

BOARDS AND COMMISSIONS

Board of Architects

(Amendment)

201 KAR 19:225. Examinations required; general provisions.

RELATES TO: KRS 323.050, 323.215

STATUTORY AUTHORITY: KRS 323.210(1)(b), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed. This administrative regulation specifies the examination required by the board, and establishes general provisions relating to the administration of the examination.

Section 1. Examination Definition; Administration.

- (1) Each applicant for licensure shall successfully complete the Architect Registration Examination (ARE), which is developed and graded by the National Council of Architectural Registration Boards (NCARB).
- (2) The board shall designate each testing service consultant who shall administer the examination in accordance with the agreement between the consultant and NCARB.
- (3) The examination sites and schedules shall be as designated by the testing service and agreed to by NCARB.

Section 2. Conditions of Examination.

- (1) Grading of the examination shall be in accordance with the national grading procedure administered by NCARB.
- (2) The board shall adopt the scoring procedures recommended by NCARB.
- (3) Information pertaining to the subject matter of the examination shall not be given to an applicant in advance, except as specifically authorized by the board.
- (4) The board may approve transfer credits for each part of the examination passed prior to the 1983 ARE. Information as to transfer credits shall be provided, if appropriate, to an applicant who requests an Application for Architect Registration Examination, as incorporated by reference in 201 KAR 19:220.

Section 3.

- (1) An applicant who has passed all divisions of the ARE by January 1, 2006, regardless of the time taken, has passed the examination.
- (2) Retention of Credit ~~[Five (5) Year Rolling Clock]~~: For all initial candidates for licensure, a passing grade for any division of the ARE taken on or after July 1, 2008, shall remain valid pursuant to National Council of Architectural Registration Board's Score Validity Policy in effect at the time of application. Divisions of the examination passed on or after July 1, 2008, that were considered expired prior to the adoption of the National Council of Architectural Registration Board's Score Validity Policy shall be reinstated pursuant to National Council of Architectural Registration Board's Score Validity Policy in effect at the time of application. ~~[shall be valid for an initial period of five (5) years, plus any extension granted under NCARB's rolling clock extension policy, after which time the division shall expire unless the candidate has completed the ARE.]~~
- ~~[(3)] [Applicants for licensure that completed the ARE:]~~
 - ~~[(a)] [Prior to January 1, 2006, will not have any divisions governed by the five (5) year rolling clock;]~~
 - ~~[(b)] [Prior to July 1, 2014, will have only divisions passed after January 1, 2006, governed by the five (5) year rolling clock; and]~~

~~[(c)] [On July 1, 2014 or later, will have all divisions governed by the five (5) year rolling clock].~~

~~[(4)] [An applicant who has not passed any division of the ARE by January 1, 2006 shall be governed by the five (5) year requirement, which shall commence on the date when the first passed division is administered.]~~

Section 4. Applicant Notice. Each applicant who has applied and is eligible to take the examination shall be notified of the examination sites and the procedures to make the appointments with the testing service centers to take the examination divisions of his or her choosing. Special instructions and limitations shall be issued to each applicant.

Section 5. Transfer of Scores.

(1) The board, upon proper Application for Architect Registration Examination, as incorporated by reference in 201 KAR 19:220, may accept passing scores achieved on divisions of the ARE administered and attested to by another NCARB member board under the terms of Section 3 of this administrative regulation.

(2) The board, upon written request, may forward the grades achieved by an applicant in the various divisions of the examination given under the board's jurisdiction to any other duly constituted architectural registration board and to NCARB for use in evaluating the applicant's eligibility for NCARB certification. The applicant shall state his or her reason for requesting transfer. The transfer shall terminate the applicant's application pending before the board.

Section 6. Conditions of Examination.

(1) Upon allegation of misbehavior on the part of an applicant in connection with taking the examination, the board shall investigate the allegation and take appropriate action including suspending or revoking test taking privileges and the cancellation of test scores.

(2) Misbehavior shall include:

- (a) Falsifying information on the examination application;
- (b) Cheating on the examination;
- (c) A violation of examination guidelines; or
- (d) A violation of a confidentiality agreement with respect to the examination.

STEPHANIE MCCRERY, Board President

CORDELIA HARBUT, Executive Director

APPROVED BY AGENCY: May 3, 2023

FILED WITH LRC: May 10, 2023 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this Amendment shall be held on July 26, 2023, at 10:30 a.m. Eastern Time at the Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed Amendment. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed Amendment. Written comments shall be accepted through July 31, 2023. Send written notification of intent to be heard at the public hearing, or written comments on the proposed Amendment to the contact person below.

CONTACT PERSON: Cordelia Harbut, Executive Director, Kentucky Board of Architects, 155 East Main Street, Suite 300, Lexington, Kentucky 40507, phone (859)246-2069, email Cordelia.Harbut@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Cordelia Harbut

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation specifies the examination required by the board, and establishes general provisions relating to the administration of the examination.

(b) The necessity of this administrative regulation:

KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations, the method and time for filing applications, and the time within which an applicant shall be examined after his or her application has been filed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation specifies the examination required by the board, and establishes general provisions relating to the administration of the examination.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment updates the examination timeframes required by the board.

(b) The necessity of the amendment to this administrative regulation:

This amendment is necessary in order to bring the administrative regulation up-to-date with the current examination practices.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment is necessary in order to bring the administrative regulation up-to-date with the current examination practices. KRS 323.210(1)(b), (2) requires the board to promulgate administrative regulations governing the contents and conduct of examinations.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment brings the administrative regulation up-to-date with the current examination practices, in conformity with KRS 323.210(1)(b), (2), which requires the board to promulgate administrative regulations governing the contents and conduct of examinations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

The board estimates individuals seeking application for examination for licensure is approximately fifteen (15) annually. (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it an amendment, including:

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

The regulated entity will be required to meet examination requirements to achieve licensure. The entity will not be required to meet any new or additional examination requirements in the amended regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The cost will be based on the Architect Registration Examination (ARE), which is developed and graded by the National Council of Architectural Registration Boards (NCARB). There will be no additional cost to the entity to obtain the examination requirements in the amended regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

Under the new score validity policy, passing ARE divisional scores will remain valid throughout the delivery of the exam version under which they were taken and will establish credit toward the immediately following version of the next exam.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No cost.

(b) On a continuing basis:

No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

? Not applicable.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees is required to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

No; this amendment impacts all similarly situated practitioners equally.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

None.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 323.210(1)(b), (2).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

None.

(c) How much will it cost to administer this program for the first year?

No cost.

(d) How much will it cost to administer this program for subsequent years?

No cost. Note: If specific dollar amounts cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):None.

Expenditures (+/-):None.

Other Explanation:

Not applicable.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

This administrative regulation will not directly affect expenditures of the regulated entities.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not produce any cost savings of the regulated entities in the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not produce any cost savings of the regulated entities at any time.

(c) How much will it cost the regulated entities for the first year?

The entity will pay the examination cost for the Architect Registration Examination (ARE), which is developed and graded by the National Council of Architectural Registration Boards (NCARB). There is no additional cost with the amended regulation.

(d) How much will it cost the regulated entities for subsequent years?

If the entity fails any of the parts of the examination, the entity will pay to retake any failed parts of the Architect Registration Examination (ARE). There is no additional cost with the amended regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):None.

Expenditures (+/-):None.

Other Explanation:

Examination cost cannot be determined due to the variables associated with taking the examination in-person versus virtually and the number of times the entity is required retake failed parts of the examination.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact.