are directly impacted in their training delivery and the state certification exam process for students.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

N/A

- L. Provide information on any grants awarded by the program.**

N/A

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

N/A

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

No additional information.

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;

- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

N/A

- A. Provide the following information at the beginning of each program description.**

Name of Program or Function: Training Approval and Testing

Location/Division: Austin Headquarters

Contact Name: Joyce Guinn

Statutory Citation for Program: 419.022, 419.029, 419.032, 419.035, Texas Government Code

- B. What is the objective of this program or function? Describe the major activities performed under this program.**

The training approval and testing program is charged with:

1. Ensuring that courses slated for delivery by approved training providers meet certain requirements prior to their delivery.
2. Preparing, conducting, and grading state certification exams.
3. Reviewing the training of individuals from other jurisdictions to determine equivalency with commission requirements.
4. Performing audits of online training programs in progress.

More specifically, the team:

- Reviews training prior approval submittals that are incomplete, which may entail verifying and requiring that:
 - The course student roster has been included.
 - Instructional personnel for the course have been shown.
 - The appropriate number of periodic exams has been listed.
 - The course schedule has been shown.
- Reviews and approves requests for testing from training providers and individuals.
- Schedules onsite exams, taking into consideration submitted request dates.
- Prints, packages, and ships hard copy exam documents for onsite testing.
- Receives hard copy exam documents following the conducting of an onsite test.
- Grades hard copy exams.
- Reviews exams for which the examinee failed by a single point.
- Reviews exam questions as needed, based upon feedback received from examinees.
- Establishes and maintains working relationships with designated online testing centers.

- Conducts audits of online training programs in progress, and coordinates with compliance program staff regarding audits of onsite training programs.
- Reviews applications and training records from individuals from out of state to determine eligibility to test, and, if eligible, works with the individual to complete the testing process.
- Oversees or administers over 10,000 certification exams per year, including online exams.
- Monitors exam results to determine effectiveness of training facilities’ programs.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

In addition to the key measures shown in Exhibit 2 of this document, the training approval and testing program tracks other activities. Specific target numbers are not established; rather, the activities are tracked for the purpose of detecting trends or other issues, and to monitor staff workload. The activities are reported to the commission board in its quarterly meetings.

**Texas Commission on Fire Protection
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of training courses reviewed/approved for delivery	N/A	N/A	N/A	2,195	N/A
Number of record reviews performed	N/A	N/A	N/A	254	N/A
Number of training/testing audits performed by Testing staff (online training programs only)	N/A	N/A	N/A	13	N/A

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

In its earliest days, the commission did not require a state exam following the mandatory training program. Once introduced to the process of state certification, exams were required to obtain the basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Fire Inspector. All certifications developed since that time have required the successful completion of a state exam (or documentation of an equivalent exam process) for an individual to qualify for certification. A total of 24 different state examinations are currently offered, with an additional seven offered as components of particular exams.

Around 2000, the commission's testing process for a few disciplines was accredited by the International Fire Service Accreditation Congress (IFSAC). This accreditation provided verification by a third party that the commission's testing process met the requirements of the applicable NFPA standard for a particular discipline. Most exams offered by the commission today have been accredited by IFSAC.

Following the commission's review in 2008, the Sunset Commission recommended that the agency abandon the development of curricula for training courses. Although the recommendation was not adopted by the legislature in its next session, the commission seriously considered the recommendation and elected to limit its curriculum development to only those disciplines for which certification is mandatory. This represents a relatively small number of the certifications currently offered by the commission.

A significant change occurred in 2014, when the commission began allowing a second in-state testing process to be accepted toward state certification in some disciplines. The Texas A&M Engineering Extension Service (TEEX) is accredited by the National Board on Fire Service Professional Qualifications (Pro Board). This organization is similar in many ways to IFSAC, in that it accredits the certification/testing process for an organization. Individuals who complete a TEEX Pro Board accredited training and testing program in a discipline for which the commission offers certification may apply for state certification using this process.

Notification to the commission by training providers regarding upcoming courses also became much more efficient with the recent introduction of the online training prior approval (TPA) module. Previously, the training provider was required to submit a form with various supporting documents, and wait for review by commission staff before receiving a course approval notification. Today the process is managed completely via the commission's online interface.

