

CHAPTER 520-2

Standards for Real Estate Courses

RULES
OF
GEORGIA REAL ESTATE COMMISSION

CHAPTER 520-2
STANDARDS FOR REAL ESTATE COURSES

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520-2-.01 Purpose of Chapter

The purpose of this Chapter is to delineate the rules and regulations that the Georgia Real Estate Commission will follow in approving and regulating all real estate schools, instructors, and courses as provided for by O.C.G.A. Section 43-40-8.

Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, & 43-40-25.

520-2-.02 Real Estate Schools.

(1) **Timetable for Approval.** The Commission shall approve, disapprove, or request additional data on any application for a school approval within sixty days of the receipt of a complete application meeting the requirements of Rule 520-1-.04(4) and containing the data required by this Rule. The Commission shall deem an application abandoned if the applicant fails to respond to a request for additional or revised data within one hundred twenty days after the

Commission has sent such a request to the address of the applicant listed on the application. In the event an application is abandoned, a new application and fee will be required to reinstate the application. The Commission, in its discretion, may elect not to process an incomplete application as defined by Rule 520-1-.04(4) unless and until all the requirements of that paragraph are met.

(2) Application Requirements for Approval. Applicants for school approval must file with the Commission an application and a fee as provided by Rule 520-1-.04. The application must set forth in terms acceptable to the Commission the following: (a) Identification. The name and address of the school, the name of the school director and the school coordinator as well as any other identifying criteria that the Commission may require. The school director and/or coordinator shall be responsible for certifying student completion of all courses covered under this Chapter.

(b) Records Management. A detailed proposal of records management for retaining for at least five years records of student attendance, the scores earned by all students on all graded exercises and examinations, and any student certifications required by this Chapter;

(c) Nonpublic Postsecondary Education Certificate. If the applicant is subject to the Nonpublic Postsecondary Educational Institutions Act of 1990, O.C.G.A. § 20-3-250.1 et. seq., a copy of the current certificate issued by the Nonpublic Postsecondary Education Commission;

(d) School Directors and Owners. The name and address of the owner if the school is a sole proprietorship, the names and addresses of the partners if the school is a partnership, the names and addresses of the members if the school is a limited liability company (if a member is a corporation, the names and addresses of the officers of the corporation member), and the names and addresses of each officer if the school is a corporation.

(e) Attendance Make-up Policy. Any make-up policy regarding attendance that the school has adopted;

(f) Entrance Qualifications. A list of any entrance qualifications for students;

(g) Media Equipment. A statement that the school can make available to its students materials the Commission may require for use in a particular course or courses and that it has video or audio equipment available to present Commission required material;

(h) Learning Environment. A statement that the school will conduct in-class courses in environments that are appropriate for learning;

(i) Electronic Registration and Transmission Capability. A statement that the school has the capability to follow Commission authorized procedures for (1) electronically registering its students for qualifying examinations with the Commission's approved vendor, (2) to communicate electronically any required student course completion information to that vendor, and (3) to communicate electronically any required student course completion information to the Commission.

(j) Compliance with the Americans with Disabilities Act (ADA). A statement that the school will comply with all relevant provisions of the Americans with Disabilities Act (ADA).

(k) Nondiscrimination. A statement that the school will not discriminate in its fees, enrollment, or completion policies on the basis of race, color, sex, religion, national origin, familial status, or handicap;

(l) Course Outlines. A detailed outline(s) of course(s) to be offered with hours to be spent on each subject area to be covered in the

course(s) and a description of all planned in-class and homework exercises;

(m) **Bibliography.** A bibliography of all texts and reference materials for use in the course(s);

(n) **Student Evaluations.** A comprehensive description of the measures and standards the school will employ to evaluate student performance in order to determine whether a student successfully completes a course.

(o) **Learning Objectives.** A description of the learning objectives for each instructional hour of the course(s). A learning objective is part of the overall goal of the course. An objective states, in measurable terms, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction;

(p) **Instructors.** A list of all proposed instructors;

(q) **Course Schedule.** A list of the course(s) for which the school seeks approval; and

(r) **Notice to Students.** A copy of the Notice to Students required by this Rule.

(3) **Renewal of Approval.** In order to renew any school approval, the Commission must receive an application from the school requesting renewal prior to the expiration of the current approval. The application requesting renewal must be on a form authorized by the Commission and accompanied by the required renewal fee established in Rule 520-1-.04(1).

(4) **Minimum Standards for Students.** Approved schools must adopt and enforce standards for students that at least meet the minimums described in this Rule.

(a) Attendance. In order for a school to certify a student as passing a course, the student must attend all of the required number of hours of in-class instruction for which the school offers the course.

(b) Required Exercises and Examinations. In order for a school to certify a student as passing a course, the student must complete and pass all graded exercises and/or examinations required by the school.

(c) Makeup Policy. A school director may establish a makeup policy for students who are unable to attend all the scheduled hours of instruction required for a course. Such makeup may allow a student who misses one or more sessions of a course to make up those sessions by attending similar sessions of the same course. A student who enrolls in a school which offers the seventy-five hour salesperson's prelicense qualifying course, the sixty hour broker's prelicense qualifying course, or the twenty-five hour community association manager prelicense qualifying course in a series of courses each of whose total number of hours is fewer than the required seventy-five, sixty, or twenty-five hours may not transfer credit for a course or courses completed in that series to another school unless the new school offers the identical series of courses. Schools shall utilize no more than thirty minutes of audio or video material toward meeting any required or make-up hours of in-class instruction unless the Commission grants written authorization for such material prior to its use.

