



TO: The Professional Practice Committee

FROM: Douglas E. Lentivech

SUBJECT: Proposed Amendment to the Regulations of the Commissioner of Education Pertaining to the Professional Study, Experience Requirements, and Licensing Examination for Licensure of Landscape Architects

DATE: April 16, 2012

AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Regents amend sections 79-1.1 and 79-1.2 of the Regulations of the Commissioner of Education pertaining to the professional study, experience, and examination requirements for licensure as a landscape architect?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment is before the Professional Practice Committee for discussion in April 2012 and will be submitted for action at the May 2012 Regents Meeting.

Procedural History

A Notice of Proposed Rule Making was published in the State Register on March 21, 2012. A copy of the proposed amendment is attached. 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 amendments to sections 79-1.1 and 79-1.2 of the Regulations of the Commissioner of Education is to align the New York State requirements for admission to the Landscape Architect Registration Examination (LARE) with national standards beginning with the September 2012 administration of the LARE and to clarify the professional study and experience requirements for landscape architecture candidates. The modification of the existing regulation regarding the admission to the LARE will be consistent with policy of the owners of the national licensing examination, the Council of Landscape Architectural Registration Boards (CLARB). The professional study and experience requirements for licensure candidates will be clarified to incorporate long-held policies used by the Department and State Board for Landscape Architecture during education/experience evaluations.

The proposed amendment to section 79-1.1 of the Regulations of the Commissioner clarifies the education and experience requirements in order to be a landscape architect, while recognizing the varying statutory pathways to licensure. The licensure pathways reflected in the proposed amendment include those affecting candidates with and without a professional degree. Specifically, the amendment offers three routes to licensure. The first route requires a five-year professional degree from an accredited landscape architecture program and three years of acceptable experience satisfactory to the State Board for Landscape Architecture. The second route requires a four-year professional degree from an accredited landscape architecture program and four years of acceptable experience satisfactory to the State Board. The third and final route permits those without the professional degree to attain licensure by compiling up to 12 years of a combination of education and experience acceptable to the Department and State Board for Landscape Architecture.

The proposed amendment to section 79-1.2 of the Regulations of the Commissioner aligns New York's requirements with the national requirements for entry to the licensing examination. Beginning with the September 2012 administration of the LARE, CLARB will move to a fully computerized model for the delivery of exam content to improve relevance and reliability. In order to clarify and streamline the examination process for New York candidates, those candidates who meet CLARB exam eligibility requirements will directly apply to CLARB to take the licensing examination instead of applying to the Department. The proposed amendment also removes the ability of candidates to review their graphic solutions and have their exams rescored by CLARB since CLARB will no longer offer candidate those opportunities. Finally, the proposed amendment will allow those atypical candidates who do not meet CLARB's exam eligibility standards to apply for exam admission to the Department instead of CLARB.

Recommendation

It is recommended that the Professional Practice Committee reach consensus on the intent of the proposed amendment prior to taking action at the May 2012 Regents meeting.

Timetable for Implementation

It is anticipated that the proposed amendment will be presented for action at the May Regents meeting. If adopted at the May Regents meeting, the effective date of the proposed amendment will be June 13, 2012.

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6506, 6507 and 7324 of the Education Law.

1. Section 79-1.1 of the Regulations of the Commissioner of Education is amended, effective June 13, 2012, as follows:

79-1.1 Professional study [of] and experience requirements for landscape architecture.

(a) Definition. Unless otherwise provided, acceptable accrediting agency means an accrediting agency which is recognized by the United States Commissioner of Education as a reliable authority for the purpose of accreditation at the postsecondary level, and which applies its criteria for granting accreditation in a fair, consistent and nondiscriminatory manner.

(b) Licensure requirement. To meet the professional education [requirement] and experience requirements for [admission to the examination] licensure as a landscape architect in this State, the applicant shall submit evidence of either:

(1) (i) graduation from a five-year professional program in landscape architecture registered by the department, accredited by an acceptable accrediting [organization acceptable to the department] agency, or determined by the department to be the equivalent of a registered or accredited program; and

(ii) receipt of the degree of bachelor of landscape architecture or higher [master of landscape architecture], or the equivalent as determined by the department, from a school offering a program which meets the requirements of subparagraph (i) of this paragraph; and

(iii) completion of a minimum of three years of landscape architectural work experience of a scope and nature satisfactory to the State Board for Landscape Architecture; or

(2) (i) graduation from a four-year professional program in landscape architecture registered by the department, accredited by an acceptable accrediting agency, or determined by the department to be the equivalent of a registered or accredited program; and

(ii) receipt of the degree of bachelor of landscape architecture, or the equivalent as determined by the department, from a school offering a program which meets the requirements of subparagraph (i) of this paragraph; and

(iii) completion of a minimum of four years of landscape architectural work experience of a scope and nature satisfactory to the State Board for Landscape Architecture; or

(3) completion of experience in landscape architectural work acceptable to the State Board for Landscape Architecture, or a combination of education and experience totaling 12 years which is determined by the department to be the equivalent of the education and experience described in paragraph (1) or (2) of this subdivision.

[(b) A graduate from a program in landscape architecture registered by the department, accredited by an accrediting organization acceptable to the department, or determined by the department to be the equivalent of a registered or accredited program, or a candidate with eight years of experience satisfactory to the State Board for Landscape Architecture, may be admitted to the part of the licensing examination related to fundamental landscape architectural theory prior to completion of the experience requirements provided in subdivision (a) of this section.

(c) The department may conditionally admit to the licensing examination any person who will complete the experience requirement within 90 days after the examination.]

(c) The department may accept a second professional degree in landscape architecture in lieu of not more than one year of work experience.

2. Section 79-1.2 of the Regulations of the Commissioner of Education is amended, effective June 13, 2012, as follows:

79-1.2 Licensing examinations.

(a) Content. The examination may include, but need not be limited to, landscape architectural history, theory, construction, professional administration, landscape architectural design and plant materials and planting design. The department may accept satisfactory scores on all or part of the written examination produced by the Council of Landscape Architectural Registration Boards.

(b) Passing score. All parts of the examination shall be scored numerically or on a pass/fail basis. For numerically scored examinations, the [The] passing score on each part of the examination shall be 75.0 as determined by the State Board for Landscape Architecture.

(c) Retention of credit. The grade retention provisions of section 59.5 (f) of this Title shall not be applicable to the examination.

(d) [Rescorings and reviews. Multiple choice or other objective parts of the examination will be rescored upon written request of the candidates. Candidates who have failed the graphic parts of the examination may review those parts in accordance with the provisions of section 59.5(g) of this Title. Graphic parts of the examination with scores of 65 or above will be regraded upon written request including detailed justification of such appeal.] Admission to examination. (1) To meet the professional education and experience requirements for admission to the licensing examination, an applicant shall either:

(i) have met the professional study requirements of section 79-1.1(b)(1)(i) and (ii) or 79-1.1(b)(2) (i) and (ii) of this Part; or

(ii) have met the eligibility requirements of the Council of Landscape Architectural Registration Boards; or

(iii) provide evidence of completion of experience in landscape architectural work acceptable to the State Board for Landscape Architecture or a combination of education and experience totaling 8 years which is determined by the department to be the equivalent of the education and experience credit described in section 79-1.1(b)(1) or 79-1.1(b)(2) of this Part.

(2) The department may conditionally admit to the licensing examination any person who will complete the experience requirement within 90 days after the examination.