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## TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

## **Proposed Rule**

LSA Document #05-249

## DIGEST

Amends 655 IAC 1-1-1, 655 IAC 1-1-1.1, 655 IAC 1-1-6.1, 655 IAC 1-1-7, 655 IAC 1-1-9, 655 IAC 1-1-12, and 655 IAC 1-1-13 for the purpose of making changes to the Board's certification requirements, processes, and procedures and making conforming section changes. Repeals 655 IAC 1-1-14. Effective 30 days after filing with the Secretary of State.

## IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

None of the proposed changes should have an economic impact beyond what is already imposed by the existing rule. The proposed amendments will not impose requirements or costs on small businesses under IC 4-22-2.1-5

655 IAC 1-1-1	655 IAC 1-1-9
655 IAC 1-1-1.1	655 IAC 1-1-12
655 IAC 1-1-6.1	655 IAC 1-1-13
655 IAC 1-1-7	655 IAC 1-1-14

SECTION 1. 655 IAC 1-1-1 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-1 Title; purpose; scope; availability Authority: IC 22-14-2-7 Affected: IC 22-14-2-7

Sec. 1. (a) This rule shall be known as the administrative rule for the board of firefighting personnel standards and education for general use and distribution under that title. Whenever the term "this rule" is used throughout this rule, it shall mean the administrative rule for the board.

(b) The purpose of this rule is to provide for the administration of a voluntary program for certification of:

(1) fire service personnel;

(2) fire department instructors; and

(3) firefighting training and education programs; and

(4) nonfire service persons;

by the board.

(c) This rule is available for <del>purchase</del> **review and copying** from the board, 402 302 West Washington Street, Room <del>E241,</del> **E239**, Indianapolis, Indiana 46204. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-1; filed May 26, 1989, 2:15 p.m.: 12 IR 1869; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3384; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; errata, 26 IR 383)

SECTION 2. 655 IAC 1-1-1.1 IS AMENDED TO READ AS FOLLOWS:

## 655 IAC 1-1-1.1 Definitions Authority: IC 22-14-2-7 Affected: IC 10-19; IC 22-14-2-7

Sec. 1.1. (a) The definitions in this section apply throughout this article.

(b) "Authority having jurisdiction", for purposes of NFPA standards adopted by the board, means the board.

(c) "Authorized testing agency" means any person or organization that complies with the requirements for testing under this title.

(d) "Authorized training entity" means any person or organization that teaches board-approved programs or courses in compliance with this title.

(e) "Board" means the board of firefighting personnel standards and education.

## (f) "Department" means the Indiana department of homeland security created under IC 10-19.

(f) (g) "Fire service person" means a person at least eighteen (18) years of age or older who is engaged in any of the following: (1) Fire suppression.

- (2) Fire code enforcement.
- (3) Fire education. or

(4) Fire investigation.

(g) "Lead evaluator" means any person who supervises or coordinates the administration of practical skills examinations and signs off on practical skills examination forms.

(h) "Nonfire service person" means a person eighteen (18) years of age or older.

(i) "Six-hour (h) "Indiana instructor update class" test" means a course of instruction at the conclusion of which a student shall test that requires the applicant to do the following:

(1) Describe, orally or in writing, the following:

- (A) The procedures for voluntary certification under the rules of the board.
- (B) The procedures by which a certification program may be accredited by the International Fire Service Accreditation Congress.
- (C) The requirements for certification as an Instructor I and Instructor II/III.
- (D) The difference between a cognitive examination and a practical skills examination.
- (E) Instructional planning and development methods and techniques and instructional materials and aids.
- (F) The evaluation and testing procedures used by **the following:** 
  - (i) A proctor under this title.
  - (G) The evaluation and testing procedures used by (ii) A lead evaluator under this title.
- (II) (G) The responsibilities and duties of a proctor, lead evaluator, and evaluator under this title.
- (2) Design or develop an evaluation and grading system for a cognitive examination and a practical skills examination.

(i) "Lead evaluator" means any person who does the following:

(1) Supervises or coordinates the administration of practical skills examinations.

(2) Signs off on practical skills examination forms.

