

ARKANSAS STATE BOARD OF REGISTRATION FOR PROFESSIONAL SOIL CLASSIFIERS

RULES

Act 460 of 1975 of the State of Arkansas establishes the profession of Soil Classifying and provides for the regulation of the profession by this Board. Act 460 outlines the activities and procedures of this Board. However, the act allows the Board latitude in certain areas and requires rules of application in other areas. The following are the rules of the Board adopted pursuant to Act 460.

I. APPLICATION FOR REGISTRATION:

Application for registration as Soil Classifier or certification as a Soil Classifier-in-Training shall be made on a form provided by the Board. The applicant shall answer all questions on the form. Among other things, the applicant shall provide the Board with the following:

References: Applicants for Soil Classifier shall provide five references, three of whom shall be Professional Soil Classifiers and two shall be character references. Applicants for Soil Classifier-in-Training shall provide three character references.

Transcripts: Applicants shall provide the Board with certified transcripts for all college or university courses they have attempted.

Experience: Applicants are to provide the Board with a descriptive record of their present and past employment. Applicants holding valid Soil Classifier-In-Training certificates are to provide the Board with detailed records of work experience in soil classification including examples of work and name(s) of Professional Soil Classifiers worked under (as per Section III, paragraph 2). Applicants are also to provide the Board with any other information that relates to their competence as a Soil Classifier or Soil Classifier-in-Trainingsuch as reports published, professional organizations, etc.

The Board, at its discretion, may ask for additional information, or ask the applicant to appear before the Board. The Board may, with sufficient reason, waive any requirement not specifically made by the Act.

II. EDUCATIONAL REQUIREMENTS:

An approved soils curriculum shall consist of at least: (1) a full four-year course of study leading to a Bachelor of Science (or equivalent) or higher degree from an accredited college or university with a major in a pertinent field of agricultural or physical science, and (2) 30 semester hours or equivalent in biological, physical and earth sciences with a minimum of 15 semester hours in soil science. Soil science hours shall include at least one

course in soil classification and genesis with field instruction in site evaluation and writing soil descriptions. The 15 semester hours in soil science shall be acceptable toward a major in soil science at the institution offering these courses or at another accredited institution in the event the offering institution does not grant a major in soil science.

An unapproved soils curriculum shall consist of at least: (1) a full four-year course of study leading to a Bachelor of Science (or equivalent) or higher degree from an accredited college or university with a major in a pertinent field of agricultural or physical science, and (2) 30 semester honors or equivalent in biological, physical and earth sciences with a minimum of 15 semester hours in soil science, without a course in soil classification and genesis. The 15 semester hours in soil science shall be acceptable toward a major in soil science at the institution offering these courses or at another accredited institution in the event the offering institution does not grant a major in soil science.

III. EXPERIENCE REQUIREMENTS:

Applicants for Soil Classifier-in-Training who have completed an approved soils curriculum are not required to have experience. Applicants for Soil Classifier-in-Training who have completed an unapproved soils curriculum are required to have one year of soil survey field mapping experience in the National Cooperative Soil Survey Program, or one year of soil survey field mapping, site evaluation and description writing experience under the supervision of a registered Professional Soil Classifier as defined in the following paragraph. The definition of supervision for the purposes of these Rules shall mean direct on-site observation of and participation in all training exercises, unless otherwise approved by the Board.

The experience requirement for registration as a Soil Classifier for applicants holding a valid Soil Classifier-in-Training certificate consists of one year of soil survey field mapping experience in the National Cooperative Soil Survey Program, or one year of soil survey field mapping, site evaluation and description writing experience under the supervision of a registered Professional Soil Classifier and a demonstrated ability to be independently productive. Each Soil Classifier-in-Training not receiving his/her experience in the National Cooperative Soil Survey Program must prepare a training plan with his/her supervisor and submit it to the Board for approval prior to the beginning of the training period. At the end of the training period, the supervisor must submit to the board signed documentation to support completion of the approved training plan including, but not limited to, training dates, training locations, and description of training. The supervisor must also submit a signed letter to the Board stating that the training is complete and the trainee has received sufficient experience to apply for registration as a Soil Classifier.