Another significant development in the commission's testing process occurred in 2018, when online testing was introduced to the Texas fire service. Beginning with a single discipline, the online testing program has expanded to include nearly all types of exams offered by the commission. Testing centers at community colleges throughout the state are utilized to provide the exams to students. Aside from the convenience offered by the online format, examinees receive the results of their test within minutes of its completion.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

Any organization wishing to conduct training leading to state certification for its students must be approved by the commission beforehand. When approved, the commission issues the organization a certificate indicating approval in the specific discipline for which training will be delivered. A training provider must submit information to the commission regarding an upcoming course prior to its start, and provide certain information in order for the course to be approved.

Any individual pursuing state certification in a discipline must have completed an approved training program before taking the state certification exam. Many commission disciplines allow more than one option for a person to satisfy the training requirement. Examples are: completion of a commission-approved course, completion of a military or out-of-state training program deemed equivalent to commission required training, or completion of specific college courses.

Every individual is required to complete both a skill component and a written component to the state exam to qualify for certification.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Training Approval

Training approval activities are administered by the Training Approval/Testing Section of the agency. There are currently over 300 entities that have been approved by the commission to deliver certification training in one or more disciplines.

An approved training provider must submit notification to the commission of an upcoming course prior to delivery of the training. The course approval process, formerly accomplished through submission of hard copy forms and supporting documents, is now accomplished through the commission's online interface. The process is known as Training Prior Approval, or TPA. A training entity administrator logs into their account, and submits information such as course start and end dates, testing dates, location of training, method of delivery (onsite or online), course instructors, student roster, and other pertinent information. The agency system can automatically check such items as instructor qualification. If all required information has been submitted, the course will be shown as approved. If any information is absent, or if some information does not meet the criteria called for by the system, the TPA submission will be shown as "incomplete" and will require review by commission staff.

A second, related, step in the training approval process involves submission by a training provider of the skill testing roster for the course. The skill portion of the state certification exam has been delegated to training providers for completion during a course. Commission rules address how the testing must be accomplished so that the required standards for testing are maintained. Again, the training provider must submit the required information correctly, or the submission will be shown as incomplete and require attention by commission staff.

The training provider will notify the commission via the online interface when a student has completed all requirements of a course. Once done, and provided there are no special circumstances regarding the student, the commission system will show the student as qualified to take the commission written exam.

The information submitted in the training approval/skill testing processes allows the commission to perform audits of courses in progress. Auditing activities have become an important component of commission oversight and its regulatory program.

Record Reviews

The commission also performs training reviews for individuals, known as record reviews. Individuals who have completed training outside the state may submit a record review application and supporting documents, and commission staff will review the information to determine if the documented training is essentially equivalent to that required by commission rules. If so, the individual is allowed to challenge the commission's state exam process (skills and written tests).

- Following the review, staff will generate a letter informing the individual of the results of the review.
 - If the training is deemed to be inadequate, the letter will indicate the training that still needs to be fulfilled before the individual can test.
 - If the training is deemed equivalent, instructions regarding the testing process are included with the letter, and a "qual number" is also issued which will allow a training facility to set up the skill test.

- The individual is first required to complete the skill testing before they are allowed to take the written exam.
- It is up to the individual to contact a training facility approved to administer the skills test, and arrange with the facility for the test to be conducted.
- The facility sets up the test in the commission's online system using the "qual number" for the individual, and the system generates a randomly-selected group of applicable skills to be included in the test.
- If the individual passes, the facility indicates such in the commission system. This will show the individual's status as qualified to take the written exam.

Testing

State certification written testing is administered by the same agency section as training approval.

The written testing process is undergoing fundamental transformation with the recent introduction of online testing for most disciplines (all disciplines offered by the commission will eventually be included in online testing). Currently, examinees may choose whether they would prefer to take a test at an onsite testing facility or via the commission's online testing interface.

Onsite Testing Process:

Assuming they are otherwise qualified to test following completion of training, the examinee logs into their commission account and goes through the process of submitting the application to test. As part of the process, the individual will select preferred dates and location to test. Commission staff will review the application, and attempt to provide a testing opportunity according to the person's preference. Once staff finalizes the application, the examinee is notified and sent a test confirmation notice. Individuals will test at regional test sites established by the commission. Some training facilities may elect to have most or all of their students test at one time; in this case the commission can usually provide an examiner to administer the test at a designated location. The commission currently has 13 designated regional test sites, each of which is typically used to administer exams several times during the year. The onsite testing process requires exam documents to be printed and packaged by commission staff, then shipped to the designated examiner prior to the test day. Following the test, the examiner ships the completed exams back to the commission's Austin headquarters for grading. Exam results are posted to an individual's account immediately following grading.

