



**OFFICE OF THE STATE FIRE MARSHAL
STATEWIDE TRAINING AND EDUCATION ADVISORY COMMITTEE
DEPARTMENT OF FORESTRY AND FIRE PROTECTION**

PO Box 944246
Sacramento, CA 94244-2460
Phone: (916) 445-8444
Website: www.fire.ca.gov



Date: January 16, 2015

Attachment 8

To: Ronny J. Coleman, Chairman
Statewide Training and Education Advisory Committee
c/o State Fire Training

From: Rodney Slaughter, Deputy State Fire Marshal III

Subject/Agenda Action Item: SFT Regulations Update

Recommended Actions: Information/Discussion

Background Information:

State Fire Training is in the midst of unprecedented changes. Policies and procedures, adopted by reference in Title 19 California Code of Regulations, need to be updated to coincide with the permanent changes in effect.

Analysis/Summary of Issue:

State Fire Training Staff (SFT) is working with the OSFM Regulations Unit on a rule making package that will include an update to Title 19 California Code of Regulations (attached), SFT Procedures Manual, and the Course Information Required Materials Manual (CIRM). These three documents will go through the rulemaking process all at the same time.

Newer certification classes and Certification testing will not be included in this rulemaking package. These will go through another rulemaking process once the new SFT Procedures manual is adopted.

The package will be forwarded for signatures in February 2015 and the notice will be published in March 2015 for a 45 day comment period. All of the material will be posted on-line for review and comments. The plan is to have the updated SFT Procedures Manual and CIRM adopted by the Secretary of State by July 1, 2015. Office of Administrative Law (OAL) has a quarterly adoption schedule, so if we do not make the July 1, 2015 date, the next possible adoption would be October 1, 2015.

California Code of Regulations

Title 19 Public Safety Code

Division 1

Chapter 13 California Fire Service Training and Education Program

Article 1-2

Sections 1980.00-1990.12

ARTICLE 1 ADMINISTRATION

1980.00 TITLE

These regulations shall be known as the “Training Regulations of the State Fire Marshal” and shall constitute the basic State Fire Marshal training standards of the California Fire Service Training and Education Program which includes the California Fire Service Training and Education System (CFSTES) and the California Fire Service Training and Education Program (FSTEP). They may be cited as such and will be referred to herein as “these regulations”.

Note: Authority cited: Sections 13155-13159.4 and 13159.7-13159.10 Health and Safety Code.

1980.01 PURPOSE

These regulations establish minimum standards for a statewide training and certification system for the California fire service.

Note: Authority cited: Sections 13156(a), (b) and (e), Health and Safety Code.

1980.02 SCOPE

(a) These regulations shall govern the California Fire Service Training and Education Program established in the Office of the State Fire Marshal (OSFM).

(b) These regulations shall govern the development and maintenance of the California Fire Service Training and Education Program including;

(1) Curriculum development and delivery (in accordance with Sections 13157(b) and 13159.8(b) of the Health and Safety Code),

(2) Instructor requirements (in accordance with Sections 13159(b), and 13159.8(a) of the Health and Safety Code),

(3) Accreditation of regional and local academies and training facilities (in accordance with Sections 13159(d), 13159.8(b) and (f) of the Health and Safety Code),

(4) Establish safety policies and administrative procedures for the management of the training system (in accordance with Sections 13156(a), (b), (e), (f), 13157(a)(c) and 13158 of the Health and Safety Code).

(c) These regulations shall govern the fees established by the California Fire Service Training and Education Program in accordance with Sections 13157(d) and (e) and 13159.8(e) of the Health and Safety Code.

Note: Authority cited: Sections 13155-13159.4 and 13159.7-13159.10 Health and Safety Code

1980.03 Participation in the California Fire Service Training and Education Program

The recommended minimum standards established in these regulations shall not apply to any agency of the state or any agency of any political subdivision within the state unless that agency elects to be subject to these standards.