(j) "Nonfire service person" means a person at least eighteen (18) years of age. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-1.1; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3384; filed Sep 24, 1999, 10:02 a.m.: 23 IR 326; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1156; errata filed Jan 8, 2002, 1:55 p.m.: 25 IR 1645; errata, 26 IR 383)

SECTION 3. 655 IAC 1-1-6.1 IS AMENDED TO READ AS FOLLOWS:

## 655 IAC 1-1-6.1 Instructor I and Instructor II/III Authority: IC 22-14-2-7 Affected: IC 22-14-2-7

Sec. 6.1. (a) **An** Instructor I shall have authorization in the following areas: (1) To teach the requirements for the following:

(A) Indiana mandatory training.

(B) Basic Firefighter.

(C) Firefighter I.

(D) Firefighter II.

(2) To sign the applications for the following:

- (A) Indiana mandatory training.
- (B) Basic Firefighter.
- (C) Firefighter I.
- (D) Firefighter II.

(3) (1) To teach from prepared materials.

(4) (2) To serve as an evaluator for practical skills examinations.

(3) To serve as proctor and lead evaluator for Indiana mandatory training written and practical skills examinations.

(b) An Instructor II/III shall have authorization in the following areas:

(1) To teach the requirements for the following:

(A) Indiana mandatory training.

(B) Basic Firefighter.

(C) Firefighter I.

(D) Firefighter II.

(2) To sign the applications for the following:

(A) Indiana mandatory training.

(B) Basic Firefighter.

(C) Firefighter I.

(D) Firefighter II.

(3) To teach from prepared materials.

(4) (1) To teach from personally written lesson plans that are in addition to prepared materials.

(5) (2) To teach and sign applications for advanced firefighter courses.

(6) (3) To issue certificates of successful completion to students in the instructor's advanced courses.

(7) (4) To proctor and grade written tests as required by the board.

(8) (5) To evaluate all practical skills required by the board as a lead evaluator.

(9) To teach the six-hour up-date class.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-6.1; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3386; filed Sep 24, 1999, 10:02 a.m.: 23 IR 327; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; errata, 26 IR 383)

SECTION 4. 655 IAC 1-1-7 IS AMENDED TO READ AS FOLLOWS:

## 655 IAC 1-1-7 Revocation of certification Authority: IC 22-14-2-7 Affected: IC 4-21.5-3-6; IC 22-12-7-7

Sec. 7. (a) Upon receipt of evidence that information provided to the board, upon which a certification was issued, was falsified, the board shall impose an appropriate sanction following the provisions of IC 4-21.5-3-6 and IC 22-12-7-7(4).

(b) The **board may take action with respect to the** certification of any Instructor I fire service person or II/III may be suspended or revoked by the board nonfire service person in accordance with the provisions of IC 4-21.5-3-6 and IC 22-12-7-7(4) upon information provided to the board that such Instructor I or II/III the fire service person or nonfire service person has:

(1) failed to uphold and respect a student's right to privacy, dignity, and safety; and

(2) been convicted of an offense, including, without limitation, arson and child molestation, if the acts that resulted in the conviction have a direct bearing on whether or not the person shall be entrusted to serve as an Instructor I or II/III perform the activities permitted under any certification held by the fire service person or nonfire service person; or (3) failed to comply with the board's rules.

(c) Review may be initiated by the board in the absence of external written requests or complaints. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-7; filed May 26, 1989, 2:15 p.m.: 12 IR 1871; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1159; errata, 26 IR 383)

SECTION 5. 655 IAC 1-1-9 IS AMENDED TO READ AS FOLLOWS:

## 655 IAC 1-1-9 Reciprocity for equivalent training

## Authority: IC 22-14-2-7 Affected: IC 22-14-2-7

Sec. 9. (a) Except as provided in subsection (d), a fire fighter service person or nonfire service person who can provide evidence of having completed training and testing equivalent to the requirements of the board for a particular classification shall be entitled to receive that certification from the board when all other prerequisites are met.

(b) Certification of the comparable level of certification by the International Fire Service Accreditation Congress or the United States Department of Homeland Security are deemed to be evidence of training and testing equivalent to the requirements of the board for that certification under the board's rules. Certifications by the National Board on Fire Service Professional Qualifications, P.O. Box 690632, Quincy, MA 02269 that are issued within the six (6) calendar years immediately preceding the date of application for board certification shall be acceptable for purposes of reciprocal certification at the level evidenced by such Pro-Board certification.

(c) Completion of training provided by the department, as evidenced by a certificate of completion issued by the department, shall be acceptable for purposes of reciprocal certification at the level evidenced by such certificate of completion.