(d) Certification Requirements. In order for a school to certify a student as passing a course, the student must meet any minimum grading and conduct standards established by this Chapter and the school. On graded exercises and examinations for which this Chapter sets specific requirements, the school's policy must at least equal those requirements. [See 520-2-.04 (11)] Other grading standards must be in accordance with generally accepted educational standards.

Schools must publish these standards and give them to the students in a written form at the beginning of the course.

(5) **Notice to Students.** Upon a student's enrollment or prior to the beginning of instruction in any course, the school shall provide that student a written Notice to Students containing the following information about the course.

(a) **Approval Details.** The Notice must state that the Commission has approved the school and disclose the following:

1. its end of renewal date;
2. the number of hours of education credit of the course;
3. whether the course is an in-class course or a computer-based course or other type of distance education course;
4. whether the course meets prelicense, postlicense, or continuing education credit; and
5. if the course is a prerequisite for licensure as a community association manager salesperson or broker, whether it satisfies all or part of the hours required for that license, and if only a part of those hours, how many hours it meets and what other course(s) the student must complete to fulfill all of the requirements.

(b) **Instructors.** The Notice must list the instructors who will teach the course(s).

(c) **Grading and Certification Policy.** The Notice must describe the school's grading policies for exercises, homework, examinations, and any other work on which the school will base a student's grade.

(d) **Attendance.** The Notice must describe the school's attendance requirements, including notice that the student must be on time and present for all in-class hours in order to receive credit for the course, and a statement indicating how students will makeup absences if the school has established a makeup policy.

(e) Prohibition of Recruitment Notice. The Notice must include the prohibition of recruitment statement required by Rule 520-2-.02 (10) and outline the manner in which students must report any efforts of recruitment;

(f) Computer-based Courses. If the course is a computer-based course, the Notice to Students must also include:

1. the name and address of the approved school;
2. the order in which the student must submit homework assignments;
3. a statement that the student must personally complete all instructional modules required to demonstrate mastery of the material and sign the certification statements required by this Rule;
4. a statement that the student must successfully complete all assignments before receiving credit for the course or before attending any required in-class instruction; and
5. an explanation of when and where to complete any required in-class instruction; and

(g) Preliminary Decisions. For Prelicense Courses, the Notice must include a description of the Commission's Preliminary Decision option for persons with criminal convictions. [See Substantive Regulation 520-1-.04(11).]

(h) Continuing Education Credit. The Notice must include a statement that the student may not receive credit for any continuing education course that he or she has taken within the previous calendar year.

(i) Any other information that the Commission may require.

(6) **Reporting.** All approved schools must report the following information to the Commission or its designee.

(a) Changes. Schools must immediately report to the Commission in writing changes in its director/coordinator, its name, its phone number, or its location or mailing address. The school must notify the Commission immediately if it terminates its relationship with an instructor because of the instructor's violation of any provision of this Chapter.

(b) Prelicense Student Registrations and Completions. Schools must electronically register students for qualifying examinations with the Commission's approved vendor and promptly

communicate electronically to that vendor any required student course completion information.

(c) Student Completions in Post License and CE Courses. Schools must communicate electronically to the Commission all student completion information in postlicense and continuing education courses as directed by the Commission.

(7) **Evaluation of Instructors.** The school coordinator/director shall be responsible for consistent and regular evaluation of the school's instructors. The coordinator/director must provide each student with an opportunity to make unsigned, written evaluations of instructors. Upon receipt of a sworn written request for an investigation or at its own discretion, the Commission may request, and the coordinator/director shall supply additional student and coordinator/director evaluations on specific individual instructors in question. The Commission may use these evaluations to determine what action to take to improve the quality of instruction.

(8) **Maintenance of Records.** All approved schools must maintain for at least five years and upon reasonable request must make available to any authorized representative of the Commission the following documents.

(a) Examinations. Schools must retain copies of all examinations given and the answer keys for those examinations.

(b) Texts and materials. Schools must maintain copies of all texts or other instructional materials used in courses.

(c) Attendance. Each school must maintain records that reflect the attendance (or for computer-based courses the completion of each module of instruction) and scores earned by each student on all graded, written exercises and examinations used to determine whether the student passed a course.

(d) Instructor Resumes. Schools must maintain resumes or other biographical information documenting such knowledge and experience for all postlicense and continuing education instructors who have not qualified as approved instructors under the standards of Chapter 520-2.

(e) Computer-based Courses. For all computer-based courses, each school must maintain for at least five years, in a form that the Commission authorizes, records that reflect the following:

1. the student's name, the course title, the number of hours authorized for the course, and the particular software version of the course;
2. a Commission authorized system of verification of the completion of each module of instruction within the computer-based course and the date of completion of the course; and
3. the scores for each student for all final examinations for those courses requiring such examinations;

(9) **Advertising.** This Rule regulates advertising whether done by an approved school, an approved instructor, or the provider of approved courses or through any media. The term "media" includes, but is not limited to, print, photographic, broadcast, and computer media including, but not limited to, such examples as newspapers,

magazines, flyers, posters, radio, television, signs, newsletters, and internet web sites.

