

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Kentucky Fire Commission

(Amendment)

739 KAR 2:060. Certification and qualifications of fire and emergency services instructors.

RELATES TO: KRS 75.400(2), (4), (5), 95.010(1)(c), 95A.040(1)(c), (3)(b), 95A.210(1), (6)

STATUTORY AUTHORITY: KRS 95A.050(3)(b), 95A.050(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 95A.040(3)(b) authorizes the Kentucky Fire Commission ~~[on Fire Protection Personnel Standards and Education]~~ to certify fire protection instructors. This administrative regulation sets forth the criteria for instructor certification, including the training and educational requirements of applicants for certification.

Section 1. Definitions.

(1) "Commission" means the Kentucky Fire Commission as defined by KRS 95A.210(1).

(2) "Fire and Emergency Services instructor" means an individual trained and certified pursuant to KRS 95A.040(1)(c), this administrative regulation, and the National Fire Protection Association, as a person qualified to instruct fire protection personnel or supervise the training of fire protection personnel. This term is synonymous with the term "fire and emergency services instructor" as referenced in the National Fire Protection Association 1041 standard.

(3) "Fire department" means a fire department, fire protection district, or fire taxing district recognized by the commission as defined in KRS 75.400(2), (4) and (5) and 95.010(1)(c).

(4) "Firefighter I" means an individual who has demonstrated the knowledge and skills to function as an integral member of a firefighting team under direct supervision in hazardous conditions and is certified by the commission as accredited by the International Fire Service Accreditation Congress within the Commonwealth of Kentucky.

(5) "Firefighter II" means an individual who has demonstrated the skills and depth of knowledge to function under general supervision and is certified by the commission as accredited by the International Fire Service Accreditation Congress within the Commonwealth of Kentucky.

(6) "IFSAC" means the International Fire Service Accreditation Congress.

(7) "KCTCS" means the Kentucky Community and Technical College System.

(8) "MOI" means an educational methodology course meeting the job performance requirements within NFPA 1041 and conducted by:

(a) The Kentucky Fire Commission State Fire Rescue Training;

(b) KCTCS;

(c) A regionally accredited college or university; or

(d) An agency approved by the commission to train within its jurisdiction.

(9) "Professional firefighter" is defined by KRS 95A.210(6).

(10) "Reciprocity" means the recognition of an accredited certification from another state, territory, province, or nation following verification that the certification is current, valid, and without restriction.

(11) "Volunteer Firefighter" means an individual who meets the requirements of 739 KAR 2:100.

Section 2. Levels of Certification and Scope.

(1) The commission shall certify fire and emergency services instructors at the following levels:

- (a) Fire and Emergency Services Instructor Level I;
 - (b) Fire and Emergency Services Instructor Level II;
 - (c) Live Fire Instructor;~~and~~
 - (d) Live Fire Instructor-In-Charge;~~and~~
 - (e) Live Fire Instructor-In-Charge (Non-Acquired Structure).
- (2) A fire and emergency services instructor shall only teach a fire service related curricula upon meeting all requirements for certification mandated by this administrative regulation. An instructor shall only teach curricula within the scope of the instructor's respective fire and emergency services instructor level, subject to the conditions established in this section.
- (3) An instructor certified as a Level I fire and emergency services instructor may conduct firefighter training at any fire department or agency located in the Commonwealth pursuant to paragraphs (a) and (b) of this subsection.
- (a) Training shall only be conducted at the request of a fire department or agency.
 - (b) Upon invitation, a person certified as a Level I fire and emergency services instructor shall conduct training using curricula approved by the commission.
- (4) A person certified as a Level II fire and emergency services instructor may conduct firefighter training at any fire department or agency located in the Commonwealth pursuant to paragraphs (a) through (c) of this subsection.
- (a) Training shall only be conducted at the request of a fire department or agency.
 - (b) Upon invitation, a person certified as a Level II fire and emergency services instructor may conduct training using curricula approved by the commission or curricula developed by a Level II fire and emergency services instructor.
 - (c) At a fire department of which the Level II fire and emergency services instructor is a member, the Level II fire and emergency services instructor may allow a Level I fire and emergency services instructor to conduct training under the Level II fire and emergency services instructor's direction, using lesson plans developed by the Level II fire and emergency services instructor.
- (5) The commission shall not certify new Level III fire and emergency services instructors after January 1, 2022. An instructor certified as a Level III fire and emergency services instructor on or before January 1, 2022, shall be eligible for certification renewal pursuant to Section 5 of this administrative regulation and shall retain his or her Level III fire and emergency services instructor certification until:
- (a) The certification expires pursuant to Section 5 of this administrative regulation;
 - (b) The certification is revoked pursuant to Section 6 of this administrative regulation;
- or
- (c) The instructor is no longer an active member of a Kentucky fire department.
- (6) A Level III fire and emergency services instructor shall meet the intent of NFPA 1041 and have the ability to develop fire service related curricula.

