

**CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE**

INITIAL STATEMENT OF REASONS

Hearing Date: No hearing has been scheduled for the proposed action.

Subject Matter of Proposed Regulation: Requirements for an Approved Extension Certificate Program

Sections Affected: 2620.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations¹ (CCR)

Background and Problem Statement

Under the jurisdiction of the California Architects Board (Board), the Landscape Architects Technical Committee (LATC) licenses landscape architects. Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to establish criteria for approving schools of landscape architecture and carry out the provisions under the Landscape Architects Practice Act (chapter 3.5 of division 3 of the BPC). As required by BPC section 5650, applicants for licensure as a landscape architect must demonstrate a total of six years of qualifying training and educational experience to establish eligibility.

As provided in CCR section 2620, examination and licensure applicants are granted two years of educational experience for completion of an approved extension certificate program only or four years of educational experience for completion of an approved extension certificate program and a degree which consists of a four-year curriculum. CCR section 2620.5 sets forth the requirements for an approved extension certificate program. Landscape architecture extension certificate programs (programs) assist individuals who work or have other obligations during regular business hours to obtain landscape architecture education through evening and weekend courses.

However, there currently does not exist an accrediting body that reviews and approves extension certificate programs; a problem this regulatory proposal addresses by clarifying how the Board will inspect, review, and approve, reapprove, or deny these important programs.

History of this Regulatory Proposal

In November 1991, CCR section 2620.5 became effective and formally established requirements for Board approval of extension certificate programs, based on university accreditation standards from the Landscape Architectural Accreditation Board (LAAB). The LAAB does not provide accreditation for extension programs that are the subject of this proposal. In 2009, the LAAB implemented changes to its accreditation standards.

¹ || CCR references are to Title 16 unless otherwise noted.

Prompted by these changes, the LATC drafted updated requirements for an extension certificate program to receive approval and recommended the Board authorize LATC to proceed with a regulatory change to amend CCR section 2620.5. (See Underlying Data, November 22, 2010 LATC Meeting Minutes). At its December 15, 2010 meeting, the Board approved proposed regulatory language to amend CCR section 2620.5. (See Underlying Data, December 15, 2010 Board Meeting Minutes.)

In 2011, the LATC determined the need for development of educational program application review procedures in the regulation. A task force was established to determine, among other things, the appropriate review provisions for the regulation. The task force reviewed the regulation, deliberated at multiple meetings, and on November 2, 2012, submitted to the LATC its recommendation. The LATC adopted the task force recommendation on January 24, 2013, and the Board adopted the proposal at its March 7, 2013 meeting. (See Underlying Data).

In May 2013, the regulatory proposal to amend CCR section 2620.5 was submitted to the Office of Administrative Law (OAL). In July 2013, OAL issued a "Decision of Disapproval of Regulatory Action," citing deficiencies in the file relating to the necessity standard of Government Code section 11349.1. (See Underlying Data, July 17, 2013 Office of Administrative Law Decision of Disapproval of Regulatory Action.)

At its August 20, 2013 meeting, the LATC voted to: 1) not pursue a resubmission of the rulemaking file for CCR section 2620.5 to OAL; 2) have staff analyze the proposed modifications to CCR section 2620.5 and attempt to provide sufficient justification for each proposed change that would meet OAL standards; and 3) submit a new rulemaking file to OAL once sufficient justification for the proposed changes have been developed. (See Underlying Data, August 20, 2013 LATC Meeting Minutes.)

At its February 10, 2015, meeting, the LATC reviewed and discussed a new regulatory proposal for the extension certificate program that would establish detailed application, approval, and site review processes based on the LAAB accreditation standards. The LATC directed staff to contact members of the task force to assist in reviewing the latest proposal. (See Underlying Data, February 10, 2015 LATC Meeting Minutes.)

In March 2016, LAAB released updated Accreditation Standards and Procedures, making significant changes to curriculum requirements. (See Underlying Data, March 2016 LAAB Accreditation Standards.) Specifically, prior curriculum standards encompassed eight broad subject matter areas of study. The new standards require coursework in nine subject matter areas with 41 subcategories of study.

The LATC's 2017-2018 Strategic Plan directed the LATC to research and modify the current regulations to clarify LATC's role in the University of California extension certificate program to stay current with LAAB standards. (See Underlying Data, 2017-2018 LATC Strategic Plan.) The UCLA extension certificate program is currently the only one still offered in California, and it continues to provide a needed educational

alternative for students whose schedule would not otherwise permit landscape architecture education.

