



THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,
LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

January 26, 2009

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the State Board of Architecture,
Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior
Design Governing Architect Sequencing for Licensure and Application Deadlines;
Governor's Tracking Number AR#402

Dear Librarian:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design intends to adopt rules governing architect sequencing for licensure and application deadlines. We plan to publish a Dual Notice of Intent to Adopt Rules without a Public Hearing in the February 2, 2009 State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library a copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-757-1511.

Yours very truly,

A handwritten signature in cursive script that reads "Andrea Barker".

Andrea Barker
Rules Coordinator

Enclosure: Statement of Need and Reasonableness

85 East 7th Place, Suite 160, St. Paul, MN 55101
p. 651.296.2388 ■ f. 651.297.5310 ■ TTY 800.627.3529
www.aelslagid.state.mn.us

Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

STATEMENT OF NEED AND REASONABLENESS

Possible Amendment to Rules Governing Architect Sequencing for Licensure and Application Deadlines, Minnesota Rules, Chapters 1800.0200, 1800.0400, 1800.0800, 1800.0900, 1800.1000, 1800.1100, 1800.1200, 1800.2900.

INTRODUCTION

The nature of the proposed rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) is to amend its current rules which generally pertain to all licensees and specifically pertain to the licensure of architects, professional engineers and land surveyors and their application process. The proposed rules will change the sequencing of the requirements in the rules for the application process and ultimate licensure of architects, and will modify the Board application deadline for those applying to take the Principles and Practice of Engineering (PE), Fundamentals of Engineering (FE), Principles and Practice of Surveying (PS), Fundamentals of Surveying (FS), and Minnesota Local Land Surveying (MNLS) examinations.

Changes to the application and examination of architect candidates are intended to reduce the number of years it takes for an individual to complete the process for licensure as an architect. The requirements for licensure as an architect include education, examination and experience. The current rule requires architect candidates to first complete their education requirement then fully complete their experience requirement before applying to take the Architect Registration Examination.

The education requirement for architect licensure is graduation from an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB). The education requirement typically takes about five years to complete and will not change. The experience requirement is completion of the National Council of Architectural Registration Boards (NCARB) Intern Development Program (IDP) and typically takes a minimum of three to five years to complete. Finally, the examination requirement is completion of the Architect Registration Examination (ARE). The ARE currently has seven sections that must all be passed within a five-year rolling clock time frame. Completion of the examination requirement, from the point of application to passing the final section of the examination and receiving a license can take anywhere from one to five years to complete.

The minimum amount of time it can take to become a licensed Architect in Minnesota under the current rules is approximately nine years. The rule change intends to allow candidates to complete the experience and examination requirements concurrently. By having the option to begin the examination process at the same time the candidates begin the post-education experience requirement, candidates have the opportunity to reduce the total amount of time it

takes to become licensed. The minimum requirements of education, experience and examination for licensure will not change, however the length of time to meet the requirements may be greatly reduced for some candidates.

The PE, FE, PS and FS are examinations created by and belonging to the National Council of Examiners for Engineering and Surveying (NCEES). These examinations are required for licensure as a Professional Engineer or Land Surveyor in Minnesota. The MNLS examination is a psychometrically defensible examination created by and belonging to the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design and is required for licensure as a Land Surveyor in Minnesota. In 2006, the Board ceased to administer the PE, FE, PS, FS and MNLS examinations in-house and contracted with an affiliate of NCEES, the Engineering and Land Surveying Examination Services (ELSES), to administer the examinations. ELSES requires that examination candidates register online through their website once their Board application has been approved. Currently, the ELSES deadline is only a couple of weeks after the Board's application deadline. This does not allow candidates enough time to apply to the Board, wait for the application to be reviewed, receive notice of denial or approval to sit for the examination from the Board, and register with ELSES by the deadline.

Change to the Board's application deadline for the PE, FE, PS, FS and MNLS examinations is intended to allow the Board ample time to review the applications for examination and provide candidates with either denial or approval of their application, as well as to allow candidates ample time to register with ELSES to take the respective examinations following application approval.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Andrea Barker at the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, 85 E. 7th Place, Suite 160, St. Paul, MN 55101, (651) 757-1511, Fax: (651-297-5310), and email: andrea.barker@state.mn.us. TTY users may call the Board at (800) 627-3529.

STATUTORY AUTHORITY

All sources of statutory authority were adopted and effective prior to January 1, 1996, and so Minnesota Statutes, section 14.125, does not apply.

