#401

Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER)

Report to
the Mississippi Legislature

A Review of the Licensing of Court Reporters in Mississippi

Since 1994, Mississippi's Board of Certified Court Reporters has been responsible for testing and licensing court reporters to assure a minimum level of competency. Although the board administers a valid examination to test the competence of new court reporter applicants, those tested make up only a small portion (less than three percent) of the 466 individuals who have been licensed to practice in Mississippi. For the remainder, the board's licensure offers limited assurance of a minimum level of competence.

The board has not uniformly applied licensing criteria to all applicants. The board has a lengthy temporary license period, during which substandard practitioners could continue working with virtually no monitoring. Also, the board does not have the same competency standards for licensure of non-resident applicants as for resident court reporters.

The board is ineffective in monitoring court reporters' adherence to board regulations, including compliance with continuing education requirements. Furthermore, the board has not kept an accurate roll of qualified licensees in good standing, as required by its regulations, and has failed to employ measures to detect unlicensed practice, all of which contribute to a lax system of professional regulation.

December 1, 1999

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The Mississippi Legislature created the Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER Committee) by statute in 1973. A standing joint committee, the PEER Committee is composed of five members of the House of Representatives appointed by the Speaker and five members of the Senate appointed by the Lieutenant Governor. Appointments are made for four-year terms with one Senator and one Representative appointed from each of the U. S. Congressional Districts. Committee officers are elected by the membership with officers alternating annually between the two houses. All Committee actions by statute require a majority vote of three Representatives and three Senators voting in the affirmative.

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The Committee assigns top priority to written requests from individual legislators and legislative committees. The Committee also considers PEER staff proposals and written requests from state officials and others.

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Honorable Kirk Fordice, Governor
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On December 1, 1999, the PEER Committee authorized release of the report entitled **A Review of the Licensing of Court Reporters in Mississippi**.

Representative Tommy Horne, Chairman

This report does not recommend increased funding or additional staff.

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A Review of the Licensing of Court Reporters in Mississippi

Executive Summary

Court reporters are charged with the important role of keeping an official record of the legal proceedings of this country. Through various means (shorthand, audio recording, stenomask [a typewriter style machine used by reporters], and computer) court reporters record the words of those involved in legal proceedings and then attempt to create a verbatim written transcript of those words. Since 1994, the Mississippi Board of Certified Court Reporters has had the authority and responsibility to protect the interest of the state in testing and licensing court reporters to assure that they meet a minimum level of competency.

Official and free-lance court reporters record legal proceedings and produce verbatim written transcripts.

Court reporters practice either as an official reporter appointed by a state court judge or as a free-lance reporter. State statute requires that official reporters hold a current license. The board grants two types of permanent court reporter licenses and two types of temporary licenses. The board grants permanent licensure for applicants certified without examination (grandfathered) and certified by examination (tested). The board grants temporary licensure to non-resident applicants who must reapply annually and those who have yet to pass the licensure examination.

Less than three percent of the 466 individuals licensed as court reporters in Mississippi since 1994 have taken the court reporting examination.

Although the Board of Certified Court Reporters administers a valid examination to test the competence of new court reporter applicants, those tested make up only a small portion (2.6 percent) of the 466 who have applied for licensure to practice in Mississippi. The majority of Mississippi's court reporters (80 percent) received grandfathered licensure status because they were official court reporters, engaged in free-lance practice, or enrolled in a court reporter education program when the licensure law became effective.

Although the board has granted most licenses in compliance with statutory and regulatory requirements, it granted licenses to twelve applicants (nine permanent and three temporary) who either did not meet criteria established in statute or whose files lacked sufficient supporting documentation of eligibility as required by board regulations. The board also denied a license to one non-resident applicant who met the legal criteria.

The board has a lengthy temporary license period, during which substandard practitioners could continue working with virtually no monitoring.

Although the board has granted 98 percent of licenses in accordance with law, its ability to assure competence in the profession is greatly compromised by the large number of grandfathered applicants who were licensed without examination. Also, state law allows temporary permit holders to practice for nearly two years without passing the examination. During this time they could possibly perform at substandard levels.

The board does not have the same competency standards for licensure of non-resident applicants as for resident court reporters.

The board's efforts to assure competency are further compromised because the criteria for licensure of non-resident applicants are not consistent with those for resident court reporters due to a lack of standards to evaluate the credentials of non-resident court reporters who seek licensure in Mississippi.

The board also employs ineffective methods of monitoring court reporters. Its failure to monitor court reporters' continuing education credits, keep an accurate roll of qualified licensees in good standing, and employ measures to detect unlicensed practice contributes to a lax system of professional regulation.

Recommendations

1. The Legislature should amend CODE Section 9-13-117 to include a provision making it illegal to practice court reporting in Mississippi without a current license and include a civil fine for this offense of $100 per day payable per reporter or firm (employing the reporter).

2. The Legislature should amend CODE Section 9-13-121 (3) to reduce the length of temporary permission to practice court reporting in Mississippi. This period of temporary permission should be shortened to allow a reporter to practice up to six months--until the reporter has had the opportunity to take the RPR once. If the temporary reporter does not pass the RPR exam at the end of that six-month period, the board should revoke temporary permission and the reporter should not be allowed to practice until he or she passes the RPR.

3. In the case of temporary reporters failing to pass the RPR exam for the third and final time, the board should notify the reporter and also the judge and the Administrative Office of the Courts (if an official reporter) or the firm (if a free-lance reporter and working for a firm). Also, the board should begin publishing a list of new court reporters and those who had their license suspended, revoked or not renewed in the "***The Mississippi Lawyer***," a journal of record published by the Mississippi State Bar,

as well as the names of those who failed to meet renewal requirements.

4. In order to protect against the appearance of a conflict of interest, the board should prohibit the Department Head of the University of Mississippi Court Reporting Program from acting as a test proctor and grader on the RPR examination.

5. The board should implement the planned changes to the continuing education system (moving the system to a computer database and mailing annual statements of CE hours to all reporters) while ensuring that any reporter not meeting the thirty-hour requirement be dealt with as required by the law and board regulations.

6. The board should ensure that future license applications are handled in compliance with the criteria for licensure contained in the CODE and board regulations. The board should also review the cases PEER discovered of reporters being licensed without meeting these criteria and determine if any action (i.e., requiring re-application documentation from the reporters or suspension of licenses) is warranted.

7. The board should also review the exams used by other states, determine which exams are "equivalent to the RPR" as stated in the regulations, and prepare a list of those exams which are equivalent and those which do not meet the same standard as the RPR.

8. The board should enter into an agreement with the National Court Reporters Association (NCRA) to provide for direct reporting of RPR examination scores to the board, as well as a list of test candidates sitting for the Mississippi examination.

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A Review of the Licensing of Court Reporters in Mississippi

Introduction

Authority

In response to a citizen complaint, the PEER Committee authorized a review of the licensing and testing of court reporters in Mississippi. PEER conducted this review pursuant to the authority granted by MISS. CODE ANN. § 5-3-57 et seq. (1972).

Scope and Purpose

To answer these questions PEER first had to examine the role and authority of the Board of Certified Court Reporters.

Then PEER sought to determine whether the board uses a valid and reliable exam as the basis for licensure of applicants and assurance that applicants are competent to practice.

Finally, PEER sought to determine if the court reporter qualifications and testing requirements are uniformly and equitably applied to all applicants.

Method

PEER interviewed members and staff of the Board of Certified Court Reporters and also other members of the judicial system. PEER reviewed documents associated with the licensing and testing regulations and processes for court reporters in Mississippi. PEER reviewed all the applications for licensure which were received by the board from its inception in 1994 until September of 1999.