(a) Use of Commission Name. If a school, after approval, wishes to use the name of the Georgia Real Estate Commission in its advertising, it must indicate that the Georgia Real Estate Commission has approved the school as meeting the requirements of Georgia laws. Such advertising may not indicate in any fashion that the Georgia Real Estate Commission has any interest in the school other than insuring that it complies with the standards imposed by Georgia law. In no event can the phrase "Georgia Real Estate Commission" appear anywhere in the advertisement in larger type than the words and phrases preceding or following the phrase "Georgia Real Estate Commission."

(b) Use of the Name of a Licensed Firm. Whenever an approved school advertises that it is offering any prelicense, postlicense or continuing education at the location of a real estate firm or other organization that is not an approved school, the school must include in the advertisement the school's name and school approval number as registered with the Commission and the name of the school and the approval number must appear in equal or greater size, prominence, and frequency than the name of the firm or organization. Personnel of the approved school must:

1. give students and prospective students information concerning course offerings, except that the school may allow other persons to distribute written information prepared by the school's director/coordinator. Such printed information shall include no telephone number other than the school's number and the following statement:

"This information provided by (name of school). Direct any questions concerning this information to (name of school)."

2. administer the registration and enrollment of students, except that the school may allow other persons to register and enroll students under the direction of the school's director/coordinator.

3. certify the students' completion of the course; and

4. maintain all records required by the Commission.

(c) Disclosure of Type of Course. Any advertising of a course must state within the body of the advertisement that the course is an in-class course or a computer-based course whichever is applicable.

(d) Use of School's Passing Percentage Statistics. An approved school may not advertise that successful completion of its courses will assist an individual in passing either of the Commission's licensing examinations unless it includes its passing percentage in the advertisement in type as large as the reference to passing the examination. In calculating and advertising its passing percentage, an approved school must include the following information:

1. the passing rate of its students:

(i) on the examination(s) to which the advertisement refers,

(ii) expressed as a specific percentage (language such as "more than 80% passing" is not acceptable),

(iii) based on only first-time examinees and so state in the advertisement, and

(iv) for the calendar year prior to the advertisement (the school must identify the year in the advertisement);

2. whether the passing rate is for the salesperson's examination or the broker's examination (salesperson and broker passing rates may not be combined);

3. the actual number of its students taking the examination in the calendar year cited; and

4. the actual number of its students passing the examination during the calendar year cited.

An approved school that advertises courses that do not qualify an individual to sit for an examination but that the school holds out to the public as assisting an individual to pass the examination must comply with the requirements of this paragraph in advertising those courses.

(10) Prohibition of Recruiting.

No school coordinator/director shall allow anyone to use the school's premises or classroom to recruit new affiliates for any company one hour before, one hour after, or during an instruction period. The school coordinator/director shall cause the following statement to be distributed in written materials to all students at the beginning of the course:

"No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class or on the school premises. Report promptly any effort to recruit on behalf of a brokerage firm by anyone including a fellow student to *(name of school coordinator/director)* at *(phone number and/or office location)* or the Georgia Real Estate Commission." Instructors and school coordinators/directors must promptly report to the Commission any efforts to recruit students in violation of this paragraph.

(11) Exceptions. Schools may request exceptions, modifications, or exemptions to the requirement of this Chapter whenever sound educational reasons exist for such a request. Schools must submit such requests in writing with supporting rationales and may

implement them only after receiving written authorization from the Commission.

Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, & 43-40-25.

520-2-.03 Real Estate Instructors.

(1) **Approved Instructors.** Only instructors approved by name by the Commission or guest instructors as provided for in paragraph (5) of this Rule may teach Community Association Managers Prelicense, Salespersons Prelicense, and Brokers Prelicense Courses.

(2) **Timetable for Approval.** The Commission shall approve, disapprove, or request further information on all applications for instructor approval within sixty days of the receipt of a complete application meeting the requirements of Rule 520-1-.04 and containing the data required by this Rule. The Commission, in its discretion, may elect not to process an incomplete application as defined by Rule 520-1-.04(4) unless and until all the requirements of that paragraph are met.

(3) **Application Required for Approval.** Applicants for instructor approval must file with the Commission an application and a fee as provided in Rule 520-1-.04. The applicant must sign the application and must include the status of any real estate license held by the applicant, a resume of the applicant's background, and the following information:

(a) **Teaching Experience.** A description of the applicant's teaching experience.

(b) **Formal Education.** A summary of the applicant's formal education including any degrees earned.

(c) Real Estate Education. A list of all pre-license and continuing education courses in real estate and any college real estate courses completed by the applicant.

(d) Real Estate Experience. A description of the applicant's real estate experience, membership in professional real estate associations, experience with auxiliary fields, training in real estate brokerage and education, and specific numbers and types of brokerage transactions in which the applicant has participated.

(e) Criminal Background Report. No more than sixty days prior to making application, each applicant for an instructor approval shall obtain, at the applicant's expense, and attach to the applicant's application for approval:

1. a certified criminal history report issued by the Georgia Crime Information Center of the Georgia Bureau of Investigation, indicating whether the applicant has any record of a criminal history or

2. for applicants for approved instructor who have not lived in Georgia, a certified criminal history report from their resident state, province, or territory that is equivalent to the report required in sub-paragraph (e) of this sub-section. If that report indicates that the applicant has a record in another jurisdiction, or if the applicant is unable to obtain a report as set forth in sub-paragraph (e) 2. of this sub-section, the applicant must, at the applicant's expense, provide a Federal Crime Information Center report from the Federal Bureau of Investigation.

(f) Required Courses. The application must provide evidence of the applicant's having successfully completed, within one year prior to making an application for instructor approval, the following:

1. a Commission approved instructor development workshop and

2. a Salespersons Prelicense Course including the passing of the course examination; and

(g) such other biographical information as the Commission may require.

(4) **Approval Criteria.** In approving the applicant, the Commission shall consider qualifications from paragraph (3) above. The Commission may approve a non-resident instructor that another jurisdiction's real estate regulatory body has approved and who can provide evidence of having actively taught prelicense courses as an approved instructor for at least five years. The Commission shall be the final determinant of approval of instructors.

(5) **Guest Instructors.** Schools may utilize guest instructors with expertise in particular areas in any approved course provided a properly approved instructor is present at the time of their presentation. Schools may, however, utilize guest instructors without an approved instructor's being present with the prior written approval of the Commission.

(6) **Renewal of Approval.** All instructors must apply for renewal of approval by December 31 of the year in which their approval expires. Renewal applications must be on forms supplied by the Commission and accompanied by:

(a) the required renewal fee established in Rule 520-1-.04;

sixty instructional hours of contact with students in any Commission approved school during the preceding four years; and

(c) satisfactory proof that the instructor has done one of the following:

1. attended each of the Commission's annual meetings for approved schools and instructors during the renewal period or;

2. attended at least two of the Commission's annual meetings for approved schools and instructors during the renewal period and has successfully completed:

(i) a minimum of twelve instructional hours in a continuing education course(s) that meet the requirements of this Chapter that an approved instructor other than the applicant teaches.

(ii) a twenty-five hour classroom course that leads to a professional designation related to real estate brokerage activities offered by the National Association of Realtors, the National Association of Real Estate Brokers, or such other private trade association as the Commission may approve prior to the applicant's enrollment in the course;

(iii) a five quarter hour or three semester hour college course that leads to a degree in real estate or that focuses on teaching techniques;
or

(iv) any other course which the Commission approves for instructor continuing education prior to the instructor's taking the course.

Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, & 43-40-25.

520-2-.04 Real Estate Courses

(1) Developing and Offering Courses.

(a) Purpose. The Commission intends that all courses offered by its approved schools to meet the requirements of this Chapter shall be educational in nature. Schools should not specifically orient courses to the passing of state licensing examinations or other examinations. The courses should introduce students to the language of the profession and basic theory underlying the duties and responsibilities of real estate licensees. They should also seek to improve licensee's skills in handling the normal business activities of a licensee. Courses must require practice in the skills being taught and provide a significant number of exercises for practice of those skills. All courses should make students aware of the need for further study and the perfection of practical skills.

(b) Course Code. An approved school may not hold out a course as meeting the requirements of this Chapter until the course is posted on the Commission's electronic record of the school's courses or the school receives other written authorization from the Commission.

(2) **Instructors.** Only instructors approved by the Commission under the standards of this Chapter may instruct Salespersons Prelicense, Brokers Prelicense, or Community Association Managers Prelicense courses. Only instructors with appropriate experience and knowledge of the content areas of Salespersons Postlicense or continuing education courses may teach these courses.

(3) **Hours of Instruction.** For all courses under the requirements of this chapter, an "instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course shall not exceed seven and one-half hours per day. The school shall hold all in-class instruction between the hours of 7:00 a.m. and 10:00 p.m. with breaks totaling at least fifteen minutes every two hours. The schedule must allow reasonable time for preparation for each classroom session. All in-class instruction for Brokers Prelicense course students shall be separate from all in-class instruction for Salespersons Prelicense

course students. Instructors shall utilize no more than thirty minutes of audio or video material toward meeting any required in-class (or makeup) hours of instruction unless the Commission grants written authorization for such material prior to its use.

(4) Prelicense Courses.

(a) Documentation Required for Offered Courses. For each prelicense course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete.

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3) Texts. A list of text materials utilized in the course;

(4) Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5) Student Records. - Records that identify each student and the student's attendance record and final grade for any course; and

(6) Course Evaluations. Written summaries of student evaluations of the courses.

(7) Ethics. Every course offered by an approved school for prelicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(8) Additional Subjects. Schools may offer units of instruction on subjects other than those required for courses cited in this Rule only with prior written authorization from the Commission.

(9) Reading Assignments and Exercises. For all prelicense courses cited in this Rule, schools must include with each instructional unit appropriate reading assignments for completion out of class. The school shall also require that students complete out of class extensive written exercises that the school grades.

(10) Student Certifications. Each out of class written assignment a student submits for grading must include the following:

I certify that I have personally completed this assignment.