At its April 18, 2017 meeting, the LATC reviewed proposed language to amend CCR section 2620.5 and moved to form a subcommittee comprised of one LATC member, one member from each extension certificate program, and two landscape architects to prepare regulatory changes for LATC's consideration. (See Underlying Data, April 18, 2017 LATC Meeting Minutes.) However, due to competing priorities at that time, staff focus was redirected to other Strategic Plan priorities and a subcommittee was not formed in 2017.

In September 2018, LATC staff contacted LAAB Accreditation and Education Programs Manager, Kristopher Pritchard, regarding the accreditation of extension certificate programs and was informed that LAAB's scope of accreditation is limited to "professional programs at the bachelor's or master's level." There is no other accrediting body that will review and approve the extension certificate programs so the Board must have authority to inspect, review, and approve or deny these important programs.

At the LATC's May 29, 2019 meeting, the LATC reviewed proposed language to amend CCR section 2620.5 to establish criteria for the following: 1) program approval including expiration, renewal, and extensions of approval; 2) program denial and appeal of Board denial; 3) the process to conduct site inspections; and 4) the information that shall be provided by the extension certificate program to evaluate the program's compliance with this regulation. (See Underlying Data, May 29, 2019 LATC Meeting Minutes.) At that meeting, the LATC recommended to the Board to approve the proposed amendments. At its June 12, 2019 meeting, the Board adopted amendments to CCR section 2620.5 to clarify how the Board will inspect, review, and approve, reapprove, or deny extension certificate programs. (See Underlying Data, June 12, 2019 Board Meeting Minutes.)

Specific Purpose, Anticipated Benefit, and Rationale:

Amend CCR Section 2620.5 – Requirements for an Approved Extension Certificate Program

Amend CCR Section 2620.5, subdivision (a)

Purpose: The purpose of amending section 2620.5, subdivision (a) is to specify the requirements and process for an educational program offering an extension certificate in landscape architecture to apply for approval by the Board.

Anticipated Benefits: The Board anticipates that amending section 2620.5, subdivision (a) to clarify that the educational program offering an extension certificate in landscape architecture must apply to the Board, will make the approval requirements easier for an educational program's staff to understand, determine if their program has met the outlined requirements, and seek Board approval. In addition, this application process will ensure that the courses offered by approved extension certificate programs meet the standard the Board establishes to protect and serve the public.

Rationale: The existing regulation establishes criteria required for an educational program to obtain Board approval. The regulation presumes the program will apply to the Board to obtain such approval; this proposal is necessary to clarify the Board-approval application process for these programs. The proposal would make clarifying amendments to require the educational program offering the extension certificate in landscape architecture to apply to the Board for approval. By revising the introductory language of the regulation, the proposal makes the approval process more transparent for the programs seeking approval and notifies them that they must submit an application to the Board and meet the listed program requirements.

Amend CCR section 2620.5, subdivision (a)(1)

Purpose: The purpose of amending section 2620.5, subdivision (a)(1) is to renumber the subdivision from subdivision (a) to subdivision (a)(1) and update an outdated reference to the Education Code, as well as make minor grammatical changes for clarity.

Anticipated Benefits: The Board anticipates that amending section 2620.5, subdivision (a)(1) to update and clarify the intent of the regulation will make the approval requirements easier for educational program staff to understand and provide a clear guide for educational program staff to determine if their program has met the outlined requirements.

Rationale: This proposal is necessary to update the citation to the Education Code requiring approval of a four-year educational program. Assembly Bill (AB) 48 (Portantino, Chapter 310, Statutes of 2009), among other things, repealed, revised, and recast Chapter 8 of the Education Code pertaining to private postsecondary education. Former Education Code section 94900 became new section 94885. Accordingly, this proposal updates the citation to the appropriate Education Code section for approval of four-year educational programs. This proposal is also necessary to make a minor/technical correction to the subdivision for ease of reference and renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements that are needed to apply for Board approval.

Amend CCR section 2620.5, subdivision (a)(2)

Purpose: The purpose of the proposal is to renumber the subdivision from subdivision (b) to subdivision (a)(2), remove unclear language, and make minor grammatical changes for clarity.

