

1 **Proposed Iowa Court Rules on Reciprocal Certification for Reporters**

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3
4 **CHAPTER 46**

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6 **RULES OF THE BOARD OF EXAMINERS OF SHORTHAND**
7 **REPORTERS**

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11 **Rule 46.2 Definitions.** In this chapter:

12
13 (1) “Certified shorthand reporter” is an individual who has demonstrated
14 by examination administered by the board of examiners that such individual
15 has achieved proficiency in shorthand equivalent in the discretion of the board
16 to the standard of the National Court Reporters Association for the earned
17 designation of Registered Professional Reporter, namely, the demonstrated
18 ability to write dictated tests at 180 words per minute (question and answer —
19 technical dictation), 200 words per minute (multivoice dictation for
20 transcription or readback), and 225 words per minute (question and answer
21 dictation), or such equivalents thereof as the board may select, each at 95
22 percent accuracy or better, and demonstrated written knowledge of the
23 reporter’s duties, Iowa legal procedure, and correct English usage at 70
24 percent accuracy or better. ~~The Iowa designation of certified shorthand~~
25 ~~reporter is not granted by reciprocity, unless an individual is a “veteran” as~~
26 ~~defined in Iowa Code section 35.1(2). However, individuals who hold the~~
27 designation of Registered Professional Reporter from the National Court
28 Reporters Association by passing said association’s examination on or after
29 May 1, 1973, and are in good standing with such association, may, upon
30 application to the board of examiners, become certified shorthand reporters
31 upon successfully passing a written examination concerning a reporter’s
32 duties, Iowa legal procedure, and correct English usage at 70 percent
33 accuracy or better.

34
35 (2) “Shorthand” is a method of writing rapidly with stenographic machine
36 by substituting characters, abbreviations, or symbols for letters, words, or
37 phrases.

38
39 (3) “Shorthand reporting” is the professional skill whose practice by official
40 shorthand reporters and freelance shorthand reporters serves the judicial
41 branch of state government in courts of record, references by such courts or
42 the law, depositions taken by shorthand reporters, or proceedings of like
43 character, with the end in view of ensuring the accuracy and integrity of the
44 record upon which courts rely for evidence, trial, and appellate review.

1 **Rule 46.5. Examinations**

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5 **46.5(2)** Applicants ~~shall~~ will be examined with respect to their knowledge of
6 the statutory duties of a court reporter, general Iowa court procedure, and
7 correct English usage at a 70% or better accuracy rate.

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9 **Rule 46.16 Military service and veteran reciprocity.**

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11 **46.16(1)** *Definitions.* In this rule:

12
13 *a. "Military service"* means honorably serving: in federal active duty, state
14 active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the
15 military services of other states, as provided in 10 U.S.C. section 101(c); or in the
16 organized reserves of the United States, as provided in 10 U.S.C. section 10101.

17
18 *b. "Military service applicant"* is an individual requesting credit toward
19 certification for military education, training, or service obtained or completed in
20 military service.

21
22 *c. "Veteran"* is an individual who meets the definition of "veteran" in Iowa
23 Code section 35.1(2).

24 **46.16(2)** *Military education, training, and service credit.* A military service
25 applicant may apply for credit for verified military education, training, or
26 service toward any experience or educational requirement for certification by
27 submitting a military service application to the board office.

28 *a.* The application may be submitted with an application for certification or
29 examination or prior to an applicant's applying for certification or to take an
30 examination. No fee is required for submission of an application for military
31 service credit.

32
33 *b.* The applicant must identify the experience or educational certification
34 requirement to which the credit would be applied if granted. Credit may not be
35 applied to an examination requirement.

36
37 *c.* The applicant must provide documents, military transcripts, a certified
38 affidavit, or forms that verify completion of the relevant military education,
39 training, or service, which may include, when applicable, the applicant's
40 Certificate of Release or Discharge from Active Duty (DD Form 214) or
41 Verification of Military Experience and Training (VMET) (DD Form 2586).

1 d. Upon receipt of a completed military service application, the board will
2 promptly determine whether the verified military education, training, or service
3 satisfies all or any part of the identified experience or educational qualifications
4 for certification.