Date

Student's Signature

The school shall refuse to grade any out of class written assignment on which the student does not sign this statement.

(11) An approved instructor and/or the school coordinator/director must grade the written course work required of students.

(b) Community Association Managers Prelicense Course. A Community Association Managers Prelicense Course must provide for a minimum of twenty five instructional hours. Schools may not count time students spend on breaks as part of in-class instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of in-class

instruction time. The course must cover fundamentals in the following areas:

1. property law including Georgia laws on common interest ownership, public rights and limitations, and fair housing laws;
2. forms of ownership including planned unit development (PUD), homeowner's associations, condominiums, cooperatives, timeshares, townhouses, and master association relationships and how to interpret community association governing documents;
3. contracts and transaction documents including the content and negotiation of management agreements, the nature and content of insurance documents, and resale certificates;
4. real estate instruments and conveyances including notices, proxies, and liens and amendments to documents and the requirements for reinstatement;
5. law of agency including identifying and understanding agency relationships and duties between community association managers and association boards, members, and tenants of members; single and dual agency; and agency disclosure;
6. financing instruments and basic accounting practices including principles of accounting for trust accounts, for common interest associations, and for lender requirements for recertification;
7. Georgia real estate license law;
8. ethics in community association management;
9. environmental laws;
10. safety precautions; and/or

11. such other areas as the Commission may from time to time require or authorize.

(c) Salespersons Prelicense Course. A Salespersons Prelicense Course must provide for a minimum of seventy-five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The course must cover fundamentals in the following areas:

1. real estate contracts including completing and presenting form real estate sales contracts with extensive practice with problems involving new FHA, VA, and conventional loans; loan assumptions; brokerage engagements; and leases (students must demonstrate proficiency in completing such form contracts by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);
2. real estate instruments and conveyances;
3. closing procedures (RESPA) including a salesperson's responsibilities at a loan closing conducted by someone else and an explanation of standard closing procedures and documents used in the salesperson's services area;
4. law of agency including agency disclosure;
5. pricing real property (students must demonstrate proficiency in preparing forms which document such pricing by passing a school developed and administered test or by satisfying such other

assessment measurements established by the school as the Commission may authorize);

6. real estate financing including extensive practice in estimating costs of selling and purchasing property and estimating monthly payments (students must demonstrate proficiency in completing forms which document such estimates by passing a school developed and administered test or by satisfying such other assessment measurements established by the school as the Commission may authorize);

7. Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud;

8. community association management activities and property management activities;

9. environmental laws;

10. taxation;

11. city and urban development;

12. fair housing;

13. anti-trust laws;

14. safety precautions;

15. Georgia's real estate license law; and/or

16. such other areas as the Commission may from time to time require or authorize.

(d) Brokers Prelicense Course. A Brokers Prelicense Course must provide for a minimum of sixty instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or the final examination may not constitute more than ten percent of the required instruction time. The Brokers Prelicense Course must review all subject areas covered in the Salespersons Prelicense Course so that students may learn advanced concepts in those areas. In addition, the course must include significant components covering conducting loan closings, real estate office management, personnel policies, trust account record keeping, discharging a broker's responsibility for associate licensees, and/or such other areas as the Commission may from time to time require or authorize.

(5) Sales Postlicense Course.

(a) Documentation Required for Offered Courses. For each postlicense course, the school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete;

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction;

(3) Texts. A list of text materials utilized in the course;

(4) Evaluation Materials. Copies of daily tests, final examinations, or other materials used to evaluate student performance;

(5) Student Records. Records that identify each student and the student's attendance record; and

(6) Course Evaluations. Written summaries of student evaluations of the courses.

(7) Ethics. Every course offered by an approved school for postlicense credit must include acknowledgment and coverage of the ethical implications of the subject matter of the course.

(b) A Sales Postlicense Course must provide for a minimum of twenty five instructional hours. Schools may not count time students spend on breaks as part of the required instruction time. Time students spend in taking graded exercises and tests or final examinations may not constitute more than ten percent of the required instruction time. The curriculum of the course must focus on legal fundamentals and/or basic practices in sales or management of residential, agricultural, commercial, or industrial properties. If the subject matter of the course addresses residential sales, then the course must include a component on Georgia's Residential Mortgage Fraud law and methods for identifying possible fraud in transactions and properly reporting alleged fraud.

(6) Continuing Education Courses. Every approved school must offer every calendar year a course designed to help licensees meet the continuing education requirements of O.C.G.A. § 43-40-8(e). This course or courses shall be in addition to the Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, or Brokers Prelicense Course.

(a) Documentation Required for Offered Courses. For each continuing education, course, the approved school must maintain and make readily available to an authorized representative of the Commission the following documentation:

(1) Course Outline. A detailed course outline that identifies the hours to be spent on each subject area to be covered in the course and all planned exercises that students are required to complete

(2) Learning Objectives. A detailed list of learning objectives for each instructional hour of the course. A learning objective is part of the overall goal of the course. An objective states, in terms that are measurable, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(3) Texts. A list of text materials utilized in the course;

(4) Student Records. Records that identify each student and the student's attendance record; and

(5) Course Evaluations. Written summaries of student evaluations of the courses.

