

201 KAR 11:232. Continuing education provider requirements.

RELATES TO: KRS 324.010(7), (8), 324.046(5), 324.085(1), (2), 324.090, 324.160(1)(c), (4)(u), 324.281(7)

STATUTORY AUTHORITY: KRS 324.085(1), (4), 324.160(1)(c), (4)(u), 324.281(5), (7), (8), 324.282

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.085(1) requires an actively-licensed agent, except an agent licensed prior to June 19, 1976, to successfully complete six (6) hours of mandatory continuing education each year as a condition of license renewal, and requires that three (3) of the six (6) hours pertain to the study of real estate law. KRS 324.085(1) also requires that a licensee who receives an initial sales associate license shall complete forty-eight (48) classroom or online hours of commission approved post-license education. This administrative regulation establishes the provider, course, and instructor requirements relating to real estate education.

Section 1. Continuing Education Course Criteria. (1) One (1) hour of continuing education shall be allowed for each fifty (50) minutes of actual instruction.

(2) To receive approval, each course shall:

(a) Be in hourly increments from one (1) to six (6) hours;

(b) Be real estate specific; and

(c) Consist of topics that shall:

1. Increase the student's knowledge of real estate laws and the brokerage business; and

2. Serve the public.

(3) A course that is solely motivational or considered to be personal development in nature shall not be approved.

(4) All course approvals shall expire on December 31 of each calendar year.

(5) All primary or secondary providers wishing to offer online or other distance education courses shall be approved in accordance with the provisions set forth in 201 KAR 11:240. The commission shall review and approve the content to ensure that it meets the requirements outlined in 201 KAR 11:240.

Section 2. Continuing Education Course Provider Requirements. (1) An education course shall be sponsored by:

(a) An accredited institution;

(b) A school that has been given a license from the Kentucky Commission on Proprietary Education;

(c) An appropriate governmental regulatory body; or

(d) An approved real estate school as defined by KRS 324.010(7)(b).

(2) To apply for approval of a continuing education course, a provider shall submit:

(a) A completed Provider Application - Form E101, which shall:

1. Include a Course Outline Form - E105, broken into fifteen (15) minute increments, to include learning objectives for the course, teaching methods, auxiliary aids, materials, and the policies of the provider; and

2. Be signed by the sponsor's administrator to indicate compliance with applicable law and the requirements of this administrative regulation;

(b) A copy of the license from the Kentucky Commission on Proprietary Education, unless the provider is an accredited college or university, an appropriate government regulatory body, or an approved real estate school as defined by KRS 324.010(7);

(c) An Instructor Application - Form E100 for each instructor who will teach the course, as

required by 201 KAR 11:175;

(d) An Education Course Application - Form E102, along with a processing fee of fifteen (15) dollars; and

(e) A copy of all advertising or brochures advertising the continuing education course.

(3) The course provider shall agree that all instructors shall abide by the Generally Accepted Principles of Education - Form E104 as adopted by the Real Estate Educators Association and the commission as the standard for classroom performance and comply with the KREC Guidelines for Classroom Management - Form E103.

(4) The commission education director shall submit the information to the commission for approval or rejection of the course at its regularly scheduled meeting.

(5) A course and instructor that have been previously approved within the calendar year may be conducted by another provider, upon the submission of an Education Course Application Form - E102 and approval by the commission staff.

(6) A provider shall:

(a) At least thirty (30) days prior to the scheduling of a continuing education course, submit to the commission an Education Schedule - Form E106;

(b) Give to each attendee listed on the roster an Education Completion Certificate - Form E110;

(c) Within ten (10) days of a continuing education course, submit to the commission:

1. An education attendance roster;

2. A Course Evaluation - Form E108 completed by each attendee listed on the roster; and

3. A Course Evaluation Transmittal - Form E109;

(d) Permit monitoring of the courses and inspection of the records by the commission; and

(e) Make the course available to all licensed agents, subject only to space limitations.

(7) A provider's approval to conduct continuing education courses shall be withdrawn by the commission for:

(a) A violation of the KREC Guidelines for Classroom Management - Form E103;

(b) Falsification of attendance information submitted to the commission;

(c) Allowing an instructor to solicit business or sell materials to students in the classroom;

(d) Failure to provide the commission the required materials in accordance with this administrative regulation; or

(e) Conducting a course not approved prior to being offered.

Section 3. Instructor Requirements. (1) A course instructor shall:

(a) Pursuant to 201 KAR 11:175, have adequate education, knowledge, and experience in the topic to be presented;

(b) Have prior teaching experience in real estate; and

(c) Be an approved instructor under the requirements established in 201 KAR 11:175.

(2) A licensee who teaches an approved continuing education course shall be entitled to credit on an hour-for-hour basis.

(a) To obtain continuing education credit, the instructor's name shall be added to the education attendance roster for the course.

(b) The instructor shall not receive credit more than once in a calendar year for teaching a specific course.

(3) A licensee who is a pre-license instructor of an approved course shall receive credit toward his or her continuing education requirements. The instructor's supervisor shall provide the commission with a written notice requesting teaching credit that shall:

(a) Include:

1. The instructor's name;

2. The name of the course; and
 3. The dates the course was conducted; and
- (b) Be signed by the approved school or institution's authorized representative.

Section 4. Records Maintenance. (1) Each continuing education provider shall maintain the following records in a file for three (3) years following the end of each calendar year:

- (a) A copy of the roster submitted to the commission of licensees attending the course;
- (b) A copy of the Course Evaluation Transmittal - Form E109;
- (c) The sign in sheet or registration list used by the provider to track attendance; and
- (d) Any other documentation regarding student attendance.

(2) Records containing licensee information shall be destroyed by the provider after the three (3) years established in subsection (1) of this section.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Instructor Application - Form E100", 05/15 edition;
- (b) "Provider Application - Form E101", 05/15 edition;
- (c) "Education Course Application - Form E102", 09/15 edition;
- (d) "KREC Guidelines to Classroom Management - Form E103", 05/15 edition;
- (e) "Generally Accepted Principles of Education - Form E104", as adopted by the Real Estate Educators Association and the Kentucky Real Estate Commission, 05/15 edition;
- (f) "Course Outline - Form E105", 05/15 edition;
- (g) "Education Schedule - Form E106", 05/15 edition;
- (h) "Course Evaluation - Form E108", 05/15 edition;
- (i) "Course Evaluation Transmittal - Form E109", 05/15 edition; and
- (j) "Education Completion Certificate - Form E110", 05/15 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. (42 Ky.R. 632; 1221; 1472; eff. 12-4-2015.)