Section 3. Instructor Certification Requirements.

- (1) An instructor shall not teach without first meeting all requirements for certification established in this administrative regulation.
- (2) An applicant for initial certification as a Level I fire and emergency services instructor shall complete and submit:
- (a) A Kentucky Fire and Emergency Services Instructor Level I webform;
 - (b) Verification of active member status of a Kentucky fire department, degree program at an institution of higher education within the Commonwealth, or a recognized federal fire department within the Commonwealth;
 - (c) Verification of at least one (1) year of experience as a certified professional or volunteer firefighter in the Commonwealth of Kentucky, or in another state, preceding the application date for Level I fire and emergency services instructor certification;

- (d) Verification of IFSAC accredited Kentucky, or IFSAC accredited Kentucky reciprocity, Firefighter I and II certificates on which the applicant's seal numbers shall be denoted and provides proof of completion of both written and skill performance tests;
 - (e) A copy of the applicant's high school diploma or transcript, general equivalency diploma (GED), college degree, or transcript from a regionally accredited institution of higher learning; and
 - (f)
 - 1. Verification of MOI, IFSAC accredited Kentucky, or IFSAC accredited Kentucky reciprocity, Fire Instructor I certification on which the applicant's seal numbers shall be denoted and provides proof of completion of both written and skill performance tests;
 - 2. Verification of MOI, a Bachelor's degree in education issued by a regionally accredited institution of higher education; or
 - 3. Verification of MOI, individual who holds a position as an instructor or instructional faculty member of a regionally accredited institution of higher education in the subject of fire service or a related field.
- (3) An applicant for initial certification as a Level II fire and emergency services instructor shall complete and submit:
- (a) A Kentucky Fire and Emergency Services Instructor Level II webform;
 - (b) Verification of active member status of a Kentucky fire department, degree program at a regionally accredited institution of higher education, or a recognized federal fire department within the Commonwealth; and
 - (c) Verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Level I Fire and Emergency Services Instructor for at least one (1) year.
- (4) An applicant for certification as a Live Fire Instructor shall complete and submit:
- (a) A Kentucky Live Fire Instructor webform;
 - (b) Verification of active member status of a Kentucky fire department, degree program at an institution of higher education within the Commonwealth, or a recognized federal fire department within the Commonwealth;
 - (c) If certified as a Level I Fire and Emergency Services Instructor on or after September 6, 2003, verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Fire and Emergency Services Level I instructor for at least two (2) years; and
 - (d) Proof of successful completion of the commission approved NFPA 1403 class and written examination.
- (5) An applicant for certification as a Live Fire Instructor-In-Charge shall complete and submit:
- (a) A Kentucky Live Fire Instructor-In-Charge webform;
 - (b) Verification of active member status of a Kentucky fire department, degree program at an institution of higher education within the Commonwealth, or recognized federal fire department within the Commonwealth;
 - (c) If certified as a Level II Fire and Emergency Services Instructor on or after June 28, 2011, verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Fire and Emergency Services Level ~~II~~ instructor for at least two (2) years;~~and~~
 - (d) Proof of successful completion of the commission approved NFPA 1403 class and written examination;~~and~~
 - (e) Proof of successful completion of the Kentucky Fire Commission Live Fire Instructor-In-Charge course to include all associated skills.

