



IDAHO

REAL ESTATE COMMISSION

Education & Certification Policy

This booklet contains Idaho Real Estate License Law and Rules and established policies of the Idaho Real Estate Commission pertaining to education and exam requirements for licensing purposes, and the certification of real estate providers, instructors, and courses.

This Education & Certification Policy supersedes all other revisions.

The portions of the Real Estate License Law and Rules contained in this policy are intended for use solely as a reference and should not be used as a substitute for the official Idaho Code and Idaho Administrative Rules.

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*This booklet includes select Idaho **statutes** (identified with code numbers), **rules** (identified with rule numbers), and **policies** (identified in italics) that have been adopted by the Education Council and Commission regarding the certification of providers, instructors, and courses and other education policies.*

GENERAL LICENSING INFORMATION (WITH EMPHASIS ON EDUCATION)

54-2004. DEFINITIONS.

- (1) "Accredited college or university" means an institution accredited by the regional accrediting associations, as reported in the most current publication of the accredited institutions of postsecondary education.
- (13) "Commission" means the Idaho real estate commission, unless the context clearly indicates a different meaning.
- (14) "Commission core course" means, in reference to a real estate course offering, the course containing curriculum, identified by the commission, that stresses current trends in real estate practices and changes in laws in real estate related industries. A core course must contain no more than four (4) classroom hours of instruction.
- (15) "Continuing education elective course" means a real estate course offering, other than the commission core course, for which continuing education credit hours may be obtained as provided in section 54-2023, Idaho Code.
- (18) "Council" means the Idaho real estate education council.
- (21) "Distance learning course" means, in relation to a real estate course offering, a real estate course that is delivered, not as a live course, but through a medium in which the instructor and student are separated by both distance and time.
- (30) "Live presentation" means, in reference to a real estate course offering, a real estate course that is personally presented by the instructor and personally attended by the student at the same facility, or, if separated by distance, the instructor and student are connected by contemporaneous, two-way audio and visual communication.

Courses taught by "interactive video conference (IVC)" or "compressed video" are live courses.

- (34) "Provisional license" means an extension of the period of active licensure, beyond the licensee's expiration date, granted by the Commission for the purpose of allowing the licensee to complete the continuing education requirements set forth in section 54-2023, Idaho Code, or for any other purpose allowed by this chapter.
- (43) "Successfully completed" means, in reference to a real estate course offering, completing all required course hours and, except where the licensee seeks continuing education credit for having regularly attended the live presentation of a course, passing a Commission-approved final examination.

54-2008. ESTABLISHMENT OF IDAHO REAL ESTATE EDUCATION COUNCIL.

An Education Council consisting of six (6) members, four (4) of whom are to be appointed by the Idaho Real Estate Commission, plus one (1) Commissioner and the Commission's Executive Director, may be established to act as an advisory group to the Commission, and to perform functions as set forth in this chapter and in the Council's bylaws, which bylaws must be approved by the Commission. The Council shall recommend to the Commission real estate education policy and course content quality for all education courses approved by the Commission as meeting the education requirements of this chapter and its rules, and for such other courses or clinics deemed advisable by the Commission for promoting higher standards of practice in the real estate business. The Council will prepare for approval by the Commission any additional recommended procedures or guidelines for certifying educational courses, instructors and providers.

BYLAWS OF THE IDAHO REAL ESTATE EDUCATION COUNCIL

ARTICLE 1. The Idaho Real Estate Education Council is charged with the responsibility of planning, coordinating, and directing a viable education program for all licensees in the State of Idaho. This responsibility shall include the development of required education for initial licensure at the sales associate and broker levels, continuing education for general professional development, and coordination of education programs for specialized development. The following functions reflect the Council member's duties:

- 1. Technical direction in regard to the development of standards of certification for education programs.*
- 2. Technical direction in regard to research, development and/or revision, and publication of education courses or materials.*
- 3. Coordination, cooperation, and visitations with colleges, universities, private institutions, etc., for conducting real estate oriented courses and the auditing of such.*
- 4. Technical direction in regard to the instructor development training programs.*
- 5. Technical direction concerning the development of standardized course outlines, instructor guidelines, training aids, etc.*

In addition, the Council is delegated the following authority by the Real Estate Commission:

- 1. In accordance with Commission policy, to grant or deny a license/certification applicant's request concerning the following:*
 - a. Course equivalency with Idaho pre-license or continuing education requirements;*
 - b. Waivers or modifications of pre-license education requirements; and*
 - c. Certification of courses, instructors, and course providers.*
- 2. To grant or deny requests to extend the period of time for the Commission to accept license exam results or courses completed to satisfy licensing or certification requirements.*

ARTICLE 2. The Council shall cooperate and provide coordination with the public educational institutions and private schools for the conduct of industry oriented courses offered throughout the state. Additionally, coordination shall be maintained with nationally sponsored and/or endorsed educational organizations presenting courses in or near our state. The primary purpose of the Council is to serve the Commission and the industry and comply with the law. Every effort will be made to establish open and effective lines of communication to all levels and areas of the industry.

ARTICLE 3. An administrative staff shall carry out the day-to-day workload of the Council. This staff is administratively aligned with and functions as a division of the Real Estate Commission.

ARTICLE 4. Selection criteria for appointees to the Idaho Real Estate Education Council shall include: 1) Appointees shall provide evidence of a reasonable degree of real estate-related knowledge; 2) Appointees shall provide evidence of an involvement in real estate education in Idaho; and, 3) Appointees shall not serve in any capacity which may adversely affect the performance of the appointee's official duties nor create an appearance of impropriety. Appointees must avoid self-dealing in any decision made in their official capacity. Any appointee having a private interest in any discretionary matter shall not act, but shall withdraw him or herself.

ARTICLE 5. Each of the four appointed members shall be appointed on a staggered basis for a term of at least four years--one new appointee each year. Replacements for such representatives shall be made concurrently with the dismissal date but in no case shall the appointments be made later than thirty days after such dismissal.

ARTICLE 6. A Chair and a Vice Chair shall be elected from within the Council membership and by the Council membership during its annual reorganization meeting. Officers shall be elected to serve for a term of one year, but may be reelected.

ARTICLE 7. In the event of temporary inability or disability of a member, the Chair of the Idaho Real Estate Commission may appoint a temporary active member to insure the probability of a quorum at all times.

ARTICLE 8. Regular attendance at meetings is essential for the smooth functioning of the Commission and administrative staff. Individuals are responsible for notifying the Chair in the event of unforeseen circumstances or emergency situations. Absence, even with prior notification, should be avoided. Notation as to the time members are absent for any portion of the Commission meeting is included in minutes so that an accurate record is available of which members are present when votes are taken. Two absences shall be considered grounds for possible dismissal by the Commission.

ARTICLE 9. It shall be the duty of the Chair to preside at all meetings of the Council. He/she shall have the power to call meetings of the Council at such time and place as he/she may direct. In the absence of the Chair, or his/her inability to act, the Vice Chair shall possess all powers of the Chair.

ARTICLE 10. The Council shall hold an annual reorganization meeting in July or August of each year, immediately following the reorganization of the Commission. Other meetings of the Council shall be at least quarterly.

ARTICLE 11. A quorum of members shall be required before any official action may be taken by the Council. A majority of members shall constitute a quorum.

NOTE: At this time, the Education Council has requested that all course applications be reviewed by the Council to determine suitability for certification

IREC POLICY REGARDING SPECIAL CONSIDERATION SPECIAL CONSIDERATION OF CERTIFICATION AND LICENSING REQUIREMENTS

The Idaho Real Estate Commission is authorized, upon request for special consideration by an applicant, to waive or modify any requirement established by statute for the certification of course providers, pre-license instructors, and courses/course content, and any prerequisite requirement for obtaining a broker or sales person real estate license. The Education Council is established to act as an advisory group to the Commission and to perform functions as set forth in the license law and in the Council's bylaws.

A. It is the Commissioners' opinion that the Education Director and/or Education Council are in the best position to consider and determine matters relating to the following education requirements for licensure and certification. Therefore, the following procedures are adopted for use by the Commission and the corresponding authority is approved for delegation to the Education Council in its Bylaws.

- 1. Certification of course providers (54-2026)*
- 2. Certification of instructors (54-2034)*
- 3. Certification of courses and course content (54-2036)*
- 4. Waivers or modifications to prelicense education requirements (54-2012(1)(g) and 54-2022(1))*
- 5. Determination of equivalency with Idaho requirements of prelicense and continuing education courses (54-2022(6))*
- 6. Extensions of time for acceptance of exam results or prelicense coursework (54-2014(1) and 54-2022(2))*

The Education Director is specifically authorized to certify course providers and instructors and determine equivalency of CE courses with Idaho requirements.

If an applicant requests an extension of time for acceptance of courses or exam results or special consideration of an education requirement, or if the applicant does not agree with the Education Director's determination of a matter set forth in paragraph (i) above, or if the Education Director in his/her discretion deems it appropriate or advisable, then the applicant's request will be placed on the agenda of the next regularly scheduled Education Council meeting for its consideration and determination by the Council. Applicants will be advised in writing within ten (10) business days of the Council's decision.

