

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama Board of Court Reporting

Rule No.: **Chapter 257-X-6**

Rule Title: **Continuing Education for Licensure**

_____ New Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety?

Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare?

Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule?

No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any
manner any litigation which the agency is a party to
concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a
fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of
Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements
of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer



Paula McCaleb, Executive Director

Date: June 20, 2018

(DATE FILED)
(STAMP)

Alabama Board of Court Reporting

NOTICE OF INTENDED ACTION

AGENCY NAME:

Alabama Board of Court Reporting

RULE NO. & TITLE:

CHAPTER 257-X-6 Continuing Education for Licensure

INTENDED ACTION:

To amend Rules & Regulations

SUBSTANCE OF PROPOSED ACTION:

The Alabama Board of Court Reporting proposes to amend their Administrative Code or Rules and Regulations under which to operate.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

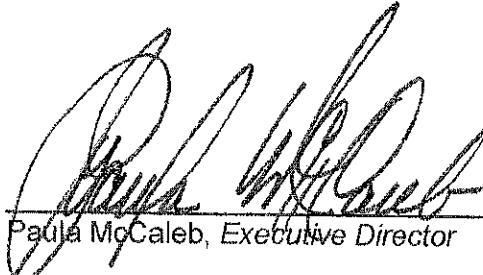
Written comments, views, or arguments will be received by the Alabama Board of Court Reporting thru 4:30 p.m. on August 3, 2018. Comments should be directed to Paula McCaleb, Executive Director, at P.O. Box 241565, Montgomery, AL 36124-1565.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

August 3, 2018

CONTACT PERSON AT AGENCY:

Paula McCaleb, *Executive Director*
334.215.7232



Paula McCaleb, *Executive Director*

Chapter 257-X-6 - Continuing Education

257-X-6-.01 Continuing Education Requirements

- (1) Beginning with the September 30, 2008, renewal and every renewal thereafter, every licensee who applies for renewal of a license shall complete five (5) hours of continuing education (CE) relevant to the practice of court reporting. Additional CE Hours obtained may be rolled over to the next renewal for up to thirty-six (36) months.
- (2) A Renewal Period is the twelve (12) months preceding September 30th of each year.
- (3) A CE hour means a minimum of fifty (50) minutes of actual clock time spent by a licensee in actual attendance at and completion of an approved CE activity. After completion of the initial CE hour, credit may be given in one-half hour (0.5) increments.
- (4) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Alabama license.
- (5) Non-Resident Licensees shall comply with the CE Requirements set forth in this Section.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-6-.02 How to Acquire CE Credit

- (1) CE hours may be earned from:
 - (a) Verified attendance at or participation in a program, activity or course through the National Court Reporters Association (NCRA) or the Alabama Court Reporters Association (ACRA);
 - (b) Verified attendance (e.g., license of attendance or license of completion) at or participation in a program, activity or course ("program") presented by a continuing education sponsor in subsection (c) below;
 - (c) Verified attendance at a program that is of general informational value to court reporters but does not directly relate to the reporter's ability to produce an accurate and timely transcript. A maximum of two-and-one-half (2.5) hours credit may be counted during a prerenewal period for such programs, which include:
 - (1) Professionalism, including knowledge and application of standards of professional responsibility, impartiality, public relations, attire; and,

- (2) Office procedures, record-keeping, health, including a reporter's approach to personal tax management, planning for retirement or changing careers within reporting, maintaining the individual reporter's health and emotional adjustment, ability to listen, to concentrate, to communicate, or to cope.
 - (d) Verified personal preparation of educational presentations pertaining to the profession of court reporting and serving as an instructor, speaker, or panel member at an approved course will be allowed as CE credit for actual presentation time, plus actual preparation time of up to two (2) hours ~~for~~ each hour of presentation. Credits for preparation time shall not be allowed for repetitious presentations. No more than five (5) hours of credit can be earned under this category in any one renewal period.
 - (e) Writing articles regarding the profession of court reporting that are published in a state or nationally recognized professional journal of court reporting or law. No more than three (3) hours of credit can be earned under this category in any one renewal period. Credits will not be allowed for the same article published in more than one publication.
- (2) Courses completed that are a part of the curriculum of a university, college or other educational institution. One semester of course work is equivalent to five (5) hours of CE, and one quarter of course work is equivalent to two-and-one-half (2.5) hours of CE.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed October 6, 2009; effective November 11, 2009. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-6-.03 CE Sponsors and Programs

- (1) Continuing Education sSponsors and programs, as used in this Section, shall mean the following:
- (a) The National Court Reporters Association (NCRA);
 - (b) The National Verbatim Reporters Association (NVRA);
 - (c) The Alabama Court Reporters Association (ACRA) or any state court reporters association whose course or program has been approved for CE credits under the guidelines of the NCRAational Court Reporters Association;
 - (d) Any computer users group whose program or course has been approved for CE credits under the guidelines of the NCRAational Court Reporters Association;
 - (e) A city, county, state or federal judicial body responsible for coordination and presentation of CE courses or programs for its employees;

