

NAC Advocacy Policy Evaluation Sprint

Updated for the NAC Newsbites Newsletter
May 17, 2023



Regulatory Impediments in regards to the NCARB Rolling Clock

The logo for the American Institute of Architects (AIA), consisting of the letters "AIA" in a bold, white, sans-serif font centered within a solid black circle.

AIA

What is going on?

Under NCARB's latest score validity policy, which is version-bound, a passed ARE® exam division will remain valid throughout the delivery of the exam version under which it was taken, as well as the next exam version. This means that passed exam divisions will expire after two versions of the exam.

For example: Passed ARE 4.0 divisions will remain valid throughout the delivery of ARE 5.0 and will be retired after the next version of the exam is introduced.

If a new version of the ARE is developed (i.e., ARE 6.0), NCARB will provide at least 18 months' notice prior to retiring any version of the exam. Extensions will no longer be offered.

This new policy will be implemented on **May 1, 2023**.



What is going on?

Prior to the new policy, NCARB has operated under a “rolling clock” policy which determined a passed ARE® exam division to have expired after five years.

Some jurisdictions adopted the five-year rolling clock policy, or some variation of it, into their legal requirements. This means that its retirement will not be universally recognized nor the new validity policy universally adopted.

NCARB expects a several months effort until all jurisdictions are aligned.



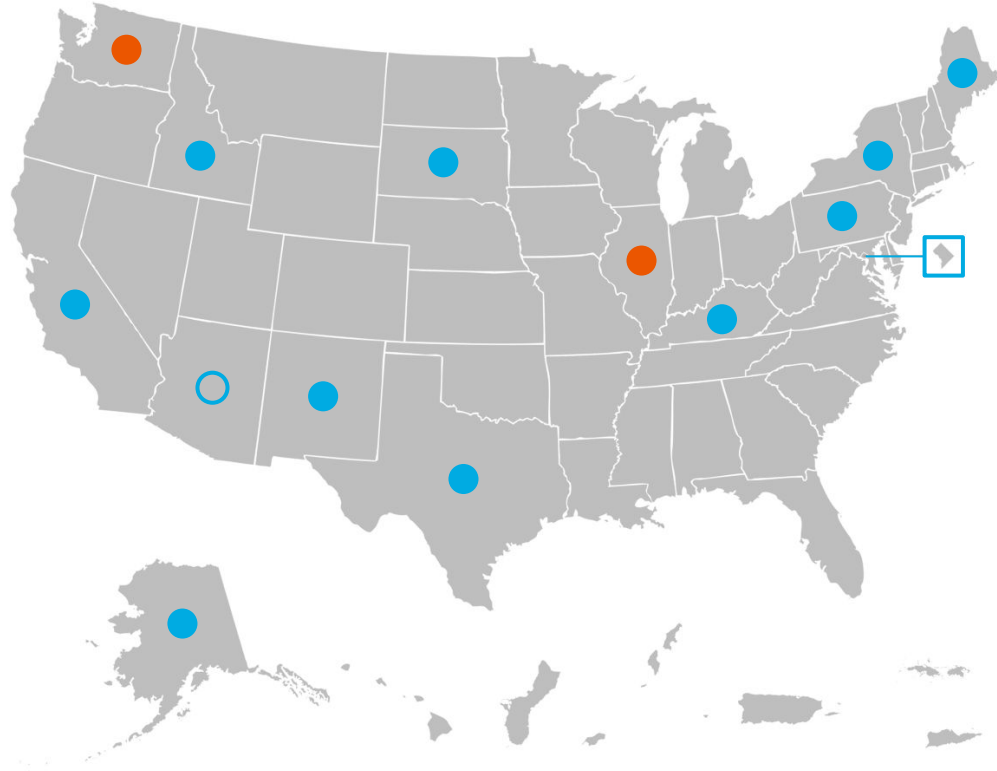
Why is this important?

The retirement of the rolling clock policy is a result from the “Baseline on Belonging: Equity, Diversity, and Inclusion in Architecture Licensing” survey report released by NCARB and NOMA in 2021. This report focused on the disparities in architectural licensure examination and found that the rolling clock disproportionately impacted the progress of women and people of color.

Having a lack of consensus on the validity of passed exams will also impact jurisdictional reciprocity of licensure.

While NCARB is supporting advocacy for the adoption of its latest policy, campaign efforts will have to mainly come from the state and local levels.





- REGULATORY BLOCKERS
- STATUTORY BLOCKERS

Jurisdictions Impacted



Let's Get Specific

“Whos and Whats”

Alaska

Language of Current Mandate:

[12 AAC 36.040 Simplified Application for Reexamination](#)

(c) Establishes a five-year rolling clock starting from approval of examination application to pass all divisions

Authority Having Jurisdiction:

Board of Registration for Architects, Engineers and Land Surveyors

Contact: [Sara Neal](#) | 907-465-1676

Ongoing Advocacy Efforts:

Unknown -- The state last discussed this issue on November 13, 2020.



Let's Get Specific "Whos and Whats"

Arizona

Language of Current Mandate:

[Title 4, Chapter 30 Board of Technical Registration, R4-30-204 Examinations, C. National Council Examinations](#)

(3) Establishes one-year rolling clock starting from application approval to pass at least one division

(6) Establishes five-year rolling clock starting from first passed division to pass all remaining divisions

Authority Having Jurisdiction:

Board of Technical Registration
Contact: [Julia Pham](#) | 602-364-4955

Ongoing Advocacy Efforts:

NCARB has removed AZ from [list of concern](#), however registration board refers to its active impeding policy as recently as 4/19/2023.



Let's Get Specific "Whos and Whats"

California

Language of Current Mandate:

[Title 16. Professional and Vocational Regulations,](#)
[Division 2. California Architects Board \(Refs & Annos\),](#)
[Article 3. Examinations, 16 CCR § 120. Re-Examination](#)

Adopts NCARB Rolling Clock policy into state regulations

Authority Having Jurisdiction:

California Architects Board
Contact: [Laura Zuniga](#) | 916-574-7220

Ongoing Advocacy Efforts:

AIACA is working directly with the California Architects Board to address impediments. Projected timeline for reconciliation is 18 months.



Let's Get Specific “Whos and Whats”

District of Columbia

Language of Current Mandate:

[Title 17 BUSINESS, OCCUPATIONS, AND PROFESSIONALS, Chapter 17-34 ARCHITECTS, Section 3403 LICENSURE BY EXAMINATION](#)

(3403.3) Establishes five-year rolling clock starting from first passed division to pass all remaining divisions

Authority Having Jurisdiction:

D.C. Board of Architecture, Interior Design, and Landscape Architecture

Contact: [Leon Lewis](#) | 202-442-4320

Ongoing Advocacy Efforts:

Unknown



Let's Get Specific "Whos and Whats"

Idaho

Language of Current Mandate:

[IDAPA 24 – Division of Occupational and Professional Licenses. Idaho Board of Architectural Examiners. 24.01.01 – Rules of the Board of Architectural Examiners. 350. REGISTRATION EXAMINATION](#)

(03) Adopts NCARB Rolling Clock policy into state regulations

Authority Having Jurisdiction:

Idaho Board of Architectural Examiners
Contact: [Michael Hyde](#) | 208-334-3233

Ongoing Advocacy Efforts:

Unknown -- Examination board approved impeding regulation on 3/28/2023, so resistance towards adoption of new NCARB policy seems likely.



Let's Get Specific

“Whos and Whats”

Illinois

Language of Current Mandate:

[Illinois Practice Act of 1989: Professions, Occupations, and Business Operations \(225 ILCS 305/12\), Section 12: Examinations](#)

(c) Establishes a three-year rolling clock starting from application approval to pass at least one division

(d) Establishes five-year rolling clock starting from first passed division to pass all remaining divisions

Authority Having Jurisdiction:

Illinois Department of Financial and Professional Regulation

Contact: [Kyle Lazell](#) | 217-524-3210

Ongoing Advocacy Efforts:

Section scheduled to be repealed on January 1, 2030.