If an applicant does not agree with the Education Council's decision, then the applicant may request to have the matter reviewed by the Commission members by timely filing a written request for Commissioner Review. Such request must be received at the Commission office within fifteen (15) days from the date of the Education Council's written notification to the applicant. A request for Commissioner Review of an Education Council decision will be treated in all respects as a request for special consideration before the Commissioners. Unless a written request is timely filed, the decision of the Education Council will be deemed the final agency action.

B. It is the policy of the Commissioners that the Executive Director shall have the authority to determine the following applicant requests:

- 1. Grant of a provisional license/extension of time to complete continuing education requirements (54-2023(7))*
- 2. Waivers of the national exam (54-2014 and 54-2015)*

Staff will provide written notification of denial of requests for the above waivers or grant of provisional license within ten (10) business days. If an applicant does not agree with the Staff decision to deny a request, the applicant may request to have the matter reviewed by the Commission members by timely filing a written request for Commissioner review. Such request must be received at the Commission office within fifteen (15) days from the date of Staff's written notification to the applicant. A request for Commissioner review of a Staff determination will be treated in all respects as a request for special consideration before the Commissioners.

C. All requests for felony or revocation exemption, waiver of high school graduation/GED or experience requirements, or waiver or modification of any other requirements not specifically enumerated above will be presented directly to the Commissioners to be heard and decided as requests for special consideration.

D. All special considerations, waivers and other modifications of licensing requirements, whether determined by staff, the Education Council, or Commissioners, are valid for six (6) months from the date of the Commission's written notification to the applicant, unless specifically stated otherwise in the written notification.

54-2009. COUNCIL APPOINTMENT, QUALIFICATIONS AND TERM.

One (1) member of the Council shall be named from each of the four (4) geographic districts of the state: north, south, east and west. The education director of the Commission shall serve as the Council executive at all Council meetings and functions. Each Education Council member shall be appointed for a term of four (4) years. The Commission may remove any Council member for neglect of duty, for incompetency, or for unprofessional, dishonorable or any other conduct which the Commission believes interferes with that person's ability to properly act or serve as a Council member.

54-2010. COMPENSATION.

Members of the Education Council are not employees of the state of Idaho, but shall be reimbursed expenses in the same manner as state employees in addition to a per diem allowance in the same amount as that received by the Commissioners for each day of approved service.

54-2012. MINIMUM REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO LICENSE.

(1) Requirements for all individual primary licenses. Unless a qualification is waived or modified by the Commission for good cause and upon special consideration, and except as provided in section 54-2015, Idaho Code, each person seeking a primary Idaho real estate license as a salesperson, associate broker *or* designated broker shall meet all of the following minimum qualifications:

.....
(c) Furnish satisfactory proof that the applicant graduated from an accredited high school or its equivalent or holds a certificate of general education;

.....
(h) Complete all prelicense education requirements as provided for in section 54-2022, Idaho Code, for a salesperson's or broker's license;

(i) Pass the Commission-approved real estate licensing exam for a sales or broker license in the time and manner stated in section 54-2014, Idaho Code, and pay the required exam fees;

54-2014. LICENSE EXAMS.

(1) Exam required. Unless a written certificate of waiver is obtained from the Commission and submitted with the application, an individual applicant seeking a primary Idaho real estate license shall take and pass the national portion and the Idaho state portion of an approved exam administered by or through the Commission. The license applicant shall take and pass the required portion or portions of the exam within no more than twelve (12) months immediately preceding the date of the license application.

(2) Registration for the exam and exam fee. An individual shall register for the exam in a manner authorized by the Commission and shall pay at the time of registration the nonrefundable exam fee in an amount established by motion of the Commission, not to exceed one hundred dollars (\$100).

(3) Waiver of national portion of exam. An individual who has obtained a written certificate from the Commission waiving the national portion of the exam shall be required to take and pass the Idaho state portion of the exam only. The certificate of waiver and exam fee shall be submitted with the application for exam.

(5) Failure to appear for the exam or to pass the exam. An individual who fails to appear for the exam or to pass the exam may register to take another exam. The individual must register and submit a new exam fee.

(6) The Commission shall establish, by motion, fees for the exam which, in its discretion, are sufficient to raise the revenue required to administer the exam. Fees so established shall remain effective from year to year and may be altered only upon motion by the Commission.

You must achieve a passing score on each part of the exam within one year of applying for license. For example: if you passed one part of the exam (either National or Idaho) on January 11, and then passed the other part on August 1, you would have one year from January 11 to apply for your license.

54-2015. INDIVIDUALS ACTIVELY LICENSED IN ANOTHER STATE OR JURISDICTION SEEKING PRIMARY IDAHO LICENSURE.

(1) An individual who is currently and actively licensed as a real estate broker or salesperson in another state or jurisdiction at the time of application for a primary Idaho real estate license shall meet all qualifications listed in section 54-2012, Idaho Code, for the type of license sought, except that the applicant shall not be required to furnish proof of the educational prerequisites described in subsection

(1)(h) of section 54-2012, Idaho Code; provided however, an individual applying to be licensed as a designated broker of a business entity or sole proprietorship or as a branch office manager of a licensed branch office, shall comply with the requirements of section 54-2016, Idaho Code. In addition, such applicant shall provide a current, certified license history from the other licensing state or jurisdiction, which history shall indicate any disciplinary action taken against the applicant's license by the other licensing state or jurisdiction, and the status and standing of the applicant's license in the other state or jurisdiction.

(2) An individual who holds an active license in good standing in another state or jurisdiction may, upon written request to the Commission, obtain a certificate of waiver of the national portion of the exam required for Idaho licensure. A request for waiver shall indicate the individual's mailing address to which the Commission is to deliver the certificate of waiver. The certificate of waiver shall be submitted with the application for exam as provided in subsection (4) of section 54-2014, Idaho Code.

(3) An individual who is currently and actively licensed in another state or jurisdiction that administers a real estate exam may be issued a primary Idaho license without further exam or proof of educational prerequisites pursuant to written agreement between Idaho and the other state or jurisdiction, provided that such other state or jurisdiction allows the issuance of real estate licenses in substantially the same manner as set forth in this subsection; provided however, an individual applying to be licensed as a designated broker of a business entity or sole proprietorship, or as a branch office manager of a licensed branch office, shall comply with the requirements of section 54-2016, Idaho Code, notwithstanding the terms of the agreement.

54-2016. PRIMARY IDAHO LICENSES FOR LEGAL BUSINESS ENTITIES, SOLE PROPRIETORSHIPS AND BRANCH OFFICES – ADDITIONAL REQUIREMENTS.

(1) Legal business entities. Each legal business entity, as defined in section 54-2004, Idaho Code, shall be licensed by the Idaho Real Estate Commission to engage in the real estate business in Idaho and shall make proper application, pay all required fees, and meet all requirements below:

.....
(b) The individual designated broker shall, within three (3) years immediately prior to the designation, satisfactorily complete a commission-approved business conduct and office operations course.

.....
(2) Sole proprietorships. An individual designated broker not licensed with a legal business entity, as defined in section 54-2004, Idaho Code, shall be licensed as a sole proprietor. Each sole proprietorship seeking a real estate license shall meet all of the following requirements:

.....
(c) The individual designated broker shall have satisfactorily completed a commission-approved business conduct and office operations course within three (3) years immediately prior to the application for license.

.....
(4) Branch offices. Each branch office in which trust funds and original transaction files are maintained shall be separately licensed in accordance with the following:

.....
(b) The designated broker shall designate in the application a branch manager, who shall be an associate broker and who, within three (3) years immediately prior to the designation, shall have completed a commission-approved business conduct and office operations course, to regularly occupy and be responsible for the supervision of the branch office.

Business Conduct and Office Operations courses completed on or before June 30, 2008 will be valid for five (5) years. Courses completed on or after July 1, 2008 will be valid for three (3) years.

54-2018. LICENSE RENEWALS - INACTIVE LICENSES STATUS - PERSONAL CHANGE EFFECTIVE DATES - FEES NONREFUNDABLE.

(1) Initial license period. Each new license shall be for a period of one (1) year plus the months up to and including the next birth date of the licensee, not to exceed a period of two (2) years, and shall expire on the last day of the month of the birth date of the licensee. A salesperson licensed in this state who applies for and obtains a broker license shall retain the license renewal period and expiration date of his salesperson license. Corporations, partnerships, limited liability companies and other entities defined as "persons" in this chapter shall have established as the equivalent of a birth date, the birth date of its designated broker. Licensed branch offices shall have established as the equivalent of a birth date, the birth date of the designated broker for the branch office.

(2) License renewal. Each license shall be renewable for a period of two (2) years by timely submitting a completed application. Applications must be received at the Commission office on or before 5 p.m. of the expiration date.

(a) If renewing an active license, the application shall include:

(i) Certification that the applicant has met the Commission's continuing education requirements as set forth in section 54-2023, Idaho Code;

....

(4) Active and inactive license status... A licensee may reactivate an inactive license by meeting each of the following:

....

(e) Successfully completing any continuing education requirements, as prescribed in section 54-2023, Idaho Code, and certifying the same for the current license period.

(5) Continuing education. A licensee shall not submit an application to renew a license on active status or to activate an inactive license without having obtained the continuing education credit hours required by section 54-2023, Idaho Code. A licensee who violates this subsection (5) shall be subject to disciplinary action by the Commission.

(6) Time required. The Commission may request satisfactory proof of continuing education compliance from any licensee who has certified to the Commission that he has completed the requirement. The request shall state the time within which the proof must be received at the Commission office, which time shall not be less than ten (10) business days.

(7) Satisfactory proof. Upon request from the Commission, the licensee shall submit satisfactory proof of having met the continuing education requirement set forth in section 54-2023, Idaho Code. "Satisfactory proof" shall, for each course, consist of documentation:

(a) Identifying the licensee, the title of the course or challenge exam, the course certification number, the course provider, the number of classroom hours, the completion date of the course or challenge exam, and including:

(i) A transcript of the course taken;

(ii) A letter from the provider verifying successful completion of the course; or

(iii) A course completion certificate; and

(b) Identifying the course certification approval number to establish that the course is approved for continuing education credit as provided by section 54-2023, Idaho Code. The Commission may, in its sole discretion, accept alternative documentation establishing that the course is approved for credit.

(8) Failure to submit proof. A licensee failing to submit satisfactory proof of completing the continuing education requirement after being requested to do so by the Commission may have his license inactivated by the Commission and shall not be entitled to reactivate the license unless and until he provides to the Commission satisfactory proof that he meets the continuing education requirements of section 54-2023, Idaho Code. Nothing in this section shall limit the ability of the Commission to investigate or discipline a licensee for violating subsection (5) of this section or for violating any other section of this chapter.

Reactivation: Any licensee whose license has been inactivated for failure to comply with these rules shall be entitled to activate said license, relating back to and including the date of activation, provided that, within 30 days of the date of inactivation, the licensee files with the Commission satisfactory proof showing that the licensee had in fact met the continuing education requirement for the issuance of the license, as stated in his certificate, and has submitted required documents and fees to activate said license. In the event the proof submitted shows that the continuing education credits were not obtained until after the date of activation or renewal, the license may be activated, but the effective date of the activation shall not precede the date such proof is received by the Commission. Nothing herein shall prevent the Commission from seeking or imposing disciplinary action for the submission of a false application.

54-2020. FEES.

The Idaho Real Estate Commission shall establish fees which, in its discretion, are sufficient, when added to the other fees authorized by this chapter, or any other law or rule, to raise that revenue required to administer the provisions of this chapter. The Commission shall assess the following fees, in addition to any other fees established in this chapter or by rule, provided that all fees established by administrative rule of the commission shall remain effective from year to year unless changed through the rulemaking process prescribed in chapter 52, title 67, Idaho Code:

(2) A tuition or registration fee for real estate education courses, course materials and any course exam fee. These fees shall be established based upon the total annual costs involved in the provision of all real estate education courses, course materials and course exam fees;

Refund Policy for Courses Offered by the Commission. *If written notification of registration cancellation is received in the office of Commission at least five (5) business days before the course commencement date, the registration fee, less cost of materials received, may be refunded. No refund will be made due to non-attendance. In the unlikely event any course is cancelled due to insufficient interest, a full refund will be made to all registrants.*

.....
(5) A fee in the amount allowed by law for insufficient funds checks or other types of insufficient payment;

(6) For the compilation of each certified copy of a licensee's education history or license history, a fee in an amount not to exceed ten dollars (\$10.00), the exact fee to be established by administrative rule of the Commission.

.....
(8) An application fee for the certification and recertification of each real estate education provider, instructor or course as follows:

(a) For providers, an application fee in the amount of seventy-five dollars (\$75.00) for initial certification and fifty dollars (\$50.00) for recertification.

(b) For instructors, an application fee in the amount of fifty dollars (\$50.00) for initial certification and twenty-five dollars (\$25.00) for recertification.

(c) For courses, an application fee in the amount of fifty dollars (\$50.00) for initial certification and twenty-five dollars (\$25.00) for recertification.

Provided however, that lower fee amounts may be established by administrative rule of the commission.

State institutions also certified by the State Board of Education and full-time college or university instructors are exempt from these fees.

Initial Instructor certification includes certification for 1 course. Certification for additional courses may be obtained at a discounted fee of \$10 for each additional course.

**LICENSING/CERTIFICATION FEE EXEMPTION FOR
MILITARY PERSONS**
[Idaho Code Section 67-2602A](#)

Under Idaho statute, licensees and certified real estate instructors serving in the military are exempt from the payment of licensing/certification fees during the period that such licensees/certified instructors are engaged in military services. During the period of such engagement, the licensee/instructor is not required to renew the license/certification. The following is the policy for implementing this law.

Upon receiving written notification that a renewing real estate licensee or certified real estate instructor has been called to active military duty, and the licensing/certification period would otherwise expire during the period of such active duty, the Licensing/Education Department will cause the license or certification to be renewed, in the type and status currently held, without the requirement to pay a license or certification renewal fee, complete continuing education or instructor development training, or file a renewal application.

In the case that the licensee/certified instructor has paid his or her license/certification renewal fee and is then called to active military duty, which active duty commences on or before the renewal date, the Licensing/Education Department will, upon written notification and request from the licensee, refund the full license or certification fee paid for the licensing/certification period during which the licensee/certified instructor was engaged in active duty. Refund requests must be received no later than six (6) months after the conclusion of active military duty; requests made after the six (6) month period will not be considered.

“Active military duty” is defined as the period during which the person is actually engaged in the military services of the United States or its auxiliary branches, or held as prisoners, plus six (6) months following discharge from such military service.

*“Written notification” may include **Military Orders showing the deployment**, or letter or other document signed **and notarized** by the licensee/instructor or his designee, or other document substantiating that the licensee/instructor has been called to active duty.*

54-2022. REAL ESTATE EDUCATION - PRELICENSE REQUIREMENTS.

(1) Except as provided in section 54-2015, Idaho Code, an applicant seeking a primary Idaho license as a real estate salesperson, broker or associate broker shall furnish satisfactory proof to the Commission that the applicant has successfully completed current Commission-approved and accredited courses of real estate study as follows:

(a) Salesperson's license. For a salesperson's license, the applicant shall complete a total of ninety (90) classroom hours, or the equivalent in available correspondence hours;

(b) Broker's or associate broker's license. Applicants seeking a broker's or associate broker's license shall, in addition to meeting the requirements for a salesperson's license, successfully complete four (4) specified courses in advanced real estate study, for a minimum of ninety (90) additional classroom hours, or the equivalent in available correspondence hours.

(2) Each applicant shall successfully complete all prelicense real estate courses within no more than three (3) years prior to the date of the license application. However, upon written request for special consideration by the license applicant, the Commission may waive or modify the three-year requirement at its discretion, based on the applicant's experience or additional education. Each waiver request shall be submitted with a current certified license history from Idaho or the applicant's other licensing jurisdiction, which history shall indicate all disciplinary actions taken against the applicant's license and the status and standing of such license in such licensing state or jurisdiction, along with sufficient proof of education completion.

***Preliminary courses completed on or before June 30, 2008 will be valid for five (5) years.
Preliminary courses completed on or after July 1, 2008 will be valid for three (3) years.***

(3) To receive credit for preliminary real estate courses, a student must regularly attend and complete the course, and such course must meet all requirements set forth in section 54-2036, Idaho Code.

(4) No credit will be given for courses taken for audit.

(5) Credit for completion of approved preliminary education course work will not be granted when the content of a course repeats that for which credit has been previously received.

(6) Upon written request from a license applicant, the Commission may waive or modify one (1) or more preliminary course requirements based upon the applicant's satisfactory completion of similar real estate courses in Idaho or another state or jurisdiction. The request for waiver shall be accompanied by an official transcript from the institution that provided the course of instruction, along with a description of the subjects covered in the course and the number of classroom hours involved in the instruction.

"Satisfactory completion" means the applicant regularly attended the course and received a final grade of "C" or better.

Current Broker required courses:

Real Estate Brokerage Management

Real Estate Law

2 elective courses selected from the following approved list:

Idaho GRI 101/102 (counts as one elective)

Idaho GRI 201/202 (counts as one elective)

Real Estate Finance

Valuation and Analysis

CCIM Designation Courses (attended live and not completed by "challenge")

CI 101, CI 102, CI 103, CI 104

Successful completion of the Idaho Graduate REALTOR® Institute (GRI) Designation will qualify as fulfilling the Real Estate Law course requirement and the two elective requirements. Graduate REALTOR® Institute courses completed in another state will be evaluated on a case-by-case basis. A national level course consisting of at least 20 classroom hours and offered by a national professional organization, as referenced in section 54-2023(5)(e)(i) Idaho Code, may be accepted as satisfying one of the four broker courses if it does not duplicate the subject matter covered by any of the other three courses.

Current Salesperson required preliminary courses:

Sales Preliminary Module 1

Sales Preliminary Module 2

Students are required to take Sales Preliminary Module 1 prior to beginning Sales Preliminary Module 2, except that the Commission may grant a written waiver on a student-by-student basis, for good cause shown, which should include the approval of the school or instructor teaching the Module 2 course.

If the applicant has a law degree, AND the applicant is currently practicing law, the following will apply:

For a salesperson's license

- *Module 1 shall be waived*
- *Module 2 may be completed by successfully challenging the current final course exam*

For a broker's license

- *Real Estate Law shall be waived*

If the applicant has an accounting degree, AND the applicant is currently working in an accounting-related profession, the following will apply:

For a broker's license

- *Real Estate Finance shall be waived*

If the applicant is currently licensed as an appraiser, the following will apply,

For a broker's license

- *Valuation & Analysis shall be waived*

IREC ATTENDANCE POLICY

For Live Course Presentations

Regular attendance means 100% attendance at all sessions of a live (including courses taught by interactive video conference) prelicense or continuing education (CE) course. The Commission obligates instructors and course providers to monitor student attendance and strictly enforce this attendance policy. A certified instructor or course provider may have his/its certification withdrawn for failure to enforce the 100% attendance policy at all course offerings.

Use of cell phones or other electronic devices (i.e., laptops, iPods, notebook computers, etc.) is not permitted during class time. This includes texting, checking messages, incoming and outgoing calls, etc.

A student who misses any portion (even a few minutes) of a course taken for CE elective credit may not receive credit for the course unless the provider allows the student to attend the corresponding class session(s) in a subsequent offering of the same course.

*A student who misses any portion (even a few minutes) of a prelicense course may, at the discretion of the instructor and provider, complete make-up work to satisfy the 100% attendance requirement. **Make-up work is allowed ONLY for prelicense courses.** Make-up work is defined as one or more of the following:*

1. *Extra homework or other assignment given by the instructor; or*
2. *Attendance in the corresponding class session(s) in a subsequent offering of the same course; or*
3. *Supervised presentation of an audio or video recording of the class session(s) missed.*

A student who does not complete the required make-up work within 90 days of the scheduled course completion date for a prelicense course may not receive credit for the course and will be issued an "incomplete."

54-2023. CONTINUING EDUCATION REQUIREMENTS.

Each licensee applying to renew an Idaho real estate license on active status, and each Idaho licensee applying to change from inactive to active license status, shall successfully complete a Commission core course, plus the required number of classroom hours of Commission-approved or certified continuing education coursework as provided in this section.

Licensees will not receive continuing education credit for any course that is not certified or accepted by the Commission in accordance with Idaho license law. A current list of courses eligible for CE credit is available on the Commission website.

Licensees may submit non-certified courses (approved by and offered in satisfaction of another professional or occupational licensing authority's education requirements) for consideration of CE

credit by submitting an Individual Request for Continuing Education Credit form (REE-153) with the required attachments to the Commission no later than sixty (60) days prior to the end of the renewal period.

(1) Required number of classroom hours. The required number of classroom hours is as follows:

(a) Renewing license on active status... A licensee renewing on active status ... must successfully complete a Commission core course, plus sixteen (16) classroom hours of continuing education on or before the current license expiration date.

Continuing education elective credit will be granted for a second Commission core course taken within a renewal period. If the core courses are not the same number of hours, then the core course with the higher number of education hours will count toward the elective requirement, and the core course with the lower number of hours will count toward the core requirement.

(b) Change from inactive to active. Unless the licensee is within the initial licensing period licensee changing from inactive to active license status shall complete a Commission core course, plus sixteen (16) classroom hours of continuing education, before he can change to active license status... If the inactive licensee is within his initial licensing period, no continuing education is required to change to active license status.

(c) Credits used to reactivate license. Continuing education credit hours applied to activate an inactive license are considered “spent” and may not thereafter be applied toward the continuing education requirements for subsequent license renewal.

Credits taken to reactivate a license must have been taken within the current license renewal period or the license period immediately preceding the current license period.

(2) No duplicate credit. No licensee may obtain continuing education credit for completing:

(a) Any core course curriculum for which he has previously received continuing education credit; or

(b) Any course curriculum for which he has received continuing education credit in the same license period.

(3) Excess credits. The classroom hours shall apply to the license period in which such course is completed; hours completed in excess of those required for the license period shall not accumulate or be credited for the purposes of subsequent license renewal periods.

(4) Commission-ordered education. No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.

(5) Obtaining continuing education classroom hours. In order to obtain continuing education classroom hours, a licensee may:

(a) Successfully complete a Commission-approved continuing education course;

(b) Successfully complete a Commission-approved continuing education challenge exam;

(c) Attend a regularly-scheduled meeting of the Commission from the time the meeting is called to order until the meeting is adjourned or until the licensee is excused by the commission chairperson. A maximum of four (4) hours for this activity shall be credited for any one (1) meeting in any one (1) license period;

(d) Successfully complete a Commission-approved broker prelicense course, or a Commission-approved continuing education challenge exam, in advanced real estate study. Continuing education credit may be obtained for retaking the same broker prelicense course or challenge exam only if completed after three (3) years of completing the previous course or challenge exam; or

(e) Provide to the Commission a transcript or course completion certificate of successful completion of any of the following courses, without Commission pre-approval of the curriculum, instructors or providers:

(i) Professional designation courses. Any course developed by national professional organizations that is required in order to earn professional designations from a national organization in specialized areas of licensed real estate practice;

Courses taken to earn the following professional designations will automatically be accepted for continuing education elective credit. The accepted courses have been assigned a course number and are listed under the Education Search on the Commission website. If a pre-approved designation course is not offered through an Idaho certified provider, licensees wishing to receive credit must submit course completion certificates to IREC using the Licensee's Request for Continuing Education form (REE-153):

*Accredited Buyer Representative (ABR) (through REBAC)
Accredited Buyer Representative Manager (ABRM) (through REBAC)
Accredited Land Consultant (ALC) (through RLI, formerly Farm & Land Institute)
Certified Commercial Investment Member (CCIM)
Certified International Property Specialist (CIPS)
Certified Real Estate Brokerage Manager (CRB)
Certified Residential Specialist (CRS)
EcoBroker
E-Pro (approved for 15 hours of CE in Idaho)
Graduate REALTOR® Institute (GRI) (any state)
Green (through REBAC)
National Association of Home Builders MIRM, CMP, CSP, Master CSP, and CAASH designations
Performance Management Network (PMN) (through WCR)
Real Estate Professional Assistant (REPA)
Resort & Second Home Markets Certification (RSPS)
Senior Real Estate Specialist (SRES)
Short Sales & Foreclosures Resource (SFR)
Society of Industrial and Office REALTORS® (SIOR)*

Courses taken to earn other designations not listed here will be considered on a case-by-case basis.

(ii) Courses accredited by another profession or jurisdiction. Any course approved by and offered in satisfaction of another professional or occupational licensing authority's education requirements, if the commission determines that the course is within the approved topic areas established by the Commission; or

This subsection (ii) applies only to courses that:

- 1. are approved for credit by another professional or occupational licensing authority (e.g., Dept. of Finance; State Bar; Kentucky Real Estate Commission); and*
- 2. are **being offered to the other authority's licensees** to satisfy **their** licensing requirements; and*
- 3. fit within the approved topic areas established by the Commission.*

Note: *This subsection (ii) does NOT apply to any course being offered to Idaho real estate licensees for credit toward Idaho's real estate CE licensing requirements. Courses that are being offered to Idaho real estate licensees in satisfaction of their CE requirements **must** be certified by the Commission.*

Examples:

*“Mortgage Loans: Beyond Essentials” –where the course offering currently is approved by the Idaho Department of Finance for credit toward the required 16 hours of CE for licensed Idaho Loan Originators, **and** the course is being offered to Idaho Loan Originators to meet their CE requirements;*

*“Your First Water Rights Case” –where the course offering currently is approved by the Idaho State Bar for CLE credit, **and** the course is being offered to Idaho attorneys to meet their CLE requirements;*

*“Kentucky Real Estate – New Forms for Brokerages” – where the course is currently approved by the Kentucky Real Estate Commission for CE credit, **and** it is being offered to Kentucky real estate licensees to meet their CE requirements.*

Licensees may submit courses under this section for consideration of CE credit by submitting an Individual Request for Continuing Education Credit form (REE-153) with the required attachments to the Commission no later than sixty (60) days prior to the end of the renewal period.

(iii) Courses offered by an accredited college or university. Any course offered in satisfaction of a degree requirement by an accredited college or university if the commission determines that the course is within the approved topic areas established by the Commission.

Licensees may submit courses under this section for consideration of CE credit by submitting an Individual Request for Continuing Education Credit form (REE-153) with the required attachments to the Commission no later than sixty (60) days prior to the end of the renewal period.

Under no circumstances will continuing education credit be given for a course for which IREC certification has been denied, withdrawn or expired.

(f) If a certified course instructor, teaches a live course for which continuing education credit may be obtained. Credits shall be granted for the number of classroom hours taught.

“Certified course instructor” means an instructor certified by the Commission to teach a prelicense or Idaho Core course pursuant to Idaho Code 54-2032. A certified course instructor must submit an Instructor’s Request for CE Credit form (REE-151) to obtain continuing education credit under this section.