Background

Role of Court Reporters

Official and free-lance court reporters record legal proceedings and produce verbatim written transcripts.

The role of court reporters is an important one in the legal system. Court reporters are charged with keeping an official record of the legal proceedings of this country. Through various means (shorthand, audio recording, stenomask [a typewriter-style machine used by reporters], and computer) court reporters record the words of those involved in legal proceedings and then attempt to create a verbatim written transcript of those words. In order to do so, court reporters must possess the knowledge and skill to record what is said rapidly and accurately.

There are two basic types of court reporter positions in the work force which require licensure by the board--official reporters and free-lance reporters. Official reporters in Mississippi are public employees who work for chancery, circuit, and county judges. Free-lance reporters are court reporters working in the private sector.

Official Court Reporters

These reporters record the words spoken during legal proceedings in courtrooms. If a case is appealed, the higher court needs an accurate transcript (record) of the lower court proceeding in order to review the case properly. Thus, an important function of official reporters is to provide as accurate a record as possible in both civil and criminal cases.

Official reporters in Mississippi's circuit and chancery courts are public employees under the Administrative Office of the Courts (AOC). The reporters' salaries are collected by the AOC from the counties that make up the judicial districts. In districts which contain more than one county, the counties share the cost of the reporter. Official county court reporters are county employees and are paid by their respective counties. All official reporters are appointed for four-year terms by the judges for whom they work. The judge may remove an official court reporter at any time for incompetency or neglect of duty.

Official reporters are allowed to work part time as free-lance reporters as long as they: (1) have a signed order from their judge, (2) do not allow the free-lance work to interfere with their attendance in court, and (3) do not allow the free-lance work to interfere with the preparation of transcripts for the appeals process.

Free-Lance Court Reporters

These reporters are self-employed or work in court reporting firms to record testimony for a variety of legal events, such as depositions, which are generally not courtroom procedures. For example, a legislative committee holding a hearing may use a free-lance reporter to record its proceedings.

The Board's Statutory Authority and Responsibility

The Mississippi Legislature created the Board of Certified Court Reporters in 1994 to test and license court reporter applicants to assure that they meet a minimum level of competency. Prior to 1994, no licensure of court reporters existed in Mississippi. Prior to passage of the statute requiring licensing, court reporters were hired based on experience in reporting or education in a court reporting program.

The Mississippi Board of Certified Court Reporters has the authority and responsibility to protect the interest of the state in testing and licensing court reporters.

Under MISS. CODE ANN. §9-13-105, the board has the power to:

- administer examinations;
- determine an applicant's ability to make a verbatim record of proceedings;
- issue certificates to those who meet licensing criteria;
- develop regulations related to court reporter licensing (which will not be effective unless approved by the Supreme Court);
- make studies of matters relating to court reporting;
- account to the Supreme Court in all fiscal matters; and,
- exercise jurisdiction over disciplinary matters regarding court reporters.

Under these CODE sections, the Supreme Court carries out several important functions with regard to the board. The Supreme Court ratifies the board's regulations, the board must make a fiscal accounting to the Supreme Court and the Supreme Court also appoints the board members. The board falls under the budget of the Administrative Office of the Courts (AOC), which is also under the Supreme Court.

Under these CODE sections, the board has authority to test court reporter applicants and license those that it deems competent to practice court reporting in Mississippi. These sections also give the board the power to develop regulations (which must then be approved by the Supreme Court before becoming effective) and to discipline those court reporters requiring disciplinary action.

On August 31, 1995, the Supreme Court passed an order that ratified the initial regulations drafted by the Board of Court Reporters. These initial regulations are consistent with CODE Sections 9-13-101 through 9-13-123 and serve to elaborate on the criteria for licensing of reporters and on the board's activities.

The authority granted to the board in these CODE sections and regulations covers testing and licensing court reporters in Mississippi but does not provide for sanctions against unlicensed practice. (See Recommendations, page 27).

Types of Licensure in Mississippi

Applicants may be licensed for either permanent or temporary practice. Permanently licensed court reporters qualify for license renewal each year so long as they pay the renewal fee of $50 and meet continuing education requirements. All permanently licensed court reporters must complete thirty hours of continuing education every three years. (See section on continuing education, page 22.)

The two types of court reporter licenses are granted by four different methods:

1. Permanent Licensure

- reporters certified without examination (grandfathering)
- reporters certified by examination

2. Temporary Permission

- reporters given non-resident certification
- reporters given temporary permission to practice

(See the following sections for more detail on these types of licenses.)

Grandfathered Applicants (Permanent Licensure)

If court reporters met the cutoff date specified in law to be "grandfathered," and they applied within the specified period, they were eligible for permanent licensure without ever having to take the court reporters' examination.

MISS. CODE ANN. Section 9-13-111 allowed (upon effective date of the statute) that court reporters who met certain specific criteria could be licensed without examination. This type of licensure, "grandfathering," is common in professions that have recently instituted licensing procedures. Grandfathering allows those individuals who are already practicing a profession to continue to do so under the new licensing structure. The CODE specifies dates by which official reporters, free-lance reporters, and students enrolled in court reporting programs could be grandfathered into the profession. If the reporters met the cutoff date specified in the law (for example, if they were practicing free-lance reporters on July 2, 1994) and they applied within six months (by January 3, 1995), then they were eligible for permanent licensure without ever having to take the examination.

Tested Applicants (Permanent Licensure)

Tested applicants must pass the National Court Reporters' Association Registered Professional Reporter (RPR) exam, which is the Mississippi's board-sanctioned test for licensure.

Tested applicants are reporters who were not eligible for grandfathering under CODE Section 9-13-111 and thus were required to pass the National Court Reporters' Association (NCRA) Registered Professional Reporter (RPR) Exam, which is the board-sanctioned test for licensure in Mississippi. If the applicant passes the RPR (or an equivalent exam given by another state) then the board will grant the applicant permanent licensure.

Non-Resident Licensure (Temporary Licensure)

If a court reporter applicant residing outside Mississippi can prove that he or she is a competent practicing reporter in another state, then the board will grant the applicant a non-resident license.

Reporters who are residents of other states who wish to practice court reporting in Mississippi must apply for non-resident licensure from the board. If the applicant can prove that he or she is a competent practicing reporter in another state, then the board will grant the applicant a non-resident license. Board regulations require the non-resident applicant to re-apply annually for his or her license and pay a $100 renewal fee.

The board, however, lacks any standards to judge the competence of court reporters who practice in a state without testing requirements. For instance, neither Tennessee nor Alabama require licensure or testing for court reporters. If the non-resident applicant cannot prove that he or she is a competent practicing reporter by the means above, then he or she must pass the RPR test or state examination the board deems equivalent before he or she is eligible for a non-resident permit.

Temporary Licensure

Temporary reporters are allowed to practice until they have taken the RPR exam up to three times.

The regulations of the Board of Certified Court Reporters allow the board to grant temporary permission to practice court reporting to applicants who meet certain criteria. Temporary reporters are allowed to practice until they have taken the RPR examination three times. Since the test is given every six months, reporters with temporary permission to practice may practice for approximately eighteen months to two years before passing the examination. If the reporter with temporary licensure does not pass the RPR exam in three attempts, the temporary license is revoked and the reporter is not allowed to practice until he or she passes the RPR exam.

