



***IDAHO DIVISION OF OCCUPATIONAL
AND PROFESSIONAL LICENSES***
- 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.

(14) "Commission" means the Idaho real estate commission, unless the context clearly indicates a different meaning.

(15) "Commission core course" means the annual course covering the twelve (12) month period between July 1 and June 30, which contains curriculum identified by the commission that stresses that year's 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.

(16) "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.

(19) "Council" means the Idaho real estate education council.

(22) "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.

(31) "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.

Remote delivery is live education that is presented by an instructor and attended by students through two-way audio and visual connection via a virtual classroom platform.

Courses taught through IVC and remote delivery must meet all Commission standards established for live courses and the Commission’s Minimum Standards for Alternative Delivery Methods.

MINIMUM STANDARDS FOR ALTERNATIVE DELIVERY METHODS

Hybrid delivery is live education where some students attend in person in a classroom while others simultaneously attend virtually via remote delivery.

(1) The setup and technology at each location must be pre-approved by the Commission. A provider who has previously been approved by the Commission to offer a course via Interactive Video Conferencing (IVC), remote, or hybrid delivery must work with the Commission to receive approval for each new location or technology that is added. Any changes to the setup or technology used at existing locations must also be pre-approved by the Commission.

(2) Any instructor teaching a course offered through an alternative delivery method must hold a current Certified Distance Education Instructor (CDEI) Certification. Guest speakers are not required to have this certification; however, they must be directly supervised by a CDEI certified instructor during all portions of the course session they guest instruct.

(3) Supervision and remote site support. For every IVC class or session connecting two or more sites remotely for a video conferencing distance education experience, a minimum of one moderator shall be present at each site at all times. For remote and hybrid delivery, one moderator is required for up to 25 students present and two for 26 or more students. The moderator is responsible for:

(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;

(d) Promptly addressing any unprofessional behavior or distractions;

(e) Assisting students in using the microphones (if applicable);

(f) Ensuring that there is continuous audio and video feed from all students and instructors;

(g) Timely reporting student attendance and class participation to the instructor and provider daily.

(4) A student enrolled in the class cannot be appointed to represent the provider for this purpose.

(5) The instructor may not serve as a moderator for a remote or hybrid delivery class while also acting as the instructor.

(6) All moderators must have attended a commission-approved training within the two years immediately preceding use as a moderator. The provider is required to maintain proof that the moderator(s) they use have attended this training.

(7) 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.

(8) The instructor must be able to see and hear all students.

(9) The instructor must have a screen(s) sufficiently large to allow them to have a full and clear view of all students faces. Cell phones, personal tablets and laptop screens do not have screens of a sufficient size to meet this requirement.

(10) Due to the brief time delay in transmitting audio, students and the instructor should allow others to finish speaking before responding.

(11) All students must be able to hear the question and response when questions are asked. Instructors are expected to repeat any questions asked by student to ensure the entire class has heard the question.

(12) All instructors must read or publish the required Student Remote Delivery Engagement Terms and IREC Attendance Policy at the beginning of each class.

(13) All individuals instructing a course through remote or hybrid delivery must file an Instructor Remote Delivery Agreement with the Commission prior to instructing any course through remote or hybrid delivery.

(14) Individuals who are found to be out of compliance with one or more of the Minimum Standards are not eligible to instruct or participate in a class offered via an alternative delivery method until they have demonstrated full compliance with all of the Minimum Standards.

Remote Delivery Standards

Remote delivery is live education that is presented by an instructor and attended by students through two-way audio and visual connection via a virtual classroom platform.

Hybrid delivery is live education where some students attend in person in a classroom while others simultaneously attend virtually via remote delivery.

Providers must demonstrate competency of all the necessary qualifications and standards set forth below. Providers must receive approval by the Commission prior to offering courses for credit using these delivery methods.

All Commission law, rules, and policies pertaining to education are in full force and effect for remote delivery.

