

VALIDATION REPORT FOR

## Certified Reporters



PRESENTED TO  
Arizona Supreme Court  
Administrative Office of the Courts  
Certification and Licensing Division  
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## **EXECUTIVE SUMMARY**

This report describes the procedures used by Comira to develop a reliable and valid examination program for certified reporters.

The content specifications include four subject matter areas:

- Transcript production and distribution (35%)
- Certificate holder responsibilities (15%)
- Ethics (25%)
- Professional practice (25%)

The entire validation process incorporates the Standards for Educational and Psychological Testing (1999). Each aspect of the examination program is linked to the content specifications. The specifications establish the content-related validity of the examination program by identifying the important subject matter areas involved in practice. The content specifications are the foundation for all aspects of the examination development process including item writing, item review, and test publication. Finally, the content specifications are linked to minimum competence criteria that are the basis of the cut score.

All documentation necessary to verify that the validation process has been implemented in accordance to professional standards is included in the report.

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## **SECTION 1: OVERVIEW**

This validation report is structured into sections that address background of the examination program for certified reporters and the processes involved in content specifications, examination development, and cut score. Whenever possible, the appropriate standards are cited from the Standards for Educational and Psychological Testing (1999).

## **SECTION 2: INTRODUCTION**

### **BACKGROUND**

The Certified Reporter Program provides statewide certification for persons in Arizona who record and transcribe verbatim records in sworn proceedings by either stenographic or voice written means. The examination program was initially based on Arizona Revised Statutes pertaining to court reporters, Arizona Code of Judicial Administration § 7-206, and Arizona Rules of Court pertaining to court reporters. The content specifications described in this report are based on the same code, statutes and rules; however, major subject matter areas are outlined in detail with weights for each area determined by a focus group of certified reporters.

Effective August 6, 1999, the Arizona Legislature enacted Laws 1999, Chapter 335 creating the Board of Certified Reporters and requiring the certification of court reporters. Laws 2005, Chapter 107 established requirements for the certification of voice writing reporters as of January 1, 2007 and changed “court reporter” to “certified reporter”.

### **AUTHORITY**

Arizona Revised Statutes (ARS) Title 32, Chapter 40 and Arizona Code of Judicial Administration (ACJA) § 7-201 and § 7-206 establish the authority for administration of the Certified Reporter Program by the Arizona Supreme Court. The Court administers the program through the Certification and Licensing Division of the Administrative Office of the Courts.

### **DEFINITION**

ACJA § 7-206 defines certified reporters as persons who are certified by the board and who record and transcribe a verbatim record in any sworn proceeding by means of written symbols or abbreviations in shorthand, machine writing or voice writing as provided by ARS § 32-4002(3). Voice writing refers to the making of a verbatim record of the spoken word by means of repeating words of the speaker into a device that is capable of digital translation into text as provided in Arizona Revised Statutes (ARS) § 32-4002(6).

### **QUALIFICATIONS**

All candidates for certification must successfully pass the National Court Reporters Association’s Registered Professional Reporter (RPR) examination or the National Verbatim Reporters Association’s Certified Verbatim

Reporters (CVR) examination. All candidates must also take and pass the Arizona written knowledge test of rules and Arizona statutes in order to be eligible for certification.

All candidates for standard certification must submit a completed application for standard certification, including the application fee, and possess the education or experience as outlined in ACJA § 7-206.

ACJA § 7-201(E)(2)(c) states that the Board of Certified Reporters *may* refuse to issue a certificate if the candidate:

- Does not meet the requirements for certification,
- Has not submitted the applicable documents and fees,
- Has committed fraud, dishonesty, corruption or material representation in applying for the certificate or on a certification examination in this state or any other,
- Has a record of a felony conviction or any other offense involving moral turpitude,
- Has been ordered for treatment pursuant to Arizona Revised Statutes (ARS) Title 36 or found to be incapacitated pursuant to ARS Title 14,
- Is subject to revocation or suspension of certification or has had any occupational or professional license denied, revoked or suspended,
- Has been found civilly liable in an action involving fraud, intentional misrepresentation, misappropriation, theft or conversion.

## CONTENT VALIDATION STRATEGY

To ensure that the examination reflected the actual tasks performed by certified reporters, a content validation strategy was employed to establish the link between the job competencies and the content of the examination. Therefore, persons who were employed in the reporting profession were consulted to identify the major subject matter areas in the reporting profession.

