

N C A R B

June 2010



How Architectural Registration Boards Work Together

ABOUT NCARB

The National Council of Architectural Registration Boards (NCARB) is a nonprofit corporation comprising the legally constituted architectural registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands as its members.

MISSION STATEMENT

The National Council of Architectural Registration Boards protects the public health, safety, and welfare by leading the regulation of the practice of architecture through the development and application of standards for licensure and credentialing of architects.

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INTRODUCTION

This document has been prepared to acquaint state legislators and members of state executive departments with the process by which architectural registration boards work together. It explains the inter-relationship of the boards and the National Council of Architectural Registration Boards ("NCARB"), which serves as a national forum for its Member Boards.

I. THE NATURE OF ARCHITECTURAL PRACTICE AND ITS EFFECT ON REGISTRATION

It is important to appreciate, at the outset, the way in which architectural practice in the United States differs from that of most of the other learned professions and how that difference has affected regulation.

While the regulation of the practice of architecture, like other learned professions, is remitted to the states by tradition going back to the nineteenth century, the architect is typically involved in state commerce in a way unparalleled by other professional groups. It is true that lawyers, doctors and accountants require some measure of reciprocal licensing in order to facilitate their moving their practice from one state to another (without having to repeat the full, initial licensing process). However, these professions rarely, if ever, require the capacity to move routinely across state lines. Architects, on the other hand, customarily do their work not only in the state where they live but also in surrounding states. And indeed, America's larger firms have a practice which is national, and even international, in scope.

Of course, each particular state is concerned with the quality and safety of buildings constructed within its borders. Each state has a keen interest in examining the qualifications of an architect who resides within the state. It is also no less interested in the qualifications of an architect from another state who may wish to practice in that state.

The process by which an applicant is registered in a home state is appropriately substantial and exacting. But what of architects seeking to design a project to be built in states other than their home state? It was recognized early that to require them to comply with such a substantial procedure would seriously obstruct their capacity to move from state to state. The effect of limiting an architect's mobility would be to hamper the public's choice of practitioners to perform particular, sometimes highly specialized services.

Confronting this problem, both the architectural registration boards and the profession concluded that there was no place in the system for the local protective instinct that sought to obstruct the free flow of practice from state to state. In general, there has been nearly unanimous recognition of the notion that it is in the interest of the public as well as the profession to facilitate interstate architectural practice.

Thus, while each state was charged by its legislature to protect the public health, safety, and welfare by examining the qualifications of persons who were to be permitted to design buildings within that jurisdiction, there was at the same time a clear understanding that the public interest required that the practicing architect be free to move from state to state in order to practice.

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The first solution to this dilemma was to provide in-state statutes that allowed an architect registered in his or her home state to come into another state if: (1) the home state permitted the second state's architects similarly to have access to practice in the home state, and (2) if the standards for registration in the home state were no less than the requirements of the second state.

But while this solution might seem workable, it broke down in two respects. First, it was exceedingly difficult for an individual state to scrutinize and evaluate the requirements of every other state. Second, it was difficult to assess whether another state was opening its doors to architects from the host state. A state board heard of aggravated cases only, and often those cases overshadowed the good-faith reciprocity that may have existed.

A much more effective solution was to provide a national clearinghouse, controlled by the state registration boards themselves. It would be their common task to evaluate and recommend candidates seeking registration in a second state. This solution, however, posed still another problem. If there were an infinite variety of standards among United States jurisdictions, could any state board charged with protecting its citizens allow a national clearinghouse to make judgments about the equivalency of standards?

The registration boards ultimately succeeded to a large extent in resolving this problem by creating the National Council of Architectural Registration Boards (NCARB). Its prime purpose was, and is, to develop normative standards jointly for the nation. Thus, the Member Boards, as a group, acting through their own creation—NCARB—are able to study and recommend standards for education and internship that, when adopted by the Member Boards, become the NCARB standards for granting its Certificate—a document evidencing NCARB's affirmative recommendation that the Certificate holder is an architect qualified to practice across state lines.

This process, in fact, has worked. All states use the national examination developed by NCARB (also referred to by many as simply, "The Council"). All states recognize the NCARB Certificate as evidence of an applicant's qualification to registration and practice. And most states have adopted both the Council education requirement and the Intern Development Program's experience requirement as their own standards for registration.

II. WHAT IS NCARB?

In 1919, the architectural boards of a handful of states, recognizing the problem posed by interstate practice, met to discuss the formation of a national organization. These discussions resulted in the establishment of the National Council of Architectural Registration Boards in 1920.

NCARB, located in Washington, DC, is a nonprofit organization established under the laws of the state of Iowa, with a membership comprising the registration boards of the 50 states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands,

It is important to stress that NCARB's only members are the legally constituted architectural registration boards. Only these boards formulate the rules and policies of NCARB. Only these boards elect NCARB's directors and officers.

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The chief activities of NCARB can, for convenience, be divided into two general areas. The first area comprises those services rendered by the Council to its Member Boards. They include:

- The development of the Architect Registration Examination® (ARE®), used by all Member Boards to test architectural interns on their competency to become architects.
- The development of education standards, which may be, and increasingly are, adopted by Member Boards as the standards to be required of candidates for registration.
- The development of internship standards, which may be, and increasingly are, adopted by Member Boards as the standards to be required of candidates for registration.
- The development of recommended standards of professional conduct for registered architects; these, too, are widely adopted by Member Boards pursuant to the rule-making power generally found in registration statutes.
- The development of legislative guidelines for use by Member Boards in revising their statutes to strengthen the protection of the public interest through more appropriate and effective laws.