Test Validation and Testing Procedures

The board uses the National Court Reporters Association Registered Professional Reporter (RPR) examination, which meets most of the criteria for professional license testing developed by the Council on Licensure, Enforcement and Regulation (CLEAR). However, the RPR in Mississippi does not meet one of the criteria for test administration due to an appearance of conflict of interest in grading the examination. Also, the board is unable to monitor those required to take the examination because the NCRA does not provide the board with a list of those taking the test or the scoring data.

Compliance with Recognized Testing Standards

The Council on Licensure, Enforcement, and Regulation (CLEAR) is an international association whose members work to improve the quality of professional regulation to enhance public protection. CLEAR's standard testing practices provide practical assistance to regulatory agency members to aid in licensing competent applicants.

Board regulations state that applicants for certification must pass the RPR examination or an equivalent state test. The Council on Licensure, Enforcement and Regulation (CLEAR) has developed standards by which regulatory bodies may evaluate the validity and reliability of a licensure examination. Valid testing practices insure that the test measures the knowledge and skills needed for the profession.

Exhibit 1, page 8, compares the RPR examination and its administration in Mississippi with testing standards developed by CLEAR. The RPR meets nearly all of the CLEAR criteria, which can be summarized as follows: test development, test administration, statistical analysis and research, examination security, and scoring and reporting. A more thorough explanation of the five areas is contained below.

Test Development

Based on the CLEAR standards, test developers should document what a competent court reporter should be able to do, test the skills and knowledge needed to be a court reporter, and set the test's passing score at the minimum competency level. This documentation is achieved primarily through creation of a job analysis of the registered professional reporter.

Exhibit 1: Board of Court Reporters' Compliance with Standard Testing Practices

Components	Actions Needed to Meet Testing Standards	Did the Board Follow the Professional Testing Standards?
Test Development	Analyze skills and knowledge required for court reporter competency	**Yes.** (See page 9.)
	Ensure test evaluates each necessary court reporter skill	**Yes.** (See page 9.)
	Set a valid passing score based on entry-level knowledge and skills	**Yes.** (See page 9.)
	Develop oral, practical, and essay exams with standard answers that can be consistently graded	**Yes.** (See page 9.)
Test Administration	Provide applicants with detailed information on testing times and dates, test content, test site conditions, grading procedures, and disclosure of test scores to applicants	**Yes.** (See page 9.)
	Develop a written plan for accommodating candidates with disabilities which complies with the Americans with Disabilities Act of 1990.	**Yes.** (See page 9.)
	Develop written test administration procedures to ensure consistent testing conditions	**Yes.** (See page 9.)
Statistical Analysis and Research	Analyze test results to determine which test questions need revision to ensure the test is measuring appropriate knowledge and skills	**Yes.** (See page 9.)
Scoring and Reporting	Ensure that tests are graded and tests results are reported to students in a fair and uniform manner	**Yes.** However, the department chair's role as grader of part of the test presents an appearance of impropriety. (See page 10.)
Examination Security	Ensure secrecy of test questions in advance	**Yes.** (See page 10.)
	Maintain test materials in secure locations	**Yes.** (See page 10.)
	Ensure students have no access to tests during printing, storage, transportation, and distribution and develop procedures for responding to test security problems	**Yes.** (See page 10.)

SOURCE: PEER analysis of the Board of Court Reporters' current testing practices in comparison to standard testing practices. Test practices listed above summarize the recommendations for licensure testing developed by the Council on Licensure, Enforcement, and Regulation (CLEAR), which is affiliated with the Council of State Governments.

Mississippi's court reporter exam, the RPR, meets CLEAR's standards for test development.

The four-part test format selected by the NCRA reflects the results of the job analysis. One written multiple-choice section covers operating procedures, professional issues (ethics) and other areas, such as knowledge of computer transcription systems, which cannot be checked on a skills test. Three sections attempt to test the skills needed to record accurately and produce transcripts of increasing difficulty. Candidates must be able to transcribe three five-minute audio recordings with 95 percent accuracy at 180, 200, and 225 words per minute.

Test Administration

Based on CLEAR standards, test applicants should receive information in advance on test content and examination grading. Further, written test administration procedures are needed to ensure consistent testing conditions and comply with the Americans with Disabilities Act of 1990.

Mississippi's court reporter exam meets CLEAR's standard for test administration.

The RPR Examination is given nationwide on the first Saturday of May and November each year. In Mississippi, the test is given at the University of Mississippi Law Center. Before taking the test, students receive a bulletin that details what will be covered and test grading.

Statistical Analysis and Research

Because the NCRA analyzes Mississippi's test results to establish reliability and validity, Mississippi's court reporter exam meets CLEAR standards for statistical analysis and research.

CLEAR standards call for analysis of test results to establish the reliability and validity of the examination and to determine if questions need revision. The NCRA and its testing consultant, PES, analyze the data from the RPR examination, but they do not provide this information to the Mississippi Board of Certified Court Reporters.

Examination Security

Mississippi's court reporter examining procedures meet CLEAR's standards for examination security.

CLEAR standards state that test developers should ensure that test questions are not disclosed to students in advance and that procedures are in place for response to security problems. Test materials must be kept in secure locations, with no student access during printing, storage, or transportation.

The chair of the Court Reporting program at the University of Mississippi does not suggest questions for the written portion of the examination, so no conflict exists in this area. She secures the skills test materials, while the university testing office secures the written knowledge test from NCRA.

University testing personnel proctor the written knowledge test, which is returned to the NCRA for grading.

Scoring and Reporting

According to CLEAR, test developers and graders should set fair and uniform practices for the scoring and reporting of examination results. Also standard due process procedures should be in place so that test takers may appeal test results and address other testing concerns.

Although Mississippi's court reporting examination meets CLEAR's standards for scoring and reporting, the University of Mississippi Court Reporting Program department chair's role as a grader presents an appearance of impropriety.

The chair of the Court Reporting Program at the University of Mississippi serves as a test proctor in Mississippi and also grades the skills portion of the examination. Although grading is done on a "blind" basis (i.e., candidates use ten-digit numbers, not names, to prevent identification), the department head's involvement in proctoring and grading an examination taken by graduates of the Ole Miss program gives the appearance of a conflict of interest, which could compromise the integrity of the grading process. Since the NCRA would grade the exams at no additional cost, the board could require that the department head cease grading the exams and send the exams to the NCRA to be graded. [See Recommendations, page 27].

Because NCRA does not report exam scores directly to the board, the board has no way to detect whether a temporarily licensed reporter is taking the examination each time it is given as required by regulations.

An additional problem in the reporting of examination grades is that the NCRA does not report the scores directly to the board. The board receives neither a list of test-takers nor a list of those who pass the exam. Since board regulations require each temporarily licensed reporter to take the RPR exam each time it is given (until that person passes the examination or fails three tests and has his/her license revoked), the board is unable to monitor this requirement without a list of those taking the exam. Therefore, the board has no way to detect whether the temporarily licensed reporter is even taking the examination as required by regulations, which could allow a temporarily licensed reporter to work for nearly two years with no verification of competency. (See Recommendations, page 28)