5
6 e. The board will grant the application in whole or in part if the board
7 determines that the verified military education, training, or service satisfies all or
8 part of the experience or educational qualifications for certification.

9
10 f. The board will inform the military service applicant in writing of the
11 credit, if any, given toward an experience or educational qualification for
12 certification, or explain why no credit was granted. The applicant may request
13 reconsideration upon submission of additional documentation or information.

14
15 g. A military service applicant aggrieved by the board's decision may
16 request a contested case (administrative hearing) and may participate in a
17 contested case by telephone. A request for a contested case must be made
18 within 30 days of issuance of the board's decision. No fees or costs may be
19 assessed against the military service applicant in connection with a contested
20 case conducted pursuant to this rule 46.16(2).

21
22 h. The board will grant or deny the military service application prior to ruling
23 on the application for certification. The applicant is not required to submit any
24 fees in connection with the certification application unless the board grants the
25 military service application. If the board does not grant the military service
26 application, the applicant may withdraw the certification application or request
27 that the application be placed in pending status for up to one year or as
28 mutually agreed. Withdrawal of a certification application does not preclude
29 subsequent applications supported by additional documentation or information.

30 **46.16(3) *Veteran reciprocity.***

31 a. A veteran with an unrestricted professional certificate as a shorthand
32 reporter in another jurisdiction may apply for certification in Iowa through
33 reciprocity. A veteran must pass any examinations required for certification to
34 be eligible for certification through reciprocity and will be given credit for
35 examinations previously passed when consistent with board rules on
36 examination requirements. A veterans' fully completed application for
37 certification submitted under rule 46.16(3) will be expedited and given priority.

38
39 b. A veteran's application for certification must contain all of the information
40 required of all applicants for certification who hold unrestricted certificates in
41 other jurisdictions and who are applying for certification by reciprocity,
42 including, but not limited to, completion of all required forms, payment of
43 applicable fees, disclosure of criminal or disciplinary history, and, if applicable,
44 a criminal history background check. The applicant must use the same forms

1 as any other applicant for certification by reciprocity and must additionally
2 provide such documentation as is reasonably needed to verify the applicant's
3 status as a veteran under Iowa Code section 35.1(2).
4

5 c. Upon receipt of a fully completed certification application, the board will
6 promptly determine if the professional or occupational licensing requirements of
7 the jurisdiction where the veteran is certified are substantially equivalent to
8 the certification requirements in Iowa. The board will make this determination
9 based on information the applicant supplies and such additional information
10 as the board may acquire from the applicable jurisdiction. The board may
11 consider the following factors in determining substantial equivalence: scope of
12 practice, education and coursework, degree requirements, postgraduate
13 experience, and examination required for certification.
14

15 d. The board will promptly grant a certificate to the veteran if the applicant
16 is certified in the same or similar profession in another jurisdiction whose
17 certification requirements are substantially equivalent to those required in Iowa
18 and the applicant has passed the written examination administered by the
19 board pursuant to rule 46.5(2), unless the applicant is ineligible for
20 certification based on other grounds, such as the applicant's disciplinary or
21 criminal background.
22

23 e. If the board determines that the certification requirements in the
24 jurisdiction in which the veteran is certified are not substantially equivalent to
25 those required in Iowa, the board will promptly inform the veteran of the
26 additional experience, education, or examinations required for certification in
27 Iowa. Unless the applicant is ineligible for certification based on other grounds,
28 such as disciplinary or criminal background, the following apply:
29

30 (1) If a veteran has not passed the required examinations for certification,
31 the applicant may not be issued a provisional certificate but may request that
32 the certification application be placed in pending status for up to one year or as
33 mutually agreed to provide the veteran with the opportunity to satisfy the
34 examination requirements.
35

36 (2) If additional experience or education is required for the applicant's
37 qualifications to be considered substantially equivalent, the applicant may
38 request that the board issue a provisional certificate for a specified period of time
39 during which the applicant will successfully complete the necessary experience
40 or education. The board may issue a provisional certificate for a specified period
41 of time upon such conditions as the board deems reasonably necessary to
42 protect the health, welfare, or safety of the public, unless the board determines
43 that the deficiency is of a character that the public health, welfare, or safety will
44 be adversely affected if a provisional certificate is granted.
45