Let's Get Specific "Whos and Whats"

Illinois

Language of Current Mandate:

[Title 68: Professions and Occupations, Part 1150 Illinois Architecture Practice Act of 1989, Section 1150.40 - Examination](#) (Ill. Admin. Code tit. 68, § 1150.40)

(f) Adopts NCARB Rolling Clock policy into state law

Authority Having Jurisdiction:

Illinois Department of Financial and Professional Regulation

Contact: [Kyle Lazell](#) | 217-524-3210

Ongoing Advocacy Efforts:

IDFPR issued a statement regarding its intention to effect legislative change at the earliest convenience to align the Illinois Architecture Practice Act with NCARB policy.



Let's Get Specific "Whos and Whats"

Kentucky

Language of Current Mandate:

[201 KAR 19:225 Examinations required: general provisions. Section 3.](#)

(2) Adopts NCARB Rolling Clock policy into state regulations

[KRS Chapter 23, 323.090 Reexamination](#)

Establishes a three-year rolling clock starting from approval of examination application to pass all divisions

Authority Having Jurisdiction:

Kentucky Board of Architects

Contact: [Cordelia Harbut](#) | 859-246-2069

Ongoing Advocacy Efforts:

The Kentucky Board of Architects voted to comply with the new score validity policy on 4/18/2023. However, an amendment to state regulation 201 KAR 19:225 (3) is required. The amendment process may take up to six months.

The proposed amendment should be viewable on the legislative research committee's website by June 1st.



Let's Get Specific

“Whos and Whats”

Maine

Language of Current Mandate:

[02 Department of Professional and Financial Regulation, 288: Maine State Board for Licensure of Architects, Landscape Architects, and Interior Designers, Chapter 12: Licensure of Architects, \(5\) Examination](#)

Establishes a five-year rolling clock starting from approval of examination application to pass all divisions

Authority Having Jurisdiction:

Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers
Contact: [Catherine Pendergast](#) | 207-624-8522

Ongoing Advocacy Efforts:

The Board made a unanimous affirmative vote to initiate Repeal and Replacement of Chapters 12: Licensure of Architects during 3/21/2023 meeting.

Details currently unknown to public.



Let's Get Specific "Whos and Whats"

New Mexico

Language of Current Mandate:

[Title 16, Chapter 30, Part 6: Occupational and Professional Licensing Architects, Minimum Standards for the Practice of Architecture in New Mexico, Section 16.30.3.9 Registration through education, training, and examination](#)

(C.3) Adopts NCARB Rolling Clock policy into state regulations

Authority Having Jurisdiction:

Board of Examiners for Architects (NM BEA)
Contact: [Melarie Gonzales](#) | 505-476-4830

Ongoing Advocacy Efforts:

AIA New Mexico is communicating with NM BEA. The topic was heard at 4/21/2023 NM BEA meeting, however no vote can be held until after sunset bill is signed by governor. A vote is likely to happen.



Let's Get Specific "Whos and Whats"

New York

Language of Current Mandate:

[Section 69.2 Licensing examinations, b. Retention of credit](#)

(2) Adopts NCARB Rolling Clock policy into state regulations

Authority Having Jurisdiction:

N.Y. State Education Department: Office of the Professions, State Board of Architecture
Contact: [Robert Lopez, RA](#) | 518-474-3817 x110

Ongoing Advocacy Efforts:

New York State has made regulatory amendments to adopt both the new NCARB score validity policy, as well as the ESL accommodations for the ARE, effective beginning on May 16, 2023.

This was a collaborative advocacy process between AIANYS, NCARB, and NYSED.



