

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

ORDER OF ADOPTION

Legend: Deletion indicated by strikethrough.

Amend Sections 443 and 444 of Division 5 of Title 15 of the California Code of Regulations to read as follows:

~~§ 443. Inspection of Examination.~~

~~(a) The following definitions as used in these regulations have the meaning expressed in this section:~~

~~(1) "Essay type problem" means an engineering or land surveying problem in which the examinee provides a free response as solution and is graded for method, computations and answers. Scoring is determined by comparing examinee solutions with predetermined scoring plans.~~

~~(2) "Multiple-choice type problem" means an engineering or land surveying problem which requires the examinee to select an answer from a multiple response format. Computations are not considered in the grading process for multiple-choice items.~~

~~(b) Multiple-choice type problems shall not be reviewed.~~

~~(c) An applicant who meets the criteria specified in subparagraph (1) below shall be granted 8 hours to review or write an appeal for an essay type problem or problems attempted during the written examination.~~

~~(1) Who is no more than 15% below the passing score on a State specific Professional Engineering or Professional Land Surveying examination.~~

~~(d) Time and location of the examination review or appeal session shall be designated by the executive officer.~~

~~(e) At the time of the review or appeal session, no one other than the examinee and representatives of the board shall have access to such examination papers.~~

~~(f) Evidence that the applicant erased, deleted, removed or altered the examination papers, or the material contained thereon during such inspection, may result in the applicant being disqualified by the board from taking future examinations.~~

~~(g) The applicant shall have access to his or her examination, test booklets and solutions, when reviewing or preparing an appeal of an essay type problem during the time period specified in subsection (c).~~

~~Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 6754 and 8745, Business and Professions Code.~~

§ 444. Examination Appeal.

~~(a) Applicants who were unsuccessful in the Professional Engineers or Professional Land Surveyor Examination will be notified by mail with the notice of results of the date and time in which they may attend a review or appeal session. The appeal fee referred to in section 407(d) must be received by the board within twenty one (21) days from the date of the notice of the results of his or her examination. Applicants who decide to submit an appeal will be required to submit their appeal at the end of the review or appeal session.~~

~~(b) An appeal of an essay type problem of the examination shall be made in writing; and it shall state the reason for appeal, citing the item or items against which the appeal is directed; and it shall be accompanied by the appropriate appeal fee. The applicant shall identify the specific item(s) being challenged; the specific reasons for the challenge; and cite reference materials, facts, and figures to substantiate the appeal. The appeal fee shall be payable for an appeal directed at an essay type problem of the examination. An appeal may be directed to any specific essay type problem or problems or sub-parts thereof, but an appeal shall cause the entire problem to be rescored. Rescoring of an essay type problem may result in one of the following three actions: points may be added; points may be deducted; or the score may remain the same. If the appeal results in the appellant being deemed to have passed the examination, the full appeal fee shall be refunded.~~

~~(c) The executive officer may deny any appeal requesting a review of an examination that is not accompanied by information supporting the reason for such request, is not accompanied by the correct appeal fee, or is not filed within the period of time provided in paragraph (a) of this rule.~~

~~(d) The Board's decision on an appeal of an essay type problem is final and shall not be re-evaluated. A multiple-choice type problem is not appealable.~~

~~Note: Authority cited: Sections 6716, 6754, 8710, and 8745, Business and Professions Code.
Reference: Sections 6754 and 8745, Business and Professions Code.~~