(6) Licensee duty to keep satisfactory proof. The licensee shall keep satisfactory proof of having completed the continuing education requirement and shall submit such proof at the request of the Commission as provided in section 54-2018, Idaho Code.

It is the policy of the Commission that any licensee who renews or reactivates a license and who does not have sufficient continuing education hours on file with the Commission **WILL BE AUDITED**.

(7) Provisional license - Extension of time. A three-month extension of time for completing the education requirements may be obtained by submitting with the renewal application, or application to activate, satisfactory evidence showing that the applicant was unable to comply with such education requirements. Such evidence shall be:

(a) Bona fide hardship preventing completion of the reinstatement requirements of an inactive license;

(b) Health reasons preventing attendance or completion; or

(c) Other compelling cause beyond the control of the applicant while engaged in the real estate business. If such an extension is granted, the licensee shall receive a provisional license for a period of time not to exceed three (3) months. No further extension of time may be granted. A license issued or

renewed after an extension of time has been granted shall retain the original license expiration date. Failure to satisfy the continuing education requirement within the time granted shall result in the automatic inactivation of the license.

Licensees serving on active military duty at the time of license renewal are not required to complete the continuing education requirement in accordance with IREC's policy on Licensing/Certification Fee Exemption for Military Persons (printed under section 54-2020 above).

402. APPROVED TOPICS FOR CONTINUING EDUCATION.

The primary purpose of continuing education is to help assure that licensees possess the knowledge, skills, and competency necessary to function in the real estate business in a manner that protects and serves the public interest. The knowledge or skills taught in an elective course must enable a licensee to better serve the consumer.

01. Topics approved by the Commission. Approved topic areas for continuing education, as provided for in sections 54-2023 and 54-2036, Idaho Code, include the following as they pertain to real estate brokerage practice and actual real estate knowledge:

- a. Real Estate Ethics;
- b. Legislative issues that influence real estate practice;
- c. Real estate law; contract law; agency; real estate licensing law and administrative rules;
- d. Fair housing; affirmative marketing; Americans with Disabilities Act;
- e. Real estate financing, including mortgages and other financing techniques;
- f. Real estate market measurement and evaluation;
- g. Land use planning and zoning; land development; construction; energy conservation in building;
- h. Real estate investment;
- i. Accounting and taxation as applied to real property;
- j. Real estate appraising;
- k. Real estate marketing procedures
- l. Real estate inspections;
- m. Property management;
- n. Timeshares, condominiums and cooperatives;
- o. Real estate environmental issues and hazards, including lead-based paint, underground storage tanks, radon, etc
- p. Water rights;
- q. Brokerage office management and supervision;
- r. Use of technology
- s. Licensee safety
- t. Negotiation skills

02. Other topics. Upon written request, the Commission may also approve any other topic that directly relates to real estate brokerage practice and that directly contributes to the accomplishment of the primary purpose of continuing education.

03. Topics not eligible for continuing education credits. The following activities shall not be eligible for approval for compliance with the continuing education requirement: those which are specifically exam preparation in nature; and real estate topics not directly related to real estate brokerage practice.

CERTIFICATION OF PROVIDERS, INSTRUCTORS, AND COURSES

54-2024. PURPOSE OF CERTIFICATION.

It is the intent of this chapter that delivery of high quality real estate education to licensees and to those seeking to become licensed in the state of Idaho is a necessary and reasonable way to protect the citizens, businesses and public interests in Idaho. Therefore, the Commission shall create and maintain a certification program for real estate education providers, instructors and course content.

An expired certification may be renewed up to 30 days after the certification expiration date. After 30 days, the certification may not be renewed.

Fees paid in connection with all certification applications are non-refundable.

54-2025. CERTIFICATION REQUIREMENTS.

(1) Certification required. Certification must be obtained by all course providers, instructors teaching any course other than a continuing education elective course, and for all course content in order for the course to be credited toward prelicense or continuing education requirements in Idaho under this chapter.

Continuing education credit will not be awarded to licensees for courses not certified or accepted by the Commission in accordance with Idaho license law. A current list of courses eligible for CE credit is available on the Commission website.

No course, instructor, or provider will be certified retroactively.

(2) Courses, instructors and providers monitored. The Commission or its representative may monitor any course for the purpose of course, instructor or provider certification.

(3) If the Commission at any time determines that an instructor, course or provider is not meeting the requirements for continued Commission approval or certification, written notification detailing the deficiencies requiring correction shall be made immediately to the appropriate person. The Commission shall take no action to withdraw the certification for thirty (30) days from the date of the written notice. At the expiration of this period, if the deficiencies have not been corrected to the Commission's satisfaction, the Commission may take action to withdraw certification. Withdrawal of certification shall be governed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, and the rules of the Commission.

For courses requiring a certified instructor, non-certified guest speakers may be utilized as long as the certified instructor is present in the classroom for the entire presentation and directly supervises the guest speaker. The course provider is responsible for the complete and accurate delivery of all Commission-developed course content.

54-2026. CERTIFICATION OF COURSE PROVIDERS.

(1) Degree-granting institutions. Degree-granting, accredited colleges and universities in any state or jurisdiction shall be deemed to be approved course providers in Idaho. However, course content must still be approved for the real estate education course to receive credit toward prelicense or continuing education licensing requirements in Idaho.

(2) Other course providers. All other course providers desiring to offer real estate courses for credit toward Idaho prelicense or continuing education requirements must first meet the following qualifications and receive certification. Each applicant seeking certification as a course provider shall comply with the

following:

(a) File an application for certification in the form and manner required by the Commission, along with proper fees, at least two (2) months prior to contemplated date of opening or first accredited course offering;

Prior to the first course offering or in the case of a change in director, the new provider director will be expected to participate in an orientation session with IREC staff to review provider duties and responsibilities.

(b) Designate a "director" or "individual in charge," who shall be responsible for the course provider's operation and its real estate courses, and with whom the Commission may communicate. Unless this requirement is waived upon special review of the Commission in the manner stated below, the individual in charge must not have had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons or have been refused a renewal of a license issued by the state of Idaho or any other state or jurisdiction. The designated individual in charge must not have been convicted, issued any fine, placed on probation, received a withheld judgment, or completed any sentence of confinement for or on account of any felony or a misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing in a court of proper jurisdiction. The failure of the provider to have in place a designated individual meeting the qualifications required by this subsection shall be grounds for the Commission to withdraw or cancel the provider's certificate as provided in section 54-2025(3), Idaho Code.

(c) File a properly executed "Irrevocable Consent to Service of Process" in the manner and form prescribed by the Commission and in substantial accordance with section 54-2012(1)(k), Idaho Code. The Commission, in its discretion, may make such additional investigation and inquiry relative to the applicant for provider certification as it deems advisable and, if good cause exists, may deny or accept the application for certification.

54-2027. DUTIES AND REQUIREMENTS OF ALL CERTIFIED COURSE PROVIDERS.

Failure of a certified course provider to comply with the following duties and requirements shall be grounds for the Commission to withdraw or cancel the provider's certification for cause.

(1) Discrimination prohibited. Each certified course provider shall at all times be in compliance with state and federal laws, rules and regulations regarding all aspects of equal opportunity and protection of civil rights. No course provider shall engage in discriminatory practices, nor allow their course instructor, or method of delivery to violate laws prohibiting discrimination. Each course provider will fully comply with any requirements of the Americans with disabilities act regarding access to and delivery of its courses, including the provision of accessible facilities and reasonable accommodations for students.

(2) Open access to course offerings. Registration and attendance at all certified courses offered for credit toward the education requirements of this chapter shall be open to all persons meeting normal course prerequisites; provided however, a certified course provider located in or affiliated with a licensed real estate brokerage company or professional association may refuse access to any licensee or unlicensed person based on that licensee's or unlicensed person's affiliation with another organization or brokerage company, or the licensee's or unlicensed person's membership status in any professional organization unless such course provider has received financial support from the Commission for its particular course offering. Nothing in this section shall restrict a course provider from charging a separate and reasonable course fee to nonaffiliated or nonmember licensees or unlicensed persons.

(3) Disclosure of fees. All fees charged to a student by a course provider shall be specified separately in writing. If additional fees are charged for supplies, materials or books required for coursework, such fees shall be itemized by the provider and, upon payment of such fees, the supplies, materials or books shall become the property of the student. All fees and the manner in which they are to be paid shall be stated in a student contract, in a form approved by the Commission. The student contract shall expressly include

the provider's policy regarding the return of fees in the instance where the student is dismissed or voluntarily withdraws from the course.

If an instructor requires the purchase of a textbook(s) for a course, then the use of that textbook needs to be incorporated into the curriculum and utilized by students.

(4) Facilities and supportive personnel. The provider shall provide the facilities and all supportive qualified personnel or approved proctors necessary to adequately implement its real estate program.

The premises, equipment, and facilities of the school should comply with all city, state, and federal regulations, such as, but not limited to fire, building, occupancy, zoning, Americans with Disabilities Acts and public health codes.

(5) Student records and other requirements. Each Idaho certified course provider shall comply with the following requirements:

(a) Records. For each individual student, create and retain for a period of five (5) years, a complete, accurate and detailed record which shall include the total number of hours of instruction undertaken and satisfactorily or unsatisfactorily completed in the area of study;

Including: name, address, telephone number, and email address of school; name, beginning and ending dates of attendance; clock hours completed, i.e. sign-in sheet or attendance sheet; course/exam results.