The Legislature granted the Board's authority to engage in rulemaking in Minnesota Statutes §326.06, which states:

326.06 General powers and duties of board.

Each member of the board shall receive a certificate of appointment from the governor, and, before beginning a term of office, shall file with the secretary of state the constitutional oath of

office. The board shall adopt and have an official seal, which shall be affixed to all licenses granted; shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, landscape architecture, engineering, geoscience, or interior design. The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare.

Under this statute, the Board has the necessary statutory authority to adopt the proposed rules.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below quote these factors and then give the Board's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

The classes of persons who will probably be affected by the proposed rule are generally all licensees, and specifically all potential and current applicants for Architect licensure, all potential and current applicants for Professional Engineer licensure, all potential and current applicants for Land Surveyor licensure, all potential and current applicants for Engineer-in-Training certification, and all potential and current applicants for Land Surveyor-in-Training certification.

The changes in the architect, professional engineer and land surveyor licensing requirements will not increase or decrease direct costs to candidates, applicants, nor certificate holders or licensees.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

Neither the changes in the sequencing of the requirements for architect licensing, nor the change in the Board application deadline for the PE, FE, PS, FS and MNLS examinations will result in cost to the Board or any other agency.

These changes should not have any impact on state revenues. In fact, the number of applicants for architect licensing may potentially increase once the Architect Registration Examination (ARE) and the Intern Development Program (IDP) are allowed to be completed simultaneously in Minnesota. Currently, nine other states allow concurrent completion of the ARE and IDP with many more states in the process of changing their rules to allow it. Because concurrent completion of the requirements benefits the candidate trying to enter the workforce, not changing this rule may result in a decrease in applicants in Minnesota due to the applicants applying to a different state which allows concurrent completion of the licensing requirements.

Additionally, moving up the Board application deadline may reduce overall costs to those applicants who miss the ELSES registration deadline and must reapply and pay a new application fee to the Board for the next administration of the exam six months later.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

The Board regulates six professions where the granting a license to practice the profession to an individual is highly valued by that individual. Services provided by the licensees are also highly valued by the public because of the standards followed and the code of professional conduct observed by the licensees and regulated by the Board.

For the most part, the regulation of all of these professions and specifically the regulation of architecture in each of the licensing jurisdictions in the United States is substantially the same. It is imperative in today's marketplace that regulation between jurisdictions be as consistent as possible to avoid roadblocks to licensure. The change in the National Council of Architectural Registration Boards' (NCARB) model law allowing Architect applicants to complete the examination and experience requirements concurrently has resulted in numerous states across the United States to make changes in their licensing laws to allow the same. There does not appear to exist any viable alternatives to changing Minnesota Rules and allowing concurrent completion of the examination and experience requirements for Architect licensing that will not result in a negative effect on Minnesota applicants.

The rationale behind the change is the Board application deadline for candidates for the PE, FE, PS, FS and MNLS examinations is to allow ample time for the candidate to receive Board approval to register for the examination and then to follow through and complete the registration with the third party testing agency. Applicants have historically had a tendency to wait until the postmark deadline to submit their application to the Board. The Board receives at least 85% of all applications for the examinations at the very last possible moment. In order to ensure that the applications can be processed and reviewed completely by the Board, and the approval to register with the testing agency conveyed to the candidate with ample time to complete the registration process, the Board must move up the Boards' application deadline and force the applications to arrive in the Board office at an earlier date.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

No alternative methods were seriously considered.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

The costs associated with the education and experience requirements, as well as the application requirements, should not change since similar requirements were contained in the previous rule.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

Not adopting the proposed rule and requiring applicants for Architect licensing to complete the education, examination and experience requirements separately, may result in a decreased number of applicants applying to take the Architect Registration Examination in Minnesota, thus decreased revenues from application fees to the Board. Additionally, at least nine other states in the United States allow candidates for Architect licensure to complete the experience and examination requirements concurrently with several more states in the process of changing their laws to allow this. Candidates may apply to another state, complete the requirements concurrently, gain licensure in that state, then apply to Minnesota through comity (reciprocity), and become licensed in Minnesota before the Minnesota applicants have even had the chance to complete the experience requirement and begin taking the examination. Minnesota candidates, if not allowed to complete these requirements concurrently, are placed at a disadvantage to candidates from other states who can complete the requirements faster, become licensed Architects several years earlier.