Few Applicants Have Passed the Validated Competency Exam

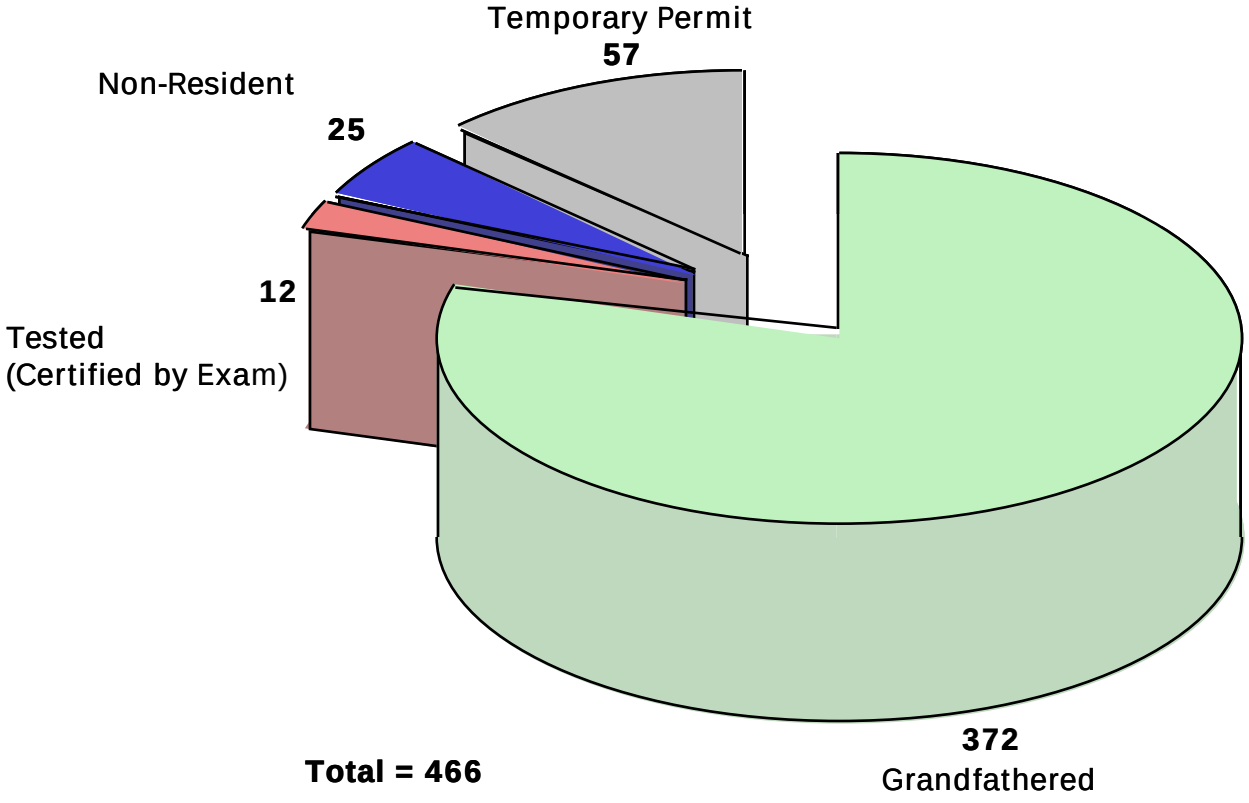
Although the Board of Certified Court Reporters administers a valid examination to test the competence of new court reporter applicants, those tested make up only a small portion (2.6 percent) of the 466 who have applied for licensure to practice in Mississippi. For the remainder, the board licensure offers limited assurance that licensees possess a minimum level of competence.

Only twelve of the 466 individuals licensed as court reporters since 1994 have passed the board's exam and exhibited a level of competency necessary for successful practice.

Since its inception in 1994, the board has considered and licensed 466 court reporter applicants. This includes the licensure of 372 applicants who qualified for grandfathering (licensure without examination), twelve applicants whose certification was based on passing the Mississippi exam or what the board deems to be an equivalent exam from another state, twenty-five non-resident applicants, and fifty-seven temporary resident applicants (see Exhibit 2, page 28). However, only twelve applicants (2.6 percent of the total) have passed the board's competency exam (or an equivalent state exam) and exhibited a level of competency necessary for successful practice in the profession.

Information available from the NCRA indicates that at least forty-one court reporters (other than those tested) are currently on NCRA's membership list as having passed the Registered Court Reporter examination. This information is not reflected in the board's current records because it has not tracked certification acquired or held by non-tested applicants, (e.g., those grandfathered).

Exhibit 2: Court Reporters Licensed Since Inception By Type
(For Period 1995 - 1999)



SOURCE: PEER analysis of Fiscal Years 1995 - 1999 Court Reporter Applicant records

Board Practice in Licensing Court Reporters

The Board has Not Uniformly Applied Licensing Criteria to All Applicants

Of the 466 applicants for licensure from 1994 to 1999, the board did not consistently apply the criteria for licensure to thirteen applicants, or 2.6 percent. The board licensed nine permanent and three temporary applicants who failed to meet the criteria found in the MISSISSIPPI CODE and board regulations. The board also denied a license to one non-resident applicant who met the legal criteria.

The following sections discuss the types of court reporting licenses used in Mississippi and the criteria for each license.

PEER staff reviewed every license application received by the Board of Court Reporters from its creation in 1994 until September of 1999. Of the 466 applications, 454 (97.4%) were handled consistently with licensing criteria. In twelve cases, however, the board violated the CODE or regulations by licensing individuals who did not meet the legal criteria for licensing. Additionally, in one case the board denied a license to a qualified applicant in violation of the law. (See Exhibit 3, page 14.)

Each individual seeking to practice court reporting in Mississippi must file a written application with the board. All applicants must be the age of majority (twenty-one) and must be of good moral character. Except for those seeking a non-resident certificate, the applicants must be residents of the State of Mississippi.

Applicants for Permanent Licensure to Practice Court Reporting

Grandfathered (Certified without Examination)

Of the 372 applicants who sought grandfathered license status in Mississippi, the board did not consistently apply the regulations, granting licenses in nine (9) cases in which applicants failed to meet criteria.

MISS. CODE ANN. Section 9-13-111 includes the following criteria for licensure without examination, or through "grandfathering":

> ***Upon application and payment of the application fee within six (6) months of the effective date of this chapter***

Exhibit 3: Applicants Not Meeting Criteria or Lacking Documentation by Type of License (For Court Reporter Applications Considered From 1994 To 1999)

Type of License	Met Criteria	Did Not Meet Criteria or Lacked Document-ation	Total	Percent
Grandfathered (Certified Without Examination):				
Official	148	1	149	
Free-lance	191	6	197	
In School	24	2	26	
Total Grandfathered	***363***	***9***	***372***	79.8%
Tested (Certified by Examination)	**12**		**12**	2.6%
Non-resident	**25**		**25**	5.4%
Temporary Permit	**54**	**3**	**57**	12.2%
Total	**454**	**12**	**466**	100.0%
Percent	97.4%	2.6%	100.0%	

Note: The board received five additional applications (four grandfather and one non-resident) which were denied.

SOURCE: PEER analysis of application files of the Board of Certified Court Reporters.

[July 2, 1994] and upon showing a residence within the State of Mississippi, certification without examination shall issue to:

(a) Any official court reporter serving on January 3, 1996, in a Mississippi court on a full-time basis, if such

> ***reporter is actually engaged in verbatim reporting through shorthand symbols or the stenomask method.***
> ***(b) Any free-lance reporter actually engaged in verbatim reporting through shorthand symbols or the stenomask method who had been so engaged as of July 2, 1994.***
> ***(c) Any person enrolled in any public or private institution in the State of Mississippi on July 2, 1994, who is majoring in a course of study in court reporting and who receives a degree in such course of study.***
> [Emphasis added.]

Licensure without examination ensures that those individuals already practicing a profession are not denied employment due to the recent legal requirement for licensing. Of the 466 approved applications for licensure in Mississippi from 1994 to 1999, the board grandfathered 372, or 80.0% (see Exhibit 2, page 14).

Grandfathered Applicants Not Meeting Criteria

The board granted licensure without examination to nine paplicants who did not meet grandfathering criteria.