(6) An applicant for certification as a Live Fire Instructor-In-Charge (Non-Acquired Structure) shall complete and submit:

- (a) A Kentucky Live Fire Instructor-In-Charge webform;
- (b) Verification of active member status of a Kentucky fire department, degree program at an institution of higher education within the Commonwealth, or recognized federal fire department within the Commonwealth;
- (c) If certified as a Level II Fire and Emergency Services Instructor on or after June 28, 2011, verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Fire and Emergency Services Level II instructor for at least two (2) years;
- (d) Proof of successful completion of the commission approved NFPA 1403 class and written examination; and
- (e) Proof of successful completion of the Kentucky Fire Commission Live Fire Instructor-In-Charge course to include all associated skills except the acquired structure skills.

Section 4. Reciprocity.

- (1) Individuals seeking certification as a Level I or Level II fire and emergency services instructor through reciprocity from any state, territory, or country shall be granted approval by the commission if the applicant meets all certification requirements for Level I or Level II fire and emergency services instructor certification pursuant to Section 3 of this administrative regulation.
- (2) The applicant shall complete and provide proof of completion of at least eight (8) hours of continuing education in methodology taught by Kentucky State Fire Rescue Training.

Section 5. Instructor Certification Terms and Renewal.

- (1) Unless renewed, certification for Levels I, II, and III fire and emergency services instructors shall expire after four (4) years from the date of certification and approval, and every four (4) years thereafter.
- (2) The commission shall grant certification renewal for Level I, II, and III fire and emergency services instructors who submit:
 - (a) Documentation of at least twenty (20) hours of training per year during the renewal cycle; and
 - (b) Verification of attendance of at least eight (8) hours of methodology training during the renewal cycle.

Section 6. Suspension or Revocation of Certification and Appeal.

- (1) The commission's Eligibility Committee shall revoke or suspend an instructor's certification if, after reasonable notice and a hearing, it is determined that the instructor committed misconduct with regard to fire and emergency services instructor certification or job duties. Misconduct shall include conduct such as the following:
 - (a) A material misstatement or misrepresentation in any document furnished to the commission to obtain the issuance or renewal of certification;
 - (b) Falsification of training records; or
 - (c) An act of negligence or malfeasance.
- (2) An instructor whose certification is subject to suspension or revocation shall be entitled to thirty (30) days' notice and a hearing before the commission's Eligibility Committee.
- (3) If the commission's Eligibility Committee hearing results in a decision to revoke or suspend an instructor's certification, the instructor shall be notified in writing of the action and the right to appeal before the commission no later than ten (10) days following the hearing.

(4) An instructor shall request an appeal in writing within fifteen (15) days of receipt of the notification of the commission's intent to revoke or suspend the instructor's certification.

(5) If the individual appeals the commission's intent to revoke or suspend his or her instructor certification, a hearing shall be conducted at the next regular meeting of the commission, or within thirty (30) days of the appeal request, whichever is first.

(6) If the commission's hearing results in a decision to revoke or suspend an instructor's certification, the instructor shall be notified in writing of the action and the right to appeal pursuant to KRS Chapter 13B no later than ten (10) days following the hearing of the appeal.

(7) The certification of an instructor who fails to maintain active status with a commission-recognized Kentucky fire department, degree program, federal fire department, or Kentucky State Fire Rescue Training shall be automatically suspended until active status with a commission-recognized Kentucky fire department, degree program, federal fire department, or Kentucky State Fire Rescue Training is reinstated and all requirements for recertification are met.

Section 7. Reinstatement of Certification.

(1) The commission shall reinstate the certification of an instructor whose certification has lapsed for a period not exceeding one (1) year, unless the applicant has been subjected to discipline that would prevent reinstatement, upon submission of:

(a) A completed Kentucky Fire and Emergency Services Instructor Reinstatement webform;

(b) Proof of completion of at least eight (8) hours of methodology training provided by State Fire Rescue Training; and

(c) Verification of attendance of at least twenty (20) hours of recognized fire service training following the date of reactivation by a commission recognized Kentucky fire department of which the applicant is a member.