## PSYCHOMETRIC STANDARDS

The Standards for Educational and Psychological Testing (1999) set forth by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education, hereafter called the Standards, serve as the standards for development of all aspects of a test, including test development, passing score, administration of tests, and reporting of results. The Standards are used by the measurement profession as the psychometric standards for validating all examinations, including licensing and certification examinations.

## SECTION 3: CONTENT SPECIFICATIONS

### APPLICABLE STANDARDS

The most relevant standards that apply to specifications for credentialing examinations are:

Standard 3.3      *“The test specifications should be documented, along with their rationale and the process by which they were developed. The test specifications should define the content of the test, the proposed number of items, the item formats, the desired psychometric properties of the items and the item and section arrangement.” (p 43)*

Standard 3.5      *“When appropriate, relevant experts external to the testing program should review the test specifications. The purpose of the review, the process by which the review is conducted, and the results of the review should be documented. (p 43-44)*

### PROCESS

A focus group of certified reporters was convened to identify the major subject matter areas that should be included in the content specifications. The group considered topics from the following rules, codes, and statutes in developing the content specifications.

- ARS pertaining to certified reporters
- ACJA § 3-402 pertaining to Superior Court records retention and disposition
- Arizona Rules of Court including Rules of Civil Procedure and Rules of Criminal Procedure
- ACJA § 7-201 pertaining to general requirements for certification
- ACJA § 7-206 pertaining to certified reporters

### CONTENT AREA WEIGHTS

The focus group evaluated the importance of major subject matter areas of practice, and determined their relative importance to practice, and assigned a weight (percentage) to each area. For example, if the weight is 35%, there would be 35 questions on a 100-item examination.

## SUBJECT MATTER AREAS

The final content specifications contain four major subject matter areas.

- I. Transcript production and distribution (35%)
  - A. Transcripts
  - B. Timeliness of transcripts
  - C. Certification of transcripts
  - D. Rough drafts
  - E. Notes (retention, storage)
  - F. Filing
  - G. Distribution (parties, non-parties)
  - H. Original and copies
  - I. Expedited transcripts
  - J. Media
- II. Certificate holder responsibilities (15%)
  - A. Changes in name and address
  - B. Certification
  - C. Revocation and suspension of certificate
  - D. Hearings
  - E. Administrative
- III. Ethics (25%)
  - A. Impartiality (not speaking for judge, not expressing an opinion)
  - B. Conflicts of interest
  - C. Contracts
  - D. Gifts, incentives, rewards, contingent fees
  - E. Ethical dilemmas
- IV. Professional practice (25%)
  - A. Confidentiality
  - B. Going on and off the record
  - C. Advertisement of services
  - D. Accurate representation of qualifications, skills, or abilities
  - E. Fees (60% rule, applicable statutory fees, disclosure)
  - F. Grounds for discipline
  - G. Oaths and affirmations
  - H. Freelance activities for official reporters
  - I. Affidavit of non-appearance
  - J. Grand jury
  - K. Continuing education

## SECTION 4: EXAMINATION DEVELOPMENT

### APPLICABLE STANDARDS

Several standards apply to the validation of examinations:

- Standard 3.7            *“The procedures used to develop, review, and try out items, and to select items from the item pool should be documented.” (p. 44)*
- Standard 3.11           *“Test developers should document the extent to which the content domain of a test represents the defined domain and test specifications.” (p. 45)*
- Standard 14.14         *“The content domain to be covered...should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale should be provided to support a claim that the knowledge or skills being assessed are required for credential-worthy performance in an occupation and are consistent with the purpose for which the licensing or certification program was instituted.... In tests used for licensure, skills that may be important to success but are not directly related to the purpose of licensure, e.g., protecting the public, should not be included.” (p. 161)*

### EXAMINATION SECURITY

Participants agreed to sign an examination security agreement which specified that they would keep all examination materials secure, discuss the examination only during department-sponsored meetings, and avoid involvement in any examination-oriented review program for prospective certified reporter candidates.

### STRATEGY

Two focus groups of certified reporters was convened to create questions (items) for the examination and select items for the examination. By doing so, the content of the items was created and reviewed in a controlled setting, where participants could exchange feedback from other participants regarding the technical content of items.

