

CALIFORNIA ARCHITECTS BOARD

INITIAL STATEMENT OF REASONS

Hearing Date: April 27, 2015

Subject Matter of Proposed Regulations: Architect Registration Examination (ARE)

Section Affected: Title 16, California Code of Regulations (CCR), Section 120

Specific Purpose of each adoption, amendment, or repeal:

§ 120 – Re-Examination

1. Problem being addressed: The National Council of Architectural Registration Boards (NCARB) Member Boards allows for extensions to the conditional credit of a passed ARE division. NCARB has also modified the retest policy of the ARE by allowing candidates to retake a failed division within 60 days of an attempt, up to three times within a running year (which commences on the date of the first attempt). Regulatory action is needed to bring the Board's regulations into alignment with the national standard for the ARE.
2. Anticipated benefits from this regulatory action: This proposal aligns credit for ARE divisions specified in regulations with the national standard and facilitates reciprocal licensure. The proposal also clarifies existing provisions regarding candidates who fail to appear for an examination or fail an examination. Incorporating the ARE Guidelines by reference allows the Board to address future ARE changes through modifying one section of the regulations.

Factual Basis/Rationale

The Board is mandated to protect the public health, safety, and welfare, and like other regulatory programs under the Department of Consumer Affairs (DCA), is authorized to establish eligibility requirements for applicants of a professional license.

Through Business and Professions Code (BPC) Chapter 3, Division 3, section 5550, the Board is authorized to examine a candidate for licensure. CCR, Title 16, Division 2, section 109, clarifies BPC 5550 and specifies the ARE as the examination to be used when examining candidates for licensure and as an eligibility requirement for the California Supplemental Examination, and subsequently a California architect license.

The ARE is the national architectural examination throughout the United States (US), and is required of applicants to receive licensure in all US jurisdictions. NCARB, the organization that develops and administers the ARE, allows extensions to the duration

of ARE conditional credit if a candidate submits an extension request and supporting documentation. NCARB also has modified the retest policy of the ARE by allowing candidates to retake a failed division of the ARE within 60 days of an attempt, up to three times within a running year (which commences on the date of the first attempt). If the Board does not adopt the proposed amendment, the Board could not recognize extensions granted by NCARB for ARE divisions thereby forcing candidates to retake an expired division sooner than necessary, nor could candidates take a failed division more than twice in a year.

NCARB has developed the ARE Guidelines which contains relevant procedures and information regarding the ARE. Incorporating the ARE Guidelines by reference allows the Board to address future ARE changes through modifying one section of the regulations rather than an incremental approach.

Underlying Data

None

Business Impact

This regulation will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it updates information regarding candidate examination scores and testing policy, which has no effect on business or bearing on competitiveness.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because it only affects the examination history of architect applicants, and the effect is insufficient to create or eliminate jobs.
- It will not create new business or eliminate existing businesses within the State of California because it only affects architect applicants who are not yet licensed to practice architecture, and there is no indication that any businesses will be affected.
- It will not affect the expansion of businesses currently doing business within the State of California because it only affects architect applicants who are not yet licensed to practice architecture, and there is no indication that any businesses will be affected.
- This regulatory proposal does not affect the health and welfare of California residents because the proposed regulations only affects architect applicants' examination credit and re-examination requirements.

- This regulatory proposal does not affect worker safety because it is not related to worker safety in any manner.
- This regulatory proposal does not affect the state's environment because it is not related to the environment in any manner.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

One alternative is to keep the status quo, but if the Board does not adopt the proposed amendment, candidates taking the ARE would be adversely delayed in completing the examination, and subsequently licensure.