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to make minor/technical changes to the regulation and remove confusing and/or duplicative language. The proposal would strike the sentence “The program’s literature shall fully and accurately describe the program’s philosophy and objectives” because it provides no clear benefit to the Board’s approval

process and the placement of the text is confusing. Further, the provision is potentially duplicative as the first sentence of paragraph (2) of new subdivision (a) that requires the program to have a “written statement of the program’s philosophy and objectives that serves as a basis for curriculum structure.” The proposal is also necessary to renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval.

Amend CCR section 2620.5, subdivisions (a)(3) and (4)

Purpose: The purpose of the proposal is to renumber subdivisions (c) and (d) as subdivisions (a)(3) and (a)(4).

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: The proposal is necessary to renumber the provisions to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval.

Amend CCR section 2620.5, subdivision (a)(5)

Purpose: The purpose of the proposal is to renumber the subdivision (e) as subdivision (a)(5) and make minor grammatical changes for clarity.

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to make a minor/technical correction to the subdivision for ease of reference and renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval.

Amend CCR section 2620.5, subdivision (a)(6)

Purpose: The purpose of the proposal is to renumber the subdivision (f) as subdivision (a)(6).

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval.

Amend CCR section 2620.5, subdivision (a)(7)

Purpose: The purpose of the proposal is to renumber subdivision (g) as subdivision (a)(7) and clarify that an extension certificate program director shall be a California licensed landscape architect.

Anticipated Benefits: The Board anticipates that the public and landscape architecture extension certificate program students will benefit from extension certificate program directors being licensed in California and familiar with California laws and landscape architecture practice. The Board also anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to clarify that the extension certificate program director must be licensed in California. As discussed at its May 29, 2019 meeting, the LATC members believe an extension certificate program director should hold a California landscape architect license. (See May 29, 2019 Meeting Minutes.) By requiring the extension certificate program director to be licensed in California, the director would be familiar with California laws and the practice of landscape architecture in this state. With a California licensure background, the director would be able to better identify the appropriate path for the program and hire appropriate educators and staff to ensure the program's students are properly educated, will be prepared to take the California Supplemental Examination (CSE), and able to provide competent practice to the public.

Amend CCR section 2620.5, subdivision (a)(8)

Purpose: The purpose of the proposal is to renumber subdivision (h) as subdivision (a)(8) and make a minor grammatical change for clarity.

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval. The proposal is also necessary to make a minor grammatical revision to add a comma in the list of faculty primary responsibilities.

Amend CCR section 2620.5, subdivision (a)(9)

Purpose: The purpose of the proposal is to renumber subdivision (i) as subdivision (a)(9) and expand the current extension certificate program curriculum requirements to include the additional area of: "Current California statutes and regulations covering the environment, landscape architecture, and water conservation."

Anticipated Benefits: The Board anticipates that extension certificate program students will benefit from education on current California statutes and regulations covering the environment, landscape architecture, and water conservation. As a result, the LATC anticipates that the public will benefit from better educated practitioners. The Board also anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: The proposal is necessary to ensure that extension certificate program students are educated in current California statutes and regulations covering the environment, landscape architecture, and water conservation. Each of these areas of instruction are used in the practice of landscape architecture and are critical for passage of the landscape architecture examination and the protection of the public. The proposal also is necessary to renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program requirements necessary to apply for Board approval.

Amend CCR section 2620.5, subdivision (a)(10)

Purpose: The purpose of the proposal is to separately number the provision, currently part of subdivision (i), to become subdivision (a)(10) and specify that, if applicable, an extension certificate program's curriculum must be revised to correct deficiencies identified by the Board.

Anticipated Benefits: The Board anticipates that educational programs applying for Board extension certificate program approval will benefit from the proposal that would authorize the program to correct a deficiency in the program's curriculum identified by the Board. The Board also anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: The proposal is necessary to authorize the educational program to revise its program curriculum to correct deficiencies identified by the Board. Currently, the program is authorized only to revise its curriculum if the revision has been approved by the Board. This scenario is appropriate to limit the program's ability to change its curriculum to after the Board has approved the curriculum, to ensure that the curriculum does not change without the Board's knowledge during the approval process. However, this proposal adopts new Board approval procedures that may require the program applying for Board approval to revise its curriculum in order to obtain approval. By adding a provision authorizing the program to revise its curriculum to correct deficiencies identified by the Board, the program would be able to proceed through the approval process, rather than being restricted to a deficient curriculum that the Board will not approve.