Note: Authority cited: Section 13159.8(h) Health and Safety Code.

1980.04 Program Management

The State Fire Marshal, with policy guidance and advice from the Statewide Training and Education Advisory Committee (STEAC) and/or the State Board of Fire Services (SBFS), is responsible for the management and coordination of the California Fire Service Training and Education Program.

In carrying out these responsibilities of the California Fire Service Training and Education Program, the State Fire Marshal shall maintain control over the quality and consistency of CFSTES and FSTEP instructors, facilities, and curriculum.

Note: Authority cited: Section 13142(a), (c), 13157, 13158, 13159, 13159.1, 13159.4, 13159.7, 13159.8 and 13159.9, Health and Safety Code.

1980.05 Enforcement of Regulations

The provisions of these regulations shall be enforced upon any agency of the state or any agency of any political subdivision within the state that elects to be subject to the enforcement of these standards by the State Fire Marshal, the Division Chief of State Fire Training, State Fire Training staff and/or representatives within the fire service community authorized by the State Fire Marshal.

Note: Authority cited: Section 13157(a), Health and Safety Code.

1980.06 Petition for Alternative Application to Methods and Procedures

The State Fire Marshal designates the Division Chief of State Fire Training as the Administrative Manager of the California Fire Service Training and Education Program in accordance with Section 13158, 13159, 13159.1, 13159.4, 13159.8 of the Health and Safety Code.

(a) The Division Chief of State Fire Training shall review and approve, or deny, written petitions for alternative applications to the methods and procedures incorporated by reference to this regulation in Section 1980.00.

(b) The cause and/or reasoning behind a denied petition for an alternative application to methods and procedures will be provided to the petitioner in writing.

Note: Authority cited: Section 13157(a) and 13158 Health and Safety Code.

1980.07 Appeals to Alternative Application to Methods and Procedures

When a written petition for an alternative application to the methods and procedures has been denied by the Division Chief of State Fire Training, the applicant may file an appeal to the Statewide Training and Education Advisory Committee (STEAC) and/or the State Board of Fire Services (SBFS).

(a) The cause and/or reasoning behind a denied petition for an alternative application to methods and procedures will be provided to the petitioner in writing.

(b) If the petition is again denied, the applicant can appeal in writing directly to the State Fire Marshal for reconsideration. The decision of the State Fire Marshal shall be final and binding.

Note: Authority cited: Section 13157, 13159 and 13159.8, Health and Safety Code.

Article 2 GENERAL PROVISIONS

1990.00 Incorporated References

Administrative procedures for the California Fire Service Training and Education Program shall consist of the following documents incorporated by reference: "State Fire Training Procedures Manual (~~May 2008~~ January 2015)", and the "Course Information and Required Materials Manual (~~May 2008~~ January 2015)" and the "~~Curriculum Development Guidelines (January 2008)~~". Registered instructors and State Fire Marshal staff shall ensure that all applicable instructions in the incorporated referenced documents are followed to become a registered instructor and to instruct State Fire Marshal FSTEP and CFSTES accredited and approved courses.

(a) The following forms, in the format developed by the Office of the State Fire Marshal, which are incorporated by reference, can be found in the adopted “State Fire Training Procedures Manual, Appendix A ~~(May 2008)~~ January 2015.”

(1) ~~Application for Certification Fee Schedule~~ (May 2008) January 2015)

(2) ~~Request for~~ CFSTES Course Scheduling (May 2008) January 2015)

(3) ~~Request for EMT Course Scheduling (May 2008)~~ CFSTES Instructor Checklist (January 2015)

(4) ~~Request for EMT Re-cert via CE Course Scheduling (May 2008)~~

(5) ~~Request for~~ FSTEP Course Scheduling (May 2008) January 2015)

(6) ~~Request for LARR Operational Course Scheduling (May 2008)~~ FSTEP Instructor Checklist (January 2015)

(7) ~~Request for Rescue Systems 1 Course Scheduling (May 2008)~~ Request for Student Records (January 2015)

(8) ~~Bookstore Order Form (May 2008)~~ Instructor Code of Ethics/Conduct (January 2015)

(9) Instructor Update Application (May 2008) January 2015)

Note: Authority cited: Section 13157 Health and Safety Code.

