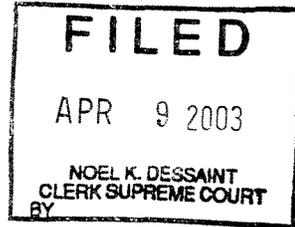


IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)
)
POLICIES ON REQUESTS FOR) Administrative Order
EXTENSIONS OF TEMPORARY) No. 2003- 47
CERTIFICATION BASED ON)
EXTENUATING CIRCUMSTANCES)
)
_____)

Arizona Revised Statutes, Title 32, Chapter 40, establishes temporary and standard certification for court reporters and specifies the Board of Certified Court Reporters (“Board”) shall recommend and the Supreme Court will adopt policies and procedures to implement and enforce these statutory provisions. Accordingly, on March 29, 2001, the Court adopted Arizona Code of Judicial Administration §7-206: Court Reporter Standard Certification and §7-207: Court Reporter Temporary Certification. Both §7-206 and §7-207 took effect on April 2, 2001. Arizona Laws 2000, Ch.41, §13(B) and §7-207(G)(1) provides: “All temporary certificates shall be renewed annually and may not be renewed beyond December 31, 2002, except that the board may renew temporary certificates after December 31, 2002 due to extenuating circumstances.”

In accordance with these provisions, court reporters applied for, and the Board of Certified Court Reporters granted extensions of temporary certification, on a case by case basis, to individuals who claimed an extenuating circumstance and a need for additional time to meet the requirements for standard certification. Each individual provided documentation from a third-party licensed professional to support the claim of an extenuating circumstance. Extensions of temporary certification were granted for six, seven and twelve months, to provide reporters with additional opportunities to take and complete the proficiency test required of standard certification. It is possible that some reporters granted this extension may not meet the qualifications for standard certification when their current temporary certification expires this year, and may request a further extension of temporary certification based on extenuating circumstances. To address this issue, the Board has drafted policies regarding the additional specific information the Board will require if a further extension is requested. These policies are incorporated as Appendix A.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and Arizona Revised Statutes, Title 32, Chapter 40,

IT IS ORDERED that the attached Policies on Requests for Extensions of Temporary Certification Based on Extenuating Circumstances are adopted.

Dated this 9th day of April, 2003.

FOR THE COURT:

CHARLES E. JONES
Chief Justice

APPENDIX A
POLICIES ON REQUESTS FOR EXTENSIONS OF TEMPORARY CERTIFICATION
BASED ON EXTENUATING CIRCUMSTANCES

A. Purpose.

1. Pursuant to A.R.S. §32-4005(B) and the Arizona Code of Judicial Administration §7-206(D)(5)(a) {Court Reporter Standard Certification} and §7-207(D)(5)(a) {Court Reporter Temporary Certification} the Board of Certified Court Reporters (“Board”) shall make recommendations to the Supreme Court regarding policies and procedures to implement the provisions of certification of court reporters.
2. These policies are intended to provide guidance to the Board and court reporters who seek extensions of temporary certification on the basis of extenuating circumstances. By granting extensions on an individual, case by case basis, the Board is not exempting a reporter from the requirements of standard certification but rather, is granting the reporter additional time to meet the requirements for standard certification.

B. Applicability.

1. Pursuant to Arizona Laws 2000, Ch. 41, §13(B) and the Arizona Code of Judicial Administration §7-207(G)(1) {Court Reporter Temporary Certification} “All temporary certificates shall be renewed annually and may not be renewed beyond December 31, 2002, except that the board may renew temporary certificates after December 31, 2002 due to extenuating circumstances.” The Board has granted extensions to a limited number of court reporters due to extenuating circumstances.
2. Effective Date. Beginning April 15, 2003, all certified court reporters holding a temporary certificate shall comply with these adopted policies regarding further requests for extensions of temporary certification based on extenuating circumstances.