Great effort was made to include participants who were official and freelance reporters and who had experience in different venues of proceedings, e.g., official court proceedings and depositions.

## PROCEDURES

### Item development

Participants were provided a formal orientation in the principles of good item construction, opportunities to familiarize themselves with the content specifications, and opportunities to work with fellow participants to create the items. For each item, considerable emphasis was placed on specifying the linkage of item content to the content specifications and providing a citation from an authoritative reference source. Therefore, each item was linked to a specific topic in the specifications and to a page or section of an authoritative reference source. There were numerous opportunities for individual assistance with item development as well as opportunities for review by other participants.

### Item review

Formal orientation was provided to benefit persons who were previously involved in item development and persons who were new to the process. Participants worked individually or in pairs to provide initial review of the items and then reviewed the items as a group. Items were evaluated for clarity, technical accuracy, readability, and applicability to actual job situations.

### Test publication

Participants were given a formal orientation to the publication process. In the orientation, they were given an overview of the process. Then, they were asked to consider several factors in selecting items for two forms of the written knowledge test: the percentage of items designated for each area in the content specifications, depth and breadth of content coverage in each area, and similarity/dissimilarity of item content. Of the items selected, they were asked to designate a small number of items as anchor items, or items common to the two forms of the examination.

The process for selecting items was as follows. The participants considered the content of items, content area by content area and then made their selections, e.g., all items for transcript production and distribution, then, items for certificate holder responsibilities, items for ethics, and so on. After each set of items was selected, participants mutually agreed upon the selection of the items that met the percentages of items prescribed by the content specifications.

Great care was taken to create parallel and equivalent forms such that participants were instructed to alternate their selections for each form as they proceeded through each content area. The results of the selection process were two parallel and equivalent forms of the examination.

## SECTION 5: ESTABLISHMENT OF CUT SCORE

### MEANING OF A CUT SCORE

A criterion-referenced passing score, or cut score, is the score that reflects minimum standards of competent practice for new practitioners. The cut score is based upon the difficulty of the items in the examination, not the scores of candidates who sat for the examination.

### UNDERLYING PREMISE

The underlying premise of cut score ratings is minimum competence criteria required for safe, competent practice. The criteria defines minimum competence in terms of critical, job-related work behaviors and take into account the training and experience that candidates would bring to the examination.

### APPLICABLE STANDARDS

The most relevant standards applicable to passing scores are:

- |                |  |
|----------------|--|
| Standard 3.4   | <i>“The procedures used to interpret test score, and, when appropriate the normative or standardization samples or the criterion used should be documented.” (p. 43)</i>   |
| Standard 14.17 | <i>“The level of performance required for passing a credentialing test should depend on the knowledge and skills necessary for acceptable performance in the occupation or profession and should not be adjusted to regulate the number or proportion of persons passing the test.” (p. 162)</i> |

### PROCEDURES

A modified Angoff procedure (Angoff, 1971), was used to establish the cut score ratings. In this procedure, a focus group of subject matter experts familiar with the certified reporter profession served as judges to rate the difficulty of individual items on an examination.

The ratings are based upon the question, “What percentage of minimally competent candidates would answer this item correctly?” There is emphasis on “would” versus “should” because minimum competence standards are based on what would actually happen rather than what a minimally competent candidate should be doing. The ratings for each item ranged from 25% (guessing) to 95% (very easy).

The major steps were:

- a) Reviewing the purpose of the examination so that participants understand that the examination was designed to identify candidates who possessed the minimum competence to practice without harming the public health, safety, or welfare.
- b) Reviewing the meaning of the cut score so that participants understand that the cut score means that, yes or no, candidates possess a certain level of competence.
- c) Reviewing minimum qualifications for taking the examination to gain an understanding of what training and experience that new practitioners bring to the examination.
- d) Reviewing the content specifications for the examination to understand the breadth and depth of the content covered in the items.
- e) Developing minimum acceptable competence criteria so that participants had a common understanding of the behaviors that could be exhibited by minimally competent candidates. Examples of critical work behaviors in the minimum competence criteria are presented in the following section.
- f) Taking and self-scoring the examinations to assist participants in understanding the difficulty of the items under test-like conditions.
- g) Providing an orientation to the rating process so that participants were basing their ratings on the minimum competence criteria. First, participants were asked to make independent ratings for a few items and provide their rationales for their ratings to the group. Then, participants were asked to consider the rationales of others in the group and make final ratings.
- h) Proceeding with the rating process for blocks of items until ratings were obtained for all items in both forms of the examination.