1990.01 ~~Course Development~~ Certification Training Standards

~~Development of courses to be accredited by the State Fire Marshal for both CFSTES and FSTEP shall follow all procedures in the “Course Development Guidelines (January 2008)” incorporated by reference in Section 1990.00.~~

Levels of certification established by the Office of the State Fire Marshal shall be based on nationally recognized standards for fire service professional qualifications.

Note: Authority cited: Section 13159 (d) and 13159.8(b), Health and Safety Code.

1990.02 ~~Accredited and Approved Course~~ ~~Curriculum and Course Certificate~~

Registered instructors shall not delete any material from an accredited or approved curriculum, as referenced in the “Course Information and Required Materials Manual (May 2008),” unless approved in writing by the Division Chief of State Fire Training per Section 1980.06, CCR.

(a) This section shall not prohibit registered instructors from adding additional material which exceeds the minimum requirements established for the course curriculum, with the condition that additions do not conflict with the established State standards and recognized procedures pursuant to this regulation.

(b) An accredited course is a adopted by class that meets the State Fire Marshal (SFM) minimum course construction and includes some form of cognitive examination or skills evaluation to determine student competency.

(1) A student successfully completing an accredited course will shall receive a course completion certificate that can lead to position certification in a specialized career track within the California Fire Service Training and Education System (CFSTES).

(c) An FSTEP approved course is a class approved by the State Fire Marshal, and shall meet minimum course construction and follow procedures in the "Course Development Guidelines (January 2008)" incorporated by reference in Section 1990.00.

(1) Approved courses shall include some form of evaluation of student competency.

(2) A student successfully completing an FSTEP approved course will receive a course completion certificate. All approved courses are classified as the Fire Service Training and Education Program (FSTEP) which does not lead to certification.

Note: Authority cited: Section 13157(b), 13159.1(a), 13159.8(b) Health and Safety Code.

1990.03 Accredited Course Certifying Summative Examinations

(a) When required by the Office of the State Fire Marshal, an instructor will develop and administer an end of course summative exam.

Certified written exams for accredited courses listed in the Course Information and Required Materials Manual shall only be developed and revised under the supervision of State Fire Training.

(b) The instructor shall maintain a copy of their summative exams for a minimum of four (4) years.

Certified written exams shall only be administered, corrected, and scored by a primary instructor or representative of the Accredited Local Academy or Accredited Regional Training Program.

(c) A copy of the summative exam will be provided to State Fire Training staff upon request.

No registered instructor or staff working with a registered instructor is permitted to reveal to any student the answers to any certified exam, including any previous editions to the exam.

(d) Registered instructors shall use the most current revision of the certified written exam available from the State Fire Marshal.

~~(d)-(e)~~ Any student who fails to pass a **certification summative** exam after two attempts shall be required to retake the entire course, **in which they seek certification.**

~~(f)~~ Any student found cheating during the administration of a **certified summative** exam shall not be permitted to complete the exam and **will receive a zero (0) score for the exam and** shall be required to retake the entire class.

~~(g)~~ **Students are not permitted to retain or copy any certified exam (including previous editions). Primary instructors must ensure that all certified exams distributed during the administration of the exam are returned and accounted for.**

~~(h)~~ **Breaches of test security by a registered instructor, institution or agency proctoring the exam shall result in a restitution fee to recover cost to have the exam rewritten.**

Note: Authority cited: Section 13159.8(c), (d) and (e) Health and Safety Code.