Amend CCR section 2620.5, subdivisions (a)(11)-(14)

Purpose: The purpose of the proposal is to renumber subdivision (j) as subdivision (a)(11), subdivision (k) as subdivision (a)(12), subdivision (l) as subdivision (a)(13), subdivision (m) as subdivision (a)(14), and subdivisions (m)(1) and (2) as subdivisions (a)(14)(A) and (B), and make minor grammatical changes for clarity.

Anticipated Benefits: The Board anticipates that educational program staff will benefit from a simplified regulation that is easier to read and understand.

Rationale: This proposal is necessary to renumber the provision to accommodate the addition of subdivision (a) to the regulation, which specifies there is a list of program

requirements necessary to apply for Board approval. The proposal is also necessary to make minor grammatical revisions for readability of the regulation.

Adopt CCR section 2620.5, subdivision (b)

Purpose: The purpose of adopting section 2620.5, subdivision (b) is to establish a process by which an educational program can apply for Board extension certificate program approval.

Anticipated Benefits: The Board anticipates that educational programs seeking Board extension certificate program approval will benefit from providing a transparent application process with clear documentation and deadline provisions.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's approval process for extension certificate programs. Although the current regulation lists the requirements for an approved extension certificate program, there is no clear process on the procedure for a program to follow to obtain Board approval. At the LATC's April 18, 2017 meeting, the LATC members and stakeholders, which included extension certificate program representatives, extensively discussed the need to establish a document to be completed by the educational program seeking Board approval and submitted to the Board for review. (See Underlying Data, April 18, 2017 Meeting Minutes.)

To address this concern and provide specificity in the application approval process, new subdivision (b) would alert the program that it must submit a self-evaluation report that details the program's compliance with the regulation, specifically the program requirements listed under subdivision (a). The self-evaluation report would provide the program the opportunity to review its own program and its components and determine whether it has met those requirements or whether there is a deficiency that should be addressed prior to applying to the Board for approval. This self-evaluation report will then be reviewed by the Board designees (discussed further in new subdivision (c), below) to determine if the program is ready to receive a site visit and schedule the site visit. The proposal would require the program to submit the self-evaluation report six months before the program will be ready for a site visit to allow Board staff and designees sufficient time to review the self-evaluation report and schedule and prepare for the site visit. This six-month window would also provide time for the Board designees to identify deficiencies in the self-evaluation report in sufficient time for correction by the program prior to the site visit.

Adopt CCR section 2620.5, subdivision (c)

Purpose: The purpose of adopting section 2620.5, subdivision (c) is to provide for a minimum number of Board designees to conduct a site inspection or review of an extension certificate program (program) seeking Board approval of their program. Subdivision (c) establishes that Board designees cannot have a current financial

interest related to the recommendation of a program, and clarifies what a site visit may include.

Anticipated Benefits: The Board anticipates that establishing a minimum number of Board designees to conduct a site inspection or review will benefit the program staff, and all interested parties. In addition, having at least 3 Board designees conduct a site inspection or review of a program seeking Board approval will ensure that Board-approved programs will adequately prepare students for a career in landscape architecture, which directly benefits students of the program who are seeking to become landscape architects as well as members of the public who are consumers seeking qualified landscape architect services. The Board anticipates that requiring Board designees to not have any current financial interest related to the recommendation of a program ensures site inspections or reviews do not result in the Board being provided biased observations and recommendations. The Board anticipates it will obtain better recommendations by site visits and recommendations that involve other methods of information gathering beyond just a physical tour of the site.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's approval process for programs. For this reason, the proposal requires a group of at least three Board designees to perform a site inspection or review of the program seeking Board approval of its program to provide further transparency in the approval process. As discussed above, there is no accrediting body that will review, inspect, or accredit California's landscape architecture extension certificate programs. Accordingly, the Board currently performs site inspections of the programs to ensure the program exists, is established in an educational institution as specified, or is located in an institution of public higher education as specified and meets the curriculum and faculty requirements specified in the regulation. The Board performs such site inspections in accordance with how other educational programs are inspected for accreditation, such as inspections conducted by the LAAB, which inspects, reviews, and accredits four-year degree programs in landscape architecture. However, the regulation itself does not require programs seeking Board approval to undergo a site inspection.