(d) In order to receive reciprocity for equivalent training for Instructor I and Instructor II/III certification, the applicant shall, in addition to the evidence required in subsection (a), provide evidence of having passed the Indiana instructor update test.

(e) Reciprocal certification shall be granted to an applicant as follows:

(1) The applicant has an original certificate for the certification level from an entity whose programs are substantially similar to the programs contained in the board's current rules. Programs accredited by the International Fire Service Accreditation Congress are deemed to be substantially similar. Any seal or authenticating number on the certificate shall be intact and unaltered in any way.

(2) The applicant presents an original of the certificate or copy of the certificate that contains a statement by the applicant, under penalty of perjury, that the copy is a true and correct copy of the original to the board at the time of application. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-9; filed May 26, 1989, 2:15 p.m.: 12 IR 1871; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; errata, 26 IR 383)

SECTION 6. 655 IAC 1-1-12 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-12 Application and testing procedures; appeals; challenges; reciprocity Authority: IC 22-14-2-7 Affected: IC 4-21.5

Sec. 12. (a) Applications for certification shall:

(1) be made on a form approved by the executive director of the department;

(2) include all attachments required on the application; and

(3) bear an original and legible signature not mechanically reproduced, of the authorized instructor who is accepting responsibility for the competency. signatures as required on the application form.

(b) Basic firefighter test results submitted with applications for certification are to be completed with the following:

(1) The month, day, and year that the written test was given.

(2) The written test score.

(3) The signature of the authorized instructor who administered and graded the written test and evaluated the practical skills examination.

(c) The authorized training entity shall send a list of students requesting examination to the authorized testing entity not less than fifteen (15) days before the requested examination date: Preregistration is required for all certification examinations.

(d) (b) An application for a course number shall be submitted to the authorized testing entity shall prepare a roster of preregistered students and send it to the lead evaluator or proctor as applicable. agency not fewer than thirty (30) days before the

commencement of the course. The director of the training division of the department may approve the issuance of course numbers for applications that are submitted fewer than thirty (30) days before the commencement of the course if the director finds that the issuance of the course numbers is necessary to provide the continuation of training for fire service persons.

(c) Each request for a written cognitive examination shall be received by the authorized testing entity shall verify student registration and prerequisites and shall mail confirmations to all properly registered examination applicants approximately two (2) weeks prior to the examination date. not fewer than fifteen (15) days before the date that the test will be administered, and all requests shall be in writing.

(f) (d) The authorized testing entity shall obtain the form and content of each written cognitive examination from the board.

(g) (e) All practical skills examinations shall be have been administered at the conclusion before the administration of the training course. cognitive written examination.

(h) (f) Practical skills examinations shall test all of the practical skills contained in the objectives required for the certification that is the subject of the practical skills examination.

(i) (g) The content of each practical skills examination shall be obtained from the board.

# (h) Each request for a practical skills examination shall be received by the authorized testing entity not fewer than fifteen (15) days before the date that the test will be administered, and all requests shall be in writing.

(i) Practical skills examination procedures shall be as follows:

(1) All examinations shall be graded on a pass/fail basis.

(2) Individual test participants shall be verified upon arrival at the examination site to determine that their name appears on the roster to be able to take the examination.

(3) Any individual not on the official examination site roster will not be allowed into the examination.

(2) Sign-in and sign-out sheets, on a form approved by the executive director of the department, shall be provided by the lead evaluator. Each applicant shall sign in when entering the examination area and sign out when leaving the examination area. Each entrance and exit from the examination area shall be evidenced by the applicant signing in and out as described above.

(4) (3) A photo identification must be provided by the applicant along with all prerequisite documentation.

(5) (4) Once all admission requirements have been verified, the individual will be allowed to take the examination.

(6) (5) Once the examination has begun, the entrance to the examination site will be secured, and no additional individuals will be permitted to enter, other than employees of the department or members of the board.

(7) (6) The lead evaluator shall make certain that all paperwork, necessary equipment, and props are:

(A) in order;

**(B)** in place; and

(C) in working order;

before the evaluation begins.

(8) Assisting (7) Additional evaluators, where needed as determined by the lead evaluator, shall be selected by the lead evaluator. from a list provided by the authorized testing entity.

(9) (8) All evaluators shall use standards adopted by the board in this title.