The consequence to not moving up the Board application deadline for PE, FE, PS, FS and MNLS examination applicants is borne on the applicants who complete the Board application materials right on the Board application deadline date and ultimately are not able to receive their results from the Board in time to register with the testing agency by their deadline. The Board has found that in the case of FE and FS candidates, who are typically students in their final year of college, it is not uncommon for their permanent address to be their parents' address. The approval letter is sent to the address on record, and thus the candidate may not receive the approval letter with registration instructions for ELSSES to their college residence prior to the ELSSES registration deadline. Additionally, it is not uncommon for some college students to not have their own credit card, which is required for their registration with ELSSES.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

No relationship exists between these rules and federal regulations.

PERFORMANCE-BASED RULES

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

To safeguard life, health and property, and promote the public welfare, the Board provides reasonable assurance that persons practicing within the Board's regulated professions are competent, ethical practitioners qualified through education, examination and experience as appropriate to their title and role. Additionally, as an official state licensing agency, the Board is charged with the responsibility of implementing those statutes and rules which specifically regulate the professions of architecture, engineering, land surveying, landscape architecture, geology and soil science.

The proposed rule amendments embodied in this Statement of Need and Reasonableness emphasize superior achievement in meeting the Board's regulatory objectives with maximum flexibility for the regulated party and the Board in meeting those goals. First, the Board has identified areas in the rules that are causing unnecessary delay for those individuals desiring to become a member of a regulated profession within the Board's jurisdiction. It is critical that the Board identifies actual or potential areas of unnecessary delay on the path to licensure within its jurisdiction in order to meet its obligations to the public and regulated parties. To do otherwise creates difficulties for all interested parties – the public, members of the regulated professions, and the Board.

Second, the proposed amendments allow for maximum flexibility to the regulated parties. For example, allowing the candidates for Architect licensure to complete the Architect Registration Examination (ARE) and the Intern Development Program (IDP) concurrently, candidates have the option to significantly decrease the number of years it takes to complete the requirements for licensure. The minimum requirements of education, examination and experience are not compromised, but candidates have the opportunity to become licensed professionals at a faster pace if they so choose. Candidates would not be required to complete the ARE and IDP concurrently, but would be allowed the flexibility to do so if they choose. Additionally, by moving the Board deadline for applications for the PE, FE, PS, FS and MNLS examinations up 15 days, the candidates are allowed a built-in buffer to receive their approval from the Board and to complete their registration with the testing agency prior to the testing agency's deadline.

Finally, the proposed amendments allow for maximum flexibility to the Board in meeting its goals. In the case of applications for the PE, FE, PS, FS and MNLS examinations, the Board must have enough time to process the applications, review them for requirement completion and inform the applicant that they are approved to take the examination. Historically, the vast majority of applicants have waited until the application deadline to turn in their materials. With hundreds of applications arriving at the last minute, there was simply not enough time to process and review them and get approval letters to the candidates with more than a few days time for them to register with the testing agency. Many candidates missed the testing agency deadline because they did not receive their approval letters until as little as one day before the testing agency deadline. Moving the Board's deadline up allows the Board members the flexibility to review the applications over a longer period of time and to get the results to the candidates with at least a week to register for the examination with the testing agency.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter by Administrative Law Judge Richard C. Luis dated December 15, 2008.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Chapter of the American Institutes of Architects (“AIA”), the professional society representing architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Surveyors, (“MSPS”), the professional society representing land surveyors regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Engineers (“MSPE”), the professional society representing professional engineers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota institutions that offer diploma or certificate level courses in land surveying, and to Minnesota academic institutions that offer college level courses in land surveying:

- St. Cloud State University
- St. Paul College
- Dunwoody College of Technology

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer engineering degree programs accredited by the Accreditation Board for Engineering and Technology, Inc. (ABET):

- Univ. of MN – Duluth: Department of Electrical and Computer Engineering
- Univ. of MN – Duluth: Department of Chemical Engineering
- Univ. of MN – Duluth: Department of Mechanical and Industrial Engineering
- MN State University – Mankato: Department of Mechanical and Civil Engineering
- MN State University – Mankato: Department of Electrical and Computer Engineering
- Univ. of MN – Twin Cities: Aerospace Engineering and Mechanics Department
- Univ. of MN – Twin Cities: Biomedical Engineering Department
- Univ. of MN – Twin Cities: Department of Chemical Engineering
- Univ. of MN – Twin Cities: Department of Civil Engineering
- Univ. of MN – Twin Cities: Department of Electrical and Computer Engineering
- Univ. of MN – Twin Cities: Department of Mechanical Engineering
- St. Cloud State University: Department of Electrical and Computer Engineering
- St. Cloud State University: Department of Mechanical and Manufacturing Engineering
- University of St. Thomas: School of Engineering
- Winona State University: Composite Materials Engineering Department

Copies of the Dual Notice of Intent to Adopt and the propose rule change will be mailed to Minnesota academic institutions that offer architecture degree programs accredited by the National Architectural Accrediting Board (NAAB):

University of MN – Twin Cities: School of Architecture

The Board will also post the Dual Notice of Intent to Adopt and the proposed rule change on the Board's website.

