

Open Minutes
Missouri Board of Geologist Registration
Committee to Develop Examination Appeal Rule

January 21, 2000 – 1:00 p.m.
Division of Professional Registration
3605 Missouri Boulevard
Jefferson City, MO

The Committee to Develop Examination Appeal Rule convened on January 21, 2000 at 1:00 p.m.

Members Present:

Tom Watkins, Committee Chairperson
Cynthia Brookshire
Connie Johnson
Dr. Paul Foster

Staff Present:

Desmond Peters, Executive Director

Discussion of examination-appeal language examples

The committee reviewed examples of examination appeal language from the California Board of Registration for Geologists and Geophysicists, the Arizona Board of Technical Registration and the National Board for Certification for Occupational Therapy (as found in the 2000 Examination Candidate Handbook).

Mr. Peters reviewed the current options offered to candidates by ABSOG:

1. Line item feedback form, which shows the performance on each question; and
2. Manual regrade of answer sheet (\$50 fee), which includes the line item feedback form.

The candidate is able to review a copy of the actual examination and figures booklets with either choice. They are not allowed to bring any materials into or out of the actual review appointment.

Mr. Watkins pointed out that the committee should identify three issues before deliberating:

1. Administrative contest;
2. Regrade and or review of the examination itself; and
3. Examination/item challenge.

Mr. Peters identified specific items that should be addressed, as pointed out by Matt Koehler, Legal Counsel to the Board:

1. Timeframes for whatever action taken by the examination candidate;
2. Who will bear the cost that ASBOG charges for the regrade/review/contest;
3. Qualifications for the process;
4. Uniformity of administration of the process; and
5. The process should be well documented at every point.

Proposed rule for examination appeal process

Mr. Watkins suggested that qualifications for the exam regrade/review/appeal process would exclude candidates, who have made a substantial investment, from access to what they have purchased. Furthermore, he noted that although a regrade/review for a low examination score may not reveal an actual passing score, candidates should be allowed to know their actual performance.

Dr. Foster suggested that specifying 'working days' in regard to process deadlines would address the issue of holidays and weekends. Mr. Peters brought up the issue of the difference between the State holidays, on average one per month, and the private sector calendar. Mr. Watkins suggested that 'business days' should account for the State calendar, with the timeframe being placed on the postmark.

ASBOG charges \$50 for the manual regrade. Ms. Johnson noted that she is familiar with national examinations that have any regrade/review costs figured into the cost of the examination. It was noted that the examination cost is already substantial at \$300 (\$150 per section) and may be burdensome to increase the fee. The question was raised as to whether or not the Board could bear the cost for regrades.

Mr. Peters indicated that candidates were not allowed to take any materials into or out of the actual examination review. He further noted that although ASBOG had not specified a time limit on the actual review of examination materials, their Executive Director suggested that other states had gone by a 2 hour review time per section of the examination. Mr. Watkins proposed that if the candidates had 4 hours to complete the examination, they should be able to review the questions that were incorrectly answered within the same amount of time. Mr. Peters pointed out situations in which certain ADA accommodations would lengthen the examination administration, thereby lengthening the requested review time for these candidates.

Mr. Peters informed the committee that ASBOG currently allows candidates to complete an "examination comment form" as a means to "challenge" any questions. In addition, they include the following language in the ASBOG Agreement for Providing Examinations, Article 7:

- a) **ASBOG** shall further respond to requests from the **MEMBER BOARD** for assistance with respect to challenges to the Examination by providing the **MEMBER BOARD** with written documentation that describes a statistical performance of the examinations and other technical assistance necessary to defend the examinations.

Mr. Peters noted how many national associations of state licensure boards, that develop examination, have also developed specific processes by which a candidate is able to contest a question or the examination itself. Ms. Brookshire indicated that ASBOG members could move toward the development of an examination challenge process by which candidates appeal directly to the Association.

Both Ms. Brookshire and Mr. Peters noted that each examination item is thoroughly reviewed and evaluated, by the professionals on the council of examiners, before and after it appears on an examination. Mr. Watkins asserted that the Board should hear the challenges to the examination, calling on ASBOG to supply the pertinent statistical information to support the validity of the items in question.

Adjournment

The meeting was adjourned at 1:40 p.m., on January 21, 2000.



, Executive Director

Approved by Missouri Board of Geologists Registration on February 18, 2000.

MOTIONS

1. APPLICATIONS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing applicants for licensure.

2. INVESTIGATIONS / COMPLAINTS / AUDITS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

3. LEGAL ACTIONS / LITIGATIONS / PRIVILEGED COMMUNICATIONS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

4. DIAGNOSIS / TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (5) RSMo for the proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees.

5. DISCIPLINE

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of deliberation on discipline.

6. EXAMINATION MATERIALS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (7) RSMo for the purpose of discussing and/or reviewing testing and examination materials.

7. PROMOTING / HIRING / DISCIPLINING / FIRING EMPLOYEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (3) RSMo for the purpose of discussing hiring, firing, disciplining, or promoting an employee of this agency.

8. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (13) RSMo for the purpose of making performance ratings pertaining to individual employees.

9. CLOSED MINUTES

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed, for the purpose of reviewing and approving the closed minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings.