

Document: Proposed Rule, **Register Page Number:** 28 IR 2808

Source: June 1, 2005, Indiana Register, Volume 28, Number 9

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TITLE 876 INDIANA REAL ESTATE COMMISSION

Proposed Rule
LSA Document #05-49

DIGEST

Amends 876 IAC 4-1-6 to allow an approved distance learning continuing education course to be conducted in a facility that is also used as a broker or salesperson office. Amends 876 IAC 4-2-1 to allow instruction for an approved distance learning education course to be more than eight hours of instruction in one day. Adds 876 IAC 4-3 to establish distance learning continuing education requirements and procedures for real estate salespersons and brokers and to establish the requirements and procedures for distance learning continuing education course sponsors. Effective January 1, 2006.

876 IAC 4-1-6

876 IAC 4-2-1

876 IAC 4-3

SECTION 1. 876 IAC 4-1-6 IS AMENDED TO READ AS FOLLOWS:

876 IAC 4-1-6 Facilities

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 6. (a) No course shall be conducted in a facility ~~which~~ **that** is also used as a broker or salesperson office, **except for an approved distance learning continuing education program.**

(b) Courses shall be taught in a facility with adequate:

- (1) space;
- (2) seating;
- (3) equipment; and
- (4) instructional material;

to accommodate the number of students enrolled.

(c) The premises, equipment, and facilities shall comply with all:

- (1) local;
- (2) city;
- (3) county;
- (4) state; and
- (5) federal;

regulations, such as fire, building, **and** sanitation codes and handicap accessibility.

(d) Any facility previously approved for broker or salesperson courses under IC 25-34.1-5 shall be deemed satisfactory. (*Indiana Real Estate Commission; 876 IAC 4-1-6; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824*)

SECTION 2. 876 IAC 4-2-1 IS AMENDED TO READ AS FOLLOWS:

876 IAC 4-2-1 Continuing education requirements

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-3-10; IC 25-34.1-9-11; IC 25-34.1-9-19

Sec. 1. (a) Every licensed real estate broker and salesperson who has not been granted:

- (1) an inactive license under IC 25-34.1-3-10; or
- (2) a waiver under IC 25-34.1-9-19;

must complete during each two (2) year licensure period at least sixteen (16) hours of the approved education requirements under IC 25-34.1-9-11 and this article ~~which that~~ are given by commission-approved sponsors of courses in order to qualify for license renewal.

(b) Licensees attending continuing education courses shall present a:

- (1) government-issued photo identification; and ~~a~~
- (2) real estate broker or salesperson pocket card;

for inspection by the course sponsor or a person designated by the course sponsor.

(c) Measurements and reporting shall be in full hours with a fifty (50) minute instruction period equaling one (1) hour.

(d) A course shall be a minimum of ~~a two (2) hours~~ **hour** instruction period.

(e) A minimum of two (2) hours and ~~no~~ **not** more than eight (8) hours of instruction may be offered in a one (1) day course. **However, instruction for an approved distance learning continuing education program may be more than eight (8) hours of instruction in a one (1) day course.**

(f) A licensee shall not be entitled to any continuing education credit for a course unless the licensee ~~attends~~ **completes** the entire course.

(g) There shall be no minimum requirement of numbers of credit hours to be completed in each single year of the two (2) year licensure period.

(h) Any continuing education credit accumulated above the minimum requirement for a two (2) year licensure period shall not be carried forward ~~to~~ **to** the next two (2) year licensure period.

(i) A licensee who attends the same approved continuing education course more than once in the same two (2) year licensure period is only entitled to continuing education credit for **one** (1) course.

(j) An instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than six (6) hours of credit for instructing in any two (2) year licensure period; ~~Instructors may not or~~
- (2) receive credit for repeated courses.

(Indiana Real Estate Commission; 876 IAC 4-2-1; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:50 a.m.: 25 IR 103)

SECTION 3. 876 IAC 4-3 IS ADDED TO READ AS FOLLOWS:

Rule 3. Distance Learning Continuing Education

876 IAC 4-3-1 “Distance learning continuing education” defined

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 1. (a) “Distance learning continuing education” means education designed for licensed professional learners who live at a distance from the teaching institution or education provider. The term includes enrollment and study with an educational institution that provides organized, formal learning opportunities for professionals seeking to remain current on the high standards of their profession and abreast of the changes in their field. Presented in a sequential and logical order, the instruction:

- (1) is offered wholly or primarily by distance study, through virtually any media; and**
- (2) may incorporate or make use of various media formats, including, but not limited to:**
 - (A) printed materials;**
 - (B) communication technologies; and**

(C) Internet based delivery systems.

(b) The commission approves the following distance learning continuing education courses:

(1) Courses that meet the requirements of section 3 of this rule.

(2) Courses for which the applicant provides satisfactory documentation that the continuing education course offered has been certified by a national accrediting institution. Any commission approval based on such certification will cease immediately upon notice from the accrediting institution that certification of the continuing education course has been discontinued for any reason.

(3) Courses completed for academic credit at an accredited university or college that cover a subject area listed under 876 IAC 4-2.

(c) A student must complete the distance learning continuing education course or courses within one (1) year of the date of enrollment.

(d) Mandatory and nonmandatory classes may be taken through distance learning continuing education courses. (*Indiana Real Estate Commission; 876 IAC 4-3-1*)

876 IAC 4-3-2 Distance learning continuing education courses

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 2. The commission shall approve a distance learning continuing education course if the commission determines to its satisfaction the following:

(1) The distance learning continuing education course serves to protect the public by contributing to the maintenance and improvement of the quality of the real estate services provided by the real estate licensees to the public.

(2) An appropriate and complete application has been filed and approved by the commission.

(3) The information specified in section 3 of this rule has been submitted and approved.

