



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Frank Muñoz

SUBJECT: Proposed Amendment to the Regulations of the Commissioner of Education Relating to the Licensing Examination in Architecture

DATE: October 5, 2010

STRATEGIC GOAL: Goal 3

AUTHORIZATION(S):

Summary

Issue for Decision (Consent Agenda)

Should the Board of Regents amend paragraph (2) of subdivision (b) of section 69.2 and add paragraph (3) to subdivision (b) of section 69.2 of the Regulations of the Commissioner of Education relating to the retention of credit for successfully completed divisions of the licensing examination in architecture?

Reason(s) for Consideration

Review of Policy.

Procedural History

The proposed amendment was discussed at the September 2010 meeting of the Board of Regents. A Notice of Proposed Rule Making concerning the proposed amendment was published in the State Register on August 4, 2010. Supporting materials for the proposed amendment are available upon request from the Secretary to the Board of Regents.

Background Information

The purpose of the proposed amendment is to align the New York State requirements for licensure with current national standards set by the National Council of Architectural Registration Boards (NCARB) regarding the retention of credit for Architect

Registration Examination (ARE) divisions passed prior to January 1, 2006 and extensions to the existing five-year rolling clock.

In 2005, the Board of Regents enacted a five-year rolling clock for Architecture Registration Examination (ARE) divisions passed on or after January 1, 2006. This rolling clock gave such applicants for licensure five years to pass all divisions of what was, at the time, a nine division exam. Under current regulations, an applicant may retain credit for ARE divisions passed prior to January 1, 2006 without time limitation. The proposed amendment provides that applicants who have passed a division of the ARE prior to January 1, 2006 will lose credit for those divisions if they have not successfully completed the ARE on or before June 30, 2014. This change would be consistent with current NCARB policy.

Since 1983, the ARE has transitioned four times. In June 1987, the ARE had a total of nine divisions, consisting of seven multiple choice and two graphic divisions, and was given in a paper and pencil format. By July 2008, the ARE had a total of seven divisions, with the graphic divisions fully incorporated into the multiple choice divisions, and the exam is now taken and scored by computer. In between, there were transitions in 1988 and 1997 that both combined and split divisions, changing the configuration of the exam.

One of the critical components of licensure is an exam that ensures a minimum threshold of competency within the profession. Given the numerous division transitions within the ARE, enactment of a five-year rolling clock on divisions passed prior to January 1, 2006 will ensure that a candidate has passed the exam as a whole and not numerous parts of different exams over many years.

The second component of the proposed regulatory change will allow the State Education Department to grant extensions of the existing five-year rolling clock. Such extensions may be allowed for the birth or adoption of a child, serious medical condition, engagement in active duty with the Armed Forces, or extreme hardships or other circumstances beyond the control of the applicant.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That section 69.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective November 10, 2010.

Timetable for Implementation

The proposed amendment will become effective on November 10, 2010.

Attachment

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507, and 7304 of the Education Law.

1. Paragraph (2) of subdivision (b) of section 69.2 of the Regulations of the Commissioner of Education is amended, effective November 10, 2010, as follows:

(2) Applicants who have passed a division of the examination prior to January 1, 2006 shall retain credit for that examination division [without time limitation] up to and including June 30, 2014. Applicants who have passed a division of the examination on or after January 1, 2006 shall retain credit for that division for a five-year period that begins on the date of the administration of that examination division.

2. Paragraph (3) is added to subdivision (b) of section 69.2 of the Regulations of the Commissioner of Education, effective November 10, 2010, as follows:

(3) Extensions

(i) The department may allow an extension of the time period provided in paragraph (2) of this subdivision for an applicant to pass one or more divisions of the examination passed on or after January 1, 2006, where completion of all divisions of the examination by the applicant in accordance with the time limitations set forth in paragraph (2) of this subdivision is prevented by one or more of the following:

(a) the birth or adoption of applicant's child;

(b) the applicant has a serious medical condition;

(c) the applicant is engaged in active duty with the Armed Forces; or

(d) the applicant is faced with extreme hardship or other circumstances beyond the control of the applicant.

(ii) An applicant shall request such an extension by submitting a written request to the department with supporting documentation for the department's review.

(iii) Upon a finding by the department that the conditions for an extension have been met, the department may in its discretion provide the applicant with an appropriate extension as follows:

(a) for the birth or adoption of applicant's child, a six month extension;

(b) for an applicant with a serious medical condition, a period of time not to exceed two years;

(c) for an applicant engaged in active duty with the armed forces, a time period equivalent to that of the applicant's active service in the armed forces, running from the end of the applicant's active service; or

(d) for extensions based upon an applicant's demonstration of extreme hardship or other circumstances, a time period to be determined by the department.