The Subcommittee initially considered requiring the site visit be a one-day visit and having only one individual conduct the site visit, but those proposals were rejected to give the Board designees' more flexibility and to address concerns of potential conflicts of interest. The Subcommittee determined that the existing practice to designate a minimum of three individuals to perform a site inspection or review of an educational program has proven to be effective and that by requiring an odd number of designees the Board may avoid or reduce the possibility of a tie or disagreement regarding approval recommendations. The Subcommittee also considered requiring one of the three Board designees to be a current faculty member of an educational program approved by the Landscape Architectural Accreditation Board (LAAB), which provides accreditation for four-year landscape architectural educational programs but does not accredit extension programs that are the subject of this proposal. This option was rejected as it could potentially create a conflict of interest if the educational program under review was in direct competition with the LAAB-approved educational program

with which the Board designee is associated. (See Underlying Data, May 29, 2019 LATC Meeting Minutes.)

The Subcommittee's recommendation was revised to address any actual or perceived conflicts of interest between the Board and the educational program. Government Code section 87100 prohibits state public officials from participating in making or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. Government Code section 87103 defines a public official's financial interest within the meaning of Government Code section 87100 to exist "if it is reasonably foreseeable that a decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her immediate family, or ..." followed by a list of additional interests. The Board raised concerns about three potential inappropriate financial interests: (1) a current employee of a competing educational program, (2) a current employee of the extension certificate program seeking approval, and (3) a current student of the extension certificate program seeking approval. (See Underlying Data, June 12, 2019 Meeting Minutes.)

The employee of an educational program seeking Board approval, or an employee of a competitor of such a program, could reasonably foreseeably experience a material financial effect from the Board's approval or denial of the applicant program, and thus would be disqualified due to holding a "financial interest" under Government Code sections 87100 and 87103. To obtain licensure, applicants using extension certificate program credits must establish that their credits were earned at a Board-approved educational program. Current students of a program seeking Board approval would, if the approval is not granted, have to make up their credits from an un-approved program by obtaining college study units elsewhere, or program credits from a Board-approved program. Thus, under Government Code sections 87100 and 87103, a current student of a program seeking approval would also be disqualified from serving as a Board designee to conduct the site inspection and report back to the Board, due to having a "financial interest" in the decision to approve or disapprove the program. The requirement that a Board designee have no financial interest in the Board's decision to approve or disapprove the program protects the public by preventing both bias and any appearance of bias in Board designees.

The proposal is also necessary to instruct both Board designees and programs that program site visits may include meetings with the educational institution administrator, the educational program director, faculty, students, and alumni. This provision was adopted based on the Extension Certificate Program Subcommittee recommendation that site visits include these meetings and employs the term "may" so that Board

designees have the flexibility to omit conducting a meeting if it is impracticable to do so during a site visit. (See Underlying Data, May 29, 2019 Meeting Materials.)

In addition, the LATC's Extension Certificate Program Subcommittee recommended that one-day site visits should be performed prior to the Board granting approval or renewal of approval to the educational program, and the site visits should focus on confirming the accuracy of information provided in the program's submitted self-evaluation report. (See Underlying Data, May 29, 2019 Meeting Materials.) In developing the regulatory language, the one-day site visit requirement was revised to strike the "one-day" requirement to allow Board designees to perform a site visit that may require more or less than one day. The decision to allow this flexibility was shaped by experience in coordinating extension certificate program site visits in order to accommodate any possible logistical issues that would require a site visit to be shortened or lengthened.

Adopt CCR section 2620.5, subdivision (d)

Purpose: The purpose of adopting section 2620.5, subdivision (d) is to establish a process for Board designees to provide a written report that makes findings as to whether a program complies with the approval requirements in subdivision (a) and makes a recommendation to the LATC regarding approval of a program.

Anticipated Benefits: The Board anticipates that establishing a process for Board designees to provide a written report that makes findings as to whether a program complies with the approval requirements in subdivision (a) and makes a recommendation to the LATC regarding approval of a program will ensure that the program staff and all interested parties are aware of the process to obtain Board approval.

Rationale: It is necessary for the Board designees to condense their review into a written report included within public LATC-related meeting materials to provide transparency and clarity in the Board's program approval process. Specifically, this transparency will further clarify to the applying program and other institutions what the approval standards are. In this written report, the proposal would require the Board designees to evaluate the program's self-evaluation report and the designees' site inspection or other review of the program. The proposal would require the Board designees to submit to the LATC a written report of the designees' findings as to whether the program has complied with the approval requirements in the regulation and make a recommendation regarding program approval.

Adopt CCR section 2620.5, subdivision (e)(1)-(4)

Purpose: The purpose of adopting section 2620.5, subdivision (e) is to establish a process by which the Board designees' report with findings and recommendation is made available to the public and the interested program as a part of a public LATC meeting and to specify four options the LATC may choose from when making the Committee's recommendation to the Board regarding a program's approval.

