

## **AGENDA ITEM K.2.ii: DISCUSS AND POSSIBLE ACTION ON CALIFORNIA CODE OF REGULATIONS SECTION 2620.5**

### **Summary**

On December 27, 2021, the final regulatory package to amend 16 CCR section 2620.5, Requirements for an Approved Extension Certificate Program, was submitted to the Office of Administrative Law (OAL) for review. On February 4, 2022, the assigned OAL reviewing attorney notified LATC staff that the text changes made after the Board's June 12, 2019 meeting were not clearly reflected in the minutes and carried through in the text. Additionally, the OAL reviewing attorney raised clarity concerns within the proposed text that would require a 15-day notice to the public of modified text. The Board is being asked separately to approve revised minutes for the Board's June 12, 2019 meeting that more clearly reflect the changes to the text the Board voted to adopt. The revised minutes will be added to the rulemaking binder.

As a result, the regulatory proposal was withdrawn from OAL review on February 8, 2022 and staff worked with DCA Legal to prepare the necessary documents and issue the 15-day notice of modified text indicating changes to subdivisions (b), (c), (d), and (j).

If no comments are received, staff will prepare the necessary documents and re-submit the rulemaking documents to OAL to complete the rulemaking. If comments are received during the rulemaking period, staff will provide the Board with the comments and proposed responses to the comments for Board approval as walk-in materials connected with this Item.

### **Action Requested**

If no public comments were received:

The Board is asked to consider a motion to approve the proposed modified text to amend 16 CCR section 2620.5, and if there were no adverse comments received during the 15-day public comment period, delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file and to adopt the proposed second modified text.

If public comments were received:

The Board is asked to consider a motion to approve and adopt the proposed modified text to amend 16 CCR section 2620.5, to review the public comments received and adopt the proposed responses to comments, and delegate to the Executive Officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

## **Attachments**

1. Modified Text to amend CCR, title 16, section 2620.5 (Requirements for an Approved Extension Certificate Program)
2. Amended June 12, 2019 Board Meeting Minutes (Draft)

DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 2. CALIFORNIA ARCHITECTS BOARD  
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

MODIFIED TEXT

Proposed amendments to the regulatory language are shown in single underline for new texts and ~~single strikethrough~~ for deleted text.

Modifications to the proposed regulatory language are shown in double underline for new text and ~~double strikethrough~~ for deleted text.

Amend Section 2620.5 of Article 1 of Division 26 of Title 16 of the California Code of Regulations as follows:

**§ 2620.5. Requirements for an Approved Extension Certificate Program.**

(a) An educational program offering an extension certificate program in landscape architecture shall apply to the Board for approval and shall meet the following requirements:

(1a) The educational program shall be established in an educational institution ~~which that~~ has a four-year educational curriculum and either is approved under Section 94900 Article 6 (commencing with Section 94885) of Chapter 8 of Part 59 of Division 10 of the Education Code or is an institution of public higher education as defined by Section 66010 of the Education Code.

(2b) There shall be a written statement of the program's philosophy and objectives ~~which that~~ serves as a basis for curriculum structure. Such statement shall take into consideration the broad perspective of values, missions, and goals of the profession of landscape architecture. The program objectives shall provide for relationships and linkages with other disciplines and public and private landscape architectural practices. The program objectives shall be reinforced by course inclusion, emphasis, and sequence in a manner ~~which that~~ promotes achievement of program objectives.

~~The program's literature shall fully and accurately describe the program's philosophy and objectives.~~

(3e) The program shall have a written plan for evaluation of the total program, including admission and selection procedures, attrition and retention of students, and performance of graduates in meeting community needs.

(4d) The program shall be administered as a discrete program in landscape

architecture within the institution with which it is affiliated.

(5e) There shall be an organizational chart ~~which~~that identifies the relationships, lines of authority, and channels of communication within the program and between the program and other administrative segments of the institution with which it is affiliated.

(6f) The program shall have sufficient authority and resources to achieve its educational objectives.

(7g) The program's director shall be a California licensed landscape architect.

(8h) The faculty shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing, and evaluating all aspects of the program. The faculty shall be adequate in type and number to develop and implement the program approved by the Board.

(9i) The program curriculum shall provide instruction in the following areas related to landscape architecture:

(Aa) History, art, and communication;

(Bb) Natural, cultural, and social systems;

(Cc) Design as a process in shaping the environment; (Dd) Plant material and their application;

(Ee) Construction materials and techniques; (Ff) Professional practice methods;

(Gg) Professional ethics and values;

(Hh) Computer systems and advanced technology; and

(I) Current California statutes and regulations covering the environment, landscape architecture, and water conservation.