C. Responsibilities of Certified Court Reporters Holding Temporary Certificates after January 31, 2003.

1. It is the responsibility of each certified court reporter holding a temporary certificate after January 31, 2003 to ensure compliance with the policies on requests for temporary certification based on extenuating circumstances, maintain documentation supporting the claim of an extenuating circumstance and to submit this documentation with the request for extension of temporary certification based on extenuating circumstances by the applicable deadline date established by the Board.
2. Upon request, each certified court reporter holding a temporary certificate after January 31, 2003 shall provide any additional information required by the Board when reviewing requests for extensions based on extenuating circumstances.

D. Required Documentation.

1. Each reporter requesting a further extension of temporary certification based on extenuating circumstances shall provide documentation to support the extenuating circumstance. If the extenuating circumstance is due to an ongoing mental, physical or psychological condition, the reporter shall submit all of the following:
 - a. Written request for an extension of temporary certification.
 - b. A recent and specific diagnosis from a licensed specialist appropriate for evaluating the mental, physical or psychological condition, accompanied by the following:
 - (i) Specific findings and/or tests used to support the diagnosis;
 - (ii) Information on how the diagnosing professional is qualified to make such a diagnosis;
 - (iii) Summary of treatment and treatment plan;
 - (iv) Description of the condition, the severity of the condition, the potential impact on the applicant's ability to meet the certification requirements and the rationale for the accommodation being requested; and
 - (v) Name, address and telephone number of each professional expert who provides documentation.
 - c. Previous testing accommodation history, if applicable. Documentation of any previous requests for accommodation should include the nature of the accommodation provided and the rationale on which the accommodations were based. History may include:
 - (i) High school or grade school special education programs;
 - (ii) Documentation of accommodations received in previous examinations;
 - (iii) Documentation of accommodations received while attending a prescribed course of study from a court reporting school; and
 - (iv) Documentation of any requests for accommodations in taking the Registered Professional Reporter (RPR) examination, if applicable.
 - d. Completion of a questionnaire provided by the program, providing information on the applicant's eligibility to request an extension of temporary certification due to extenuating circumstances. This questionnaire shall include information regarding the number or times the applicant has taken the RPR, the dates of the exams and the outcome of each exam.
2. If an applicant does not have a previous testing accommodation history, the licensed specialist shall provide a detailed explanation explaining the following:
 - a. Why no accommodations were given or requested in the past; and
 - b. Why the accommodations are currently necessary.

E. Incomplete Documentation.

1. The Board reserves the right to request complete information and additional documentation and also has the right to have an independent examination or other assessment of any applicant seeking an extension. Typical cases of incomplete documentation include but are not limited to the following:
 - a. Vague letters;
 - b. Scribbled "prescription" forms;
 - c. A diagnosis not specific to the individual; and
 - d. Lack of information on the relationship of the diagnosis and the applicant's request.
2. Pursuant to federal and state law, the applicant shall sign a consent form and authorization for the release of medical or health care information from the licensed specialist described in Section D of these policies, if requested by the Board.
3. The Board may make a written request for additional information from an applicant. The applicant shall provide the requested information by the deadline set by the Board in the written request.
4. All supporting documentation or information provided by an applicant to the Board is subject to verification by the Board or program coordinator on behalf of the Board.

F. Board Decision Regarding Requests for Extensions of Temporary Certification.

1. Upon review of a request for extension of temporary certification based on extenuating circumstances, the Board may:
 - a. Approve the applicant's request for extension for a specified length of time;
 - b. Require additional information from the applicant before making a decision; or
 - c. Deny the applicant's request for extension.
2. The program coordinator shall send a decision by the Board to require additional information or to deny the applicant's request for extension to the applicant in writing. Pursuant to §7-207(E)(3)(c)(4), an individual may appeal the Board's decision to deny the extension of temporary certification by submitting an appeal, in writing, within fifteen days of notification of the Board's decision.
3. The certification of a court reporter who timely appeals a decision by the Board regarding a request for extension of temporary certification shall continue in force until the Board makes a final decision pursuant to §7-207(H)20.
4. The provisions of subsections §7-207(H)(9) through H(20) and H(23), apply regarding the procedures for the hearing and appeal.