(2) The commission shall not reinstate the certification of an instructor whose certification has lapsed for a period exceeding one (1) year.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky Fire and Emergency Services Instructor Level I webform", 2021;

(b) "Kentucky Fire and Emergency Services Instructor Level II webform", 2021;

(c) "Kentucky Live Fire Instructor webform", 2021;

(d) "Kentucky Live Fire Instructor-In-Charge webform", 2021; and

(e) "Kentucky Fire and Emergency Services Instructor Reinstatement webform", 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Fire Commission office, 110 Cleveland Drive, Paris, Kentucky 40361, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained at: <http://kyfires.acadisonline.com/>.

RICKY KING, Chairman

APPROVED BY AGENCY: February 24, 2023

FILED WITH LRC: March 2, 2023 at 1:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2023 at 1:00 p.m. ET at 110 Cleveland Drive, Paris, Kentucky 40361. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be

given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jonathan L. Gay, Counsel for the Kentucky Fire Commission, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, fax (859) 225-1493, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jonathan L. Gay

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the criteria for fire and emergency services instructor certification, including the training and educational requirements of applicants.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary to establish requirements for fire and emergency services instructors.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 95A.040(3)(b) authorizes the Kentucky Fire Commission to certify fire protection instructors. This administrative regulation conforms to the content of this authorizing statute by establishing the criteria for instructor certification, including the training and educational requirements of applicants for certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation assists in the effective administration of KRS 95A.040 by establishing requirements for fire and emergency services instructors.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment fixes a substantive, but clerical error in Section 3(5)(c). Specifically, this amendment changes "Level I" in Section 3(5)(c) to "Level II". This amendment removes the requirement that Live Fire Instructors submit verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Level I Instructor if the applicant was previously certified as a Level I Instructor on or after September 6, 2003. This amendment removes the requirement that Live Fire Instructors-In-Charge submit verification of IFSAC accredited Kentucky or IFSAC accredited reciprocity certification as a Level II Instructor if the applicant was previously certified as a Level II Instructor on or after June 28, 2011. Finally, this amendment requires Live Fire Instructors-In-Charge to successfully complete the Commission's Live Fire Instructor-In-Charge course and clarifies the permitted scope of instruction of Live Fire Instructors-In-Charge by creating a new certification level, Live Fire Instructor-In-Charge (Non-Acquired Structure), for instructors that cannot teach acquired structure skills,

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary to correct a substantive clerical error and to clarify the requirements of Fire and Emergency Services Instructors.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 95A.040(3)(b) authorizes the Kentucky Fire Commission to certify fire protection instructors. This amendment conforms to the content of this authorizing statute by establishing the criteria for instructor certification, including the training and educational requirements of applicants for certification.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will assist in the effective administration of KRS 95A.040 by establishing requirements for fire and emergency services instructors.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The Commission, Kentucky professional and volunteer fire departments, Kentucky emergency medical services providers, and fire and emergency services instructors will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The Commission will be required to implement this amendment, Kentucky professional and volunteer fire departments and Kentucky emergency medical services providers will be required to use instructors on fire protection who are certified pursuant to this amendment, and fire and emergency services instructors must satisfy the requirements established by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

All entities will benefit from instructors who are certified based on requirements consistent with National Fire Protection Association standards.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

This administrative regulation will not add any further cost to the administrative body.

(b) On a continuing basis:

The above paragraph is accurate for continuing costs. This administrative regulation will not add any further cost to the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

The Commission is a state agency that receives its annual budget from the state government. The implementation and enforcement of this administrative regulation will be funded through the Commission's general funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish any fees.

(9) TIERING: Is tiering applied?

Tiering is not applied in this administrative regulation because all fire and emergency services instructors are required to satisfy the standards mandated by this administrative regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

The Commission, Kentucky professional and volunteer fire departments, Kentucky emergency medical services providers, and fire and emergency services instructors will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 95A.040(3)(b) authorizes the Kentucky Fire Commission to certify fire protection instructors.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year?

This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years?

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):This administrative regulation will not generate revenue.

Expenditures (+/-):This administrative regulation will not impose any costs on state or local government.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year?

This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years?

This administrative regulation will not impose any costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):This administrative regulation will not generate any cost savings.

Expenditures (+/-):This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.