(b) Duration of Classes. No school may offer a continuing education course of fewer than three credit hours. A credit hour is defined as an "instructional hour" means a period of time of at least fifty minutes of instruction or other learning activity. In-class instruction and testing in any course must not exceed seven and one-half clock hours per day.

(c) Subject Areas. Any continuing education course which does not seek to improve knowledge and skills in real estate brokerage activity in the subject areas listed in paragraph (4) this Rule must have the prior written authorization of the Commission.

(d) Courses Exceeding Twenty-Four Hours. The Commission will accept any course for continuing education credit that exceeds twenty-four classroom hours in length only if such course also meets all requirements for approval as a Sales Postlicense course.

(e) **Repeating Courses.** A licensee who has successfully completed a course to meet any part of such licensee's continuing education credit may not repeat that course unless at least one full year has passed since the completion of that course.

(7) **Teaching Methods.** While instructors may use such teaching methods as lecture, discussion, questions and answers, etc. in in-class sessions, instruction should also include role play, simulations, or other similar instructional techniques designed to assist students in mastering such skills as writing offers, presenting offers, calculating costs, pricing property, and complying with fair housing laws.

(8) **Interactive Instruction Required.** Schools must present courses to students through interactive instructional techniques. Examples of interactive instruction include such teaching techniques as providing a student (1) the opportunity for immediate exchange with an instructor in a classroom setting and (2) immediate assessment and remediation through computer assisted or other audio or audiovisual interactive instruction. Schools shall not attempt to provide instruction primarily by having students (a) read text material, (b) listen to audio tapes, (c) watch video tapes or films, or (d) study questions similar to those on the state licensing examinations or by combining elements of (a) through (d) above.

(9) **Distance Education Courses.** Distance education is comprised of courses in which instruction does not take place in a traditional classroom setting but rather through other media in which distance and time separate teacher and student. Schools generally deliver distance education courses through such media as telecommunications or by computer. The Commission approves distance education courses:

(a) that meet all of the requirements of this chapter, or

(b) for which the applicant provides satisfactory documentation that the Association of Real Estate License Law Officials (ARELLO) has certified the course as meeting its distance education standards. Any Commission approval based on such an ARELLO certification will cease immediately upon notice from ARELLO that ARELLO has discontinued such certification of the course for any reason. Synchronous Internet Courses or “Webinar” Courses require ARELLO certification. In distance education courses, a credit hour is defined as sixty minutes of instruction.

(10) **Computer-Based Courses.** The Commission approves the offering of computer-based courses that meet the specific standards of this Rule and all other applicable requirements of this Chapter.

(a) Teach to Mastery. Every course offered under this Rule must teach to mastery. Teaching to mastery means that the course must, at a minimum:

1. divide the material into major units as approved by the Commission;
2. divide each of the major units of content into modules of instruction for delivery on a computer;
3. specify the learning objectives for each module of instruction. The learning objectives must be comprehensive enough to insure that if all the objectives are met, the student will master the entire content of the course;
4. specify an objective, quantitative criterion for mastery used for each learning objective;
5. implement a structured learning method by which each student is able to attain each learning objective;

6. provide means of diagnostic assessment of each student's performance on an ongoing basis during each module of instruction. This assessment process must measure what each student has learned and not learned at regular intervals throughout each module of instruction, and the diagnostic assessment must specifically assess the mastery of each concept covered in the content material.

7. provide a means of tailoring the instruction to the needs of each student as identified in (10) (a) 5. above. The process of tailoring the instruction must insure that each student receives adequate remediation for specific deficiencies identified by the diagnostic assessment;

8. continue the appropriate remediation on an individualized basis until the student demonstrates achievement of each mastery criterion;

9. require that the student demonstrate mastery of all material covered by the learning objectives for the module before the student completes the module; and

10. consist of interactive computer-based instructional material which will reasonably require a student completing the course to expend the number of hours for which the school offers the course.

(b) Documentation of Methodology. Prior to the development of specific computer-based courses to be offered to meet prelicense, postlicense, and continuing education requirements, a school must submit to the Commission for its approval satisfactory documentation of the method by which the course will accomplish each element of mastery in paragraph (a) of this Rule. If the Commission authorizes that method, the school may utilize that method in developing any courses it may offer to meet licensees' education requirements under this chapter. The school must base the rationale for the educational processes implemented with computer-based study on sound instructional strategies systematically designed and proven effective

through educational research and development. The school must specify the basis and rationale for any proposed instructional approach in any request for approval.

(c) Required Testing and Evaluation of Courses. Courses offered under this Rule must also meet the criteria outlined in this Rule except those covering in-class instruction. Except where the Commission has granted permission in writing to do otherwise, persons developing computer-based courses must:

1. when developing prelicense courses for salespersons and community association managers, utilize at least nine persons in testing programs in order to evaluate for the developer the quality of content and the user friendliness of software and hardware. Of those nine persons, at least three must be unlicensed, at least three must be licensed salespersons or community association managers, and at least six must be non-educators. Persons developing any other courses for education credit for licensees must utilize at least six persons in testing programs in order to evaluate for the developer the quality of the content and the user friendliness of software and hardware. Of those six persons at least four must be non-educators and no more than two may be brokers, unless the course will only be offered to brokers. Persons developing such courses must document that those testing the programs have varying skill and knowledge levels of computers and real estate; and

2. make reasonably available to an authorized representative of the Commission documentation on the development and testing processes utilized in its computer-based courses.