(b) Course completion lists. Within five (5) working days after conclusion of each course of instruction, the provider shall submit to the council or commission, in the form and manner designated by the commission, a list which shall include the names and social security numbers or, if licensed, the license numbers, of the students completing the course of instruction, the name of the course, the name of the instructor, the number of hours included in the course, the date of the course and the location. The list shall be certified by the instructor from whom the students received instruction and an authorized representative of the provider;

Providers shall submit course completion lists electronically in a manner specified by the Commission. It is the Provider's responsibility to ensure the accuracy of the course completion lists.

Idaho statute grants Providers limited authority to obtain from students certain information that is regarded as confidential; namely: the student's personal addresses and in some cases, social security numbers. The Course Provider is permitted to disclose this confidential information only to the Council or Commission, and then only as information included in the course completion list. Every provider must take precautionary measures to ensure that no student's confidentiality is disclosed, even inadvertently, to any other person. Therefore, any course provider that obtains confidential information must establish a policy and procedure for collecting and keeping of confidential information that safeguards against disclosure.

It remains the responsibility of the Provider to ensure that the confidential information is not disseminated or used for purposes other than the creation and submission of a course completion list.

A student's confidential information should never be displayed on a sign in sheet.

Use of License Numbers instead of Social Security Numbers. A student's real estate license number is not confidential information. A student who is already licensed in Idaho must be permitted to use his or her license number instead of social security number. However, prelicense students generally

will not yet have an Idaho license, and therefore social security numbers will have to be used for course completion lists. It is understood that a Course Instructor, or other employee or agent of the Provider, may properly have access to a student's confidential information in the collection or submission of the required information. However, reasonable measures must be taken to protect the confidentiality of such information. Providers may wish to execute confidentiality agreements with their students.

(c) Grades. The provider will provide written notification to students who successfully or unsuccessfully complete a course within thirty (30) days of the course completion date;

(d) Evaluations. Upon the conclusion of each course, the provider shall collect written evaluations from students for the course and instructor using an evaluation form approved by the Commission. The provider shall keep such evaluations for a period of one (1) year from the course completion date. Upon written request from the Commission, the provider shall submit either the student evaluations for the course and instructor, or a written summary of those evaluations using a form approved by the Commission.

Evaluation Instructions

Idaho Code 54-2027 requires that all certified providers collect written evaluations from students, using an approved form for the course and instructor. Providers are required to keep either the evaluations or a written summary of them for one (1) year from the course completion date, and to provide either the evaluations or summary to the Commission upon written request. The Commission will request the evaluations or the summary thereof from providers on a random or occasional basis to monitor instructor and course performance and to assure compliance with the license law pertaining to collection of evaluations.

Evaluations are important! *The purpose of the evaluation form is to obtain information concerning the instructor of the course and the course itself. Evaluations are used by instructors for improving or validating their teaching methods and for gaining feedback on course content. They are used by providers to evaluate the course and instructor. Additionally, the Education Council reviews evaluation statistics monthly. This data is used to review student satisfaction with the course and the instructor.*

Encourage all students to complete an evaluation and to give honest feedback *about the course strengths and weaknesses and satisfaction with the instruction. Students who are comfortable with the integrity of the evaluation process are more apt to respond openly and honestly. Providers can help with this process by asking the instructor to leave the room while the evaluations are being completed.*

Providers should make each instructor's evaluations or a summary thereof available to the instructor promptly upon conclusion of a course.

The Commission will randomly select one or more student(s) from every class for the purpose of obtaining supplemental evaluations on a course and instructor.

(e) Course schedules. Each provider shall submit schedules of courses and instructors as requested by the Commission and submit changes promptly as they occur. Whenever there is a change in a course including, but not limited to, a change in curriculum, course length or instructor, the provider shall promptly notify the Commission in writing of the change.

Providers are requested to submit schedules of courses and instructors to the Commission on an ongoing basis by entering the course schedule information into the IREC database through the Commission's online services.

(6) Instructors. A certified provider may offer a continuing education elective course without obtaining approval or certification for the course instructor; provided however, the provider shall take reasonable steps to ensure that the instructor is competent to teach the course and shall maintain resumes or other biographical information that documents the qualifications of the instructor. The provider shall make such documentation available to the public and Commission upon written request. A course provider shall not offer for credit any course that is being taught below the minimum teaching standards established by the Commission or that is being taught in a manner that is detrimental to the purpose of education licensees.

Reasonable steps to ensure instructor competency. Effective July 1, 2007, providers have a legal duty to “take reasonable steps to ensure that the instructor is competent to teach the course offered.” A provider who meets the following steps will be deemed by the Commission to have satisfied this requirement:

- a. ***Verify instructor credentials.*** The provider has verified with the Commission that the instructor is currently certified to teach the course, or, if instructor certification is not required to offer the course, the provider has reviewed and verified the instructor’s documented credentials to teach the course; **and**
- b. ***Teaching performance.*** If the instructor has recently taught an accredited real estate course in Idaho, the provider has reviewed the student evaluations or a composite of those evaluations, or else the provider has otherwise monitored the instructor’s teaching performance in that other class.

If the instructor has not previously taught a real estate course in Idaho, the provider shall promptly review the student evaluations for the current course, as it is being taught, and shall immediately advise the instructor of any deficiencies or concerns noted in the evaluations.

Minimum teaching standards are set forth in Rule 500.

(7) Posting and recording fees. The Commission may require that course providers pay to the Commission a nonrefundable posting and recording fee to defray normal expenses incurred in maintaining the certificate program. The fee amount shall be established by the Commission by motion.

(8) Advertising restrictions:

All course advertisements must contain the Commission’s course approval number and the exact title of the course, as it was certified.

(a) Providers may advertise that they are currently certified by the Commission, if current certification has been approved, but no such advertising may state or imply that the provider is an agency of the Commission or the Council;

(b) No course provider shall provide any information to the public or to prospective students which is misleading in nature. Information is misleading when, taken as a whole, there is distinct probability that it will deceive the persons whom it is intended to influence.

No course may be advertised as either “approved” or “accepted” for continuing education for Idaho real estate licensees unless it has been certified by the Commission and assigned an Idaho course approval number. An exception is made for an Idaho certified provider, who may advertise a course taken to earn one of the pre-approved professional designations listed on page 12 as “accepted” for continuing education credit by the Commission.

No course may be advertised as “pending approval” even if it has been submitted to the Council for review. It may only be advertised as “submitted to IREC for CE review.”

(9) Changes in certification. Certification shall be granted to the particular provider for the specific ownership, provider location, and named individual in charge as designated in the application for certification. Any changes in ownership, provider location, or provider name, or named individual in charge must be submitted for approval to the Commission, at least one (1) month in advance of the effective date of the proposed changes.

MINIMUM STANDARDS FOR INTERACTIVE VIDEO CONFERENCING

- (1) *Supervision and remote site support.* For every class or session connecting two or more remote sites for a videoconferencing distance education experience, a minimum of one certified/appointed staff person shall be present at each site to be in charge of:
 - (a) Ensuring compliance with the Commission's attendance policy;
 - (b) Providing technical support;
 - (c) Ensuring the faces of all students and the instructor are in camera view; and
 - (d) Assisting students in using the microphones (if applicable).
- (2) All students must have full view of at least one monitor at each class location. Additional monitors should be placed, as required, to ensure a clear view of the screen and its contents by all of the audience.
- (3) Due to the brief time delay in transmitting audio, students and the instructor should allow others to finish speaking before responding.

54-2028. TERM OF PROVIDER CERTIFICATION AND RENEWAL.

Each course provider's certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the provider certificate. In order to maintain certification, each provider must return a properly completed renewal application on a form provided by the Commission, along with all necessary attachments and renewal fees to the Commission office prior to the expiration date for Commission approval. Recertification is not effective until the Commission has formally approved the application for renewal. Failure to obtain approved renewal of certification prior to its expiration date will result in no credit being given for courses not yet successfully completed by the expiration date.

54-2029. NOTICE OF POTENTIAL EXPIRATION OF CERTIFICATION.

Certified providers who have not applied for renewal of certification or whose renewal applications do not meet the qualifications for renewal of certification shall be notified by the Commission of potential termination at least fifteen (15) days before termination occurs.

54-2030. EXPIRATION OR WITHDRAWAL OF PROVIDER CERTIFICATION - NOTICE TO STUDENTS.

If a provider's certification expires, is terminated or withdrawn for any reason, the provider will no longer be approved by the Commission, and no credit will be given to students for any courses starting after the expiration date. A provider whose certification has expired, been terminated or withdrawn for any reason, shall immediately notify every present or future student in writing that it is not a certified provider of approved real estate courses in Idaho, and that no credit for prelicense or continuing education will be given for its courses.

54-2031. WITHDRAWAL OF IDAHO CERTIFICATION FOR CAUSE - PROCESS.

