



Virginia
Regulatory
Town Hall

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Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	DPOR/Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects (APELSCIDLA Board)
Virginia Administrative Code (VAC) citation	18 VAC 10-20
Regulation title	Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects Rules and Regulations
Action title	To allow candidates to sit for the ARE prior to completing the NCARB IDP
Date this document prepared	11/16/2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The Board intends to change its regulation to permit architect license applicants, who are applying via examination, to begin taking divisions of the Architect Registration Examination (ARE) prior to completing the Intern Development Program (IDP). Currently, the Board's regulation requires an architect examination applicant to complete the IDP prior to becoming eligible to take the ARE.

Other changes which may be necessary may also be considered.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

§ 54.1-404 of the Code of Virginia authorizes the Board to promulgate regulations for a regulatory system. While the Board is mandated to establish regulations, the content of the regulations is up to the discretion of the Board.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

At its meeting in June 2006, the National Council of Architectural Registration Boards (NCARB), of which the Virginia Board is a member (NCARB is also responsible for developing and managing the ARE and the IDP), voted to change its policy to allow examination candidates to begin taking the ARE prior to completing the IDP (provided they are enrolled in the IDP and have completed a portion of the IDP). The Virginia Board concurs with this change and would like its applicants to be able to take advantage of this change in NCARB policy if they so elect. This change will permit applicants to begin taking the examination when they are most ready to take the examination; more and more architectural applicants are non-traditional students, who have gained substantial amounts of work experience prior to completing the education requirement, thereby making them ready to begin taking the examination sooner.

In February 2006, the NCARB Board adopted a policy on this matter which states:

In the decades since the sequential concept of education/IDP/ARE was established in the Model Law, much has changed in the education and training of emerging professionals. Notably, with great credit to the Boyer Report, the practice of architecture is better integrated into the academy, and accredited programs today attract among the very best and brightest of university students. While an emerging professional has much yet to learn after graduation from an accredited program, we recognize that some of them may be prepared to begin taking the ARE after acquiring a prerequisite level of practical experience.

NCARB has collected and analyzed considerable data, debated this subject internally and discussed this matter with our collateral colleagues. After these deliberations, it is our conclusion that there is no evidence of increased risk to the health, safety and welfare of the public if a candidate with an accredited professional degree and who is actively engaged in IDP is permitted to begin to start taking divisions of the ARE. The data revealed that only a very small portion of candidates in those jurisdictions that permit the ARE to be taken out of sequence currently choose to do so.

Other changes which may be necessary may also be considered.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

The Board would like to change its regulation to allow architect license applicants, who are applying via examination, the opportunity to start taking divisions of the Architect Registration Examination (ARE) prior to completing the NCARB Intern Development Program (IDP). Currently, the Board's regulation requires

an architect examination applicant to complete the NCARB IDP prior to becoming eligible to take the ARE.

Other changes which may be necessary may also be considered.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

The Board could leave the status quo; however, this would handicap those candidates who are ready sooner to being taking the examination by forcing them to wait unnecessarily. In addition, if Virginia does not make this change and becomes out of sync with the rest of the nation, it could cause candidates who would normally apply to the Virginia take the examination to, instead, apply to other states which would let them take the exam earlier in accordance with NCARB’s revised policy position.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so at the public hearing or by mail, email or fax to Mark N. Courtney, DPOR, 3600 West Broad St., Richmond, VA 23230, tel. (804) 367-8514, fax (804) 367-0795, and APELSCIDLA@dpor.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory

approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

This is a relatively simple change to make to the Board's regulation and the primary goal is to bring the Board's regulation in line with the revised NCARB policy. As the Board is the expert authority in determining the necessary changes to its regulations to implement NCARB's policy change, advisors are not warranted; however, the Board is receptive to any input that is provided.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The contemplated changes are not anticipated to have any significant impact on Virginia's families.

Periodic review - Public comment

This NOIRA is not the result of a periodic review of the regulation.

Periodic review - Discussion

This NOIRA is not the result of a periodic review of the regulation.