



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: June 11, 2012

AUTHORIZATION(S):

Summary

Issue for Decision

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 amendments will come before the Professional Practice Committee for recommendation and will then be presented to the Full Board for action at its June 2012 meeting.

Procedural History

The proposed amendments were discussed at the April 2012 meeting of the Professional Practice Committee. A Notice of Proposed Rule Making was published in the State Register on March 21, 2012. An Assessment of Public Comments is attached. The comments received did not necessitate any changes in the proposed amendments. Supporting materials for the proposed amendments are available upon request from the Secretary to the Board of Regents.

Background Information

The purposes of the proposed amendments to sections 79-1.1 and 79-1.2 of the Regulations of the Commissioner of Education are 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

VOTED: That sections 79-1.1 and 79-1.2 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 11, 2012.

Timetable for Implementation

If adopted at the June 2012 Regents meeting, the proposed amendment will become effective on July 11, 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 July 11, 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 July 11, 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.

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on March 21, 2012, the State Education Department received the following comments.

1. COMMENT:

A commenter asked why section 79-1.2(b) did not remove the passing score requirement of a 75.0 for the licensing examination. The commenter noted that the passing score went from a 75.0 to a "Pass" a number of years earlier, and suggested that the passing score of 75.0 should be removed.

DEPARTMENT RESPONSE:

The commenter is correct that the licensing examination is currently reported on a pass/fail basis, which is one reason why regulatory amendments are proposed. The proposed amendment includes an allowance for scores to be reported on a pass/fail basis. However, the passing score of 75.0 is required to accommodate those licensure applicants who were licensed out of State some years ago and whose scores are reported to the Department on a numerical basis

2. COMMENT:

A commenter noted that by accepting the Council of Landscape Architectural Registration Boards' (CLARB) certification as eligibility for licensure that New York would be reducing the amount of experience required for licensure. The commenter noted that the current education and experience requirements were appropriate for licensure.

DEPARTMENT RESPONSE:

The commenter misunderstood the proposed amendment's impact to the licensure requirements. The Department is not accepting CLARB certification as the only requirement for licensure in New York, and is not reducing the education and

experience requirements for licensure. CLARB certification is not required for licensure in New York.

3. COMMENT:

The commenter requested that the Department permit candidates to take the licensing exam prior to completion of the experience requirements for licensure. The commenter noted that the Department could still hold off on licensing candidates until New York's education and experience requirements were satisfied.

DEPARTMENT RESPONSE:

The proposed amendment permits a candidate to take the licensing exam prior to completion of the experience requirements for licensure. This reason was one of the factors in proposing the regulatory amendments.

4. COMMENT:

A commenter noted that perhaps the Department ought to consider using CLARB's eligibility requirements for taking the licensing exam while maintaining its current education and experience requirements for licensure.

DEPARTMENT RESPONSE:

This is what the proposed amendment accomplishes. The majority of candidates will apply to take the licensing exam directly with CLARB; however, candidates will not be licensed until they meet New York's education and experience requirements.

5. COMMENT:

A commenter asked if varied experience working with allied professionals such as environmental and civil engineers ought to be considered as acceptable experience for licensure.

DEPARTMENT RESPONSE:

The Department does accept a limited amount of experience working for related allied professionals to count towards the experience requirement for licensure in New York. However, a minimum of two years of diversified experience earned while under the direct supervision of a lawfully practicing landscape architect is still required for all candidates.