(10) (9) The lead evaluator shall

(A) sign all evaluation forms; and

(B) ensure that evaluation forms are:

(A) properly completed in ink by any assisting evaluator; and

(B) returned to the lead evaluator immediately following the examination.

(11) (10) The lead evaluator shall be responsible for the following:

(A) Maintaining a safe environment while the examination is in progress.

(B) Ensuring that applicable safety and risk management protocols are followed.

(12) (11) The lead evaluator shall return all examination paperwork to the authorized testing organization agency within three (3) working days after the examinations are completed.

 $(\mathbf{k})$  (j) The procedures for written cognitive examinations shall be as follows:

(1) A minimum of seventy percent (70%) grade is required to pass the examination.

(2) One (1) or more proctors shall monitor each examination.

(3) Individual test participants will be verified upon arrival at the examination site to determine that their name appears on the roster to be able to take the examination.

(4) Any individual not on the official examination site roster will not be allowed into the examination. Walk-in registrations shall not be accepted.

(5) (3) A photo identification must be provided by the applicant along with all prerequisite documentation.

(6) (4) Once all admission requirements have been verified, the individual applicant will be allowed to take the examination.

(5) Sign-in and sign-out sheets, on a form approved by the executive director of the department, shall be provided by the proctor. Each applicant shall sign in when entering the examination room and sign out when leaving the examination room. Each entrance and exit from the examination room shall be evidenced by the applicant signing in and out as described above.

(7) (6) Once the examination has begun, the entrance to the examination site will be secured, and no additional individuals will be permitted to enter, other than employees of the department or members of the board.

(8) (7) Each examination participant applicant shall sign and date the student registration form.

(9) Examination participants (8) Applicants shall be seated at least one (1) foot away from each other participant. applicant.

(10) (9) Any examination participant applicant observed talking to another examination participant applicant while either has his or her answer sheet in his or her possession shall:

(A) be immediately dismissed from the examination; and shall

(B) receive a score of zero (0) on the examination.

(11) (10) Any examination participant applicant observed copying from another participant's applicant's paper shall:

(A) be immediately dismissed from the examination; and

(B) receive a score of zero (0) on the examination.

(12) (11) The maximum time allowed for each examination shall be three (3) hours.

(13) (12) At the end of the examination period, the proctor shall ensure that:

(A) each student applicant returns the:

(i) the test booklet;

(ii) the completed answer sheet; and

(iii) the completed registration form; and

(B) no marks were made on the test booklet.

(14) (13) The proctor shall:

(A) seal all test booklets and answer sheets; and

(B) return them within three (3) working days to the authorized testing agency for scoring.

(15) (14) If more than one (1) room is being used for the examination, a minimum of one (1) proctor per room shall be required. (15) A proctor shall remain in the room at all times that the examination is being conducted, unless the examination is being conducted at the offices of the department and only one (1) student is taking the examination.

(16) A proctor shall not discuss any test question or possible answer thereto with any student taking the examination.

(1) The (k) No oral examination procedure for cognitive examinations shall be as follows: permitted.

(1) Requests for oral examination shall:

(A) be made in writing to the board; and

(B) specify the level of testing requested and the basis for the request for oral examination.

(2) The board shall review the request and determine whether the basis meets one (1) or more of the following criteria:

(A) Physical disability.

(B) Mental disability.

(C) Educational disability.

(3) If one (1) or more of the review criteria is met, the request shall be granted and the applicant shall be notified in writing of the scheduled date and location of the oral examination.

(4) Applicants shall meet all other examination requirements and prerequisites for the level of examination being requested.

(5) A minimum of seventy percent (70%) grade is required to pass the examination.

(6) One (1) or more proctors shall monitor each examination.

(7) Individual test participants will be verified upon arrival at the examination site to determine that their name appears on the roster to be able to take the examination.

(8) Any individual not on the official examination site roster will not be allowed into the examination. Walk-in registrations shall

not be accepted.

(9) A photo identification must be provided by the applicant along with all prerequisite documentation.

(10) Once all admission requirements have been verified, the individual will be allowed to take the examination.

(11) Once the examination has begun, the entrance to the examination site will be secured, and no additional individuals will be permitted to enter.

(12) Each examination participant shall sign and date the student registration form.

(13) The maximum time allowed for each examination shall be eight (8) hours.