Anticipated Benefits: The Board anticipates that establishing a process by which the Board designees' report with findings and recommendation is made available to the public and the interested program as a part of a public LATC meeting and specifying four options for the LATC to choose from in making their recommendation to the Board regarding a program's approval will ensure fairness and that the program staff and all interested parties are aware of the process that will be followed for Board approval of a program.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's program approval process. For this reason, the proposal would require the LATC, at a public meeting, review the Board designees' recommendation and the program's self-evaluation report. With this information, the proposal would authorize the LATC to request additional information from the program, or to recommend to the Board approval of the program, provisional approval of the program, or denial of the request for Board program approval. It is necessary for the proposal to allow the LATC to request additional information from the applying program in order to accommodate for the possibility of error or misinformation within the program's self-evaluation report or the Board designees' written recommendation. The proposal would authorize the LATC to recommend provisional approval of the program by stating the reasons for the program's non-conformance with the approval requirements and provide the program the opportunity to address those concerns within a specified time frame. This provision would allow the program to make minor changes to the program to comply with the regulation without having to re-start the application process. Further, requiring the LATC to discuss, at a public meeting, the Board designees' recommendation on the program would provide the program with the opportunity to appear at the LATC's meeting, provide comment on the Board designees' recommendation, and discuss the program's ability to make any changes to the program to comply with the regulation. This proposal would also allow any other stakeholders and the public the ability to provide comment on the program for the LATC's consideration.

Adopt CCR section 2620.5, subdivision (f)(1)-(3)

Purpose: Section 2620.5, subdivision (f) establishes a process by which the Board shall review an LATC recommendation and make a determination regarding a program's approval.

Anticipated Benefits: The Board anticipates that establishing a process by which the Board shall review an LATC recommendation and making one of three determinations regarding a program's approval provides transparency and will ensure that the program staff and all interested parties are aware of the approval process.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's extension certificate approval process. The proposal would require, upon recommendation by the LATC to either approve, provisionally approve, or deny a

program, that the Board to review the LATC's recommendation regarding the program at a public meeting. Requiring the Board to discuss, at a public meeting, the LATC's recommendation on the program would provide the program the ability to appear at the Board's meeting, provide comment on the LATC's recommendation, and discuss the program's ability to make any changes needed to comply with the regulation. This proposal would also allow any other stakeholders and the public the opportunity as described in subdivision (e)(3) to provide comment on the program for the Board's consideration.

In addition, the proposal would require the Board to consider the program's application and LATC's recommendation to determine whether the program's application for Board extension certificate program approval is sufficient to support Board approval. The proposal would authorize the Board to approve, provisionally approve, or deny the application and provides definitions for these terms to assist the Board and the program in understanding what each term means.

The proposal would provide that Board "approval" would be granted when all requirements of the regulation are met, or when one or more requirements are met with recommendations for further improvement to more completely meet the requirements as described in subdivision (e)(3), and continued overall program quality and conformance to requirements are judged likely to be maintained.

The proposal would provide the Board with the option of providing provisional approval when one or more requirements are met with recommendations for further improvement as described in subdivision (e)(3), however the cited deficiencies are such that continued overall program quality or conformance to the requirements is uncertain. Provisional approval would be considered upon determination by the Board that the program has adequately shown a good faith effort to follow the recommendation to conform to the specified requirements. Allowance of provisional approval would ensure that landscape architecture students who may not have access to other traditional program options continue to have access to the landscape architectural educational opportunity that is the subject of the provisional approval. Students who earn educational credits from a provisionally approved program will not lose the benefit of credits earned if thereafter a provisionally approved program fails to correct the identified deficiencies within the permitted time and the program's request for approval is deemed denied. Despite the possibility that those students' educational credits may not be of equal value to other programs, program credit is but a portion of the credits a licensure applicant must have to apply for eligibility to take the required Landscape Architect Registration Examination and the California Supplemental Examination. Granting provisional approval and allowing students to keep education credits earned from provisionally approved programs that may later be deemed denied helps fulfill the Board's overall goal to broaden the pathway to licensure for students who must pursuing non-traditional means to licensure. Furthermore, granting a temporary

provisional approval to an otherwise-qualified program would save the Board time and resources by granting the program two school years to correct identified deficiencies prior to the Board's next review of the program. A provisional approval is not deemed an adverse action and is not subject to appeal. Prohibiting the appeal of a provisional approval decision saves both the applying program and the Board valuable time and resources with which to move towards successful completion of the approval process. Coordination of an appeal of a provisional approval would not be an efficient or useful path toward program approval. Provisionally approved programs are saved the time of starting over, submitting a new self-evaluation report and undergoing a new site inspection, as they need only to resolve the conditions placed on their approval to be approved. The Board seeks to use the provisional approval option to clarify how the Board is interpreting and enforcing the requirements and speed up the process of programs obtaining Board approval.