Online Testing Process:

Again, a potential examinee logs into their account to apply to test. If they choose online testing, they will be directed to answer certain questions regarding their testing preferences, and be provided a link to view commission-designated online testing centers available to them. It is up to the examinee to contact their preferred testing center to schedule the exam. There are currently 37 online testing centers available to commission examinees. All are located in community colleges throughout the state. When the testing application process has been completed, the individual is provided specific login credentials that they must have in their possession when arriving at the testing center. Exams are graded by the commission system, and results are posted to a person's account within minutes after completing the exam.

It is anticipated that online testing will quickly become the method of choice for most individuals. Online testing was introduced in May, 2018, and currently comprises about 25-30% of exams administered by the commission.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions.

For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds for the program are appropriated in Strategy B.1.1: Certify and Regulate Fire Service. The funding source is the General Revenue Fund in the amount of \$245,318 for FY 2018.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Other IFSAC accredited entities employ various testing methods that may be similar, but not necessarily identical to the commission testing program. Nonetheless, the other entities' programs have been approved by IFSAC. Consequently, the commission has committed to accepting these various processes and provides reciprocity to individuals holding the appropriate IFSAC credentials.

The TEEEX Pro Board process has been accredited by the Pro Board organization, and is now accepted as a valid testing process toward state certifications issued by the commission. Individuals presenting Pro Board credentials from other accredited entities may have them credited as approved training, but must still complete the commission's testing process to qualify for certification. The distinction between the two processes is that the commission can perform a review of the TEEEX process at any time to ensure it is maintaining the necessary standards for state certification.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

The commission is the sole authority for issuing state certifications to fire service personnel. It also has sole discretion regarding requirements for both training programs and testing for certification.

The commission does meet regularly with other fire service agencies and stakeholder groups to coordinate the overall mission of fire protection in the state. It is not unusual for discussions within the group to include matters related to training programs, testing, or certifications issued by the commission.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

The commission does not deliver training, but instead delegates that activity to local governments, educational institutions, and private training providers. All entities that provide training intended for certification must meet certain initial and ongoing requirements established by the commission.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and

- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

None known.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

No additional information.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The approval/certification of training entities is necessary to ensure that programs are meeting the objectives to prepare individuals for state certification. Approval of individual courses offered by the approved providers continues the commitment toward ensuring quality training for persons pursuing certification.

Because the skill portion of the commission's state exam has been delegated to training programs to conduct during a course, it is critically important that all guidelines for testing are adhered to so as to maintain the integrity of the certification testing process.

Training facilities are subject to periodic compliance inspections by commission personnel. Training programs in progress are subject to audits at any time. If a program is found to be in violation of commission rules, or not adhering to the information submitted with a training prior approval, the commission is authorized to take various types of actions. Those actions may include limiting the program's activities, suspension of approval, revocation of training certificates, or assessment of administrative penalties. Commission personnel may conduct follow-up inspections as needed to ensure compliance.

Complaints against training programs are handled in the same manner as other complaints received by the commission. The complaint must be in writing and signed, and describe the nature of the perceived problem. If deemed to have merit, an investigation is opened, and the complainant is kept informed of the progress of the investigation. Once completed, the complainant is informed of the result of the investigation.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect

your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

Complaints are handled by the Compliance Section of the agency, with support from other agency sections as necessary depending upon the nature.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Certification & Professional Development

Location/Division: Austin Headquarters

Contact Name: Sylvia Miller

Statutory Citation for Program: 419.022, 419.032, 419.0325, 419.033, 419.034, 419.0341, 419.037, 419.038, Texas Government Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

The certification and professional development program is charged with overseeing the issuance of credentials to fire service personnel, based upon attainment of applicable requirements for each credential. The program oversees the renewal of all certifications issued by the agency. The program also ensures the completion of required continuing education by individuals not associated with a fire protection entity.

Activities performed under the program include:

- Review and processing of mailed applications for certification.
- Review and processing of online applications for certifications or IFSAC seals that have been placed on hold by the system and require review by commission staff.
- Review and processing of submitted professional development courses completed by certificate holders.
- Performing criminal history reviews to determine qualification for initial certification, or qualification for maintaining certification.
- Review and processing of submitted medical training required for specific certifications.
- Review and processing of applications for certification submitted by training providers.
- Performing audits of continuing education completed by individuals not associated with a fire protection entity, to ensure the training meets the requirements for maintaining certifications held.
- Administering the annual certification renewal program for fire protection organizations, personnel, and training providers.