#### EXAMPLES OF MINIMUM COMPETENCE CRITERIA

- Prepares transcripts that follow Arizona Transcript Format Standards
- Applies Arizona Rules of Court to jury trials, depositions, bench trials, hearings, arbitrations, mediations, sworn or affirmed statements, stipulations, motions or objections, telephonic proceedings, and videoconference proceedings
- Will obtain assistance if in doubt about technical terms, case law citations, formats, procedures
- Understands common pleadings and notices
- Will go off the record during depositions or court proceedings only if agreed upon by all parties and their attorneys, or, as ordered by the court
- Applies guidelines and procedures for filing transcripts in Arizona
- Applies guidelines and procedures for distributing transcripts in Arizona
- Includes factually based information in advertisements

- Discloses conflicts of interest to consumer immediately
- Recognizes potential conflicts of interest
- Recognizes limitations of own professional abilities before accepting assignments
- Determines fees in accordance with ACJA § 7-206
- Provides written itemization of rates and charges to all parties or their attorneys
- Understands requirements for renewal of certification
- Maintains records according to Arizona Supreme Court record and retention and disposition schedule

#### CALCULATION OF CUT SCORE

Comira calculated the cut score by averaging the ratings across items in each form of the examination. The resulting cut scores are mathematically scaled to a score of 70 so that each examination has the same cut score.

## SECTION 6: CANDIDATE STUDY GUIDE

### PURPOSE OF THE MANUAL

A candidate study guide was made available to the candidates prior to the examination. The purpose of the candidate study guide was to provide information including policies and procedures for the examination.

### APPLICABLE STANDARDS

Several standards apply to the candidate study guide:

- |                |   |
|----------------|---|
| Standard 3.20  | <i>The instructions presented to test takers should contain sufficient detail so that test takers can respond to a task in the manner that the test developer intended. When appropriate, sample materials, practice or sample questions, criteria for scoring, and a representative item identified with each major area in the test's classification or domain should be provided to the test takers prior to the administration of the test..." (p. 47)</i>                                    |
| Standard 8.2   | <i>"Where appropriate, test takers should be provided, in advance, as much information about the test, the testing process, the intended test use, test scoring criteria, testing policy, and confidentiality protection as is consistent with obtaining valid responses." (p. 86)</i>  |
| Standard 8.13  | <i>"In educational testing programs and in licensing and certification applications, test takers are entitled to fair consideration and reasonable process, as appropriate to the particular circumstances, in resolving disputes about testing. Test takers are entitled to be informed of any available means of recourse." (p. 89)</i>   |
| Standard 14.14 | <i>"The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale should be provided to support a claim that the knowledge or skills being assessed are required for credential-worthy performance in an occupation and are consistent with the purpose for which the licensing or certification program was instituted." (p. 181)</i> |

## ORGANIZATION AND CONTENT

The study guide includes the following topics:

- Candidate eligibility
- Re-examination
- Special accommodations
- Question formats
- Passing score
- Major topics to be tested
- Sample questions
- Candidate registration
- Prohibited materials
- Check-out procedures
- Examination security
- Notification of results
- Review of examination (for applicants who did not pass)
- Re-examination policies
- Relevant code sections
- Sample questions

## RELEVANT CODE SECTIONS

The following code sections from the Arizona Code of Judicial Administration (ACJA), Arizona Revised Statutes (ARS), Rules of the Supreme Court, Arizona Rules of Civil Procedure (ARCP) and Arizona Rules of Criminal Procedure (ARCRP) were included as reference material in the study guide. These code sections served as the basis for the test questions.