The proposal also would provide that Board "denial" would be issued when one or more requirements are not met and does not meet the level where provisional approval would be warranted. If the Board denies an application, the educational program would have the opportunity to appeal the Board determination in order to satisfy due process requirements.

Adopt CCR section 2620.5, subdivision (g)

Purpose: The purpose of adopting section 2620.5, subdivision (g) is to establish a process by which the Board shall notify an education program of any actions taken regarding their application.

Anticipated Benefits: The Board anticipates that establishing a process by which the Board shall notify an education program of any actions taken regarding their application will ensure that the educational program staff and all interested parties are aware of the process to obtain Board approval. This provides an explanation to a program of the Board's actions so that a program can make improvements or appeal the Board's decision, if necessary.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's extension certificate program approval process. The proposal would require the Board to notify the program in writing of any actions taken regarding their application. This provision would provide documentation for both the program and the Board on the status of the program's application for Board extension certificate program approval.

Adopt CCR section 2620.5, subdivision (h)

Purpose: The purpose of adopting section 2620.5, subdivision (h) is to establish a process by which an educational program may appeal the Board's denial of their application by submitting a written appeal to LATC.

Anticipated Benefits: The Board anticipates that establishing a process by which an educational program may appeal the Board's denial of their application by submitting a written appeal to LATC will benefit the program by providing the due process steps that must be followed to appeal the Board's denial.

Rationale: The proposal is necessary to provide transparency and clarity in the Board's extension certificate program approval process and provide a means through which the program could appeal the Board's denial of the application for Board approval. A program seeking to offer an extension certificate in landscape architecture must meet the requirements enumerated in subdivision (a), paragraphs (1) – (14). The proposal allows a program to appeal a denial of approval by submitting a written appeal to LATC. By only requiring the appeal request be in writing, the proposal allows a program to make an appeal on any grounds the program believes supports the Board reversing its denial.

The proposal would give the program 90 days from the date of the Board's written notification of denial of the application to submit a written appeal that may contain a report of deficiencies that have been corrected, contend that there are no deficiencies, and raise any issues the program believes relevant to the denial. This 90-day timeframe is sufficiently long to provide the program the ability to assess the Board's denial and the reasons for the denial and is a standard timeframe for many appeal processes. This timeframe is in addition to the time already provided by the LATC's public meeting review, where a program would be initially alerted of a potential denial, and the Board's public meeting review, which would reiterate for the program the basis of the Board's determination. The proposal would provide the program with considerable opportunity to correct deficiencies identified by the Board and submit a report to the Board of those corrections.

Upon receiving a written appeal, the proposal would require the LATC to first review the report and authorizes the LATC to ask the Board designees to perform an additional site inspection or review of the program to confirm whether the deficiencies have been corrected. The proposal also would clarify that the program's appeal and report of corrected deficiencies or other relevant information would be reviewed in the same manner as the original application and Board designees' original recommendation, again involving discussion in public meetings of both the LATC and the Board. With the clearly enumerated requirements for approval in subdivision (a), and equally clear explanation of how a review is conducted in subdivisions (e) and (f), there is no need for further steps regarding how to appeal a denial by the Board beyond submitting a written appeal to the LATC.

Adopt CCR section 2620.5, subdivision (i)

Purpose: The purpose of adopting section 2620.5, subdivision (i) is to specify that the Board's approval period of any educational program shall be for a term of six years, unless otherwise specified pursuant to subdivision (f)(2).

Anticipated Benefits: The Board anticipates that the educational program, its students, and the public will benefit from specifying the expiration period for Board approval.