Within the grandfathered group, nine applicants were granted licensure without examination by the board despite the fact that they did not meet the grandfathering criteria found in CODE Section 9-13-111. These applicants could be categorized as follows:

- Two were grandfathered, despite the fact they applied after the deadline in CODE Section 9-13-111. One of these applicants applied more than eighteen months after the deadline, claiming ignorance of the licensing requirements.

- Five (based on documentation contained in the file) were not practicing court reporters on July 2, 1994, as required by CODE Section 9-13-111(b). Four had previously worked as court reporters, but did not qualify for grandfathered status because they were inactive on July 2, 1994. An additional applicant's file did not contain necessary documentation to determine if she had worked as an official court reporter.

- Two applicants were grandfathered as enrollees/graduates of court reporting programs, but failed to include any proof of graduation, a requirement of CODE Section 9-13-111(c), in their application.

In several cases, the board allowed licensure when an applicant slightly missed practice or deadline dates. However, in some cases the board significantly departed from statutory criteria and did not include documentation of its decision in the applicant's file. If the board chooses to take actions that

do not strictly follow law or regulation, it should compile documentation on such by which it could defend its decision in the future. The board's actions to approve questionable applicants weaken assurances of professional competency.

Tested (Certified by Examination)

The board uniformly applied the criteria for permanent certification for applicants required to pass an examination for licensure.

The board's regulations state the following requirements for certification in Section VI.(A):

> ***Upon payment of the appropriate application fee, proof of residence in the State of Mississippi, and meeting all other requirements for the Board for certification, the applicant who has successfully passed the examination administered by the National Court Reporters Association [the RPR] or an equivalent state exam from this state or another state shall be eligible to become a certified shorthand reporter in the State of Mississippi without further testing. The applicant must ensure that his/her scores are furnished by the National Court Reporters Association to the Board of Certified Court Reporters.***

The certification regulation allows permanent licensure for court reporters who failed to meet the grandfathering standards for certification without examination. The regulations allow resident reporters to gain certification by passing the RPR or an equivalent exam in another state.

Twelve of 466 applicants licensed since 1994 have received licenses based on passage of the exam.

Since inception, twelve applicants, or 2.6 percent of the total, have received licenses based on passage of the exam.

Of the twelve applicants who received certification by examination, four were applicants who worked with a temporary license and later passed the RPR. The other eight reporters were certified after having passed the RPR or an equivalent state exam elsewhere.

Applicants for Temporary Licensure to Practice Court Reporting

MISS. CODE ANN. Sections 9-13-113 and -115 provide for the temporary licensure of court reporting program graduates who have yet to pass the examination and non-resident applicants who must re-apply annually for certification (i.e., temporary permit holders).

Non-Resident Certification

In accordance with applicable law, the board has granted non-resident certification to twenty-five applicants. However, one additional applicant was denied a license even though the individual met the criteria for non-resident licensure.

In addition, Section IV.B of the board's regulations states:

> ***Non-resident reporters wishing to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Mississippi or where appeal to any court of Mississippi is allowable by the law, shall make annual application for a non-resident certificate. The applicant must make application on the same forms as required of other applicants, must pay the Board a fee of $100, and must present proof that he/she is a competent practicing reporter in another state. The Board shall issue a non-resident certificate upon finding that the applicant is at least twenty-one (21) years of age, is of good moral character, and is a competent practicing reporter in another state.*** [Emphasis added]

The board has licensed twenty-five non-resident court reporters, but denied a license to one non-resident applicant even though the individual met non-resident licensing criteria.

The board denied non-resident licensure to one applicant, despite the fact that the individual met the criteria for licensing in CODE Section 9-13-115.

The applicant was a qualified reporter from another state who was denied non-resident state licensure in Mississippi. In its denial letter, the board stated.

> ***In considering applications we look not only to the application form itself but also to its conformity with the class of certification being sought. . . . In order to help us understand your situation we invite you to amplify your Petition for Review by clarifying how you can live in Phoenix and make a verbatim record in Mississippi.***

The board's response states a court reporter in Arizona cannot be granted a non-resident license because the reporter would not be physically present in Mississippi for the proceeding being transcribed. No requirement in state statute, board regulations, or court rules could be found which requires the physical presence of a court reporter to transcribe a proceeding subject to the jurisdiction of Mississippi courts.

Under board regulations, no substantive difference exists between a non-resident reporter in Phoenix and a non-resident reporter in Memphis, both of whom transcribe a Mississippi

proceeding from an electronic recording or videotape and neither of whom are physically present at the proceeding. The board failed to treat this application uniformly with those of other non-resident applicants.

Issuance of Temporary Permits

The board has not uniformly applied the criteria for temporary licensure to practice court reporting. Since inception, three of fifty-seven applicants who did not meet the criteria were granted temporary permission to practice.

Board regulations state in Section IV (A):

> ***Temporary status may be granted upon a finding by the Board that the applicant is at least 21 years of age, is of good moral character, is a resident of the State of Mississippi, and has previously been a competent practicing reporter or attended a court reporting program with a passing grade at the speed of 200 words per minute. .....***
>
> ***A non-certified reporter who is granted temporary status must take the next scheduled examination. The court reporter shall immediately notify the Board in writing when he/she passes the examination and request permanent certification. If the applicant does not pass one of the three (3) consecutive examinations given after temporary permission is granted, such permission shall be deemed revoked. The court reporter shall no longer be eligible for temporary status and must reapply to the Board for permanent certification*** [when he or she passes the RPR].

Temporary permission to practice allows new reporters to gain experience and provide service in the state while attempting to pass the RPR examination and gain permanent certification. Fifty-seven, or 12.2 percent of the total court reporter applicants received by the board, are temporary permission licensees.

Of the fifty-seven applicants granted temporary permission to practice, three received a temporary license despite the fact that they failed to meet the standards described above. These applications included two who failed to provide required documentation and one who was granted licensure in contradiction to board regulations.

The board has temporarily licensed two applicants who failed to provide proof of passing a court reporting program at the required speed and one who had failed three licensing examinations.

Two of the three applicants for temporary permission failed to include proof of passing a court reporting program at 200 words per minute. Regulations on temporary licensure clearly state that an applicant must provide proof of either previous competent practice or attendance at a court reporting program with a passing grade of 200 words per minute.

One applicant was correctly granted temporary permission but the board, with no legal authority to do so, extended this reporter's temporary permission beyond the first three RPR examinations. The reporter failed all three tests. During the reporter's temporary licensure, two separate complaints were filed with the board regarding the reporter's failure to produce transcripts. (See the section below on the problems with temporary permission in Mississippi.)

The Board Has Lower Competency Standards for Non-Resident and Temporary Permit Holders

Efforts to ensure competence of non-resident and temporary court reporters are compromised because the board does not hold non-resident applicants to established standards. Furthermore, state law allows resident temporary permit holders to practice without passing a competency test.

Non-Resident Standards

The criteria for licensure of non-resident applicants are not consistent with that for resident court reporters.

State statute and the board's regulations provide for non-resident licensure to competent individuals already practicing court reporting in another state. CODE Section 9-13-115(2) allows a non-resident reporter to obtain temporary permission to practice from the board or from the judge of any court of record for no more than thirty days, so long as the transcript is to be used in a Mississippi legal proceeding. No proof of competency is required by the CODE.

The board's policy is to grant a non-resident a license when the applicant presents evidence that he or she is a competent practicing court reporter in another state. However, the board lacks consistent standards to evaluate what constitutes competent practice elsewhere.