Commission Approval Required

- The provider must use a Commission-approved remote delivery platform. Platforms currently approved are Zoom Pro or higher and REcampusLIVE. Alternative platforms may be considered upon written request.*
- The provider must complete the Provider Remote Delivery Application (REE-12) form and submit it to the Commission to receive **prior written approval**.*
- After initial approval, a provider may schedule remote delivery classes through the IREC system. If the provider wishes to offer a course through remote delivery that has not been assigned a remote delivery course ID, they must request this via email to IREC staff.*

- *If a provider wishes to use an instructor, moderator, or technology that has not previously been approved by the Commission, the provider must submit the appropriate attachment from the REE-12 form to IREC for approval prior to making the change.*
- *Providers offering classes through remote delivery must use an instructor who has filed an Instructor Remote Delivery Agreement with IREC to instruct remote delivery classes. Additionally, each instructor teaching through remote delivery must hold a current Certified Distance Education Instructor (CDEI) certification through IDECC.*
- *An instructor and separate moderator must be used for each session. One moderator is required for up to 25 students. Two moderators are required for classes of 26 or larger.*

Requirements for all participants (students and instructors)

- *Must have an environment free from background noise and distraction. Participants may not use a virtual background.*
- *Must have appropriate equipment and technology that meets the minimum standards of the chosen platform. Cell phone use is not permitted.*
- *Must have their face in full, clear view of the camera at all times. Must keep a continuous video feed during all classroom instruction.*
- *Must maintain a professional demeanor and engage in professional behavior during the classroom instruction.*
- *Must not engage in any distracting behaviors during the classroom instruction.*
- *Must interact with other individuals in a way that promotes and enhances learning for all.*
- *Must ensure that the IREC Attendance policy is strictly adhered to in the virtual classroom.*
- *Participants must be given instruction on how to navigate the platform and respond to and ask questions.*

Student Requirements

- *Must designate a distraction free area to attend the class that is free from background noise, other people, and other things that will distract the student's attention from the class or distract fellow students. All students must be able to attend class without distraction.*
- *Must test their equipment and technology with the provider prior to the first class session unless the provider has prior, recent knowledge that the student's technology is sufficient.*
- *Must attend 100% of the course as outlined in the IREC Attendance Policy and remain actively engaged for the duration.*

- *Must not be visibly engaged in any other activities including driving, phone calls, texting, or work of any kind other than notetaking or participating in classwork as directed by the instructor.*
- *Must not engage in behavior that may distract other students such as but not limited to eating, smoking, vaping, excessive camera movement or walking around with the camera, unnecessary chats, etc.*
- *Must follow direction given by their instructor regarding muting and unmuting their microphone to help minimize background noise.*
- *Must keep a full view of the instructor at all times. Must only take breaks when scheduled by the instructor. May only turn off or pause video feed or assign an avatar during scheduled breaks.*
- *Must respond to every engagement prompt during every class session. If an engagement prompt is missed, they must provide justification to the moderator for why they missed the prompt.*

Provider Requirements

- *Must provide technical support for instructors and students including a contact phone number for technical support.*
- *Must ensure the instructor and moderator have adequate training on the chosen delivery platform prior to using the virtual classroom.*
- *Must test each student's technology and equipment prior to the start of class unless they have prior, recent knowledge that the student's technology is sufficient and must not allow any student to attend who does not have the appropriate technology.*
- *Must review the Student Remote Delivery Engagement Terms at the start of each class taught via Remote Delivery.*
- *Must make arrangements to provide required class outlines, handouts, and other materials to students prior to the start of the first virtual classroom session.*
- *Must make arrangements for prelicense students to take the final course exam with a Commission-approved proctor. Providers and certified instructors are pre-approved by the Commission to act as live exam proctors.*
- *Must work with the instructor to address any concerns regarding the student's engagement or class participation.*
- *Must provide an end of course evaluation form to students in accordance with the Commission's evaluation policies.*
- *Must keep remote delivery system generated timing reports which include the column headings: meeting ID; topic (class title); participant name and email address; class start time, end time and duration; and participant join time, leave time, and duration for each participant log in. These timing reports must be provided to the Commission upon request.*
- *Must maintain all documentation in the provider's files.*

Instructor Requirements

- *Must hold current CDEI certification. Must demonstrate instruction techniques consistent with the principles of adult learning theory.*
- *Must attend training with the Commission on remote delivery through a virtual classroom within the two-year period preceding the instruction of a class through remote delivery.*
- *Must manage classroom time and activities appropriately to ensure the full number of approved hours of instruction are provided and all approved materials are covered.*
- *Must utilize all required class resources frequently in the virtual classroom.*
- *Must engage students by asking direct questions to them, use polls, classroom activities, and other engagement prompts.*
- *Must be able to see and hear all students.*
- *When using breakout rooms, must give students instructions on how to get started on the activity and must visit each breakout session in turn to answer student questions and ensure they are engaged in the activity.*
- *Must assign, track and report make-up work for student absences for prelicense classes.*

Moderator Requirements

- *Must attend training with the Commission on remote delivery through a virtual classroom.*
- *Must be made co-host of the meeting.*
- *Must identify themselves to students by including “moderator” in their screen name. For example – Bob Smith: Moderator or Moderator Bob Smith.*
- *Must keep their own video feed on at least until the class introductions have been completed.*
- *Must admit students from the waiting room.*
- *Must monitor student and instructor video feeds to ensure that all participants’ faces remain clearly visible during classroom instruction.*
- *Must promptly address any disruptive behavior of students.*
- *Must engage each student at least once per hour using an engagement prompt if the instructor has not employed an engagement prompt of some kind and must promptly address any students who fail to respond to engagement prompts.*
- *The moderator must move between rooms during class activities utilizing break-out sessions to help monitor student participation and to help facilitate the activity.*
- *Must report student attendance and class participation to the instructor and provider on a **daily basis**.*

Student Remote Delivery Engagement Terms

- 1. Designate a distraction free area to attend the class from that is free from background noise, other people, or other things that will distract your attention from the class or distract your fellow students.*
- 2. You must not engage in any behavior that may distract other students such as (but not limited to) driving, eating, smoking, vaping, excessive movement or walking with your camera, and unnecessary chats during class. Virtual backgrounds may not be used.*
- 3. Have a webcam with a working microphone and continuous video feed. Your video feed must be clear enough that the instructor and moderator can see your face at all times.*
- 4. Cell phones may not be used to connect to the virtual classroom and cell phone use is prohibited during classroom instruction.*
- 5. Test your equipment and technology with the provider prior to the start of class. A reliable internet connection with sufficient bandwidth is required.*
- 6. Attend 100% of the course as outlined in the IREC Attendance Policy.*
- 7. Actively engage during all sessions and respond to all questions, polls and prompts from the instructor and moderator. If you fail to respond to prompts during the class, you may be required to provide justification for why you missed the prompt.*
- 8. Maintain a professional demeanor and engage in professional behavior during classroom instruction.*
- 9. Interact with other individuals in a way that promotes and enhances learning for all.*
- 10. For prelicense students, you must keep confidential any test questions or information learned during the exam. You may not discuss the final exam questions with any other individual other than the course instructor or provider.*

(36) "Post license course" means a commission-approved or certified elective course that is specifically oriented toward salespersons in their first two (2) years of Idaho practice. The course must contain no more than twelve (12) classroom hours of instruction.

(38) "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.

(48) "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 assessment or final examination.

Instructor - the individual who teaches the course material to students.

Provider (school) - the certified entity who offers or hosts education course sessions for prelicense or continuing education purposes and is responsible for the administrative tasks related to offering the course.

Provider Director - the individual appointed by the provider to oversee the provider's operation. As such, the provider director accepts the responsibility on behalf of the provider to ensure the education is conducted according to Commission standards.

Course developer - the individual or entity who develops course material for dissemination.

Moderator - an appointed representative of the certified provider who has received a certificate of completion for attending the commission approved training and who manages classroom activities for the remote location when a course is presented by Interactive Video Conferencing (IVC) or remote delivery.