The Commission may withdraw a provider's certification at any time, for cause, including the violation of any provision of this chapter by the provider or those for whom the provider is responsible. Any withdrawal of certification shall be governed by the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, the Rules of Practice and Procedure of the Idaho Real Estate Commission, this chapter and all laws of the state of Idaho.

54-2032. CERTIFICATION OF INSTRUCTORS.

All individuals wishing to teach real estate courses for credit toward prelicense or the Commission Core continuing education course requirements in Idaho must first be approved or certified by the Commission for each course the individual wishes to teach.

54-2033. INSTRUCTOR QUALIFICATIONS.

(1) Qualified instructors at degree-granting institutions. A qualified or full-time instructor or professor of an accredited college or university in any state or jurisdiction and who teaches real estate related courses is deemed to be an approved instructor of such courses, in Idaho, for the purposes of this chapter.

(2) Other instructor applicants. All other individuals wishing to teach real estate courses for credit toward Idaho prelicense requirements, including the business conduct and office operations, or the Commission continuing education core course requirements must first meet the following additional qualifications and receive separate certification for each course to be taught:

(a) Unless this requirement is waived upon special review of the Commission in the manner stated below, no individual instructor seeking certification may have had a real estate or other professional or occupational license suspended or revoked for disciplinary reasons or has been refused a renewal of a license issued by the state of Idaho or any other state or jurisdiction. Further, the individual may not have been convicted, issued any fine, placed on probation, received a withheld judgment, or completed any sentence of confinement for or on account of any felony, or any misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing, in a court of proper jurisdiction. The failure of a certified instructor to maintain the qualifications required by this subsection shall be grounds for the Commission to withdraw or cancel the instructor's certificate as provided in section 54-2025(3), Idaho Code.

(b) Each applicant for certification shall also:

(i) Submit a completed application for instructor certification in the form and manner required by the Commission, with all required fees;

(ii) File an executed "Irrevocable Consent to Service of Process" in the manner and form prescribed by the Commission and according to section 54-2012(1)(k), Idaho Code;

(iii) Qualify as at least one (1) of the following:

1. An attorney at law actively licensed in any state or jurisdiction with at least five (5) years of active practice in the areas of study proposed to be taught, and who has also successfully completed a Commission-approved instructor training course or procedure, including an assistant teaching period;

2. An individual currently approved or certified and in good standing as a real estate instructor for the same or similar course material in any other state or jurisdiction;

3. An individual who is appointed to teach a nationally recognized real estate course which is generally accepted in other states or jurisdictions; or

An individual who has completed the "Distinguished Real Estate Instructor" (DREI) professional designation from the Real Estate Educator's Association (REEA).

4. An individual with at least five (5) years active real estate-related experience who has also successfully completed a Commission-approved instructor training procedure, including an assistant teaching period.

(3) Instructor teaching standards. An instructor certified to teach any real estate course for credit toward the requirements of this chapter shall comply with the minimum teaching standards established by the commission. A certified instructor shall not teach the course in a manner that is detrimental to the purpose of education licensees.

Minimum teaching standards are set forth in Rule 500.

Instructor training procedure for prelicense (including BCOO) and the Commission CORE courses:

1. *In considering whether a person could reasonably be expected to train or prepare the average student in a particular subject, the following factors, in addition to the minimum standard as set forth in the law, will be considered. These factors have been established based on the normal and usual training and experience prevailing in a particular subject. **The Commission will review special consideration requests made in writing based upon educational background and experience:***

***Salesperson Prelicense (Module 1 & 2):** Applicant should have at least 5 years active real estate-related experience.*

***Broker Prelicense - Brokerage Management:** Applicant should have an active broker's license and at least 5 years active real estate-related experience.*

***Broker Prelicense - Law:** Applicant should be an actively-licensed attorney.*

***Broker Prelicense - Finance:** Applicant should have at least 5 years active real estate-related and/or finance experience.*

***Broker Prelicense - Valuation & Analysis:** Applicant should be an actively licensed or certified appraiser OR have at least 5 years active real estate-related experience.*

***Business Conduct & Office Operations (BCOO):** Applicant should have at least 5 years active real estate-related experience and be an active licensed broker*

Commission CORE Course:** Applicant should have at least 5 years active real estate-related experience; **and

2. *Attend 100% of the course as taught by a certified instructor within the three (3) years prior to the date of application; **and***

3. *Instructor exam: Must successfully complete the final course exam for the most current version of the course in effect on the date of the application. If not successfully passed on the first attempt, one (1) retake is allowed; **and***

4. *Attend a full "Instructor Development Workshop" sponsored by the Commission or possess other acceptable teaching experience and/or education in method of teaching adults; **and** The Certified Distance Education Instructor (CDEI) certification course offered through the International Distance Education Certification Center (IDECC) will be accepted to fulfill this requirement.*

5. *Serve at least one student teaching period (e.g., assistant teaching assignment) teaching a minimum of 2 hours of the course, and receive favorable evaluations from students in the class and a favorable recommendation from the senior instructor for the assistant teaching. If unable to secure a student teaching opportunity, the applicant may submit a 2 hour video of his/her teaching the requested subject matter to the Education Council for review; **and***

6. *Receive final approval from the Council.*

Pursuant to 54-2033(1), qualified instructors at degree granting institutions are not subject to 1 through 6 above.

*The **Commission CORE course** is a new course every year on July 1. All CORE instructors must be certified for each new CORE course. This includes observing the entire course and passing the final course exam. The Commission will provide the opportunity to observe the new CORE course and pass the final exam every year at the Instructor Development Workshop to facilitate instructor certification for each new CORE course.*

It is strongly recommended that all certified instructors attend each annual Instructor Development Workshop.

***Continuing Education Elective Courses:** A certified provider may offer a continuing education elective course without obtaining Commission approval or certification for the instructor as provided in section 54-2027(6) Idaho Code.*

“Real estate-related experience” is defined as:

- Experience as a licensed real estate sales associate or broker*
- Experience as an attorney at law with practice in real estate transactions*
- Experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions*
- Experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions*
- Experience as a real property fee appraiser or salaried appraiser for a governmental agency*
- Experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings*
- Experience in real estate investment, property management, or analysis of investments or business opportunities*

Cell phones and other electronic devices are not to be used during class time. Both students and instructors must turn off or change to silent mode all electronic devices while the class is in session.

54-2034. SPECIAL CONSIDERATION - DISCRETION OF THE COMMISSION.

The Commission may, in its discretion, make such additional investigation and inquiry relative to the applicant for instructor certification as it shall deem advisable, and if other good cause exists, may deny or accept the application for certification. Based upon an applicant's educational background, experience in related activities, or a review of the applicant's evaluations as an assistant teacher, the Commission may modify the requirements for instructor certification; such modification may include reducing the requirements or assigning additional requirements for certification.

54-2035. TERM OF INSTRUCTOR CERTIFICATION AND RENEWAL.

(1) Certification. Each instructor certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the instructor certificate.

(2) Recertification.

(a) In order to be recertified, each instructor shall:

(i) Return a completed recertification application on a form provided by the Commission, along with all necessary attachments and fees, to the Commission office prior to the expiration date for Commission approval;

(ii) Demonstrate the ability to teach the course. The ability to adequately teach shall be determined by the Commission based upon any or all of the following:

1. Evaluations received from students;

Each instructor is required to maintain at least an annual average of 4.0 (based upon a 1-5 scale) on the standard Commission evaluations for the instructor's overall average category for each course they are certified to teach.

2. Direct observation of the instructor's teaching performance by a Commission representative; or

A sample of a course offering observed at the point of delivery by a Council representative shall reflect:

a. comprehensive and current real estate knowledge as a basis for real estate practice at the applicable sales associate's or broker's level; and,

b. pre-course preparation and effective teaching methods. Each course must provide well organized up-to-date course outlines and reference materials. Telephone surveys and follow-up surveys should provide evidence of educational benefits to students. Noncompliance in any of the above

mentioned policy guidelines will be further examined by utilizing telephone and written surveys and communication with the instructor.

3. Review of the outline and reference materials provided for the course; and
- (iii) Have attended a Commission-sponsored instructor development seminar or received other acceptable training in methods of teaching adults during the preceding two (2) years.

The Certified Distance Education Instructor (CDEI) certification and certification renewal courses offered through the International Distance Education Certification Center (IDECC) will be accepted to fulfill this requirement.

(b) Recertification shall not be effective until the Commission formally approves the application for renewal. An instructor's failure to obtain approved recertification prior to the expiration of the certification will result in no credit being given for any course taught by the instructor whose certification has expired prior to conclusion of the course.

Licensees serving on active military duty at the time of recertification will be recertified in accordance with IREC's policy on Licensing/Certification Fee Exemption for Military Persons (printed under section 54-2020 above).

54-2036. CERTIFICATION OF COURSES AND COURSE CONTENT.

Every real estate course offered for prelicense or continuing education credit for an Idaho real estate license shall first be certified and accredited by the Idaho Real Estate Commission.

This means all courses except those offered to earn a professional designation as described under 54-2023(5)(e)(i), even if the course has been approved for real estate licensee continuing education credit in another jurisdiction.