Rationale: The proposal is necessary to establish a Board approval expiration period. Most universities and educational programs are subject to reaccreditation review and reapproval. The LATC's Extension Certificate Program Subcommittee recommended a six-year expiration period, which is a standard term of approval for university programs in the education industry. Allowing a shorter expiration period was deemed unnecessary and could potentially over-extend Board resources by requiring more frequent approval proceedings (which may include travel expenses for site reviews), while a longer expiration period could potentially allow time for an educational program to stray from the Board's established requirements. This proposal would provide sufficient public protection to allow the Board's designees to reevaluate the educational program through site inspection for conformity to the regulation. This proposal also would ensure that students of programs continue to be provided appropriate landscape architecture education to prepare them for examination and practice. The proposal also would clarify that the six-year expiration does not apply to provisional approvals that may be granted for up to two years.

Adopt CCR section 2620.5, subdivision (j)

Purpose: The purpose of adopting section 2620.5, subdivision (j) is to establish a process by which a program may apply for renewal of Board approval.

Anticipated Benefits: The Board anticipates that a program will benefit from specifying the process to obtain renewal of Board approval.

Rationale: This proposal is necessary to provide transparency and clarity in the Board's extension certificate program approval renewal process. For this reason, the proposal uses the same process for renewal as established for the initial self-evaluation report, site visit, Board designee review and recommendation, LATC review and recommendation, and Board review and recommendation. The Board intends to use the same process because the process imposes a relatively small burden on the program and allows opportunity for the program to appeal.

Underlying Data

1. November 22, 2010 LATC Meeting Agenda; Meeting Materials; and Summary Report (Meeting Minutes)
2. December 15, 2010 Board Meeting Agenda; Meeting Materials; and Meeting Minutes
3. November 16, 2011 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
4. January 23-24, 2012 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
5. June 27, 2012 UC Extension Certificate Program Task Force Meeting Agenda; Meeting Materials; and Meeting Minutes
6. October 8, 2012 UC Extension Certificate Program Task Force Meeting Agenda; Meeting Materials; and Meeting Minutes
7. November 2, 2012 UC Extension Certificate Program Task Force Meeting Agenda; Meeting Materials; and Draft Meeting Minutes
8. January 24-25, 2013 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
9. March 7, 2013 Board Meeting Agenda; Meeting Materials; and Meeting Minutes
10. July 17, 2013 Office of Administrative Law Decision of Disapproval of Regulatory Action
11. August 20, 2013 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
12. February 10-11, 2015 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
13. March 2016 LAAB Accreditation Standards
14. LATC, Strategic Plan 2017-18
15. April 18, 2017 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
16. July 20, 2018 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
17. December 6-7, 2018 LATC Meeting Agenda, Meeting Materials; and Meeting Minutes
18. February 8, 2019 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
19. May 29, 2019 LATC Meeting Agenda; Meeting Materials; and Meeting Minutes
20. June 12, 2019 California Architects Board Meeting Agenda; Meeting Materials; and Meeting Minutes

Business Impact

This regulation will not have a significant adverse economic impact on business. The proposal clarifies the current requirements for an educational program to obtain Board program approval, adds a process and a deadline for appealing the Board's decision, and increases the transparency of the program approval process for the benefit of the programs and students. The Board's regulations did not previously address how long Board approval of a program would be effective or how a program could request the Board to renew their program. The increased clarity provided by this regulatory proposal

will be generally helpful but not have a significant adverse economic impact on business.

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 landscape architecture extension certificate programs applying for Board approval or renewal of approval.
- It will not create new business or eliminate existing businesses within the State of California because it only affects landscape architecture extension certificate programs applying for Board approval or renewal of approval. Furthermore, landscape architecture extension certificate programs that are housed within a larger college or university would not likely be eliminated should an educational program lose Board approval. The overseeing college or university would almost certainly offer a wide range of courses in other disciplines and some of the landscape architecture courses may still be offered in some other certificate program offered by the college or university.
- It will not affect the expansion of businesses currently doing business within the State of California because it only affects landscape architecture extension certificate programs applying for Board approval or renewal of approval.
- This regulatory proposal benefits the public health, safety, and welfare by establishing clear requirements for landscape architecture extension certificate programs applying for Board approval or renewal of approval.
- This regulatory proposal does not affect worker safety because it is not related to worker safety in any manner.

This regulatory proposal could potentially have a slight beneficial impact on the state's environment.

Set forth are the alternatives that were considered and the reason the alternatives were rejected:

One option is to maintain the status quo. The Board rejected this option as the requirements for an approved extension certificate program would remain unclear and the following issues must be addressed in regulation: 1) program approval as well as expiration, renewal, and extensions of said approval; 2) program denial and appeal of said denial; 3) the process to conduct site reviews; and 4) the information that shall be provided by the program to evaluate the program's compliance with this regulation.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.