Homework - a set of tasks assigned to all students in a class by their instructor.

This work is to be completed outside of the classroom and should consist of tasks designed to prepare the students for the following lesson.

Make-up work - a set of tasks assigned to an individual prelicense student by that instructor to replace a portion of the class time the individual student did not attend due to absence.

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.

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.

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 waivers or modifications of prelicense education requirements.*
- 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. 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. 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 each year. 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.

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 fifty dollars (\$150).

(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.

(4) 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.

(5) 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.

An applicant must achieve a passing score on each part of the exam within one

year of applying for a license. For example: if the applicant passed one part of the exam (either National or Idaho) on January 11, and then passed the other part on August 1, the applicant would have one year from January 11 to apply for a 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 (3) 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.

Waiver request approvals are valid for six months from the date the certified license history is issued, or until the license expires or is inactivated, whichever comes first.

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.

....

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. mountain time 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, the course certification number, the course provider, the number of classroom hours, the completion date of the course, 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.

....

54-2020. FEES.

The Idaho real estate commission shall establish fees that, 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 the Commission at least five (5) business days before the course commencement date, the registration fee, less the 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. If a course is rescheduled, registrants will be given the option to attend on the rescheduled date or receive a full refund.*

....

(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.

Initial instructor certification includes certification for one (1) course. The instructor must complete an Instructor Certification application (REE-007) for each subsequent Commission-developed course they wish to instruct.

**LICENSING/CERTIFICATION FEE EXEMPTION FOR
MILITARY PERSONS**

Idaho Code Section 67-2602A and 67-2620

Under Idaho statute, licensees, certified real estate instructors, and individuals whose spouse is serving in the military are exempt from the payment of licensing/certification fees during the period that such licensees, certified instructors, or the military spouse are actively engaged in military services. During the period of such engagement, the licensee, instructor or spouse 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, certified real estate instructor, or military spouse 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, or the spouse 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.

Licensing candidates and spouses of individuals currently serving on active duty who are exempt from the payment of licensing/certification fees will submit a completed Supplemental Active Military Form (REE-010) along with their salesperson, broker, cooperative broker or instructor application to have the fee waived by the Commission.

The Commission is authorized to expedite applications for veterans of the armed

services and individuals serving on active duty or the spouses of such individuals, if notified of veteran or active duty status on the application form.

“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, military spouse, 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;

(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 specified courses in advanced real estate study, for a minimum of ninety (90) additional classroom 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.

(3) To receive credit for prelicense 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 prelicense 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 prelicense 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:

- *Brokerage Management*
- *Real Estate Law*
- *2 elective courses selected from the following approved list:*
 - *Real Estate Finance*
 - *Valuation & Analysis*
 - *Idaho GRI 101/102 (both portions must be taken to fulfill one elective requirement)*
 - *Idaho GRI 201/202 (both portions must be taken to fulfill one elective requirement)*
 - *CCIM Designation Courses CI 101, CI 102, CI 103, CI 104 (attended live only and not completed by "challenge" or through online delivery, unless the online course is ARELLO certified)*

Successful completion of the Idaho Graduate REALTOR® Institute (GRI) Designation will qualify as fulfilling the two elective requirements. Graduate REALTOR® Institute courses completed in another state will be evaluated on a case-by-case basis.

Completion of the following courses through the REALTOR® University Master's in Real Estate program will be considered as substitution for the equivalent Broker courses for candidates currently enrolled in the program.

- *RE530 – Real Estate Valuation will be accepted in exchange for the Idaho Real Estate Valuation & Analysis elective course*
- *RE540 – Real Estate Finance and Investment will be accepted in exchange for the Idaho Real Estate Finance elective course*

Licensees wishing to substitute any of these courses will submit a completed Licensee Request for CE Credit form (REE-153) with the required attachments to the Commission no later than sixty (60) days prior to intended date of license application. In addition to the documentation normally required with this form, the licensee will also provide proof of enrollment in the Master's in Real Estate program and a transcript showing they successfully passed all course requirements with a 70% or equivalent.

