

## **201 KAR 30:180. Distance education standards.**

RELATES TO: KRS 324A.035(3)(d), (f), 324A.050, 12 U.S.C. 3331-3351

STATUTORY AUTHORITY: KRS 324A.015(1), 324A.020, 324A.035(3)(d), (f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.015(1) and 324A.020 authorize the board to promulgate administrative regulations and perform functions and duties necessary to carry out the provisions of KRS 324A.010 to 324A.090. KRS 324A.035(3)(d) and (f) require the board to establish requirements for education and continuing education of appraisers. Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, 12 U.S.C. 3331-3351, establishes the requirements for the renewal of certification or licensure of appraisers of real property in federally related transactions. This administrative regulation establishes the requirements for approval of distance education courses for real estate appraisers.

### **Section 1. Definitions.**

- (1) "Distance education course" means an organized instructional program presented through the use of computer technology, satellite transmission, or optical fiber transmission.
- (2) "Instructor" means the individual responsible for the dissemination of the educational information in a distance education course.
- (3) "Provider" means an organization or individual offering an education course via computer technology, satellite transmission, or optical fiber transmission.

Section 2. Limitations on Distance Education Courses. A distance education course that involves less than two (2) hours of credit shall not be approved.

### **Section 3. Standards for Distance Education Course Approval.**

- (1) To qualify for education credit, each distance education course, with information that specifically outlines the content of the course, shall be submitted for approval by the board in advance of the presentation of the course in accordance with this administrative regulation.
- (2) The education provider applying for approval shall complete and submit the:
  - (a) Distance Education Course Approval Application; and
  - (b) Distance Education Instructor Application.
- (3) Board approval shall be given to a distance education course that provides competent instruction in real estate appraisal to establish, maintain, and increase the student's skill, knowledge, and competency in real estate appraising.
- (4) The content of a distance education course shall be reviewed to ensure that the course contributes to the licensee's professional knowledge and competence and for compliance with this administrative regulation.
- (5) Course reviewers.
  - (a) The course shall be reviewed by a distance education course delivery consultant and two (2) appraisal content reviewers appointed by the board.
    1. The distance education course delivery consultant appointed shall be an academic educator with demonstrated competency in the distance education field.
    2. The appraisal content reviewer shall be an educator who is academically qualified in appraisal subjects and who holds a certified general real property appraisal certification.
  - (b) A report of findings and of the reviewers shall be:
    1. Consolidated into a recommendation for approval or disapproval; and
    2. Delivered to the board within forty-five (45) days of receipt of a complete edition of the course.

(6) Each applicant who submits a distance education course for approval shall submit a letter of approval, to the board, for each class submitted, from one (1) of the following institutions:

- (a) The International Distance Education Certification Center (IDECC);
- (b) A college or university that is accredited by the Commission on Colleges; or
- (c) A regional or national accrediting agency recognized by the U.S. Secretary of Education.

(7) Every distance education course shall include a final examination with a comprehensive assessment of the student's overall mastery of the materials presented in the course which shall be administered after the completion of the course by:

- (a) A proctor approved by the board in accordance with Section 5 of this administrative regulation; or
- (b) Administration electronically on a computer workstation or other device.

#### Section 4. Provider Approval.

(1) Credit for the classroom hour requirement for education courses delivered via distance education may be obtained from:

- (a) A college or university;
- (b) A community or junior college;
- (c) A real estate appraisal or real estate related organization;
- (d) A state or federal agency or commission;
- (e) A proprietary school; or
- (f) An education provider approved by the board in accordance with 201 KAR 30:150.

(2) Credit shall be granted for continuing education distance education courses that are consistent with the purposes of continuing education and that cover real estate appraisal related topics including:

- (a) Ad valorem taxation;
- (b) Arbitration;
- (c) Business courses related to the practice of real estate appraisal;
- (d) Development cost estimating;
- (e) Ethics and standards of professional practice;
- (f) Land use planning, zoning, and taxation;
- (g) Management, leasing, brokerage, and timesharing;
- (h) Property development;
- (i) Real estate appraisal;
- (j) Real estate financing and investment;
- (k) Real estate law;
- (l) Real estate litigation;
- (m) Real estate related computer applications;
- (n) Real estate securities and syndication;
- (o) Real property exchange;
- (p) Valuation of green buildings;
- (q) Impact of seller concessions;
- (r) The impact of personal property on the value of real property; or
- (s) The impact of business value on real property value.

(3) Credit shall be granted for qualifying education distance education courses that cover Required Core Curriculum topics listed in 201 KAR 30:190, Section 8.