The board's regulations allow non-residents what amounts to a one-year temporary permit, which may be annually renewed. Board Regulation IV (B) requires non-resident applicants to be at least twenty-one years of age and provide proof that he or she is "a competent practicing reporter in another state." Board policy is to grant non-residents a license when the applicant presents evidence that he or she is a competent practicing court reporter in another state.

The board lacks, however, consistent standards to evaluate what constitutes competent practice elsewhere. In cases where the board bases its decision on whether the applicant has taken an "equivalent" state test, licenses granted to non-residents do not assure a minimum level of competency because they are based on evidence of "skills" only, and not on written knowledge of the practice as evident through passing an RPR exam. When evaluating a non-resident applicant who has taken a state licensing test (for example, Texas requires its court reporters to take a state test, not the RPR), the board evaluates only the skills portion of that state's test based on RPR skills standards. The RPR requires 95 percent accuracy in transcription of three five-minute audio recordings at 180, 200, and 225 words per minute.

Therefore, the board bases its non-resident licensure decisions on partial evidence of competency rather than the combined skills and written knowledge exam validated by the NCRA.

Temporary Permit Holders

State statute allows temporary permit holders to practice for nearly two years without passing the RPR examination. During this time they could possibly perform at substandard levels.

Regulations governing the practice of temporary court reporters do not ensure that services provided will be performed by a competent individual capable of producing a reliable product. Board regulation IV (A) allows issuance of temporary permit when the applicant has paid $100, and "(1) furnish[ed] proof that he/she has previously been a competent practicing reporter or (2) furnish[ed] proof of attendance at a court reporting program with a passing grade at the speed of 200 words per minute."

The practice of allowing individuals who are not fully licensed as court reporters to practice court reporting in Mississippi has several flaws.

Of the twenty-eight states that require court reporters to be licensed, Mississippi is one of only three to allow temporary practitioners.

Of the twenty-eight states requiring court reporter licensing, only three allow temporary practitioners. These three states are Mississippi, Arkansas, and Iowa. The length of temporary permission in the other two states is no more than six months. Under Mississippi law and regulations, and because the examination is scheduled every six months, reporters with temporary permission could be practicing for nearly two years. The regulations allow reporters with temporary permission to practice until they have take the RPR examination three consecutive times. Since the exam is given in May and November each year, a reporter who receives temporary permission in June could have approximately twenty-two months before the board took action due to failure to pass the RPR.

According to members of the board, the length of temporary permission was set at eighteen months to two years in Mississippi because the RPR is a very difficult examination. According to test results from the NCRA, the average percentage of those passing the skills portion of the test in Mississippi is 28%.

The Board's Efforts to Monitor Court Reporter Practice and Ensure Continued Competence are Ineffective

The board employs ineffective methods of monitoring court reporters. Its failure to monitor continuing education received, maintain an accurate roll of qualified competent licensees in good standing, and detect unlicensed practice contributes to a lax system of professional regulation.

The board's regulations require both resident and non-resident court reporters to obtain thirty hours of continuing education (CE) credit over a three-year period in order to qualify for license renewal. Since court reporter licenses are renewed annually, licensed reporters in Mississippi must have thirty hours of CE in each three-year period. For example, if a reporter is licensed in 1995, he or she must obtain thirty hours of continuing education between 1995 and the end of 1998. The same reporter must also have thirty hours of CE between the beginning of 1996 and the end of 1999.

The board is responsible for tracking this data and suspending or revoking the licenses of those reporters who fail to meet the CE requirement. The NCRA sets the standards for what types of continuing education classes qualify for credit. The board uses the NCRA guidelines on continuing education qualification. (See discussion below on the board's application and enforcement of continuing education requirements, page 22.)

Lack of Assurance that Licensees Meet Continuing Education Requirements

The board has not fulfilled its responsibility to assure continued competency of practicing court reporters by compiling accurate continuing education training data and tracking compliance in order to identify those who have not met requirements. Because of the absence of a reliable tracking system, the board has been unable to compel adherence to continuing education license renewal requirements.

In some cases, the board has taken no action against court reporters who have not fulfilled continuing education requirements.

In 1997, the board took no action against the licenses of at least nine reporters who failed to earn thirty hours of continuing education during the prior three-year period. In 1998, the board had knowledge that at least an additional three reporters were allowed to renew their licenses for 1999 without meeting the continuing education requirement. The board's regulations stipulate that these reporters should have had their licenses suspended for this failure. Additionally, reporters practicing under temporary permission (the newest and least experienced reporters) are not required to obtain continuing education credits.

Prior to 1999, the board administrator lacked the computer software necessary to track the CE hours of all licensed reporters. Consequently, the board asked the State Court Reporter Association to maintain continuing education records and inform the board of those reporters who failed to meet the thirty-hour requirement. The agreement was informal, with no written record of such an agreement between the board and the association.

At the end of 1997 and again at the end of 1998, the association delivered to the board its list of reporters who purportedly failed to meet the continuing education requirement. The board received some data directly from continuing education providers and reporters who had attended continuing education events and noted discrepancies in the association's information. Concerned over the accuracy of the association's recordkeeping, the board took no disciplinary action against those who were listed by the association as deficient in continuing education. Therefore, at least nine reporters later determined to lack fulfillment of their CE requirements were allowed to renew their licenses.

In 1999, the board obtained new computer software which will allow it to track the continuing education data for licensed court reporters and notify those who fail to meet the thirty-hour requirement. This will allow the board to meet its duty under the regulations to notify those reporters so that each has an opportunity to submit documentation of any additional CE that might have been earned.

This new system will allow the board to administer the CE program successfully as long as the board takes the proper action against those reporters who fail to obtain the necessary continuing education credit.

The board should continue implementation of the planned changes to the continuing education system, which include moving the system to a computer database and mailing annual statements of CE hours to all reporters. Meanwhile, the board should also ensure that any reporter who fails to meet the thirty-hour requirement be dealt with as required by the law and the board's regulations.

Failure to Keep an Accurate Roll of Competent Licensees in Good Standing

The board fails to maintain accurate records on court reporters, as required by its own regulations. Because of this, the board does not have an accessible record of court reporters in good standing and available for appointment.

Section VI (D) of the board's regulations states:

> ***The board shall maintain a roll containing names and pertinent information on all individuals who have been certified. This roll will contain a roster of all official shorthand reporters holding appointments and of individuals eligible and available for appointment. Certified Shorthand Reporters must notify the Board in writing within thirty (30) days of any change in employment, home or business address, or telephone number.***

The board does not maintain an accurate record of licensed court reporters in good standing, nor does it maintain the required roster of all official court reporters or those eligible for appointment as official court reporters.

PEER's review showed that the board fails to maintain an accurate record of licensed court reporters in good standing, as well as the required roster of all official court reporters or those eligible for appointment as official court reporters. Furthermore, PEER discovered numerous discrepancies in information provided by the board when it attempted to verify the compliance rate of licensees with statutory and board requirements, such as fulfillment of continuing education requirements (discussed above), payment of annual dues, and notification of changes in employment, home, or business address or telephone number.

The board relies upon the Administrative Office of Courts to maintain the roster of official reporters; however, official county court reporters are not AOC employees but are employed by the individual county. A comparison of the roster maintained by the AOC with board records indicates that at least four court reporters serving as official reporters in circuit and chancery courts have either failed to pay annual renewal fees or satisfy continuing education requirements or both. Yet

licenses for all of these individuals were recorded as renewed each year since the inception of licensure. No roster was available of those serving as official county court reporters.

Furthermore, the board takes no steps to enforce the regulation which mandates that reporters provide changes in employment status, home or business address, or telephone number. When initially certified, the board provides new licensees with a change-of-address form. If the individual reporter fails to do so, however, the board takes no action.