1 (3) If a request for a provisional certificate is denied, the board will issue an
2 order fully explaining the decision and inform the applicant of the steps the
3 applicant may take to receive a provisional certificate.
4

5 (4) If a provisional certificate is issued, the application for full certification
6 will be placed in pending status until the applicant successfully completes the
7 necessary experience or education or the provisional certificate expires,
8 whichever occurs first. The board may extend a provisional certificate on a
9 case-by-case basis for good cause.
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11 *f.* A veteran who is aggrieved by the board's decision to deny an application
12 for a reciprocal certificate or a provisional certificate, or who is aggrieved by the
13 terms under which a provisional certificate will be granted, may request a
14 contested case (administrative hearing) and may participate in a contested case
15 by telephone. A request for a contested case must be made within 30 days of
16 issuance of the board's decision. No fees or costs ~~shall~~ will be assessed against
17 the veteran in connection with a contested case conducted pursuant to this
18 rule 46.16(3).

19 **46.16(4)** *Substantially equivalent certification requirements.* The certification
20 requirements of another jurisdiction are substantially equivalent to those of
21 Iowa, if in that jurisdiction:

22 ~~*a.* An an individual must demonstrate, by examination administered by the~~
23 ~~licensing authority of the jurisdiction, proficiency in shorthand equivalent to~~
24 ~~the standard of the National Court Reporters Association for the earned~~
25 ~~designation of Registered Professional Reporter; and.~~

26 ~~*b.* An individual must demonstrate, by written examination, knowledge of~~
27 ~~reporter duties, Iowa legal procedure, and correct English usage at 70 percent~~
28 ~~accuracy or better.~~
29

30 **Rule 46.17 Certification by reciprocity.**

31
32 **46.17(1)** An applicant with an unrestricted professional certificate as a
33 shorthand reporter in another jurisdiction may apply for certification in Iowa
34 through reciprocity. The applicant will be given credit for examinations
35 previously passed when consistent with board rules on examination
36 requirements.
37

38 **46.17(2)** An applicant's application for certification must contain completion
39 of all required forms, payment of applicable fees, disclosure of criminal or
40 disciplinary history, and, if applicable, a criminal history background check.
41

42 **46.17(3)** Upon receipt of a fully completed certification application, the board
43 will promptly determine if the professional or occupational licensing

1 requirements of the jurisdiction where the applicant is certified are
2 substantially equivalent to the certification requirements in Iowa. The board
3 will make this determination based on information the applicant supplies and
4 such additional information as the board may acquire from the applicable
5 jurisdiction. The board may consider the following factors in determining
6 substantial equivalence: scope of practice, education and coursework, degree
7 requirements, postgraduate experience, and examination required for
8 certification.

9
10 **46.17(4)** The board will promptly grant a certificate to the applicant if the
11 applicant is certified in the same or similar profession in another jurisdiction
12 whose certification requirements are substantially equivalent to those required
13 in Iowa and the applicant has passed the written examination administered by
14 the board pursuant to rule 46.5(2), unless the applicant is ineligible for
15 certification based on other grounds, such as the applicant's disciplinary or
16 criminal background.

17
18 **46.17(5)** If the board determines that the certification requirements in the
19 jurisdiction in which the applicant is certified are not substantially equivalent
20 to those required in Iowa, the board will promptly inform the applicant of the
21 additional experience, education, or examinations required for certification in
22 Iowa.

23
24 **46.17(6)** An applicant who is aggrieved by the board's decision to deny an
25 application for a reciprocal certificate may request a contested case
26 (administrative hearing) and may participate in a contested case by telephone.
27 A request for a contested case must be made within 30 days of issuance of the
28 board's decision.

29
30 **46.17(7)** The certification requirements of another jurisdiction are
31 substantially equivalent to those of Iowa, if in that jurisdiction an individual
32 must demonstrate, by examination administered by the licensing authority of
33 the jurisdiction, proficiency in shorthand equivalent to the standard of the
34 National Court Reporters Association for the earned designation of Registered
35 Professional Reporter.