1990.04 Registered Instructors

All instructors under the California Fire Service Training and Education Program, with the exception of Firefighter I and Firefighter II instructors, shall be registered with the State Fire Training Division following the procedures for each course specialty as outlined in the "State Fire Training Procedures Manual" per section 1990.00, CCR.

(a) Registered Instructor**s** shall meet specific coursework, instructor requirements, teaching experience, rank, **and occupational experience.** A registered instructor can be approved to teach either or both California Fire Service Training and Education System (CFSTES) and Fire Service Training and Education Program (FSTEP) courses.

(1) Senior Instructor**s** shall meet minimum qualifications for accredited and/or approved Rescue related courses per "State Fire Training Procedures Manual," Section 1990.00 CCR.

(2) Primary Instructor has the lead responsibility for the delivery of an **Q**OSFM CFSTES or FSTEP course per "State Fire Training Procedures Manual," Section 1990.00 CCR.

(3) Adjunct Instructor**s** shall meet minimum instructor criteria and work under the supervision of a primary instructor for the delivery of an **Q**OSFM accredited and approved courses per "State Fire Training Procedures Manual," Section **1990.00 2500.00** CCR.

(4) Skills Evaluator shall meet minimum instructor criteria to evaluate student skill demonstrations or exams per "State Fire Training Procedures Manual," Section 1990.00 CCR.

(b) Registered Instructor shall notify the State Fire Training Division of any status change in regard to name, address, telephone number and e-mail address.

Notification shall be made in a form and/or manner as prescribed by the Division Chief of State Fire Training.

(1) Failure to notify the State Fire Training Division as set forth in Section (b) above shall result in the Registered Instructor being placed on the inactive list.

(2) Registered Instructor on the inactive list shall be reinstated to the active list if they comply with Section (b) above.

Note: Authority cited: Section 13159(d) Health and Safety Code.

1990.05 Accredited Facilities

The Office of the State Fire Marshal, with a recommendation from the State Board of Fire Services (SBFS) and/or the Statewide Training and Education Advisory Committee (STEAC) may designate community colleges as an Accredited Regional Training Program (ARTP) and local fire departments as an Accredited Local Academy (ALA) per the accreditation procedures specified in the “State Fire Training Procedures Manual” Section 1990.00, CCR.

(a) An “Accredited Regional Training Program (ARTP)” is a community college in partnership with local fire departments, which has been accredited by the OSFM to deliver OSFM accredited and approved courses as described in the “State Fire Training Procedures Manual” per Section 1990.00 CCR.

(b) An “Accredited Local Academy (ALA)” is a single fire agency actively providing federal, tribal, state, municipal, county, or fire district fire protection services (serving a specific authority having jurisdiction), which has been approved by the OSFM to deliver OSFM accredited and approved courses as described in the “State Fire Training Procedures Manual” per Section 1990.00 CCR.

(c) An “Accredited Rescue Training Site (ARTS)” is a training facility that meets the site, training prop, tools and equipment requirements for Rescue Systems 1, Rescue Systems 2 and/or Confined Space Rescue requirements as described in the “State Fire Training Procedures Manual” per Section 1990.00 CCR.

(d) These facilities shall be cited as “accredited facilities” in these regulations

Note: Authority cited: Section 13142.4, 13157(a), 13159 (b), (d) and (f) Health and Safety Code.

1990.06 Safety Policy

All registered instructors who are conducting or participating in any State Fire Marshal accredited or approved course shall have include, when where appropriate, a safety plan as part of the instructional process. The plan shall all ould address, but is not limited to, the following elements: safe operating procedures, location of exits, emergency notification phone numbers for staff and

students, location of first aid equipment, and the locations of appropriate medical facilities. This safety plan shall be communicated to the students.

Note: Authority cited: Section 13156(f) and 13159(d) Health and Safety Code.

1990.07 Accountability

It is the responsibility of registered instructors and accredited facilities to maintain the procedural standards and ethical conduct by which they were granted registration or accreditation. The **OSFM Division Chief of State Fire Training** will reevaluate the registration status of an instructor, or accreditation status of a facility, in the event that compliance with these standards comes into question.