1. ACJA § 3-402 – Records Retention and Disposition
2. ACJA § 7-201 (A) – Definitions
3. ACJA § 7-201 (E) – Initial Certification
4. ACJA § 7-201 (F) – Role and Responsibilities of Certificate Holders
5. ACJA § 7-201 (G) – Renewal of Certification
6. ACJA § 7-201 (H) – Complaints, Investigations, Disciplinary Actions, Proceedings and Certification and Disciplinary Hearings
7. ACJA § 7-206 (C) – Purpose
8. ACJA 7-206 (D) – Administration
9. ACJA § 7-206 (E) – Initial Certification
10. ACJA § 7-206 (F) - Role and Responsibilities of Certified Reporters
11. ACJA § 7-206 (G) – Renewal of Certification
12. ACJA § 7-206 (J) – Code of Conduct
13. ACJA § 7-206 (K) – Fee Schedule
14. ACJA § 7-206 (L) – Continuing Education Policy
15. ACJA § 7-206 (M) – Transcript Format Standards
16. ARS § 12-224. Salary; fees for transcripts; free transcripts; office supplies
17. ARS § 12-225. Appointment of deputies; compensation
18. ARS § 21-411. Appointment of reporter; transcript

19. ARS § 22-261. Judgments which may be appealed
20. ARS § 32-4002. Definitions
21. ARS § 32-4004 (A). Board of Certified Reporters
22. ARS § 32-4005. Program administration; duties
23. ARS § 32-4022. Examination; requirements; exemption
24. ARS § 32-4023 (A). Certificate renewal
25. ARS § 32-4023 (D). Certificate renewal
26. ARS § 32-4024. Certification denial
27. ARS § 32-4025. Administration of oaths
28. ARCP, Rule 30(a). When Depositions May Be Taken
29. ARCP, Rule 30(b). Notice of Examination; General Requirements; Special Notice; Method of Recording; Production of Documents and Things; Deposition of Organization; Deposition by Telephone
30. ARCP, Rule 30(c). Examination and Cross-Examination; Record of Examination; Oath; Objections
31. ARCP, Rule 30(d). Length of Deposition; Motion to Terminate or Limit Examination
32. ARCP, Rule 30(e). Submission to Witness; Changes, Signing
33. ARCP, Rule 30(f). Certification and Delivery by Officer; Exhibits; Copies
34. ARCP, Rule 43(k). Preservation of verbatim recording of court proceedings.
35. Rules of Supreme Court, Rule 91(h) Uniform Size of Electronic and Paper Transcripts
36. ARCRP, Rule 12.8, Record of proceedings before grand jury
37. ARCRP, Rule 31.2(b). Notice of appeal; automatic appeal; joint appeals
38. ARCRP, Rule 31.8 (b)(2) and (3). The record on appeal; transcript; duty of the authorized transcriber
39. ARCRP, Rule 31.8 (d). The record on appeal; transcript; duty of the authorized transcriber
40. ARCRP, Rule 31.9. Transmission of the record
41. ARCRP, Rule 32.4 (d). Commencement of proceedings
42. Administrative Order Number 2006-29

## SECTION 7: ADMINISTRATIVE MANUAL

### PURPOSE OF THE MANUAL

An administrative manual was made available to the Board prior to the examination. The purpose of the administrative manual was to provide information regarding all aspects of test administration.

### APPLICABLE STANDARDS

The most relevant standards that apply to administrative manuals are:

Standard 3.19            *“The directions for test administration should be presented with sufficient clarity and emphasis so that it is possible for others to replicate adequately the administration conditions under which the data on reliability, validity, and, where appropriate, norms were obtained.” (p. 47)*

*The comment following the standard states that it is essential that test administrators received detailed instructions on test administration guidelines and procedures.*

Standard 3.21            *“If the test developer indicates that the conditions of administration are permitted to vary from one test taker or group to another, permissible variation in conditions for administration should be identified and the rationale for permitting the different conditions should be documented.” (p. 47)*

### ORGANIZATION AND CONTENT

The administrative manual addresses the following topics:

- Factors that can influence test scores
- Questions to ask when developing policies and procedures for test administration
- Concept of standardization
- Selecting the testing site
- Scheduling
- Proctor training
- Test security
- Time limits
- Instructions
- Guessing

- Documentation of irregularities or misconduct
- Printing of materials
- Shipment of materials
- Examination assistants
- Contingency plans
- Written instructions for onsite administration
- Registration of candidates at testing site
- Seating arrangements
- Candidate misconduct and documentation of misconduct
- Recommended candidate-proctor ratios
- Readers and markers

## SECTION 8: REFERENCES

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