



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: Professional Practice Committee

FROM: Valerie Grey

SUBJECT: Proposed Amendments to sections 68.11 and 68.12 of the Regulations of the Commissioner of Education, Relating to the Mandatory Continuing Education in Engineering and Land Surveying

DATE: June 6, 2011

AUTHORIZATION(S):

SUMMARY

Issue for Decision

Should the Regents amend sections 68.11 and 68.12 of the Regulations of the Commissioner of Education pertaining to the mandatory continuing education requirements for engineers and land surveyors?

Reason(s) for Consideration

Review of policy.

Proposed Handling

The proposed amendments are being submitted to the Professional Practice Committee for recommendation and to the Full Board for adoption at the June 2011 Regents meeting.

Procedural History

The proposed amendment was discussed by the Professional Practice Committee at its April 2011 meeting

Background Information

This item presents proposed amendments related to the mandatory continuing education requirements for those individuals who are engaged in the practices of engineering and land surveying.

The proposed amendments to sections 68.11(c)(1)(i) and 68.12(c)(1)(i) of the Regulations of the Commissioner would require mandatory continuing education in ethics. Within each three-year registration period, licensees would be expected to earn at least one continuing education credit by participating in an approved continuing education course or “other educational activity” that focuses substantially on ethics relating to professional practice. The public engages design professionals because they trust that the practitioner will provide competent and independent professional services in an ethical manner. There is currently a renewed focus nationally on the core values of these professions, and this amendment will benefit the public by increasing the design professionals' knowledge of ethical standards for the professions. It would also more closely align the New York State requirements for mandatory continuing education with the national standards established by the National Council of Examiners for Engineering and Surveying.

The proposed amendments to sections 68.11(c)(3)(ii)(b) and 68.12(c)(2)(ii)(b) of the Regulations of the Commissioner would add an additional activity through which a licensee may meet the mandatory continuing education requirements. Individuals would be permitted to earn up to nine continuing education hours over a three-year registration period for professional service on a committee or task force that addresses technical and/or regulatory issues relating to the professional practice of engineering and land surveying, provided that such committee or task force has been established by a governmental entity, professional association, or other entity determined by the department, with assistance from the State Board for Engineering and Land Surveying, to be acceptable. One hour of credit would be granted for every two hours of time spent in formal collaborative sessions of such committees, while engaged in activities directly related to professional practice, such as developing and interpreting industry standards and related technical information for code officials. To be acceptable for continuing education credit, such service would have to be certified in writing by an authorized individual within the organization. Such continuing education credits would be categorized as “other educational activities,” which include all types of permitted continuing education other than courses of learning and cannot total more than 18 continuing education hours in any registration period. This change would more closely align the New York State requirements for mandatory continuing education with current national standards established by the National Council of Examiners for Engineering and Surveying.

A Notice of Proposed Rule Making was published in the State Register on April 6, 2011. No public comments were received, and no revisions have been made to the proposed amendment. Supporting materials for the proposed amendments are available upon request from the Secretary to the Board of Regents.

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subparagraph (i) of paragraph (1) and clause (b) of subparagraph (ii) of paragraph (3) of subdivision (c) of section 68.11 and subparagraph (i) of paragraph (1) and clause (b) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 68.12 of the Regulations of the Commissioner of Education be amended, as submitted, effective July 15, 2011.

Timetable for Implementation

The effective date of the amendment is July 15, 2011.

AMENDMENT TO THE RULES OF THE BOARD OF REGENTS AND REGULATIONS
OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6506, 6507, 6509, 7211, and 7212 of the Education Law

1. Subparagraph (i) of paragraph (1) of subdivision (c) of section 68.11 of the Regulations of the Commissioner of Education is amended, effective July 15, 2011, as follows:

(i) During each triennial registration period, meaning a registration period of three years' duration, an applicant for registration shall complete at least 36 hours of continuing education acceptable to the department, as defined in paragraph (3) of this subdivision, provided that at least 18 hours of such continuing education shall be in courses of learning, [and] no more than 18 hours of such continuing education shall be in other educational activities as prescribed in paragraph (3) of this subdivision, and at least one hour of such continuing education shall be in professional ethics. Any licensed professional engineer whose first registration date following January 1, 2004 occurs less than three years from that date, but on or after January 1, 2005, shall complete continuing education hours on a prorated basis at the rate of one hour of acceptable continuing education per month for the period beginning January 1, 2004 up to the first registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2004 and ending before the first day of the new registration period or at the option of the licensee during any time in the previous registration period.

