

DEPUTY PILOT

INFORMAL REVIEW AND FORMAL HEARING INFORMATION

REVIEW PROCEDURE

Chapters 455.217 (3) Florida Statutes provide to candidates who take a Florida examination the opportunity to review the examination questions, answers, papers, grades and the grading key(s) used. **There is a fee of \$150.00 to review this examination.** The check or money order shall be made payable to the **Department of Business & Professional Regulation.** **The review fee is non-refundable.**

Grades are except to be release approximately six (6) weeks from the date of the examination . If you have not received your grades by this date, please call the Bureau of Education and Testing, to confirm that the grades have been mailed.

All reviews will be conducted at the Department's Review Office in Tallahassee **June 15 – 18 and June 22 – 25, 2009.** **If you will not be available to review your exam at one of these sessions, please call the Bureau of Education and Testing to see if alternative arrangements can be made.** **Reviews will not be conducted after June 26, 2009.**

If you wish to exercise your right to review, the procedure is defined below:

- A request for a review maybe submitted immediately following the conclusion of your examination. The Bureau of Education and Testing recommend, if a candidate wishes to review, that you do not wait for the release of the grade report, but submit the request for the review, immediately after the examination. The request must be in writing. Submitting the "Post Examination Review Request" is requesting a review in writing.
- However, if a candidate wishes, he or she may submit their request from the date of the original notification of failure. The request must be in writing.. Submitting the "Post Examination Review Request" is requesting a review in writing.

ANY REQUEST POSTMARKED PAST THE FIFTEEN (15) DAY DEADLINE WILL NOT BE PROCESSED. Please address your request to.

Department of Business & Professional Regulation
Bureau of Education and Testing
1940 North Monroe Street
Tallahassee, Florida 32399-0791
Attention: Review Coordinator

NOTE: When requesting an examination review, please provide:

- 1) the name of your profession**
- 2) the date you took the examination**
- 3) your candidate number**
- 4) a check or money order for the appropriate fee**
- 5) your social security number**

You will be contacted in writing with an appointment for the review, after the deadline date of the original notification of failure. **Please bring the appointment letter and a photo I.D. to the review.**

During the review, you will be allowed to review the examination questions, a copy of your answer sheet(s), and grading keys and permitted to note your challenges to any questions in writing. A consultant will not be available for personal reviews with the candidates. You may not copy or remove any materials provided for your review. All reviews are subject to departmental security requirements to insure the integrity of the examination.

Your challenges will be submitted to the Psychometrics and Research Unit for review and consideration. These challenges will be evaluated to determine if the grading key should be changed. Any challenges you may have to the examination must be made, in writing, and submitted to the Bureau of Education and Testing at the time of your review. After all reviews have been completed, and the examination challenges have been evaluated, you will be notified, in writing, of the results.

Challenges or supporting documents submitted after the candidate has left the review room will not be accepted. **Review candidates are required to meet all application deadlines for retaking the examination.**

IMPORTANT NOTES: Review procedures are considered an extension of the examination process; therefore, textbooks or other reference material may NOT be used during the review. Any personal items or supplies needed during the review session must be enclosed in a clear plastic bag no larger than eight inches by eleven inches (8" X 11") in size. Unauthorized supplies, those not listed in the Candidate Information Booklet will be subject to removal by the Department's representative. **No briefcases, portfolios or purses will be allowed in the review room.**

Candidates are granted one half the amount of time allowed for original testing on the examination to review. Breaks taken during the review session to go to the restroom or for other personal needs are the responsibility of the candidate and cannot be taken into consideration as time lost. The time for the review session will begin and end as specified in the review appointment letter.

HEARING INFORMATION SHEET

A Fail candidate may petition for a formal hearing before the Division of Administrative hearings Judge pursuant to Section 120.569 and 120.57, Florida Statutes and pursuant to the uniform rules in Chapter 28-106, Florida Administrative Code. **Except** as noted below, the petition shall be filed with the Department, no later than **twenty-one (21) days from the receipt of** the Department's original notification of failure. Credit will only apply to the candidate who reviewed and challenged.

If you wish to initiate the formal hearing procedure, pertinent information is outlined below.

- The request for a hearing must be filed with the Department no later than twenty-one (21) days after the receipt of the letter notifying the candidate of the Department's evaluation decision regarding his/her challenges for State developed examinations. Similarly, twenty one days after the post-examination review date of national examinations. Certified mail is recommended.

A fail candidate, who wishes to **review the examination to prepare for an administrative hearing** having previously conducted the post-examination review and paid the applicable review fee, will be able to do so along with his/her attorney or Subject Matter Expert at no charge. Any candidate who wishes to review the examination to prepare for an administrative hearing, but did not elect to exercise his/her right to a post-examination review, must pay the applicable review fee.

The petition must state all disputed facts pertaining to the examination questions or procedure objected to. The administrative hearing process is at times lengthy. Once the Bureau of Education and Testing receives your appeal request, **fifteen (15) days** is allowed for file preparation prior to forwarding to the General Counsel's office. General Counsel reviews and forwards the request to the Department of Administrative Hearings (DOAH). The hearing date is scheduled based on caseloads of the administrative law judge. After the appeal is received by DOAH, the hearing is usually scheduled within **eight (8) to ten (10) weeks** from the date the appeal was received. After the hearing, the law judge has **thirty (30) to ninety (90) days** to render a recommended order to the Board. The recommended order must be received by the Board at least **four (4) to six (6) weeks** prior to the next Board meeting to be placed on the agenda. The Board, with advice and assistance from legal counsel will make the final decision to accept or reject the recommended order from the law judge and must enter a final order within ninety (90) days.

You will have the responsibility of presenting witnesses to any facts that prove the unfairness or invalidity of the examination. Your already prepared file will be made available to you and your attorney on the day of the hearing. This is an adversary hearing and an attorney will represent the Department. It would be to your advantage to consult an attorney regarding your case.

Please submit the petition to: Department of Business and Professional Regulation
Bureau of Education and Testing
1940 North Monroe Street
Tallahassee, Florida 32399-0791
ATTENTION: Gus Ashoo, Chief