- Providing information and assistance to fire protection organizations, current certificate holders, those pursuing certification, or the public.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

In addition to the key measures shown in Exhibit 2 of this document, the certification and professional development program tracks other activities. Specific target numbers are not established; rather, the activities are tracked for the purpose of detecting trends or other issues, and to monitor staff workload. The activities are reported to the commission board in its quarterly meetings.

**Texas Commission on Fire Protection
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2018**

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2018 Target	FY 2018 Actual Performance	FY 2018 % of Annual Target
Number of certifications issued	N/A	N/A	N/A	14,192	N/A
Number of IFSAC seals issued	N/A	N/A	N/A	6,343	N/A
Number of applications reviewed for professional development courses, medical training, service time, and other applications	N/A	N/A	N/A	15,108	N/A
Number of certified individuals renewed	N/A	N/A	N/A	32,041	N/A
Number of continuing education audits conducted	N/A	N/A	N/A	1,160	N/A

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The commission initially offered basic certifications for Structural Fire Suppression, Aircraft Rescue Fire Fighter, Marine Fire Fighter, Fire Investigator and Inspector. In response to the changing nature and increasing professionalism of the Texas fire service, the commission has steadily increased its certification offerings over time. Currently the commission offers certifications in 14 disciplines, and 43 different levels of certification within those disciplines.

Since its initial accreditation, the commission has also steadily increased the number of IFSAC credentials offered. Currently, persons who have successfully completed the applicable commission testing process may obtain IFSAC seals in ten disciplines, with a total of 22 different seals offered within those disciplines.

The commission's original scope was limited to certification of paid fire protection personnel employed by local fire protection entities. A change brought about by the 1997 sunset legislation gave individuals not affiliated with fire departments the ability to obtain and maintain their commission certifications. At any given time, about 3,000-4,000 individuals (about 10% of all certificate holders) maintain their own certifications.

In 2006, the commission completed the transition to make all certifications being offered at that time based upon the applicable National Fire Protection Association (NFPA) standard. Since then, all additional certifications developed by the commission have been NFPA-based.

For a number of years the commission has granted reciprocity to individuals carrying the applicable IFSAC seal from another jurisdiction. A person with the applicable seal can apply directly for state certification, provided they meet any other requirements that may exist for the certification. However a significant development occurred in 2014, when the commission began allowing reciprocity for certain ProBoard credentials issued by the Texas Engineering Extension Service (TEEX). In granting the reciprocity, the commission in effect approved a second testing process for issuance of state certifications. About 10% of commission certifications have been issued from IFSAC or TEEX ProBoard credentials.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

The certification program affects all paid fire protection personnel, fire protection organizations employing paid personnel, some volunteer fire departments, and individuals not associated with a fire department who hold commission certifications. The commission maintains a core group of what are considered mandatory certifications, which are those that must be held by a person assigned to applicable duties with an organization.

The commission also offers a number of voluntary, also called professional development certifications that may be obtained by individuals. General requirements for obtaining and maintaining these certifications are similar in some ways to those of mandatory certifications.

Entities that wish to conduct training programs that lead to commission certification must also be approved (certified) by the commission prior to delivery of the programs. Requirements address facilities, instructional and administrative personnel, equipment, and reference material owned or available to the entity.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

The certification/professional development program consists of a manager and (currently) two program specialists. The following processes illustrate activities undertaken by the program:

- Certification issuance to individuals:
 - Mailed applications – Applications for certification are received with any necessary supporting documentation and fee payment. Applications are reviewed to determine qualification of the individual, which may include review of testing, any necessary professional development courses, medical training, or criminal history. Staff scans the application and supporting documentation to produce digital copies to be saved in the

system; the supporting documentation is attributed to the individual's digital record. If the individual qualifies for the certification(s), staff issues them and the system sends correspondence notifying the individual of the issuance; if the individual does not, correspondence is also sent, describing the reason for the denial.

- Online applications – When a person logs into their agency online account, the system displays what, if any, certifications the individual qualifies for. If the system shows that a person is qualified, they may apply via the online interface and pay the required fee; a certification is issued immediately following payment. Professional development courses or other documents necessary for a particular certification must be submitted beforehand, and reviewed/approved by staff before the system will indicate that the individual is qualified.
- IFSAC issuance: The process for issuance of IFSAC seals is generally the same as that for certification issuance. The vast majority of IFSAC applications are submitted via the agency's online interface; very few hard copy applications are received any longer.
- Professional development review: Most professional development courses submitted by certificate holders are those which can be used to satisfy training requirements for an initial certification, or as credit toward higher levels of certification in various disciplines. Several commission certifications consist of basic, intermediate, advanced, and master levels; each level is attained via a combination of years of service and professional development courses. Professional development documentation can be: "A" or "B" list courses; medical training/certifications, peace officer courses, college courses, military training programs, or training from other jurisdictions that is deemed equivalent to that required by the commission towards a certification.