#### Section 5. Instructors and Proctors.

(1) An instructor of a distance education course shall:

- (a) Hold a Certified General Real Property Appraiser Certification or Certified Residential Real Property Appraiser Certification with:
  - 1. A minimum of five (5) years of experience; and

2. Competency in the specific area of appraisal subject being taught;
  - (b) Hold a Certified Distance Education Instructor certification from the IDECC;
  - (c) Not have been found by the board to have violated the requirements of KRS 324A.050 or 201 KAR Chapter 30; and
  - (d) Submit a copy of the instructor's curriculum vitae and appraisal certification.
- (2) If an instructor is replaced or added, the credentials of the new instructor shall be submitted for approval before that instructor may teach a course.
- (3)
- (a) A proctor shall be the board approved individual responsible for supervising the distance education course examination.
  - (b) A proctor shall not be subject to the same requirements as those for a distance instructor established in subsections (1) and (2) of this section.
  - (c) A proctor shall not be:
    1. A licensed real estate salesperson or broker;
    2. A licensed or certified real property appraiser;
    3. Professionally affiliated with a real estate sales or real property appraisal office or business;
    4. A member of the student's family; or
    5. Professionally or personally associated with the student.
  - (d) A proctor may be selected from different professions, including:
    1. A university, college, or community college professor or instructor;
    2. A registered public librarian;
    3. A public school administrator;
    4. A Notary Public;
    5. An attorney; or
    6. A nominee of the provider approved by the board if the nominee has qualifications substantially equivalent to members of the groups identified in this paragraph.
  - (e) The proctor shall:
    1. Verify that the person taking the examination is the person registered for the course by confirmation:
      - a. With a picture ID;
      - b. With another identification document, including a driver's license or student ID card; or
      - c. By familiarity;
    2. Observe the student taking the exam;
    3. Assure that the student does all the work alone without aids of any kind, including books, notes, conversation with others, or any other external resource;
    4. Verify that the calculator used during the exam shall be a nonprogrammable, hand-held calculator;
    5. Provide for the administration of a printed (hard copy) or CD-ROM based final examination;
    6. Provide the student with the URL for the course examination which shall be supplied by the provider if a request for the examination is received from the student;
    7. Assure that the student adheres to the time limit requirement specified for the examination;
    8. Assure that the examination shall be completed in one (1) sitting;
    9.
      - a. Assure that, if there is an interruption, the board shall be notified that the examination was interrupted and the reason for the interruption; and
      - b. Assure that the board, or its designee, shall approve the request to resume; and

10. Upon completion of the examination, submit a certificate that confirms that the:
  - a. Proctor verified the identity of the student;
  - b. Examination was completed on the date assigned during the time permitted; and
  - c. Student has done all the work alone without aids of any kind, including books, notes, conversation with others, or any other external resource while taking the examination, including access to Internet search engines or Web sites other than the examination.

#### Section 6. Course Delivery Medium.

- (1) A course delivery system shall contain provisions for interactivity including:
  - (a) Instructor feedback with a response time of no more than two (2) business days from student lesson assignment, quiz submissions, and inquiries;
  - (b) Readily available opportunity for student inquiry and general questions concerning the course;
  - (c) Timely clarification of confusing points or errors in the study text; and
  - (d) Instructor's review of a student's activity in the course at least every thirty (30) days to assess progress and find the cause of potential delays in the student's completion of the course.
- (2) The provider shall provide the board's course reviewers with:
  - (a) Two (2) full copies of the courseware with free access to the course text, assignments, quizzes, and final examination; and
  - (b) The URL and any username or password required for free access, if Internet course delivery shall be used.

#### Section 7. Record Keeping and Reports.

- (1) The provider shall furnish to the board notification identifying the student, along with the name of the course in which the student is enrolled, as each enrollment is received by the provider.
- (2) At the conclusion of the course, the student shall submit a Distance Education Student Independent Work Certification for the course.
- (3) Upon the completion of the final examination, the proctor shall submit a Distance Education Proctor's Examination Certification.
- (4) A Distance Education Course Evaluation of the student's on-line experience during the course shall be submitted at the conclusion of the course.
- (5) A Certificate of Completion shall be delivered to the board and the student upon successful completion of the course and the final examination that contains:
  - (a) The course name and the provider's course number exactly as it appears on the Distance Education Course Approval Application;
  - (b) The student's name and address;
  - (c) Whether the student passed the course;
  - (d) An original authorized signature of a representative for the course provider;
  - (e) The dates and location that the course was in session;
  - (f) Information that the student was in attendance a minimum of fifty (50) minutes of each hour of instruction time excluding lunch and breaks; and
  - (g) The address and telephone number of the provider.

Section 8. Fees. A provider shall pay a \$100 nonrefundable fee in connection with each distance education course submitted for approval by the board for the review of the distance education delivery system and the course content.

#### Section 9. Incorporation by Reference.

- (1) The following material is incorporated by reference:
  - (a) "Distance Education Course Approval Application", 2005;

- (b) "Distance Education Student Independent Work Certification", 2005;
- (c) "Distance Education Proctor's Examination Certification", 2005;
- (d) "Distance Education Course Evaluation", 2005; and
- (e) "Distance Education Instructor Application", 2007.

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(31 Ky.R. 2060; 32 Ky.R. 257; eff. 8-25-2005; 33 Ky.R. 4211; 34 Ky.R. 231; eff. 8-31-2007; 36 Ky.R. 156; 571; eff. 10-2-2009; TAm eff. 12-28-2009; 39 Ky.R. 87; 461; eff. 10-5-2012; 41 Ky.R. 553; 1042; eff. 12-5-2014; TAm eff. 1-11-2018.)