- (7) Transcript preparation, including indexing of witnesses, exhibits, formats, dictating, editing and scoping, reference libraries and research techniques, and proofreading; and
 - (8) Management, including financial, marketing, personnel, equipment maintenance, time and stress management.
- (c) Be relevant to the needs of court reporters and also to the reporting service needs of the users;
 - (d) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - (e) Specify for whom the program is primarily designed, the course objectives, course content and teaching methods to be used; and
 - (f) Specify the number of CE hours that may be applied to fulfilling the CE requirements for renewal of the license.
- (3) Each CE program shall provide a mechanism for evaluation of the program by the participants. ~~The~~ The evaluation may be completed on-site immediately following the program, or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluations ~~outcome~~ and revise subsequent programs accordingly.
- (a) An approved sponsor may subcontract with individuals and organizations to provide programs.
 - (b) ~~CE continuing education~~ credits may be awarded for home study courses and correspondence courses, provided they are courses administered by approved sponsors.
 - (c) All programs given by approved sponsors shall be open to all licensed court reporters and not be limited to members of a single organization or group.
 - (d) ~~CE continuing education~~ credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the Alabama Board of Court Reporting.
 - (e) License of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a license of attendance or participation. The sponsor's license of attendance shall contain:
 - (1) The name, address, and license number of the sponsor;
 - (2) The name and address of the participant;
 - (3) A brief statement of the subject matter;
 - (4) The number of hours attended in each program;
 - (5) The date and place of the program; and
 - (6) The signature of the sponsor.
 - (f) The sponsor shall maintain attendance records for not less than five (5) years.
 - (g) The sponsor shall be responsible for ensuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed July 23, 2010; effective August 27, 2010. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-6-.04 Activities Not Qualifying for CE Credit

- (1) ~~Certain a~~Activities that ~~are~~shall not be considered acceptable for ~~CE~~continuing education credits include, but shall not be limited to, the following:
- (a) Attendance or participation at professional or association business meetings, conferences, general sessions, elections, policymaking sessions or program orientation;
 - (b) Serving on committees;
 - (c) Entertainment and recreation;
 - (d) Tours, visiting exhibits;
 - (e) Any function for which the registrant receives remuneration as part of his/her regular employment;
 - (f) In-house training on office equipment; and
 - (g) Courses with a main thrust of teaching nonverbal skills (i.e., golf, tennis, dancing, basket-weaving).

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: New Rule: Filed April 19, 2007; effective May 24, 2007.

257-X-6-.05 Certification of Compliance with CE Requirements

- (1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE Requirements set forth in the Board's rules~~subsections (a) and (b)~~ above.
- (2) The Board shall conduct random audits to verify compliance with CE Requirements.
- (3) The Board may require additional evidence of compliance with the CE Requirements (e.g., license of attendance). ~~This additional evidence shall be required in the context of the~~ in the course of a Board's audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance for the current renewal year and the three (3) years previous to the current renewal year.
- (4) When there appears to be a lack of compliance with CE Requirements, an applicant shall be notified of the same in writing, and the applicant may request an interview with the Board. An interview neither forecloses nor mandates the

institution off that time the Board may recommend that steps be taken to begin formal disciplinary proceedings against the renewal applicant by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.

257-X-6-.06 Waiver of CE Requirements

(1) Any renewal applicant seeking renewal of a license without having fully complied with these CE Rrequirements may request a waiver of these requirements from the Board. A request for waiver may be made by shall filinge with the Board a renewal application along with the required renewal fee, a statement setting forth the facts concerning non-compliance and request for a waiver of the CE Rrequirements on the basis of these facts stated. A request for waiver shall be made no later than thirty (30) days prior to the renewal date. If the Board, finds from the documentation submitted that an extreme hardship has been shown for granting a waiver, the Board shall waive enforcement of the CE Rrequirements for the renewal period for which the applicant has applied.

(a) Extreme hardship shall be determined on an individual case basis by the Board.

(b) Extreme hardship shall beand be defined as an inability to devote sufficient hours to fulfilling the CE Rrequirements during the application prerenewal period due tobecause of:

(1) Full-time service in the armed forces of the United States during a substantial part of the prerenewal period; or

(2) An incapacitating illness, as documented inby a statement from a currently licensed physician; or

(3) A physical inability to travel to the sites of approved programs as documented by a currently licensed physician; or

(4) Being retired from practice and not performing reporting services; or (5) Any other similar extenuating circumstances.

(2) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this section, shall be deemed to be in good standing until athe final decision regarding the request for waiver on the applicant is made by the Board.

Author: Alabama Board of Court Reporting

Statutory Authority: Code of Alabama, 1975, §§ 34-8B-1 thru 34-8B-18.

History: **New Rule:** Filed April 19, 2007; effective May 24, 2007. **Amended:** Filed June 19, 2012; effective July 24, 2012.