Since 1997, the board has collected only half of the non-resident renewal fee required by statute.

Board regulation Section IV (B) on non-resident reporters states:

> ***[Non-resident] applicant must make application on the same forms as required of other applicants, must pay the Board a fee of $100, and must present proof that he/she is a competent practicing reporter in another state ... An annual fee of $100 or such as the Board may hereafter set is required.***

The board sent non-resident reporters the same renewal notice as that sent to permanently licensed reporters, who are Mississippi resident and required to pay only $50 per year in renewal fees.

The board's records on payment of license renewal fees show that since 1997, the board has erroneously sent non-resident reporters the same renewal notice as that sent to permanently licensed reporters, who are Mississippi residents and required to pay only $50 per year in renewal fees. Therefore, the board has failed to collect correct fees because it has sent the wrong renewal notice to non-resident reporters.

The board does not maintain records on required court reporter bonds to ensure that consumers are protected in the event of sub-standard performance.

Board regulations VI. (E) and (F) require filing of free-lance reporters' oath upon certification and filing of free-lance reporters' bond. Both official and free-lance reporters are required to carry no less than a $2,000 bond to secure faithful discharge of duties.

The board has decided to let notary bond stand in place of bond, but no requirement, either statutory or regulatory, could be found requiring court reporters to also be a notary public. As a practical matter, however, many court reporters are notaries because it allows them to administer the oath during depositions and other legal proceedings. State law requires notaries to carry bonds in the amount of $5,000.

Failure to Implement Measures to Detect and Report Unlicensed Practice

The board has not implemented formal measures (e.g., exercising control over the issuance of licenses, requiring that reporters display credentials, or issuing notices of permit revocations) to detect and report the unlicensed practice of court reporting.

Lack of Control Over Licenses

Upon initial certification, the board sends a letter to licensees which contains the reporter's license number. The board, however, fails to maintain any record or log of numbers issued to reporters as they are certified. Furthermore, reporters do not receive any additional documentation of their licensed status, such as an identification card which verifies their active status.

Lack of Requirements to Display a Current License

The board has no requirements that court reporters display a current license that verifies the reporter's identity and status. Without the issuance of a certificate upon annual renewal and the requirement of identification or verification of the individual reporter as one in good standing, it is virtually impossible to detect and identify individuals who are engaged in the unlicensed practice of court reporting. Under statute and board regulations, the board has the authority to either suspend or revoke the license; however, the board has not yet identified a means to notify those who may be employing the services of such a reporter (see Recommendations, page 27).

Lack of Issuance of Notice of Permit Revocations

In examining the status of current licensees, PEER observed that the licensure data maintained by the board included names of licensees who did not comply with regulatory requirements because they failed to pay annual renewal fees or secure required continuing education.

Licensees Failing to Pay Annual Renewal Fees or Receive Required Continuing Education

PEER identified licensees who had not submitted annual renewal fees in compliance with CODE Section 9-13-119. Although information was available to the board that several licensees failed to meet the continuing education requirements, the board took no action to notify current employers or consumers.

The licensure data also included names of temporary permit holders who did not pass the RPR examination within the specified period. The board, however, had not implemented a process to identify those applicants not meeting requirements and to issue notice of revoked licenses and permits.

Temporary Permit Holders

Under current regulations and practice, those who may be using the services of a temporarily licensed reporter receive no notice from the board of license revocation (see Recommendations, page 27).

When a court reporter practicing under temporary permission fails to pass the RPR after three attempts, regulations require the board to revoke the reporter's temporary license. Once the third examination dates passes with no evidence that the temporarily licensed individual has passed the RPR, the board notifies that reporter by letter that his or her license has been revoked and that he or she is eligible to re-apply upon passing the RPR.

When the board is aware that the temporary reporter continues to serve as a judge's official reporter, the board notifies the judge and the Administrative Office of Courts by letter of the revocation. Since the reporter is no longer legally allowed to practice reporting in Mississippi, the judge is required to dismiss the reporter immediately.

Because the board does not notify court reporting firms, attorneys, or judges if a temporarily licensed reporter fails the exam for the third time, reporters could continue to practice after their temporary permission has been revoked.

In the event a temporarily licensed free-lance reporter fails the exam for the third time, the board sends a letter to that reporter. But the board does not notify the court reporting firm for which the reporter may be working or the judges or lawyers in the area in which he or she may be practicing. Thus, the possibility exists that reporters could continue to practice after their temporary permission has been revoked without any notice of their revocation to the public.

Recommendations

1. The Legislature should amend CODE Section 9-13-117 to include a provision making it illegal to practice court reporting in Mississippi without a current license and include a civil fine for this offense of $100 per day payable per reporter or firm (employing the reporter).

2. The Legislature should amend CODE Section 9-13-121 (3) to reduce the length of temporary permission to practice court reporting in Mississippi. This period of temporary permission should be shortened to allow a reporter to practice up to six months--until the reporter has had the opportunity to take the RPR once. If the temporary reporter does not pass the RPR exam at the end of that six-month period, the board should revoke temporary permission and the reporter should not be allowed to practice until he or she passes the RPR.

3. In the case of temporary reporters failing to pass the RPR exam for the third and final time, the board should notify the reporter and also the judge and the Administrative Office of the Courts (if an official reporter) or the firm (if a free-lance reporter and working for a firm). Also, the board should begin publishing a list of new court reporters and those who had their license suspended, revoked or not renewed in the "***The Mississippi Lawyer***," a journal of record published by the Mississippi State Bar, as well as the names of those who failed to meet renewal requirements.

4. In order to protect against the appearance of a conflict of interest, the board should prohibit the Department Head of the University of Mississippi Court Reporting Program from acting as a test proctor and grader on the RPR examination.

5. The board should implement the planned changes to the continuing education system (moving the system to a computer database and mailing annual statements of CE hours to all reporters) while ensuring that any reporter not meeting the thirty-hour requirement be dealt with as required by the law and board regulations.

6. The board should ensure that future license applications are handled in compliance with the criteria for licensure contained in the CODE and board regulations. The board should also review the cases PEER discovered of reporters being licensed without meeting these criteria and determine if any action (i.e., requiring re-application

documentation from the reporters or suspension of licenses) is warranted.

7. The board should also review the exams used by other states, determine which exams are "equivalent to the RPR" as stated in the regulations, and prepare a list of those exams which are equivalent and those which do not meet the same standard as the RPR.

8. The board should enter into an agreement with the National Court Reporters Association (NCRA) to provide for direct reporting of RPR examination scores to the board, as well as a list of test candidates sitting for the Mississippi examination.