(10) The program's curriculum shall not be revised until it has been approved by the Board or must be revised to correct deficiencies identified by the Board.

(11j) The program shall consist of at least 90 quarter units or 60 semester units.

(12k) The program shall maintain a current syllabus for each required course ~~which~~that includes the course objectives, content, and ~~the~~ methods of evaluating student performance.

(13l) The curriculum shall be offered in a timeframe ~~which~~that reflects the proper course sequence. Students shall be required to adhere to that sequence, and courses shall be offered in a consistent and timely manner in order that students can observe these requirements.

(14m) A program shall meet the following requirements for its instructional personnel:

(A4) At least one half of the program's instructional personnel shall hold a professional degree in landscape architecture.

(B2) At least one half of the program's instructional personnel shall be licensed by the Board as landscape architects.

(b) To apply for Board approval the program shall submit to the Landscape Architects Technical Committee a self-evaluation report that shall detail the program's compliance with the requirements set out in subdivision (a) of this section. The Committee and its duties are established in sections 5621 and 5622 of the Code.

(c) Within six months from the date that the self-evaluation report is submitted in compliance with subdivision (b), a minimum of three (3) Board designees shall ~~perform a site inspection or review the submission of the educational program and evaluate the results of the site visit, if conducted. No Board designee shall have a current financial interest related to the recommendation of the extension certificate program.~~ The Board designees may conduct a site visit, which may include meetings with the educational institutional administrator, the educational program director, faculty, students, and alumni. No Board designee shall have a current financial interest related to the recommendation of the extension certificate program.

(d) The Board designees shall evaluate the educational program's self-evaluation report and site ~~visit inspection, if conducted, or other review of the educational program~~ and submit to the Committee a written report, which shall contain findings as to whether the educational program has complied with the approval requirements set forth in subdivision (a), and make a recommendation regarding approval.

(e) The Committee shall review the recommendation of the Board designees and the program's self-evaluation report for approval at a public meeting and may:

(1) Recommend to the Board approval of the educational program;

(2) Request additional information from the educational program;

(3) Recommend provisional approval by stating the reasons of non-conformance to be addressed by the educational program within a specified time frame; or

(4) Recommend denial of the application.

(f) Upon recommendation by the Committee of the educational program, the Board shall review the Committee's recommendation at a public meeting. The Board shall consider the self-evaluation report, and recommendation regarding approval, and may approve, provisionally approve, or deny the application, defined as follows:

(1) "Approval" is granted when all requirements are met, or when one or more requirements are met with recommendation, and continued overall program quality and conformance to requirements are judged likely to be maintained.

(2) "Provisional approval" is granted when one or more requirements are met with recommendation, and the cited deficiencies are such that continued overall program quality or conformance to requirements is uncertain. Provisional approval may be granted up to two (2) years to permit the program time to correct those deficiencies identified. This status shall not be granted more than twice without an intervening period of approval. A provisional approval to operate shall expire at the end of its stated period, and the request for approval shall be deemed denied, unless the deficiencies are corrected prior to its expiration and an approval to operate has been granted before that date, or the provisional approval to operate has been extended for a period not to exceed twenty-four (24) months if the Board is satisfied that the program has made a good faith effort and has the ability to correct the deficiencies. Provisional status is not deemed to be an adverse action and is not subject to appeal.

(3) "Denial" results when one or more requirements are not met. This determination is subject to appeal.

(g) Programs shall be notified in writing by the Board of any actions taken regarding their application.

(h) Within 90 days of the date of the written notification of the Board's denial of an application, the educational program may submit to the Committee a written appeal of the Board's decision that may include a report of deficiencies that have been corrected. The Committee shall review the report and may request the Board designees perform an additional site inspection or review of the educational program pursuant to subdivision (d). The appeal and report of corrected deficiencies shall be reviewed in accordance with subdivisions (e) and (f).

(i) The Board approval period of any educational program shall be for a term of six (6) years, unless otherwise specified pursuant to subdivision (f)(2).

(j) To renew Board approval, six months prior to the date of expiration of the Board approval, the educational program shall apply for approval renewal by submitting to the Committee a self-evaluation report as referenced in subdivision (b) of this section, which shall detail the educational program's compliance with subdivision (a) of this section. The educational program's self-evaluation report will be reviewed and either approved or denied in compliance with subdivisions (c) through (f).

Note: Authority cited: Section 5630, Business and Professions Code. Reference: Section 5650, Business and Professions Code; and Section 87100, Government Code.