The documented training is submitted to the commission electronically via a person's online account. Staff views the documentation, and either approves or denies it. Either action generates an email to the individual informing them of the results of the review.

- Criminal history checks: Individuals applying for their first certification with the commission are required to submit their fingerprint data so that a DPS and FBI criminal history check can be performed by commission staff. Certain staff members are authorized to access the DPS system that houses the results of fingerprint-based reports. Following the review of a criminal history report, the individual's record is amended to reflect the results, either approval or denial.

Once an individual has submitted fingerprint data for a check, the commission will be automatically notified of any future changes to the individual's criminal history information. Occasionally the commission must take action regarding a certificate holder as a result of new information received. Commission rules also require certificate holders and fire protection entities to report convictions of regulated individuals to the commission.

- Certification issuance to training providers: Entities that conduct training that leads to commission certification must be certified in each discipline for which the training occurs. The entity submits an application, supporting information, and required fee to the commission for review and approval. Supporting documentation may consist of photos, letters, or other verification that the entity has the required facilities, personnel, equipment, and reference material for course delivery. If approved, commission staff issues a certification for that discipline to the provider. The provider can log into the entity's online account to view/print the certificate as needed.
- Audits of continuing education (CE): Individuals not associated with a fire department or other fire protection entity may still maintain their certification(s) by completing the required annual continuing education and renewal process. Proof of CE must be maintained by the individual, and

is subject to audit by the commission. Approximately 50% of individuals maintaining their own certifications are audited each year. The individual is notified by commission staff of the audit, and required to submit documentation of CE. If the CE is deemed to be adequate, no further action is necessary. However, the commission may take action that can include inactivating a person's certifications if an audit reveals the person has not completed the required CE.

- Annual renewal process: The annual renewal process for both entities and individuals is largely accomplished without need of interaction with commission staff unless problems are encountered with the renewal process. Entities and individuals can log into the appropriate account and accomplish the renewal process from beginning to end. There are, however, always situations during the renewal timeframe which do require commission involvement for various reasons. Thus, customer support becomes the primary focus of staff activities during renewal periods.
- Information and assistance to entities and individuals: The commission's recent transition to a robust web-based system has allowed a great deal of entity and individual business to be accomplished with less direct interaction with agency staff. Nonetheless, staff members do still provide a significant amount of information and support to the fire service on a daily basis.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

All funds for the program are appropriated in Strategy B.1.1: Certify and Regulate Fire Service. The funding source is the General Revenue Fund in the amount of \$273,958 for FY 2018.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

The Commission on Fire Protection is the only entity in the state authorized to issue certifications that allow individuals to be employed and paid as fire protection personnel for local governments.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Fire protection entities regulated by the commission include municipalities, counties, special districts (ex: emergency services districts), state agencies, and federal organizations. Most of these entities are represented in a consortium group which includes the commission, that meets regularly to discuss issues of common concern. Commission personnel work regularly with these entities as part of the compliance process, and with testing/certification of personnel.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2018;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

N/A

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and
 - procedures for handling consumer/public complaints against regulated entities.
- The commission's certification program promotes the safety of fire protection personnel throughout the state, ensuring that they have received a level of training and credentialing that enables them to fulfill their mission to the communities they serve.
 - The commission requires and verifies continuing education (CE) hours to ensure personnel continue to train to maintain proficiency.
 - The commission provides fire departments varying time frames to respond to and correct problems that are discovered. Typically, fire departments correct required deficiencies within the allotted time.

Self-Evaluation Report

- Various sanctions are available to the commission when violations are discovered, such as suspending or revoking certificates or licenses, limiting the practice of personnel, or assessing administrative penalties.
- Procedures for investigation of complaints against regulated entities are covered in enabling legislation, and §435.19 of the commission rules.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

Complaints are handled by the Compliance Section of the agency, with support from other agency sections as necessary depending upon the nature.

VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2013–2018, or earlier significant Attorney General opinions, that affect your agency’s operations.

