



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Department of Licensing

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: March 22, 2001

(2) Purpose: Implement WAC 196-12-035 to put engineering examination candidates on notice of changes to the examination review and score appeal processes. This rule informs engineer examination candidates that if they fail an engineering examination that is written in a multiple-choice question format, they will not be able to review their examination. Instead, the examinee will be sent a Candidate Diagnostics Report that shows how they performed on the various subject areas tested on the exam. Candidates not passing an essay examination will be able to review their exam and, except for Structural II exams, will be able to appeal the score if they meet certain criteria.

(3) Citation of existing rules affected by this order:

Repealed:
Amended: WAC 196-12-030
Suspended:

(4) Statutory authority for adoption: RCW 18.43.035

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 01-04-094 on February 7, 2001 (date).
Describe any changes other than editing from proposed to adopted version: No Changes

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes No If Yes, explain:

(6) Effective date of rule:

- | | |
|--|---|
| <p>Permanent Rules
or Expedited Repeal</p> <p><input checked="" type="checkbox"/> 31 days after filing</p> <p><input type="checkbox"/> Other (specify) _____*</p> | <p>Emergency Rules</p> <p><input type="checkbox"/> Immediately</p> <p><input type="checkbox"/> Later (specify)</p> |
|--|---|

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)
George A. Twiss

Signature
George A. Twiss

Title Executive Director **Date** April 5, 2001

CODE REVISER USE ONLY

CODE REVISER USE ONLY
STATE OF WASHINGTON

APR 6

253

TIME _____

WSR _____ 0109016 P.M.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	Repealed
Federal rules or standards:	New	Amended	Repealed
Recently enacted state statutes:	New	Amended	Repealed

The number of sections adopted at the request of nongovernmental entity:

New	Amended	Repealed
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	<u>1</u>	Repealed
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>1</u>	Repealed
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The number of sections adopted using:

Negotiated rule making:	New	Amended	Repealed
Pilot rule making:	New	Amended	Repealed
Other alternative rule making:	New	Amended	Repealed

NEW SECTION

WAC 196-12-035 Examination review and request for rescore of examination questions. (1) Examinees who achieve a passing score will not be permitted to review their examination. Examinees who fail to achieve a passing score will be permitted to review, and request a rescore on, only those examinations that have essay (free response) questions. Reviewing and rescoring professional engineering examinations that have multiple choice questions will not be permitted. The board will provide examinees that have not passed a multiple choice exam a scoring breakdown of how they performed on the various subjects tested on the examination.

(2) For those examinations which the board has identified as permissible for review, examinees may review their examination (test booklet, solution pamphlet and answer key) during a period and location prescribed by the board. Examinees who fail to review their examination during the prescribed time will not be rescheduled for a review of that examination. The examination review guidelines are as follows:

(a) An examinee can review his or her examination one time only. An appointment for this review must be scheduled in advance with board staff.

(b) All examination reviews shall be conducted in the presence of a designated proctor. No one may accompany the examinee during the examination review except where persons with disability require assistance, and that need is conveyed to board staff when the exam review appointment is made.

(c) Each examinee will be given a review sheet that they can take with them following the review. This review sheet will only include the problem number, problem subject matter, the score achieved for each problem and total score.

(d) Scratch paper and writing instruments will be provided during the examination review. No scratch paper may be removed from the review area.

(e) Examinees may request to have their examination rescored only at the time they review their exam. Essay (free response) questions may be rescored if the total exam score falls within the range allowed for rescore established by the National Council of Examiners for Engineering and Surveying (NCEES), and, the examinee can demonstrate, in writing, sufficient technical justification that their solution deserves reconsideration. The required fee must be paid at the time the appeal is prepared. The rescore results are final.

AMENDATORY SECTION (Amending WSR 98-12-052, filed 5/29/98, effective 7/1/98)

WAC 196-12-030 Examinations. (1) Except as provided in WAC 196-12-050, to become licensed as a professional engineer the candidate must pass two stages of examination. The first stage is the fundamentals-of-engineering examination. The second stage examination consists of multiple parts including the principles and practice (branch) examination and law and ethics examination. The law and ethics exam is a take-home examination covering chapter 18.43 RCW and Title 196 WAC. The fundamentals-of-engineering examination must be passed, or waived in accordance with WAC 196-12-050, before taking the second stage examination.

Examinations are given at times and places designated by the board. The schedule of future examinations and examination syllabi may be obtained from the board office. Examinees will not be allowed to view any examination material prior to taking the examination other than syllabi available to the public or sample examination booklets published by the National Council of Examiners for Engineering and Surveying. If one examination part is failed, only that examination part must be retaken.

(2) If a professional engineer holding a current registration in the state of Washington wants to become licensed in multiple branches of engineering, an additional principle and practice examination must be taken in each branch.

(3) The branch of structural engineering requires a more exhaustive principle and practice examination to protect the public safety. In addition to the stage 1 fundamentals-of-engineering examination, to become licensed as a professional engineer in the branch of structural engineering, the candidate must pass the stage 2 examination comprised of all parts of the principles and practice of structural engineering examination, including a demonstration of competency in structural engineering issues important to Washington state, and the law and ethics examination.

~~((4) Except for the law and ethics examination, an exam part may be reviewed if it is failed. Examinees who achieve a passing score will not be permitted to review their examination. The purpose of examination review is to permit the examinee an opportunity to review his or her exam in order to identify areas of poor performance. This is not an opportunity to take notes for future reference.~~

~~Failing examinees may review their examination (test booklet, answer sheet and/or solution pamphlet and answer key) during a period of time prescribed by the board. Examinees who fail to review their exam during the prescribed time will not be scheduled for an examination review. The examination review guidelines are as follows:~~

~~(a) An examinee can review his or her examination one time only. An appointment for this review must be arranged in advance with board staff.~~

~~(b) All examination reviews will be in the presence of a member of board staff. No one may accompany the examinee during the examination review, except where persons with disability require assistance. In that case, the need for assistance must be conveyed to staff when the review appointment is made.~~

~~(c) For examinations having machine scored answer sheets, the examinee will be allowed to review a copy of his or her answer sheet, not the original.~~

~~(d) Each reviewer will be given a review sheet that they can take with them following the review. This review sheet will include the problem number, problem subject matter, score achieved for each problem and total score. Reviewers will not be permitted to add further information to the review sheet.~~

~~(e) Scratch paper and writing instruments will be provided during the examination review. However, scratch paper may not be removed from the review area.~~

~~(5) Individuals may appeal to have their examination rescored only at the time they review their exam. Multiple choice questions are not appealable. Essay (free response) type questions may be appealed if the reviewer can demonstrate, in writing, sufficient technical justification that their solution deserves reconsideration.~~

~~The required fee for rescoring must be paid at the time the rescore request is made. The results of the rescore are final and no additional administrative appeals are available.))~~