(a) **Written Negative Comments** by students, instructors, fire technology directors or fire officers, regarding instructors, **accredited facilities** or academies will be reviewed and investigated by the OSFM when the negative comment is in writing and directed to the Division Chief of State Fire Training, Assistant State Fire Marshal or State Fire Marshal.

Note: Authority cited: Section 13157(a), 13159(b), (d) and 13159.8(a), Health and Safety Code.

1990.08 Suspension or Revocation

Corrective action shall be taken to ensure compliance with the procedures and ethical conduct of the OSFM and to call to the instructor's or accredited facility's attention any problems that have been reported.

(a) A **written** negative comment shall be investigated and corrected, if necessary, by the Division Chief of State Fire Training.

(b) Written negative comments will serve as documentation in the instructor's or accredited facility's file as an infraction or breach in procedures or ethical conduct in accordance with Section 1990.00 CCR. Written negative comments shall form the basis for the OSFM to conduct an investigation on the validity and seriousness of the comment.

(c) An investigation that uncovers breaches of procedures or an ethical violation may lead to a notice of suspension or revocation of instructor registration or facility accreditation.

(d) Suspension of instructor registration or facility accreditation shall be based on documented evidence of breaches in procedures or ethical conduct. The instructor or accredited facility's shall receive a written notice of the proposed suspension that will include the specific details of the infractions and 60 days, to respond in writing, before the suspension takes effect. The written notice shall contain information on the appeal process to the suspension.

(1) State Fire Training or one of its authorized representatives has the authority to suspend a class or instructor if a violation or threat to public safety has occurred. Such an action shall be documented by the State Fire Training

representative and the instructor **will shall** be required to cease all instructional activities immediately.

(e) Revocation of instructor registration or facility accreditation shall be based on documented evidence of breaches in procedures or ethical conduct in accordance with Section 1990.00 CCR. This action may be heard administratively. The instructor or accredited facility will receive written notification that shall include specific details of breaches in procedures or ethical conduct and the penalty proposed from the Division Chief of State Fire Training.

(1) The written notice of revocation to an instructor or accredited facility shall include the specific details of the infractions, and revocation shall be effective immediately, upon receipt of the notice. The written notice shall contain information on how to appeal the revocation.

Note: Authority cited: Section 13157 Health and Safety Code.

1990.09 Appeals

(a) The first level of appeal shall occur with the registered instructor or accredited facility submitting, in writing, to the Assistant State Fire Marshal all evidence to support reversing the suspension or revocation action within 60 days of receiving their notice of suspension or revocation. The registered instructor or accredited facility may request in writing an administrative hearing, conducted by the Assistant State Fire Marshal, to fully examine the issues.

(1) After review of all submitted materials and/or testimony provided during an administrative hearing, the Assistant State Fire Marshal shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify, or withdraw the action along with the next level of the appeal process within 45 days.

(b) The second level of the appeal process shall occur with the instructor or accredited facility submitting, in writing, to the Statewide Training and Education Advisory Committee (STEAC) all evidence to support reversing the suspension or revocation action within 60 days of receiving the Assistant State Fire Marshal's decision. The Assistant State Fire Marshal shall agendaize this request at the next regularly scheduled STEAC meeting.

(1) After review of all submitted materials and/or testimony provided during an administrative hearing, STEAC shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify, or withdraw the action along with the next level of the appeal process within 45 days of their decision.

(c) The third level of the appeal process shall occur with the instructor or accredited facility submitting, in writing, to the State Fire Marshal all evidence to support reversing the suspension or revocation action within 60 days of being notified by STEAC of their decision.

(1) The State Fire Marshal shall, by written letter, notify the instructor, accredited facility and State Fire Training of the decision to uphold, modify or withdraw the action within 60 days of the date of the appeal.