Texas Commission on Fire Protection Exhibit 14: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency (e.g., “provides authority to license and regulate nursing home administrators”)
Chapter 419, Texas Government Code	Establishes the Texas Commission on Fire Protection, and provides authority for the commission to certify and regulate fire protection personnel and organizations.

Table 14 Exhibit 14 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
N/A	N/A

Table 15 Exhibit 14 Attorney General Opinions

- B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. *See Exhibit 15 Example.*

Texas Commission on Fire Protection Exhibit 15: 86th Legislative Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
SB 1217	Alvarado	For purposes of determining a person’s fitness to obtain certification, the commission is prohibited from considering arrests of individuals which did not result in a conviction or placement on deferred adjudication.
SB 1640	Watson/Bettencourt	Prohibits certain communications between commission board members during a time in which a quorum of the board does not exist.

Bill Number	Author	Summary of Key Provisions
SB 1200	Campbell/Buckingham	Allows a military spouse who holds an equivalent certification from another state to be appointed to fire protection duties for a limited time with an entity without having to hold commission certification.
HB 2446	(several members)	Exempts the personal information of firefighters from information act requests, and allows non-certified personnel to perform fire code enforcement inspections in certain jurisdictions and in certain circumstances.

Table 16 Exhibit 15 Legislation Enacted 86th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 319	King, Ken	Creation of a grant program to assist fire departments and volunteer fire departments with the purchase of certain equipment and machines. The commission was named as the agency to administer the program. The function was instead moved to an existing program at the Texas A&M Forest Service.

Table 17 Exhibit 15 Legislation Not Passed 86th Leg

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions that can be enacted in state law. This section contains the following three components.

A. Brief Description of Issue

B. Discussion

Background. Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency's role related to the issue?
- Any previous legislative action related to the issue?

C. Possible Solutions and Impact

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency's performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Complete this section for **each** issue. Copy and paste components A through C as many times as needed to discuss each issue. ***See Major Issue Example.***

Issue: Non-certified Individuals Performing Fire Code Enforcement Inspections

A. Brief Description of Issue

The 86th Legislature passed HB2446, part of which allows persons meeting specified training and other requirements to perform fire code enforcement inspections for certain jurisdictions without having to obtain Texas Commission on Fire Protection certification as a Fire Inspector. This legislation met a critical need for smaller fire departments and communities throughout the state that had found it difficult to procure the services of commission-certified persons due to significant training requirements attached to the Fire Inspector certification. In response to the need, the commission had developed a slightly more basic certification. However, it was not seen as adequate to solve the issue, and so the legislation was introduced and ultimately passed.

B. Discussion

The legislation met a need in local communities, but also resulted in what are likely unintended consequences regarding (1) the types of inspections that can be performed by these individuals, and (2) the fire departments that are able to take advantage of the new statutory language.

(1) The statute allows non-certified individuals to perform fire inspections if they have completed a training program for NFPA Fire Inspector I. According to NFPA 1031: Standard for Professional Qualifications for Fire Inspector and Plan Examiner, an individual trained to the Inspector I level would only be qualified to perform what would be considered basic inspections, or what are sometimes called single-occupancy inspections:

“The intent of the [NFPA] committee is that individuals at the Fire Inspector I level perform basic fire safety inspections. Individuals at this level can include fire fighters who are normally assigned to fire suppression or other individuals whose primary job responsibilities are not fire inspection.”

(NFPA 1031, 2014 Edition, pg. 1031-19, A.4.1)

For example, inspections involving shopping centers, industrial complexes, hospitals, or nursing homes would be well beyond the scope of these individuals’ training.

However, the adopted statute in no way limits the type or complexity of inspection that can be performed by these persons.

(2) As understood by the commission, the intent of the legislation was to allow non-certified individuals to perform inspections if the inspection is conducted in a county with a population of less than 100,000, and in a jurisdiction that employs fewer than 5 firefighters regulated by the commission. However, the adopted language allows the inspections to be done in either of these instances, and does not require both criteria to be met. The result is that a number of fire departments employing more than the above number of firefighters can also utilize non-certified persons, provided the department is located in a county with a population of less than 100,000.

