

# Thoughts on Professional Practice and Education

## Article 8: State Specific Exams

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This is the eighth article I have prepared in the series offering thoughts on professional practice and education. In this article, I wish to discuss state specific exams.

Most states require the applicant for licensure in the state pass an exam on surveying topics the state board of licensure believes is important for surveying practice in the state. Even surveyors applying by reciprocity or comity that have already passed NCEES exams must take and pass the state specific exam to be licensed.

I have had or hold surveying licenses in six different states. In all but one state, I had to take a state specific exam. I have also aided in the preparation and grading of state specific exams. Based on my experiences, I have opinions on state specific exams that I will share with the reader. Without question, I am going to stir up some controversy. Take heart for those that disagree with me. I have absolutely no influence other than these words to change any policies. Furthermore, to date, my words have had no influence in modifying a licensing board's policy. I will also add that I have never shown a proficiency to predict the future. If a reader does not agree with me, fear not. My arguments will likely not persuade members of licensing boards. Go to bed believing you will prevail, despite my arguments, and sleep in peace.

We will start with the premise that I believe to be true, that there is law in one state affecting surveyors or surveying practice that is unique to that state. It follows that a surveyor should know that law before practicing or offering services in that state. The relevant question I ask is whether a state specific exam is the method to assure the surveyor knows state specific law.

There are seven deficiencies I have observed with state specific exams.

First, contents of some state specific exams are not state specific. Some licensing boards test knowledge that is common to all or many states. In one state specific exam, I was tasked with calculating coordinates and calculating the area of a parcel. Testing for this knowledge is done on the national exams.

Second, many exams ask questions that are state specific but are not required for competent practice within the state. For example, one state specific exam question I had to answer asked for the penalties imposed for certain infractions by a surveyor. I would suggest that a surveyor could perform services required in the state competently for their entire professional career in that state without knowing what the penalties are for certain infractions in surveying practice. Such knowledge, when necessary, can be addressed and found if and when the surveyor faces discipline. This is akin to asking drivers on their driving exam what the dollar fine is for speeding.

Third, it is not reasonable to test on topics that ordinarily require the surveyor investigate the law as a matter of course during practice. For an example of this deficiency, I saw a question requiring a surveyor to know, on a state specific test, what are the number of hours of

continuing education allowed for writing an article. The surveyor can find this information when and if they decide to write an article. What is appropriate is to ensure the surveyor knows continuing education is required for renewing a license.

Fourth, testing should only focus on common and widespread knowledge to practice in that state. A state should not test on knowledge that most competent surveyors in the state do not know or need to know. I have seen a state specific exam composed of questions that the vast majority of competent surveyors currently practicing in the state would not be able to answer. If the knowledge is not necessary for current surveyors to competently practice, why is the knowledge necessary for new surveyors? These are 'gotcha' questions that have no place on a state specific exam. I would go so far as to claim the exam would not survive legal scrutiny if challenged by a test taker.

Fifth, testing should only test on knowledge necessary for practice not knowledge useful for practice. Let me give an example what I mean by necessary versus useful knowledge. An example of useful knowledge would be the time period comprising the statute of limitation for the state. This is not necessary knowledge to practice surveying. The surveyor should not and cannot offer legal advice. Therefore, the surveyor cannot tell a landowner if adverse possession or prescription has occurred or not. It follows, while the surveyor may find the statute of limitations useful knowledge to know, knowing what the statute of limitation is for the state is not necessary knowledge for surveying practice.

Sixth, testing should be confined to fingertip knowledge versus lookup knowledge. Fingertip knowledge is knowledge that the surveyor must know without reminder when offering services. For example, fingertip knowledge would be the knowledge that a written contract is required for surveying services or there are mandatory standards that the surveyor must adhere to when providing typical surveying services. Lookup knowledge is what procedure is required to comply with a right of entry law. Using a non-survey related example, fingertip knowledge is the knowledge that a person must periodically renew car registration. Lookup knowledge is what procedure or paperwork is required to renew car registration.

Seventh, testing should focus on critical knowledge for common services, not unusual services that few surveyors provide. For example, if a state has survey standards for laying out solar envelopes and less than one percent of the surveyors in the state will ever attempt to lay out a solar envelope, questions on solar envelope standards are not appropriate. Knowledge of unusual services would be akin to a person seeking a driver's license in order to drive their Ford 150 pickup being asked on their driver's exam how many hours a commercial truck driver is allowed to drive before resting.

I would offer the opinion that if a licensing board eliminated from their state specific exams the deficiencies I have noted, the licensing board would substantially reduce the contents of the exam or even eliminate the state specific exam altogether - perhaps go with an on-line study course and test.

I will focus the remainder of this article discussing the future of state specific exams by suggesting three options. One option is to eliminate state specific exams. The second option is

to offer alternatives to examination. The third option is to modify the testing procedures of a state specific exam to be more flexible and in line with NCEES testing.

Eliminating a state specific exam may be appropriate where there are few topics left after filtering them as previously noted or for licensing in cases of comity. In cases of comity, if a surveyor has practiced in one state for a long period of time without fault or discipline, experience and logic suggest the surveyor will practice competently in another state when licensed.

Alternatives to testing for state specific knowledge would require surveyors watch a video explaining state specific law or be sent a fact sheet on state specific law a surveyor should be aware of. Another option is to require attendance at a seminar or viewing videos where speakers explain state specific law.

The final option is to modify the state specific testing procedure. Provide references for the test questions that an applicant can study and allow on-line testing at test centers that can be taken by applicants anywhere and during any reasonable day and time.

† Other books and articles by Knud can be found at <https://umaine.edu/svt/faculty/hermansen-articles/>