Our Notice Plan also includes giving notice as required by statutes. We will mail the proposed rules and the Notice of Intent to Adopt to everyone who has registered to be on the Board's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Board publishing the Notice of Intent to Adopt. We sent the copies on November 19, 2008. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules; and SONAR. The Department of Minnesota Management and Budget sent a letter dated November 24, 2008 with its comments.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city

The Board has made this determination based on the probable costs of complying with the proposed rule, as described in the Regulatory Analysis section of this SONAR on pages two through five (2-5).

LIST OF WITNESSES

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules.

Each of these individuals will testify as to the value if the amendments to the architect examination and experience rules:

Mr. Gary Demele, Architect, Board Treasurer
Mr. Paul May, Architect
Mr. Jerome Ritter, Architect and Certified Interior Designer

Each of these individuals will testify as to the need for and reasonableness of the changes embodied in the proposed rules:

Mr. Duane Blanck, Professional Engineer, Board Chair
Ms. Kristine Kubes, J.D., Public Member, Board Vice Chair
Mr. William Arockiasamy, Professional Engineer, Board Secretary
Mr. Doug Cooley, Professional Engineer
Mr. Tom Grue, Professional Engineer
Ms. Lisa Hanni, Land Surveyor
Mr. Harvey H. Harvala, Professional Engineer
Mr. David Landecker, Land Surveyor

RULE-BY-RULE ANALYSIS

M.R. 1800.0400 APPLICATION FOR LICENSURE AND CERTIFICATION

The changes in this rule are intended to provide clarity of the application deadline between the different in-training professions. Additionally, the changes are intended to provide candidates with the greatest amount of time to apply to the Board for the respective examinations while still allowing ample time to complete the registration process.

The changes to subpart 3 prompt a split in the subpart to 3A and 3B for clarity. The language for subpart 3A and subpart 3B will be virtually identical to one another, however subpart 3A refers to applications for examination as engineer-in-training (“EIT”) or land surveyor-in-training (“LSIT”) and subpart 3B refers to applications for examination as geologist-in-training (“GIT”) or soil scientist-in-training (“SSIT”).

The examinations as EIT or LSIT are administered by a third-party testing agency, Engineering and Land Surveying Examination Services (ELSESES). The candidates whose applications have been approved by the Board must subsequently register with ELSESES by that deadline. Thus applicants must receive their response from the Board with ample time to register with ELSESES. By moving the Board application deadline up 15 days from the previous deadline, the Board has sufficient time to review the applications and return the response to the candidates with at least a week for the candidates to register with ELSESES. To allow the greatest number of candidates to submit their application to the Board while still allowing ample time to review the applications and provide a timely response, the deadline will change from 60 to 75 days prior to the date of the examination.

The deadline date remains at 60 days prior to the date of examination for those applying to take the examination as GIT or SSIT. The Board administers the examinations for these candidates, thus the candidates do not need the extra time to register with a third-party testing agency.

Additionally, the number of applicants for examination as GIT and SSIT is significantly lower than the number of applicants for examination as EIT and LSIT thus resulting in less time to process GIT and SSIT applications. Finally, because there are so few applicants for examination as GIT or SSIT, the deadline should be as close to the examination as possible to allow for the greatest number of candidates to register.

These changes allow for clarity between the application deadline dates between the different in-training examinations. It is reasonable to change the deadline date from 60 to 75 days for those applicants applying to take the examination as EIT or LSIT so the candidates have sufficient time to register with the testing agency. Additionally, it is reasonable to leave the deadline date at 60 days for those applicants applying to take the examination as GIT or LSIT because the candidates do not have to register with a testing agency.

M.R. 1800.1000 EDUCATION AND EXPERIENCE

The change in subpart 1a identifies the requirements for admission to the examination. The education requirement for admission to the examination has not changed. However, rather than being required to have completed the experience and training requirement, the applicant must provide documentation of enrollment in the National Council of Architect Registration Boards (“NCARB”) Intern Development Program (“IDP”). Enrollment in NCARB-IDP becomes the requirement for taking the examination and candidates may complete the NCARB-IDP concurrent to completing the examination. The requirement for completion of the NCARB-IDP prior to licensure as an architect is spelled out in subpart 6.