C. Possible Solutions and Impact

Amendment of the statute to address both the above issues could serve to better reflect the original intent of the legislation without negatively impacting its benefit to the state’s smaller communities. It would also, to the extent possible, ensure that appropriately trained individuals are performing inspections in their communities.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Texas Commission on Fire Protection Exhibit 16: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas State Association of Fire Fighters (TSAFF) John Riddle	627 Radam Lane Austin, TX 78745	512-326-5050	jriddle@tsaff.org
Texas Fire Chiefs' Association (TFCA) Betty Wilkes	PO Box 66700 Austin, TX 78766	512-939-7277	bwilkes@txfirechiefs.org
State Firefighters' and Fire Marshals' Association Chris Barron	PO Box 1709 Manchaca, TX 78652	512-454-3473	cbaron@sffma.org
Texas Fire Marshals' Association (TFMA) John Paul Erskine, President	P. O. Box 1369 Burnet, TX 78611	512-553-3492	jerskine@cityofburnet.com
Texas Association of Fire Educators (TAFE) Chuck French	PO Box 4742 Corpus Christi, TX 78469	936-559-2542	txtafe@gmail.com
State Association Fire and Emergency Districts (SAFE-D) Cliff Avery	PO Box 676 Pflugerville, TX 78691	512-251-8101	safed@texas.net

Table 18 Exhibit 16 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
State Fire Marshal's Office Orlando Hernandez	P. O. Box 149104 Austin, TX 78714-9104	512-676-6800	fire.marshall@tdi.texas.gov
Texas A&M Forest Service Tom Boggus, Director	200 Technology Way Suite 1281 College Station, TX 77845	979-458-6600	tboggus@tfs.tamu.edu
Texas Engineering Extension Service, Emergency Services Training Institute Robert Moore	200 Technology Way College Station, TX 77845	979-862-4469	robert.moore@teex.tamu.edu

Table 19 Exhibit 16 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency’s assigned analyst at the Legislative Budget Board, or attorney at the Attorney General’s office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Governor Policy: Michael Hull	1100 San Jacinto Austin, TX 78701	512-463-1778	Michael.Hull@gov.texas.gov
Office of the Governor Budget: Fisher Reynolds	1100 San Jacinto Austin, TX 78701	512-463-1778	Fisher.Reynolds@gov.texas.gov
Office of the Attorney General Gen. Counsel: Veena Mohan	William P. Clements Bldg. 209 W. 14 th St. Austin, TX 78701	512-396-0535	Veena.Mohan@oag.texas.gov
Legislative Budget Board Analyst: Shauna Miller	Robert E. Johnson Bldg. 1501 N. Congress, 5 th Floor Austin, TX 78701	512-463-2774	Shauna.Miller@lbb.texas.gov

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

- A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.**

**Texas Commission on Fire Protection
Exhibit 17: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
Commission Activities	419.008 (e)	Not later than Jan 1 of each odd numbered year	Governor and Legislature	Report on Commission's activities	Unknown if still needed by recipients

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

- B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.**

The agency's statute does not reference individuals to which person-first respectful language would be applicable.

- C. Please describe how your agency receives and investigates complaints made against the agency.**

Complaints against the agency are not often received, are most often very minor in nature, and managed by the applicable agency section head. Occasionally, a complaint may be reviewed by the executive director, who then meets with the appropriate section head(s) to determine a cause for the complaint and possible resolutions. Again, responsibility for resolving the complaint is usually delegated to the section head.

The commission does not track complaints against the agency, only complaints received regarding people or entities regulated by the commission.

- D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.**

**Texas Commission on Fire Protection
Exhibit 19: Purchases from HUBs**

Fiscal Year 2016

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	-	-	-	-	11.2%
Building Construction	-	-	-	-	21.1%
Special Trade	-	-	-	-	32.9%
Professional Services	\$3,244	\$3,244	100.00%	23.7%	23.7%
Other Services	\$10,598	-	0.00%	26.0%	26.0%
Commodities	\$69,315	\$39,735	57.32%	21.1%	21.1%
TOTAL	\$83,158	\$42,979	51.68%		

Table 23 Exhibit 19 HUB Purchases for FY 2016

- * If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

Fiscal Year 2017

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	-	-	-	-	11.2%
Building Construction	-	-	-	-	21.1%
Special Trade	-	-	-	-	32.9%
Professional Services	\$2,800	\$2,800	100.00%	23.7%	23.7%
Other Services	\$14,880	-	0.00%	26.0%	26.0%
Commodities	\$58,500	\$26,474	45.25%	21.1%	21.1%
TOTAL	\$76,180	\$29,274	38.43%		

Table 24 Exhibit 19 HUB Purchases for FY 2017

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	-	-	-	-	11.2%
Building Construction	-	-	-	-	21.1%
Special Trade	-	-	-	-	32.9%
Professional Services	\$1,876	\$476	25.37%	23.7%	23.7%
Other Services	\$16,048	\$452	2.82%	26.0%	26.0%
Commodities	\$70,109	\$15,243	21.74%	21.1%	21.1%