(4) The distance learning continuing education course meets the content requirements as prescribed in 876 IAC 4-2-2 and 876 IAC 4-2-3.

(5) The distance learning continuing education course meets all other requirements as prescribed in the statutes and rules that govern the operation of approved courses.

(Indiana Real Estate Commission; 876 IAC 4-3-2)

876 IAC 4-3-3 Approval of distance learning continuing education

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 3. In order for a distance learning continuing education course to be approved, the provider shall submit the following information:

(1) Mission and objectives, as follows:

(A) A statement that clearly defines the mission of the provider's educational programs.

(B) The specific curricular objectives for the course.

(C) A plan for periodic review of the following:

(i) The mission statement.

(ii) Curricular objectives.

(2) Course design, as follows:

(A) A course outline that clearly states the following:

(i) The course objectives.

(ii) The desired student outcomes.

(B) A plan to ensure that the course content is:

(i) updated in a timely manner; and

(ii) distributed to:

(AA) students who are currently enrolled; and

(BB) future registrants.

(C) A plan for submitting substantial changes in the course to the commission. Substantial changes include, but are not

limited to, the following:

- (i) Expanded or reduced course content.
- (ii) Changes in the time allotments for portions of the course.
- (iii) Changes or redirected learning objectives.
- (iv) A change of instructor.
- (v) Changes in the course delivery method.

(D) The course disk or CD-ROM, if applicable.

(E) A list of reference materials provided to the students.

(F) A list of any prerequisites for the course and evidence that students are properly advised of the prerequisites before registration.

(G) Evidence that the course is structured in a mastery learning format that ensures mastery accomplishment.

(H) Evidence that the number of hours claimed is the number of hours it takes the average student to complete the course. This requirement can be met by submitting the results of the studies or field tests, or both, that will verify the claims.

(3) Interactivity, as follows:

(A) A description of how interaction is accomplished in the course.

(B) An explanation of how:

- (i) interactivity is evaluated; and
- (ii) feedback is gathered from students; throughout the course.

(4) Course delivery, as follows:

(A) A plan that shows evidence that technical support will be available when needed.

(B) Evidence that instructor-student ratios are acceptable for the delivery method used.

(C) The name or names and qualifications of the instructor or instructors of the course, submitting their credentials, including any specific training for teaching, via the specified delivery method, and a plan for their continued professional development.

(D) A list of remote sites if applicable. "Remote site" means one that receives a broadcast whether by:

- (i) satellite; or
- (ii) teleconferencing.

(E) A list of any site facilitators and the qualifications and credentials for each.

(5) Equipment and learning environment, as follows:

(A) A list of equipment that the student will need and evidence that this information is made available to the student before registration.

(B) An acceptable plan for dealing with equipment failures.

(6) Student support services, as follows:

(A) A copy of a student information package that contains all the necessary information about the course. This information includes, but is not limited to, the following:

- (i) Information about broadcasts and distance site locations.
- (ii) Faculty contact information.
- (iii) The course outline and learning objectives.
- (iv) Guidelines regarding what constitutes successful completion of the course.
- (v) Deadlines.
- (vi) Fees and refunds.
- (vii) Prerequisites.
- (viii) Illness policy.
- (ix) A list of required student materials, including required software.

(B) An explanation of how student orientation sessions are accomplished. Each student is required to have an orientation before the student begins the course.

(C) An acceptable list of other support services made available to the students.

(7) Evaluation and assessment, as follows:

(A) An evaluation form that solicits student feedback on the following:

- (i) The delivery approach.
- (ii) The equipment.
- (iii) Suggestions for class improvement.
- (iv) The student's overall satisfaction with the course.

An evaluation form is required to be given to every student in a distance learning continuing education course at the conclusion of the course.

(B) A plan for verifying student identity. The provider of any distance learning continuing education course must have an acceptable plan in place that verifies that the student enrolled in the course is the one that completes the following:

- (i) The course.
- (ii) Any required tests.

(8) Commitment to support, as follows:

(A) A copy of the provider's business plan that shows ongoing commitment to provide adequate financial and technical resources to support the distance learning continuing education course.

(B) A statement of how long the provider has been offering distance learning continuing education courses.

(Indiana Real Estate Commission; 876 IAC 4-3-3)

876 IAC 4-3-4 Distance learning continuing education courses by correspondence

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 4. Licensees may take distance learning continuing education courses by correspondence so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

- (A) True or false.
- (B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Correspondence courses must have sufficient security to assure against fraudulent practices.

(Indiana Real Estate Commission; 876 IAC 4-3-4)

876 IAC 4-3-5 Video instruction distance learning continuing education

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 5. Licensees may take distance learning continuing education courses by video instruction so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

- (A) True or false.
- (B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Video instruction classes must have a monitor in the room at all times to assure proper attendance.

(Indiana Real Estate Commission; 876 IAC 4-3-5)

876 IAC 4-3-6 Internet distance learning continuing education

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 6. Licensees may take continuing education courses via the Internet so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

- (A) True or false.
- (B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Internet courses must have sufficient security to assure against fraudulent practices.

(Indiana Real Estate Commission; 876 IAC 4-3-6)

SECTION 3. SECTIONS 1 through 3 of this document take effect January 1, 2006.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on June 23, 2005 at 10:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Indiana Real Estate Commission will hold a public hearing on proposed amendments to allow an approved distance learning continuing education course to be conducted in a facility that is also used as a broker or salesperson office, to allow instruction for an approved distance learning education course to be more than eight hours of instruction in one day, to establish distance learning education requirements and procedures for real estate salespersons and brokers, and to establish the requirements and procedures for distance learning education providers. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W072 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Frances L. Kelly
Acting Executive Director
Indiana Professional Licensing Agency