The second area comprises services to registered architects. Chief among these is the maintenance of a nationwide system based upon the NCARB Certificate. This system, unique to the profession of architecture, has evolved over the years and represents the principal path by which registered architects are able to conduct their practice beyond the borders of their home state.

Registered architects are required by many states to demonstrate that they are maintaining their competence and have stayed abreast of changes in practice. They may demonstrate continuing competence by studying monographs prepared by NCARB for the purpose of furthering the architect's understanding of subjects related to public health, safety, and welfare.

The dues collected from its Member Boards comprise less than two percent of NCARB's gross revenues. The entire control of NCARB is in the hands of its Member Boards, but substantially all its revenue is generated from the services it furnishes to architectural interns and practitioners.

III. HOW NATIONAL STANDARDS ARE DEVELOPED

NCARB engages in extensive work through its committees to develop the recommended standards which were discussed above. The committees comprise members of NCARB's Member Boards.

- The Committee on Procedures and Documents re-examines each year the standards for training and education, legislative guidelines and a model law for adaptation by NCARB's Member Boards;
- The Committee on the Intern Development Program develops and monitors a structured internship program by which individuals seeking registration acquire their training;
- The Committee on Examination and its subcommittees prepare and monitor all facets of the Architect Registration Examination® and its administration; and
- The Committee on Education is responsible for the development and oversight of the NCARB Education Standard;

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- The Committee on Professional Conduct reviews the certification of architects who have been disciplined by Member Boards and updates the Member Boards concerning NCARB's Rules of Conduct, which has been adopted by a large majority of NCARB Member Boards as the rules regulating professional conduct in their jurisdictions.

The NCARB Board of Directors represent the Member Boards, come from each geographic area of the United States, and constitute important committees in such a way as to be sure they reflect a broad geographic cross-section of Member Boards.

During the year, the committees deliberate on their areas of responsibility. In cases where outside consultants are necessary (e.g., testing experts, legal counsel, educational experts and the like), these consultants are retained by NCARB to assist the committees. The work of the committees is reported periodically to the NCARB Board of Directors. Every important policy consideration, including any important change in the standards to be recommended to the Member Boards, is reviewed by the Boards of Directors before being presented to all Member Boards at NCARB Annual Meetings.

In addition, policy matters are reviewed at Regional Meetings. Each Member Board is also a member of one of six Regional Conferences. Most Regional Conferences hold at least two meetings yearly, and these regional meetings are frequently a source of new policy proposals as well as an occasion for study of current matters. Typically, national officers and staff personnel attend each regional meeting. Their task is to provide a detailed picture of proposals expected to be submitted for vote at the Annual Meeting. These proposals are discussed and frequently modified at the regional meetings.

At least 30 days prior to the annual meeting all matters to be voted on must be sent to the Member Boards. This requirement enables the Member Boards to deliberate on the questions to be raised at the Annual Meeting.

At the Annual Meeting new policies to be voted on are presented in detail. Proposals are informally discussed in regional meetings held at the time of the annual meeting. Frequently the committee chairman or one of the national officers is invited to join the regional meeting to answer questions raised by region members. Thereafter, the policies are debated in plenary session.

When the issue comes to a vote, each Member Board has a single vote. The membership is always sensitive to the fact that a change in the standards for the NCARB Certificate effectively changes the rules by which a registered architect is free to practice in another state; if a single state refuses, as a result of the change, to accept the NCARB Certificate, the entire structure of interstate registration may be undermined. Accordingly, no changes occur in certification standards unless approved by an absolute majority of Member Boards.

IV. SUMMARY

The foregoing underlines the important role of NCARB as the forum through which its Member Boards affect national recommendations for state registration policy. At a time when responsible state budgetary authorities are seeking ways to reduce the cost of government, it is useful to emphasize the unique utility of the NCARB for its Member Boards. As an example, it is commonplace for items of "out-of-state-travel" to be the first victim of budget reviewers. While many such inter-governmental agency meetings are useful only as educational experiences

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(exchanges of ideas, staying abreast of current developments), the NCARB meetings inevitably affect the policy of registration in each Member Board's sovereign state. No state can afford to be absent when changes in standards are discussed and adopted. While it is true that a particular state may refuse to adopt the new standard when considering an application from another state, if it does so persistently, it runs the strong risk that its own registrants will be barred from practice in other states. In short, the delicate national system of consensus among the registration boards of the sovereign states survives only because, to date, substantially all of the states have recognized the importance of the decisions taken by Member Boards at NCARB meetings.

As another example, many state government officials question their board as to why it should defer, in any way, to the judgments of a substantial number of the boards of sister states. Each state is sovereign and can make its own judgment as to how best to protect the health, safety, and welfare of its citizens. No one denies the validity of that proposition; but no one can deny either that the free flow of professional practice throughout the country requires a sense of mutual respect and comity among registration boards. It is through NCARB that the delicate balance is maintained.