(14) At the end of the examination period, the proctor shall ensure that:

(A) each student returns:

(i) the test booklet;

(ii) the completed answer sheet; and

(iii) the completed registration form; and

(B) no marks were made on the test booklet.

(15) The proctor shall seal all test booklets and answer sheets and return them within three (3) working days to the authorized testing agency for scoring.

(16) The proctor/participant ratio shall not exceed one (1) proctor for each participant.

(m) (l) A student may retake any examination within ninety (90) days after receipt of notification of a failing score on such the examination. If the student fails to achieve a passing score on the retake examination, the student may do one (1) of the following:

(1) Complete a second course of instruction for the certification for which the failed retest examination was given and achieve a passing score on the cognitive examinations for the certification.

(2) At any time after one (1) year from the date on which the student took the failed retest examination, take the examination again.

(n) (m) All appeals shall be heard by the board under IC 4-21.5. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-12; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3387; filed Sep 24, 1999, 10:02 a.m.: 23 IR 328; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; errata, 26 IR 383)

SECTION 7. 655 IAC 1-1-13 IS AMENDED TO READ AS FOLLOWS:

655 IAC 1-1-13 Qualifications of evaluators and proctors

Authority: IC 22-14-2-7

Affected: IC 22-12-7-7

Sec. 13. (a) **Except as provided in section 6.1(a) of this rule,** the qualifications for lead evaluator shall be as follows: (1) Certification as at least **an** Instructor II/III.

(2) Specialty classification Certification in the course being evaluated.

(3) Has mastered the curriculum of the course being evaluated.

(4) Possesses adequate supervisory skills for the proper supervision of the students and any assisting evaluators.

(5) (3) Has experience in the objective evaluation of performance skills.

(6) (4) Has signed a written acknowledgement prepared by the board concerning the following:

(A) Commitment to serve as lead evaluator.

(B) Acceptance of assignments by the board.

(C) Commitment to uphold the board's practices and policies.

(D) Acknowledgement and acceptance of conditions concerning the administration of practical skills examinations.

(7) Has successfully completed the six-hour up-date class.

(8) Is (5) Did not instruct the lead instructor for the host department where applicants for certification in the material that is the subject of the examination. is taking place.

(b) An assisting evaluator must be certified as an Instructor I.

(c) Assisting Evaluators may be used in their respective departments or other departments if:

(1) they are part of a countywide system; or if

(2) there are students applicants for certification from their respective departments taking part in the examination;

so long as they have not taught the subject matter in the course being evaluated.

(d) The instructor certification of any evaluator who fails to abide by the rules of the board with respect to practical skills examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-7(4).

(e) (d) A proctor must be one (1) of the following:

- (1) Certified as at least an Instructor II/III.
- (2) The holder of a valid teacher's license.
- (3) A faculty member at an institution of higher learning.
- (4) A staff member of an authorized training entity.

(f) The instructor certification of any proctor who fails to abide by the rules of the board with respect to written cognitive examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-7(4).

(g) The instructor certification of any proctor who fails to abide by the rules of the board with respect to oral cognitive examinations shall be subject to disciplinary action by the board. Such disciplinary action shall be pursuant to IC 22-12-7-7(4).

(e) A proctor shall not proctor an examination for applicants for certification whom the proctor instructed in the material that is the subject of the examination. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-13; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3389; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1160; errata, 26 IR 383)

SECTION 8. 655 IAC 1-1-14 IS REPEALED.

#### Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 29, 2006 at 9:00 a.m., at the Marriott Hotel and Convention Center, 7202 East 21st Street, Salons 1 and 2, Indianapolis, Indiana the Board of Firefighting Personnel Standards and Education will hold a public hearing on amendments to 655 IAC 1 for the purpose of making changes to the Board's certification requirements, processes, and procedures and making conforming section changes.

The Board of Firefighting Personnel Standards and Education has authority to adopt these rules under IC 22-14-2-7. These revisions are for the purpose of clarifying the Board's rules to ensure that regulated entitles are given a clear explanation of the conditions that apply when certification is requested under the Board's rules, and none of the proposed changes should have an economic impact beyond what is already imposed by the existing rules. The proposed amendments will not impose requirements or costs on regulated entities under IC 4-22-2-24(d)(3).

Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W239 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Roger Johnson State Fire Marshal Board of Firefighting Personnel Standards and Education