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
TOTAL	\$88,033	\$16,171	18.37%		

Table 25 Exhibit 19 HUB Purchases for FY 2018

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

TCFP has a HUB policy. The agency addresses shortfalls in the performance related to the HUB policy by analyzing past purchases to see if any opportunities have been missed in the procurement process. The agency strives to make a strong good faith effort in meeting HUB goals, and any shortfalls are met with a recommitment to the program.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

N/A

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)

N/A

2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)

N/A

3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)

(Answer here)

H. Fill in the charts below detailing your agency's Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification "paraprofessionals," which is not tracked

by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Texas Commission on Fire Protection
Exhibit 20: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	0	7.4%	0	22.1%	0	37.4%
2017	32	0	7.4%	0	22.1%	0	37.4%
2018	34	0	7.4%	0	22.1%	0	37.4%

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	6.45	10.4%	12.90	19.3%	19.35	55.3%
2017	32	6.25	10.4%	15.63	19.3%	21.88	55.3%
2018	34	5.88	10.4%	14.71	19.3%	17.65	55.3%

Table 27 Exhibit 20 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	3.23	14.4%	3.23	27.2%	0	55.3%
2017	32	3.13	14.4%	3.13	27.2%	0	55.3%
2018	34	2.94	14.4%	5.88	27.2%	5.88	55.3%

Table 28 Exhibit 20 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	3.23	14.8%	9.68	34.8%	16.13	72.1%
2017	32	3.13	14.8%	6.25	34.8%	15.63	72.1%
2018	34	2.94	14.8%	5.88	34.8%	14.71	72.1%

Table 29 Exhibit 20 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	0	13.0%	0	54.1%	0	51.0%
2017	32	0	13.0%	0	54.1%	0	51.0%
2018	34	0	13.0%	0	54.1%	0	51.0%

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2016	31	0	10.6%	0	50.7%	0	11.6%
2017	32	0	10.6%	0	50.7%	0	11.6%
2018	34	0	10.6%	0	50.7%	0	11.6%

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

The commission does maintain an equal employment opportunity policy.

The agency strives to ensure that its workforce reflects the state's demographics. A rigorous selection process is utilized to fill vacancies and undertake recruitment strategies to gain maximum exposure to underrepresented populations. Generally, the fire service industry has not yet produced an adequate percentage of candidates from some minority backgrounds. Although the agency expects this to change in the next 10-15 years, the agency's field positions (which require fire service experience) make up 20 percent of the agency's workforce; therefore, the demographic of this employee group significantly impacts EEO goals. Ever mindful of this impact, the commission utilizes a robust workforce development program to retain its diverse workforce. Measures include retention and promotion strategies as well as cross-training and skills training, and overall employee engagement initiatives. The goal is always to work toward increasing diversity in the agency's workforce.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

Common Acronyms that may be used in this report:

AFR	Annual Financial Report
CE	Continuing Education
ESTI	Emergency Services Training Institute
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FFAC	Fire Fighter Advisory Committee
FSRS	Fire Suppression Rating Schedule
FTE	Full-Time Equivalent
GR	General Revenue
HAZMAT	Hazardous Materials
IFSAC	International Fire Service Accreditation Congress
IMS	Incident Management Systems
ISO	Insurance Services Office
LAR	Legislative Appropriations Request
LODD	Line of Duty Death
NFA	National Fire Academy
NFPA	National Fire Protection Association
NIMS	National Incident Management System
OAG	Office of the Attorney General
OSHA	Occupational Safety and Health Administration
PASS	Personal Alert Safety Systems
PPE	Personal Protective Equipment
SAO	State Auditor's Office
SCBA	Self-Contained Breathing Apparatus
SFFMA	State Firefighters' and Fire Marshals' Association of Texas
SFMO	State Fire Marshal's Office
SOP	Standard Operating Procedure
TAC	Texas Administrative Code
TAFE	Texas Association of Fire Educators
TCFP	Texas Commission on Fire Protection
TCI	Texas Correctional Industries
TDI	Texas Department of Insurance
TEEX	Texas Engineering Extension Service
TEXFIRS	Texas Fire Incident Reporting System
TFCA	Texas Fire Chiefs Association
TFS	Texas A&M Forest Service
TML	Texas Municipal League
TSAFF	Texas State Association of Fire Fighters
VFD	Volunteer Fire Department
WMD	Weapons of Mass Destruction