Appendix A: Standard Testing Practices in the Recommendations of the Council on Licensure, Enforcement, and Regulation (CLEAR)

Test Development	1. Job analysis involves researching the knowledge and skills needed for overall job competence. State laws and regulations related to the specified job, such as the scope of practice, are considered in the test design to ensure that the findings are consistent with law.
	2. Test specifications are commonly known as the blueprint for the examination. A table of specifications contains an outline of the content, the number of questions, and type of questions for the examination. Documentation should exist to show how the job analysis led to the test specifications.
	3. Developing Objectively Scored Examinations- (A) The process of question development involves identifying experts in the specified job, training them in test development, and evaluating their work to create well-written test items. (B) Assembling an examination form involves selecting and reviewing test items as a set. It is important to ensure that the selected items do not contain clues to answering other questions on the examination. (C) Standard setting refers to the process of determining a minimum passing score. The process is standardized and documented to ensure the set score reflects minimally acceptable job competence and is legally defensible. (D) Timing the examination refers to setting a time limit for examinees to complete the testing process. The limit should be consistent with any job analysis findings and should ensure that a minimum of 95% of the examinees complete the examination. (E) If an outside agency is used to print and distribute the examinations, the security policies of these agencies must be reviewed and documented.
	4. Developing oral, practical, and essay examinations should be done only if the job analysis indicates that the skills and abilities cannot be assessed through multiple-choice examinations. The administration and scoring of the oral, practical, and essay examinations are designed and standardized to ensure that evaluated behaviors can be clearly elicited and objectively evaluated.
Test Administration	1. Prior to testing, a candidate bulletin is distributed to the examinees to explain testing procedures (e.g., location, materials needed) and the specific content to be covered in each subject area tested.
	2. Candidates taking the examination who have qualifying disabilities under the 1990 Americans with Disabilities Act must be appropriately accommodated when they sit for the examination.
	3. An Administration Manual provides procedural information to test proctors to ensure similar test administrations.

Statistical Analysis & Research	1. Question Analysis-A. Item difficulty refers to the number of examinees who correctly answered a test question. B. Item discrimination refers to the extent to which a test question is correctly answered by high-scoring candidates and incorrectly by low-scoring candidates.
	2. Test Analysis- A. The mean score is the arithmetic average of the test scores. Changes in the mean may indicate a variance in the testing procedures or in the examinees' capability. B. Score standard deviation is a measure of the dispersion of the examination scores. If candidate scores range from very high to very low, the standard deviation will be high. If the candidate scores are all clumped near the mean score, the standard deviation will be low. C. Test reliability refers to the level of consistency associated with a given candidate's test scores. The indices range from 0 to 1.0. Higher reliability indices are interpreted to mean that we can have a great degree of confidence in the accuracy of each candidate's score. D. Standard Error of Measurement (SEM) describes the variability of the test scores due to imprecision associated with the examinations. The test developer would want the SEM to as low as possible. E. Score frequency distributions show the number of examinees that achieved each score. The distributions allow the test developer to view any changes in achievement from group to group.
	3. Test Equating is a process of ensuring that the reported scores from all test forms have the same meaning. Test equating accounts for differences in the difficulty of alternative test forms.
Scoring & Reporting	1. Standardized score scales are used to report the results of examinations that are equated. The use of score scales helps to assure that the same reported scores have the same meaning and interpretation from form to form.
	2. Reporting the results of testing to failing examinees is required. It is a standard practice to provide failing candidates with a diagnostic breakdown of their strengths and weaknesses.

Examination Security	1. Experts that participate in the writing and review process should sign a contract that obligates them to maintain the confidentiality of the examination questions to which they have access.
	2. The Question pool, potential test items, should be maintained in a database which is secure and to which access is permitted only with appropriate access and password recognition. Files should be given coded file names to obscure the file contents. Ideally, the data files should be encrypted.
	3. Documentation should be created and maintained related to the storage and disposal of materials used during the testing process.
	4. The agency selected for book printing should provide documentation of its security measures. Examination booklets should be uniquely numbered to provide a means of accounting for all booklets at all times.
	5. Secure storage should be provided for the materials sent to the examination proctors.
	6. Examination materials should be transported only by traceable carrier such as Federal Express. The U. S. Mail is considered untraceable.
	7. Planning for the examination administration should include responses to potential security problems.

Note: The professional testing practices are in compliance with the Standards for Educational and Psychological Testing developed by the American Psychological Association, American Educational Research Association, and the National Council on Measurement in Education.

SOURCE: PEER's review of the development, administration, scoring and reporting of credentialing examinations; Recommendations for Board Members by the Council on Licensure, Enforcement, and Regulation (CLEAR); and, related information provided by Dr. Lee Schroeder, President of Schroeder Measurement Technologies.

Agency Response

BOARD OF CERTIFIED COURT REPORTERS

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November 30, 1999

Mr. Sam Dawkins
PEER Committee
222 North President Street
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Dear Mr. Dawkins:

The Board of Certified Court Reporters appreciates the opportunity to respond to the review of the licensing of court reporters in Mississippi. The Board was created by the legislature in 1994 to determine the content of and administer examinations to be given to applicants for certification as Certified Shorthand Reporters, to determine an applicant's ability to make a verbatim record of proceedings which may be used in any court in this state by any recognized system designated by the board and to pass upon the eligibility of applicants for certification.

As a relatively new board, the Board of Certified Court Reporters has experienced some pains. There was not a computer program in place initially that enabled the Board to track continuing education credits. That problem has been alleviated with the installation of a new computer system. The Board has recently reevaluated the testing procedures and hopes to have in place a state test which would comply with CLEAR standards. The Board has also reevaluated standards for temporary permission and has made changes that should help ensure that only competent reporters are allowed to practice in Mississippi.

The Board's responses to the recommendations contained in the executive summary with which we were supplied are as follows:

1. The Board agrees with the recommendation that the Legislature should amend CODE Section 9-13-117 to include a provision making it illegal to practice court reporting in Mississippi without a current license and include a civil fine for this offense of $100 per day.

2. The Board has made changes that would make the requirements for temporary permission more stringent by increasing the speed requirement necessary to obtain temporary permission to 225 wpm, which is the speed necessary to pass the RPR examination,

rather than 200 wpm, which is the current requirement. The Board has also set up a system for reevaluating each reporter with temporary permission after each examination. The Board feels that by increasing the speed requirement they would be giving permission to reporters more prepared to pass a certification examination. The Board would prefer these changes to the recommendation of reducing the length of the temporary permission to six months. It is extremely difficult to pass a certification examination the first time, and this may be a deterrent to someone who might wish to enter the court reporting field thereby exacerbating the current shortage of reporters eligible to work in the state.

3. The Board believes that the recommendation to notify the reporter, judge and Administrative Office of Courts or the court reporting firm employing the reporter if a reporter fails to pass the RPR exam for the third and final time is inconsistent with Recommendation 2, except as it would apply to those reporters who are working on the 18 month schedule at the time of enactment of a shorter one. As to those, we will implement the suggestion as well as give appropriate notification of failure if a shorter period is enacted.

4. As the RPR examination is a national examination and given by a national organization, the Board has no jurisdiction over how the test is administered. Therefore, the recommendation that the Board prohibit the Department Head of the University of Mississippi Court Reporting Program from acting as a test proctor and grader of the RPR examination may not be feasible. However, the plans are in place for the Board to administer a state CSR examination which would comply with CLEAR standards. We would not have persons involved with training programs conducting our examination. This would eliminate any potential conflict of interest.

5. The Board has a new computer system in place and the recommendation of implementing the planned changes to the continuing education system is being done.

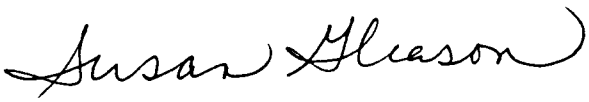
6. The Board will ensure that future license applications are handled in compliance with the criteria for licensure contained in the CODE and board regulations. The Board will investigate each file of reporters who were identified as possibly being licensed without meeting the criteria and take such action as it may be appropriate.

7. The Board agrees with the recommendation to review the exams used by other states, and will review each state's examination requirements for equivalency annually.

8. The Board agrees with the recommendation to enter into an agreement with the National Court Reporters Association to provide for direct reporting of RPR examination scores to the board as well as a list of test candidates sitting for the Mississippi examination and will enter into such an agreement with the National Court Reporters Association if possible.

The Board is grateful for the privilege of responding to the recommendations.

Sincerely,



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