Let's Get Specific

“Whos and Whats”

Pennsylvania

Language of Current Mandate:

[Title 49, Chapter 9 State Architects Licensure Board, Licensure by examination, Section 9.46 Requirements for examination eligibility.](#)

(b) Establishes five-year rolling clock starting from first passed division to pass all remaining divisions

Authority Having Jurisdiction:

PA State Architects Licensure Board
Contact: [Jessica Harris](#) | 717-783-3397

Ongoing Advocacy Efforts:

The Board voted and approved a blanket waiver of its rolling clock requirement for Pennsylvania testing candidates to follow NCARB's procedures.

A change to the current regulation has already been initiated to eliminate barriers.



Let's Get Specific "Whos and Whats"

South Dakota

Language of Current Mandate:

[Chapter 20:38:32:02 Architecture](#)

Adopts NCARB Rolling Clock policy into state regulations

Authority Having Jurisdiction:

South Dakota State Board of Technical Professions

Contact: [Sherrie Dyer](#) | 605-394-2510

Ongoing Advocacy Efforts:

An update to comply with the NCARB changes will be included in this year's South Dakota Board of Technical Professions rule packet as an item for review.



Let's Get Specific

“Whos and Whats”

Texas

Language of Current Mandate:

[Title 22, Part 1, Chapter 1 Architects, Subchapter C Examination, Rule 1.43 REEXAMINATION](#)

(a) Adopts NCARB Rolling Clock policy into state regulations

Exceptions to state rolling clock policy specified in (b) and (c).

Authority Having Jurisdiction:

Texas Board of Architectural Examiners
Contact: [Julie Hildebrand](#) | 512-305-9000

Ongoing Advocacy Efforts:

Unknown



Let's Get Specific "Whos and Whats"

Washington

Language of Current Mandate:

[Title 18 RCW Businesses and Professions, Chapter 18.08 Architects, Section 18.08.360 Examinations](#)

(3) Adopts NCARB Rolling Clock policy into state law

[WAC Title 308, Chapter 12, Section 065](#)

Examination application is considered abandoned after five years of no activity.

Authority Having Jurisdiction:

Architect Registration Board

Contact: [Sydney Muhle](#) | 360-664-1388

Ongoing Advocacy Efforts:

Unknown



What is the difference between “Statute” and “Regulation”?

Statutes, or codes, are laws written and enacted by the legislative branch of government.

Regulations, or rules, are written by executive departments and agencies (e.g. state licensing boards) to supplement legal guidance in detail. They are subordinate to statutes, and usually must be authorized by a statute to hold the same legal force.

Regulations tend to be easier to change than statutes as the former would require approval from a single authoritative body, whereas the latter must undergo the full process of either legislative or judicial action.



How does this affect reciprocity?

Exams revalidated under the new score validation policy (e.g. previously expired passed ARE 4.0 divisions) are not guaranteed to be accepted when applying for reciprocal licensure within rolling clock jurisdictions.

It will take years until all jurisdictions operate under the same or similar examination expiry policy. Test taking professionals should keep this timeframe in mind when deciding where to register, both initially and reciprocally.



What other questions should we be asking?

1. We cannot overlook the financial component of testing. **To what extent is the AHJ incentivized to maintain rolling clock policies as a source of revenue?**
2. Many jurisdictions have a rolling clock policy for testing authorization, rather or in addition to one for score validation. Despite not being listed on NCARB's website, **what similar issues may such policies bring to test-taking professionals?**
3. The new score validity policy by NCARB still creates a deadline for ARE completion, in fact now somewhat unpredictable due to the internal nature of NCARB examination update schedule. **How much actual time is being added to the testing duration?** Maybe only a few years.

How can I help?

If you are a representative of any of the jurisdictions featured in this presentation, reach out to the provided AHJ contact and/or your AIA state component for policy updates and advocacy opportunities!

If you represent any other jurisdiction, ask your local AIA component and/or state board members the other questions we should be considering in regards to examination expiry. Research your state's policy!