Courses offered in satisfaction of another professional or occupational license authority's education requirements may be accepted by the Commission for continuing education credit, if the Commission determines that the course fits within the approved topic areas as they pertain to Idaho law, and if submitted by a licensee. However, no provider may advertise a course as either "accepted" or "approved" for continuing education credit for Idaho real estate licensees unless the course has been certified by the Commission. An exception is made for an Idaho certified provider, who may advertise a course taken to earn one of the pre-approved professional designations listed on page 12 as "accepted" for continuing education credit by the Commission.

- (1) An application for course certification must be submitted in the form and manner required by the Commission, with proper fees, at least two (2) months prior to the contemplated date of the first course offering.
- (2) Minimum requirements for course certification:

Any change in hours or delivery method or significant change of course content for a currently certified course requires a new course application. A course submitted for certification should be titled such that the subject matter of the course can be ascertained from the title. Applicants submitting a course for which there already exists a certified course with the same name may be asked to identify a different, unique title for the course as a condition of certification.

(a) Each course must be certified individually, offered only through a provider certified or approved in Idaho, and taught by an instructor certified or approved in Idaho in accordance with this chapter.

(b) Each prelicense course must contain at least twenty (20) classroom hours, and each continuing education course must contain at least two (2) classroom hours.

Courses submitted with half hour increments will be considered.

(c) Exam time shall not be included as approved classroom hours of instruction.

(d) A classroom hour is defined as a period of at least fifty (50) minutes of actual instruction.

(e) Distance learning courses. The design and delivery of each distance learning course shall be certified by the Association of Real Estate License Law Officials or by another institution whose certification standards are deemed equivalent by the Commission. The credit hours for a certified distance learning course shall be based upon the same number of hours which would be credited for an equivalent live course, and must include a Commission-approved final exam.

Online courses are considered "distance learning" courses. Distance learning final exams must include 5 questions per hour of instruction.

(f) Each prelicense course must include a Commission-approved final exam requiring a minimum passing score of seventy percent (70%).

(g) Continuing education course exam.

(i) A licensee may receive continuing education course credit without having to take or pass an exam if the licensee personally attends the entire live presentation of an approved course.

(ii) The Commission may substitute all or a portion of the continuing education coursework required when a licensee shows evidence of passing a Commission-approved challenge exam.

There are no challenge exams for Commission-developed courses at this time.

(h) Exam retake policy. Each certified course provider may, at its option, allow students who complete a course and then fail the course exam one (1) opportunity to retake the approved course exam within the following time periods:

(i) Prelicense course exam retakes must occur within one (1) month of the original course exam;

(ii) Continuing education course challenge exam retakes must occur within that course's certification period;

(iii) If the student fails the retake exam for any prelicense or continuing education course, the student must repeat the entire course and pass the final exam to receive credit.

(iv) A course provider shall not permit a student who takes and fails a challenge exam to retake the exam. A student who fails a challenge exam must take the entire course and pass the final exam to receive credit for the course.

With respect to challenge exams, a student who fails a challenge exam must take the entire course and pass the final exam to receive credit. Retaking the challenge exam is not an option.

(i) Challenge exams. Except where the prelicense requirements have been waived or modified by the Commission pursuant to section 54-2022(6), Idaho Code, a student shall not earn credit for any prelicense course by challenging and passing the course exam without otherwise completing all course requirements.

An "approved entity", also known as an "exam proctor", is defined as a public library; a public or private school such as a high school, community college or university; or a Commission-certified instructor or the director of a Commission-certified course provider. Please check with the Commission for any questions regarding exam proctors.

(3) Approved topics. The Commission shall establish specific, approved topics for course content for prelicense courses and continuing education courses as it deems appropriate to current real estate practices and laws (see Rule 402).

If a course application is denied, the applicant may revise and resubmit the course for reconsideration at the next regularly-scheduled Education Council meeting without payment of an additional fee.

Courses which have been content certified by ARELLO may be approved administratively.

54-2037. TERM OF COURSE CERTIFICATION AND RENEWAL.

Each course certification issued by the Commission shall be for a term of two (2) years. The exact expiration date will be shown on the course certificate. In order to maintain certification a course provider, for each course, must return a properly completed renewal application on a form provided by the Commission, along with all necessary attachments and renewal fees to the Commission office prior to the expiration date and within sufficient time for Commission review and approval. Recertification is not effective until the Commission has formally approved the application for renewal. Failure to obtain approved renewal of certification prior to its expiration date will result in no credit being given for a course if its certification has expired prior to conclusion of the course.

Rule 500. MINIMUM TEACHING STANDARDS OF THE COMMISSION.

All courses offered for credit by a certified provider shall be taught in accordance with the following standards of the Real Estate Commission:

01. Certification requirement. A course required to be taught by a Commission-certified or Commission-approved instructor shall be taught only by an instructor that is currently approved or certified for that course;
02. Outlines and curriculum. A course must be taught in accordance with the course outline or curriculum approved by the Commission;
03. Attendance requirement. The course instructor shall adhere to the Commission's written attendance policy and shall submit credit hours only for students who have successfully met the attendance requirements for which the course was approved.
04. Product Promotion and Recruitment. The course instructor shall adhere to the Commission's written policies restricting product promotion and recruitment activities in the classroom;

Recruitment Activities and Product Promotion Policy Purposes:

- 1. To ensure education classes remain instructional and professional*
- 2. To prohibit use of instructional time for recruitment*
- 3. To prohibit use of instructional time to product promotion*
- 4. To address students' desire for information about employment opportunities*

Recruitment Activities Policy: *No instructor shall use class time to induce or promote student employment, affiliation or membership with any particular real estate licensee, real estate organization, franchise or network. "Promote" includes the making of introductory remarks about a licensee, organization, franchise or the naming of such in examples (unless a reported court case).*

Permissible Promotion and Recruitment Activities:

- 1. Must clearly be designated as "recruitment" and must clearly be optional;*
- 2. Must be clear that IREC does not favor or embrace one brokerage over any other;*
- 3. Must be conducted outside of instructional hour (e.g., not during classroom or "credited" time).*

If conducted during the instructional day, must occur before or after class, or during lunch break. If during a break, it must be clear that students are free to leave. Schools may organize a “recruitment session” outside of the regularly-scheduled class. Student attendance at such session must be optional.

A firm’s or organization’s informational brochures are permitted but must be made available outside of the instructional hours, and to the extent permitted by the physical space, outside of the classroom (e.g., lobby or reception area). Firm brochures must not be included within instructional materials. (This restriction does not apply to a brokerage firm’s “in house” educational activities, except to the extent that credited classroom time may not be used to promote the firm.)

Product Promotion Policy: *Sponsors and instructors may make available for purchase materials that belong to the sponsor, instructor, or some other party on a limited basis. Sponsors and instructors shall not present a course for the main purpose of selling products and shall limit the announcement of products during the course. It is the Commission’s intent that product promotion does not interfere with the presentation of the approved course material and the course is presented completely as it was approved.*

05. Professional mannerism. The course instructor shall conduct himself or herself in a professional manner when performing instructional duties, and shall not engage in any form of harassment based on the gender, national origin, race, religion, age or physical or mental disability of any student, and shall not engage in conduct that degrades or disparages any student or other instructor.

06. Subject matter knowledge. The instructor shall conduct the class in a manner that demonstrates knowledge of the subject matter being taught;

07. Competent teaching skills. The instructor shall conduct the class in a manner that demonstrates competency in the following basic teaching skills:

- a. The ability to effectively communicate through speech;
- b. The ability to present instruction in an accurate, logical, orderly and understandable manner and to respond appropriately to questions from students
- c. The ability to utilize varied instructional techniques in addition to lecture, such as class discussion, role playing or other techniques in a manner that enhances learning;
- d. The ability to utilize instructional aids and modern technology in a manner that enhances learning;
- e. The ability to maintain an appropriate learning environment and effective control of a class;
- f. The ability to interact with adult students in a manner that encourages students to learn, that avoids offending the sensibilities of students, and that avoids personal criticism of any other person, including fellow peer instructors, any agency or any organization.

08. Maintaining exam security. The instructor shall take reasonable steps to protect the security of course examinations and shall not allow students to retain copies of final course examinations or the exam answer key.

09. Use of exam questions prohibited. The instructor shall not obtain or use, or attempt to obtain or use, in any manner or form, Idaho real estate licensing examination questions.

010. Instructor evaluations. The instructor must maintain, for the course, an annual average of 4.0 (based on 1-5 scale) on the standard Commission evaluations for the instructor’s overall average category.

RULES OF PRACTICE & PROCEDURE OF IREC (IDAPA 33.01.02 Contested Case Rules))

Title 01, Chapter 02, Rules of Practice and Procedure of the Idaho Real Estate Commission, were properly promulgated and adopted by the Commission and made effective on July 1, 1993, and amended August 15, 2002. These rules are generally applicable to both contested case and rulemaking proceedings before the Idaho Real Estate Commission as governed by Title 52, Chapter 67, Idaho Code.

Copies of these Rules of Practice and Procedure are available upon request from the Commission website (www.irec.idaho.gov) or the office at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho 83706.

FORMS - Visit the Commission's website at www.irec.idaho.gov and click on the "Forms" link to access the education forms.

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