2. Clause (b) of subparagraph (ii) of paragraph (3) of subdivision (c) of section 68.11 of the Regulations of the Commissioner of Education is amended, effective July 15, 2011, as follows:

(b) Other educational activities. Acceptable continuing education shall be the following other educational activities, provided that no more than 18 hours of continuing education in a registration period shall consist of such other educational activities:

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) completing a self-study program, meaning structured study, provided by a sponsor approved pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students; [and]

(6) completing an educational tour, meaning a structured tour of an instructional nature provided by a sponsor approved pursuant to subdivision (i) of this section; and

(7) serving on any committee or task force that addresses technical and/or regulatory issues relating to the professional practice of engineering, provided that such committee or task force has been established by a governmental entity, professional association, or other entity determined by the department, with assistance from the State Board for Engineering and Land Surveying, to be acceptable. Continuing education hours that may be credited for this activity shall be one hour of credit for every two hours of service while engaged in activities directly related to professional practice. To be acceptable for continuing education credit, such service must be certified in writing by an authorized individual within the committee or task force and approved by the department. No more than nine hours of such continuing education may be included during each registration period.

3. Subparagraph (i) of paragraph (1) of subdivision (c) of section 68.12 of the Regulations of the Commissioner of Education is amended, effective July 15, 2011, as follows:

(i) During each triennial registration period, meaning a registration period of three years' duration, an applicant for registration shall complete at least 24 hours of continuing education acceptable to the department, as defined in paragraph (2) of this subdivision, provided that at least 16 hours of such continuing education shall be in courses of learning, [and] no more than eight hours of such continuing education shall be in other educational activities as prescribed in paragraph (2) of this subdivision, including but not limited to self-study programs, and at least one hour of such continuing education shall be in professional ethics. Any licensed land surveyor whose first registration date following January 1, 2004 occurs less than three years from that date, but on or after January 1, 2005, shall complete continuing education hours on a prorated basis at the rate of one hour of acceptable continuing education per month, up to a maximum of 24 continuing education hours, for the period beginning January 1, 2004 up to the first registration date thereafter. Such continuing education shall be completed during the period beginning January 1, 2004 and ending before the first day of the new registration period or at the option of the licensee during any time in the previous registration period.

4. Clause (b) of subparagraph (ii) of paragraph (2) of subdivision (c) of section 68.12 of the Regulations of the Commissioner of Education is amended, effective July 15, 2011, as follows:

(b) Other educational activities. Acceptable continuing education shall be the following other educational activities, provided that no more than eight hours of

continuing education in a registration period shall consist of such other educational activities, including but not limited to self-study programs:

(1) . . .

(2) . . .

(3) . . .

(4) . . .

(5) completing a self-study program, meaning structured study, provided by a sponsor approved pursuant to subdivision (i) of this section, that is based on audio, audio-visual, written, on-line, and other media, and does not include live instruction, transmitted in person or otherwise, during which the student may communicate and interact with the instructor and other students; [and]

(6) completing an educational tour, meaning a structured tour of an instructional nature provided by a sponsor approved pursuant to subdivision (i) of this section; and

(7) serving on any committee or task force that addresses technical and/or regulatory issues relating to the professional practice of land surveying, provided that such committee or task force has been established by a governmental entity, professional association, or other entity determined by the department, with assistance from the State Board for Engineering and Land Surveying, to be acceptable. Continuing education hours that may be credited for this activity shall be one hour of credit for every two hours of service while engaged in activities directly related to professional practice. To be acceptable for continuing education credit, such service must be certified in writing by an authorized individual within the committee or task force and approved by the department. No more than nine hours of such continuing education may be included during each registration period.