The requirement for a person not holding a Soil Classifier-in-Training certificate consists of two years of soil survey field mapping experience in the National Cooperative Soil Survey Program and a demonstrated ability to be independently productive.

IV. EXAMINATIONS:

All applicants for certification as a Soil Classifier-in-Training are to pass an examination on the *Fundamentals of Soil Classification*.

All applicants for registration as a Professional Soil Classifier are to pass at some time both the examination on *Fundamentals of Soil Classification* and the examination on the *Principles and Practice of Soil Classifying*. The applicant may take both examinations on the same date if he/she meets the other requirements. In the event an applicant taking both examinations on the same date fails the examination on the *Fundamentals of Soil Classification*, the applicant's examination on the *Principles and Practice of Soil Classifying* shall not be graded and shall be considered void, i.e. neither passed nor failed.

Examinations on the *Fundamentals of Soil Classification* and on the *Principles and Practice of Soil Classifying* shall be held on dates and at locations designated by the board. Each applicant shall be notified in writing at least 20 days in advance as to the date and location of the appropriate examination. Examinations shall be prepared and administered by persons designated by the Board. Applicants are required to score a minimum of seventy five percent (75%) to successfully pass an examination.

Examinations on the *Fundamentals of Soil Classification* and on the *Principles and Practice of Soil Classifying* will be written examinations. In addition, the Board may require, at its discretion, a field examination as part of the examination on the *Principles and Practice of Soil Classifying*.

Field examinations shall be held on dates and at locations designated by the board. Each applicant shall be notified in writing at least 20 days in advance as to the date and location of the examination. The field examination shall consist of three parts: (1) a field mapping exercise; (2) writing a complete, detailed soil profile description and (3) making on-site interpretations for specific uses. Applicants are required to score a minimum cumulative score of seventy five percent (75%) to successfully pass this examination.

V. FEES:

Applications -- \$20.00

Initial Registration, Soil Classifier -- \$60.00

Initial Certification, Soil Classifier-in-Training -- \$50.00 (valid for four years) Reexamination -
- \$20.00

Registration Renewal, Soil Classifier -- \$20.00 Late Renewals:

Soil Classifier: \$30.00 plus \$2.00 per month for each expired month.

Late renewals may be affected for up to 3 years. Late renewals are effective on August 1, following the June in which the certificate expired.

Temporary permits:

Initial -- \$75.00 Renewal -- \$60.00

VI. RESIDENCY CHANGES:

A Professional Soil Classifier registered in Arkansas who becomes a resident of another domain may continue to renew his/her certificate.

VII. ROSTER

The Secretary of the Board shall provide upon request a roster of Professional Soil Classifiers registered by the Board.

VIII. RECIPROCITY AND TEMPORARY OR PROVISIONAL LICENSURE

A. Reciprocity

1. Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements:

a. The applicant shall hold a substantially similar license in another United States' jurisdiction or through the American Registry of Certified Professionals in Agronomy Crops and Soils (ARCPACS).

i. A license from another state or is substantially similar to an Arkansas Professional Soil Classifiers license or Soil Classifier-in-Training if the other state's licensure qualifications require educational requirements substantially similar to those found in Section II of these rules;

ii. The applicant shall hold his or her occupational licensure in good standing;

iii. The applicant shall not have had a license revoked for an act of bad faith or a violation of law, rule, or ethics;

iv. The applicant shall not hold a suspended or probationary license in a United States' jurisdiction; and

b. The applicant shall be sufficiently competent in soil classification.

2. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

a. As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:

i. Evidence of current and active licensure in that state. The Arkansas Department of Agriculture (Department) may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and

- ii. Evidence that the other state's licensure requirements match those listed in 1.a.i. The Department may verify this information online or by telephone to the other state's licensing board.
- b. To demonstrate that the applicant meets the requirement in 1.a.ii through iv, the applicant shall provide the Board or its designee with:
 - i. The names of all states in which the applicant is currently licensed or has been previously licensed;
 - ii. Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in 1.a.iii and does not hold a license on suspended or probationary status as described in 1.a.iv. The Department may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board.
- c. As evidence that the applicant is sufficiently competent in the soil classification, an applicant shall submit letters of recommendation as required in Section I of these rules.
- d. Transcripts from educational institutions verifying the educational requirements.