(d) The Commission has determined that the following types of programs do not meet the requirements of this Rule:

1. those programs that consist primarily of text material presented on a computer or other audio or audiovisual programs rather than in printed material;
2. those programs that consist primarily of questions similar to those on the state licensing examination;
3. Those programs that consist primarily of combinations of the elements in 1. and 2. above.

(e) An approved instructor and/or the school coordinator/director must supervise the grading of the written course work required of students in computer-based courses.

(f) Every computer-based course for the Community Association Managers Prelicense Course must consist of interactive computer-based programs that will reasonably require the student to expend at least twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Salespersons Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend seventy-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Sales Postlicense Course must consist of interactive computer-based programs that will reasonably require the student to expend twenty-five hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for the Brokers Prelicense course must consist of interactive computer-based programs that will reasonably require the student to expend sixty hours in completing the content areas identified in paragraph (4) of this Rule. Every computer-based course for continuing education must consist of interactive computer-based instructional material that will reasonably require the student completing the course to expend the number of hours for which the school offers the course.

(g) Every school offering a computer-based course under the requirements of this Chapter must offer those courses under an instructor. For the Community Association Managers, Salespersons Prelicense, and Brokers Prelicense courses, the school must offer those courses under an approved instructor. Every instructor in a computer-based course must:

1. be available to answer students' questions or provide them assistance as necessary;

2. provide reasonable oversight of students' work in order to insure that the student who completes the work is the student who is enrolled in the course;

3. certify students as successfully completing a computer-based course only if the student:

(i) has completed all instructional modules required to demonstrate mastery of the material,

(ii) has attended any hours of live instruction and/or testing required for a given course, and

(iii) has passed the final examination for the Community Association Managers,

Salespersons Prelicense, Sales Postlicense, Brokers Prelicense or any test required by a continuing education course.

4. obtain from each student the following certification statement:

I certify that I have personally completed each assigned module of instruction. I understand that if any other person has completed any module of instruction or any part of this course required for

completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course.

Date

Student's Signature

A school or instructor may permit a student to complete this statement in an electronic or internet format in any computer-based or distance learning course. A school must provide prior documentation or demonstration to the Commission of the method by which the school will acquire this statement. The Commission must authorize the method of requiring this certification.

(h) Schools may provide homework exercises, contract forms, or other assessment exercises required in courses in a computer-based or internet delivery format. A school must provide prior documentation or demonstration to the Commission of the delivery methods prior to offering such exercises or assessments. The Commission must authorize the delivery method offered by the school.

(i) Schools may permit students in computer-based or distance-learning courses to complete written homework exercises, standard forms, or other assessment exercises. Each written assignment a student submits for completion of a computer-based or distance learning course must include the following:

“I certify that I have personally completed this assignment. I understand that if any other person has completed any assignment, contract form, or other written assessment required for completion of the course, the school may not award credit for the course or may withdraw credit already awarded for the course.”

Date

Student's Signature

(11) Course Examinations. Every Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses must conclude with an examination administered by the approved school.

(a) Scheduling. Schools shall administer final examinations for every Salesperson Prelicense and Brokers Prelicense Courses on a day when the course holds no in-class instruction. Schools may administer final examinations for every Community Association Managers Prelicense Course and Salespersons Postlicense Course on the last day of in-class instruction.

(b) Passing Score. On final examinations administered for Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, and Brokers Prelicense Courses, schools must require that students achieve a passing score on the final examination that is consistent with the passing score required on state qualifying examinations for these licenses unless a school has first obtained the written permission of the Commission to require a different passing score.

(c) Retaking a Course Examination. Schools may elect to allow any student who fails to achieve a passing score to take another examination on another day without repeating instruction. If a student fails to achieve a passing score on a second final examination, the student must repeat all instruction of that course before taking another examination.

(d) Security. Schools must maintain at least two forms of a final examination for each course and must provide the Commission, upon its request, with reasonable assurances that examinations are secure from distribution to students except upon administration of an examination. These final examinations are evaluation tools, not teaching tools. While schools may supply students with information regarding their individual proficiency in areas of the examination,

they must not review specific questions from these examinations with students. The Commission may impose any sanction permitted by law on the approval of any school and/or instructor that fails to provide proper security for examinations.

(e) Content Areas for Salespersons Prelicense Examination. The final examination for the Salespersons Prelicense Course must include at least five questions each on (a) brokerage engagements, (b) legal descriptions and legal aspects of contracts, (c) methods of payment and earnest money, (d) special stipulations and writing sales contracts, (e) leases and fair housing, (f) licensees acting as principals, (g) anti-trust laws, (h) basic finance, (i) loan types, (j) pricing property, (k) seller's costs, (l) qualifying purchasers and purchaser's costs, (m) contract closing, and (n) such other matters as the Commission may from time to time require or authorize.