Note: Authority cited: Section 11425.10, Government Code and 13157(a), Health and Safety Code.

1990.10 Reinstatement

Reinstatement as a registered instructor or accredited facility shall be achieved by meeting all terms of disciplinary action and by reapplying and meeting the current requirements as a registered instructor or accredited facility.

Note: Authority cited: Section 11425.10, Government Code and 13157(a), Health and Safety Code.

1990.11 Instructor Orientation and Classroom Ethics

All registered instructors shall complete State Fire Trainings “Regional Instructors Orientation,” and “Ethical Leadership in the Classroom” and any OSFM required instructor update training programs before a CFSTES or FSTEP course request will be approved by State Fire Training.

Note: Authority cited: Section 13159(d) and 13159.8(a) Health and Safety Code.

1990.12 State Fire Training Fees

State Fire Training shall establish and collect fees necessary to support the California Fire Service Training and Education Program. The following fees have been approved and adopted by the California Office of the State Fire Marshal as recommended by the Statewide Training and Education Advisory Committee:

(a) Course Registration Fees

Regional Instructor Orientation	\$150.00
CFSTES	\$80.00
FSTEP	\$20.00
EMT	\$25.00

(b) Certification Fees

Chief Officer	\$ 90.00
EMT-I Initial Certification	\$ 25.00

EMT-I Recertification	\$ 25.00
Fire Apparatus Driver/Operator I	\$ 65.00
Fire Chief	
▪ Application	\$250.00
▪ Application Submittal	\$200.00
▪ Application PACE IV Review	\$250.00
Fire Fighter I	\$ 40.00
Fire Fighter II	\$ 40.00
Fire Inspector I	\$ 65.00
Fire Inspector II	\$ 65.00
Fire Instructor I	\$ 65.00
Fire Instructor II	\$ 65.00
Fire Instructor III	\$ 65.00
Fire Investigator I	\$ 65.00
Fire Investigator II	\$ 65.00
Fire Marshal	\$ 65.00
Fire Mechanic I	\$ 65.00
Fire Mechanic II	\$ 65.00
Fire Mechanic III (Master Mechanic)	\$ 65.00
Fire Mechanic Recertification	\$ 60.00
Fire Officer	\$ 65.00
Fire Prevention Officer	\$ 65.00
Fire Protection Specialist	\$ 65.00
Hazardous Materials Technician	\$ 65.00
Hazardous Materials Specialist	\$ 65.00
Plans Examiner	\$ 65.00
Public Education Officer I	\$ 65.00
Training Instructor	\$ 65.00
Volunteer Fire Fighter	\$ 25.00
Duplicate Certificate	\$ 35.00

(c) Retake Exam Fees

CFSTES Course	\$ 35.00
EMT-I Course	\$ 35.00

(d) Duplicate Course Certificate Fees

CFSTES	\$ 35.00
EMT-I	\$ 25.00
FSTEP	\$20.00

(e) Course Equivalency Fee

Course Equivalency Certificate	\$ 60.00
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(f) PACE III Review Fee

PACE III REVIEW	\$ 60.00
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(g) ARTP and ALA Accreditation

Application Processing	\$500.00
Site Team travel expense not to exceed	\$2,000

(h) The State Fire Marshal shall make adjustments to the fee schedule by annually reviewing, and revising as necessary, the California Fire Service Training Program in accordance with Section 13159.4, Health and Safety Code.

Note: Authority cited: Sections 13157(d), (e), 13159.4, 13159.8(e) and 13159.10 Health and Safety Code.

1990.13 California Fire and Arson Training Fund

All revenue collected from State Fire Training fees, gifts or grants shall be paid into the California Fire and Arson Training Fund (CFAT) and these monies shall be available when appropriated by the Legislature for the Office of the State Fire Marshal to carry out the provisions of these regulations.

Note: Authority cited: Section 13159.8 and 13159.10(a) Health and Safety Code.