B. Temporary and Provisional License

1. The applicant shall be issued a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under 2.a.i and ii.
2. The temporary and provisional license shall be effective for at least 90 days, not to exceed one year, unless the Board or its designee determines that the applicant does not meet the requirements under A.1., in which case the temporary and provisional license shall be immediately revoked.
3. An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

C. License for person from a state that does not license profession.

1. Required Qualifications. An applicant from a state that does not license professional soil classifiers shall meet the following requirements:
 - a. The applicant shall be sufficiently competent in soil classification;
 - b. The educational requirements in Section II of these rules, and
 - c. The experience requirements in Sections I and III of these rules.
2. Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.
 - a. As evidence that the applicant is sufficiently competent in the field of [name], and applicant shall:
 - i. Pass examinations as required in Section IV of these rules, and
 - ii. Submit letters of recommendation as required in Section I of these rules.
 - b. Transcripts from educational institutions verifying the educational requirements.

IX. STANDARDS

The Board adopts the current standards of the National Cooperative Soil Survey for the Professional Soil Classifiers practicing in Arkansas.

X. **MILITARY AUTOMATIC LICENSURE**

A. As used in this subsection, “returning military veteran” means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable.

B. The Board shall grant automatic licensure to an individual who holds a substantially equivalent occupational license in good standing in another United States jurisdiction or through ARCPACS and is:

1. An active duty military service member stationed in Arkansas;
2. A returning military veteran applying for an occupational license within one (1) year of his or her discharge from active duty; or
3. The spouse of a person under B. (1) or (2) above.

C. The Board shall grant such automatic licensure upon receipt of all items listed below:

1. Payment of the initial license fee
2. Evidence that the applicant is a holder in good standing of a substantially equivalent occupational license in another state or through ARCPACS; and
3. Evidence that the applicant is a qualified applicant under Section B.

XI. **PRE-LICENSURE CRIMINAL BACKGROUND CHECK AND WAIVER REQUEST**

A. **Pre-licensure criminal background check:**

1. Pursuant to Ark. Code Ann. §17-3-103, an individual may petition for a pre-licensure determination of whether the individual’s criminal record will disqualify the individual from an occupational license and whether a waiver may be obtained.
2. The individual must obtain a pre-licensure criminal background check petition form from the Arkansas Department of Agriculture.

3. The Board or its designee will respond with a decision in writing to a completed petition within a reasonable amount of time, no later than its next regularly scheduled quarterly meeting, and will state the reason for its decision.
4. All decisions in response to the petition will be determined by the information provided by the individual, and are not subject to appeal.
5. A copy of the petition and response will be retained and reviewed during the formal application process.

B. Waiver Request:

1. If an individual has been convicted of an offense listed in Ark. Code Ann. §17-3-102(a), except those permanently disqualifying offenses found in subsection (e), the Board may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for waiver is made by:
 - a. An affected applicant for an occupational license; or
 - b. An individual holding an occupational license subject to revocation.
2. The Board may grant a waiver upon consideration of the following, without limitation:
 - a. The age at which the offense was committed;
 - b. The circumstances surrounding the offense;
 - c. The length of time since the offense was committed;
 - d. Subsequent work history since the offense was committed;
 - e. Employment references since the offense was committed;
 - f. Character references since the offense was committed;
 - g. Relevance of the offense to the occupational license; and
 - h. Other evidence demonstrating that licensure or certification of the applicant does not pose a threat to the health or safety of the public.
3. A request for waiver, if made by an applicant, must be in writing and accompany the completed application and fee.
4. The Board or its designee will respond with a decision in writing, and will state the reason(s) for the decision.
5. An appeal of a determination under this section will be subject to the Administrative Procedure Act §25-15-201 *et seq.*