(f) Examination Formats. Final Examinations for prelicense and postlicense courses should attempt to measure the student's competence in the knowledge or skills taught in the course. A school need not submit a course final examination to the Commission if: (1) the examination consists of multiple choice questions with a minimum of four choices of answers for each question; (2) the final examination for the Salespersons Prelicense Course and the Brokers Prelicense Course consists of no fewer than one hundred questions; and (3) the final examination for the Community Association Managers Prelicense Course and the Sales Postlicense Course consists of no fewer than fifty questions. A school must submit to the Commission for approval any course final examination that does not meet the above criteria prior to the examination's being administered for the course.

(g) Proctoring. Schools must provide proctors for all final examinations for prelicense and postlicense courses and for any continuing education courses that require the passing of a final examination in order to receive credit for the course. The school

director, coordinator, approved instructor, or other person designated by the school director or coordinator may administer or proctor final examinations in courses. The school director or coordinator must insure that examinations are conducted according to the requirements of this chapter.

(12) Alternatives for Meeting Prelicense Course Requirements.

(a) College Courses. Applicants for examination may qualify to sit for examination by presenting college transcripts that show courses in real estate subjects of at least ten quarter hours or six semester hours if the application is for the salesperson's examination or fifteen quarter hours or nine semester hours if the application is for the broker's examination. Applicants for the community association manager's examination may qualify to sit for the examination by presenting college transcripts that show real estate courses of at least four quarter hours or two semester hours with a concentration in community associations and community association management.

1. Applicants must submit an official transcript at the time of making application for examination; and the applicant may be required to provide a description of the course or courses from the school's catalogue or bulletin.

2. Only courses which count towards the student's obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate and only courses in agency, real property law, and contract law at a school of law will satisfy this requirement. College correspondence courses and courses that qualify for continuing education units do not satisfy the requirements of this Rule.

(b) Credits for Instructors. The Commission shall approve as meeting the education requirements for examination any instructor who submits satisfactory proof that he or she has taught a course or

courses named in this Rule within two years prior to making application to sit for an examination.

(c) Sales I, Sales II, and Sales III. Applicants who successfully completed all three of the Sales I, Sales II, and Sales III courses prior to January 1, 1993, may present certificates of completion of those courses from approved schools in order to sit for the qualifying examination for a salesperson's license.

(d) Courses Approved by Other Jurisdictions. Prelicense education courses for community association managers, salespersons, and brokers authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada are approved as meeting the corresponding prelicense education requirements in Georgia provided that such courses are similar in credit hours earned to Commission required prelicense courses and are offered through classroom instruction or through computer-based instruction that is consistent with the standards of these regulations.

(13) Alternatives for Meeting Continuing Education Requirements.

The Commission shall deem a licensee to have met the continuing education requirement of O.C.G.A. § 43-40-8(e) for a renewal period if the licensee successfully completes in a renewal period any of the following courses that have at least the total number hours of instruction the law requires the licensee to complete:

(a) Prelicense and Postlicense Courses. Licensees may obtain continuing education credits by successfully completing during a renewal period a Community Association Managers Prelicense, Salespersons Prelicense, Sales Postlicense, or Brokers Prelicense course. Salespersons who complete the twenty-five hour Sales Postlicense course in their first year of licensure may count that

course as meeting only six hours of the continuing education requirement for the first renewal period. During their first renewal period, such salespersons must complete an additional eighteen hours of continuing education courses in order to renew active licenses.

(b) College Courses. A licensee may obtain continuing education credit for a renewal period by completing at an accredited college or university any course of four quarter hours or two semester hours

1. which counts toward obtaining a major in the field of real estate or courses dealing with principles, fundamentals, or essentials of real estate;

2. which counts toward obtaining a major in business administration, accounting, finance, or marketing offered by a college or university accredited by one of the regional accrediting associations recognized by the United States Department of Education; and

3. in courses in agency, real property law, and contract law at an accredited school of law.

Licensees may not use college correspondence courses or college continuing education-courses to qualify under this Rule.

(c) Credits for Instructors. The Commission shall deem the continuing education requirement for a real estate renewal period as met by any instructor who submits satisfactory written proof that he or she has taught any of the courses offered under the requirements of this Chapter for a total of twenty four hours during the renewal period in which the instructor is applying for a renewal of a real estate license.

(d) Non-resident Licensees. The Commission shall deem the continuing education requirement as met by any nonresident licensee who submits satisfactory written proof that he or she has met the continuing education requirement of his or her state of residence

during the renewal period in which the licensee is applying for a renewal of a real estate license. If the state of residence of a nonresident licensee does not require continuing education, then such nonresident licensee must meet the continuing education requirements of a resident licensee.

(e) **Courses Approved by Other Jurisdictions.** Licensees may use continuing education courses authorized by the regulatory body that regulates real estate licensees in any state, district, territory, possession, or province of the United States or Canada to count toward meeting the continuing education requirement for real estate licensees in Georgia. The Commission deems such courses as meeting continuing education requirements only if a school offers the courses through classroom instruction or through computer based instruction that is consistent with the standards for computer based courses or distance education described in this Rule and only if the course is for three or more credit hours.

(14) Verification of Course Completion.

The Commission may require licensees completing courses under this Rule to submit transcripts or other verification of completion that the Commission deems necessary and adequate.

Authority: O.C.G.A. Secs. 43-40-2, 43-40-8, & 43-40-25.