The change in title for subparts 5 and 6 clarify the requirement for licensure that is spelled out in each subpart. Licensure as an architect means minimum requirements in education, examination and experience have been met. The title for subpart 1 indicates that the examination requirement will be spelled out in that subpart, however the titles for subparts 5 and 6 indicate a description for “credits” for education and for experience and training. This is confusing because the rule does not actually determine a number of “credits” granted to the applicant for meeting different criteria, but rather gives credit for one predetermined way for completion of the requirement. “Credits” implies more than one way to meet the requirements for education and for experience and training, and that a total number of “credits” must be obtained between subparts five and six to meet the overall requirements and qualify for licensure. Subparts 5 and 6 really describe the education requirement and the experience and training requirement required for licensure as an architect and how credit for completing the requirement is determined. The change in the titles for the subparts clarifies what requirement is spelled out.

The change to subpart 1a prompts changes to subparts 5 and 6, adding the words “for licensure” and thus clarifying that the education and the experience and training requirements must be met for all applicants applying for licensure as an architect, not just for those applying for admission to the examination. The change in wording to subparts 5 and 6 matches the wording in subpart 1, “An applicant for licensure must present evidence of...” Subpart 1a describes what is required for admission to the examination, so subparts 5 and 6 are left to spell out the education requirement and the experience and training requirements for licensure for all applicants – those applying by examination and those applying through comity. To reduce confusion, it is desirable

to have similar wording spelling out all requirements throughout a rule.

Additionally, the change in subpart 6 clarifies that the experience and training requirement must be completed prior to licensure. The change in subpart 1a allows the candidate to register for the examination once the candidate is enrolled in NCARB-IDP, but actual licensure requires completion of the experience and training requirement. The education, examination and experience requirements must all be met prior to obtaining a license as an architect.

M.R. 1800.1100 PROCEDURES

The changes to subpart 1 clarify the point at which a candidate may apply for admission to the examination as well as the point in which they may apply for licensure. The change in M.R. 1800.1000 subpart 1a allows the candidate to apply to take the examination following completion of the education requirement and enrollment in NCARB-IDP. M.R. 1800.1000 subpart 6 requires completion of the experience and training requirement prior to application for licensure. For consistency, the procedure section of the rule must match the requirement section of the rule.

For consistency and clarity, the amendment to subpart 2 must match the requirement spelled out in M.R. 1800.1000 subpart 1a. The change to subpart 2 indicates that an individual may apply to take the examination upon enrollment in NCARB-IDP.

M.R. 1800.1200 EXAMINATION

The amendments to subpart 1 spell out the procedural requirements the Board is already required to follow. The examination for architect registration has not been administered by the Board for many years, but rather has been administered by a vendor. The first change to subpart 1 reflects the fact that the Board does not necessarily determine the location of the examinations, but rather that the location may be determined by the examination delivery vendor.

The addition of the second and third paragraphs in subpart 1 more completely spells out how a candidate is approved to take the examination. The candidate must apply to the Board and the Board must review the application and determine that the education requirement has been met and that the candidate has enrolled in NCARB-IDP before permission to take the examination is granted. The Board must notify the examination delivery vendor when a candidate is approved so the candidate is authorized to begin testing. Additionally, the examination delivery vendor must report to the Board the candidate's examination results for each section so that the Board can monitor the completion of each section and ensure that the entire examination is completed in the required amount of time prior to issuing a license. The examination must also be psychometrically defensible and the candidate must meet a minimum score for each section in order for the Board to be reasonably certain of the candidate's competency in each subject area.

The change to subpart 5 is in recognition of the fact that the Board is not necessarily the examination delivery vendor for the Architect Registration Examination and thus cannot spell out the equipment allowed in the exam room in rule. The approved examination delivery vendor, whether it be the Board or a third party, determines what equipment is allowed in the exam room. Additionally, the allowable equipment may change much more rapidly than changes are made in Minnesota Rule.

M.R. 1800.2900 PROCEDURES

The changes in subparts 1 and 2 reflect the changes in M.R. 1800.0400. For consistency, the deadline dates in all rules pertaining to a specific examination or examinations must match, therefore the deadlines in subparts 1 and 2 of this rule must be changed from 60 to 75 days prior to the date set for the examination.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 17, 2008

Doreen Frost
Executive Director