Current Salesperson required prelicense courses:

- Sales Prelicense Module 1
- Sales Prelicense Module 2

Students are recommended to complete Sales Prelicense Module 1 prior to beginning Sales Prelicense Module 2.

If the applicant has a law degree, AND the applicant is currently practicing law, the following coursework will be waived upon applicant's written request:

For a broker's license

- Real Estate Law

If the applicant is currently licensed as an appraiser, AND the applicant is currently actively practicing as an appraiser, the following coursework will be waived upon applicant's written request:

For a broker's license

- Valuation & Analysis

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 and remote delivery) 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 any electronic devices is not permitted during class time, unless required as part of the course. This includes texting, checking messages, incoming and outgoing calls, or any activities not related to the instruction of the course content.

A student who misses any portion (even a few minutes) of a course taken for Post License or 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.

Students will engage in professional behavior and maintain a professional demeanor while attending classes. This includes dressing appropriately for the classroom environment at all times. All students are expected to interact with

others in a way that promotes and enhances learning for all. Students have the right to express themselves and participate freely in classes. However, they are expected to be courteous and respectful. Offensive or inappropriate language is not to be used in any form of communication. Students are allowed to disagree with each other or the instructor but must do so in a civil manner.

For Prelicense Only

*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 and MUST be completed for all portions of the course the student does not attend.** Make-up work is defined as one or more of the following:*

- 1. Extra homework or other assignment given by the instructor (assignment cannot duplicate material already presented in portion of class attended and must relate to subject matter the student missed)*
- 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.*

***Students may meet this requirement either by completing additional work OR by attending the portion of class they missed in later class offerings but are not obligated to complete both.** 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.*

The provider must develop and maintain a school policy that outlines how make-up work will be handled. The provider's records regarding make-up work must include a list of all sessions missed by the student and documentation to support the make-up work that was assigned and completed. The school's make-up work policy should address the consequences for missing too many class sessions or classroom hours and inform students of how they will communicate potential absences and receive and submit their make-up work assignments.

For Instructors only: If an instructor wishes to allow electronic notetaking, the provider must establish written classroom participation policy governing the use of electronic notetaking in the classroom. The policy must adhere to the following minimum guidelines:

(a) A student shall direct his/her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction, such as texting, checking email, surfing the internet, completing contracts or other work.

(b) A student shall refrain from engaging in activities which are distracting to other students or the instructor, or which otherwise disrupt the orderly conduct of a class including distracting noise.

Providers are expected to take appropriate steps to ensure all students comply with their participation policy. The provider shall require the instructor to make an announcement at the beginning of the course and at the beginning of each subsequent day that electronic devices shall only be used for course related activities and notetaking purposes.

54-2023. CONTINUING EDUCATION REQUIREMENTS.

(1) Each licensee applying to renew an Idaho broker or salesperson license on active status, and each Idaho broker or salesperson applying to change from inactive to active license status after having renewed the license on inactive status, shall successfully complete two (2) commission core courses, plus twelve (12) classroom hours of continuing education credit. If the inactive licensee is within the initial licensing period, no continuing education is required to change to active license status. Provided that:

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.

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 a Licensee Request for CE 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. Online courses must be ARELLO® certified for credit to be granted. Courses taken through remote or hybrid delivery must be submitted with documentation to show that the course was delivered in a manner that is substantially similar to Idaho's remote or hybrid delivery standards or the request may be denied.

(a) Salesperson -- First active renewal or activation. To renew an Idaho salesperson license on active status for the first time, or to change from inactive to active status for the first time after the expiration of the initial license period,

a salesperson shall complete two (2) commission core courses, plus the post license course.

"Post license course" consists of the eight (8) hour Post License Fundamentals course plus one 4-hour post license module of choice. No other course can be substituted for the Commission-developed post license course.

(b) Inactive broker activating as a designated broker or branch manager. To activate as a designated broker or branch manager, a broker on inactive status shall, in addition to meeting the continuing education requirements of this subsection, have completed a commission-approved business conduct and office operations course within three (3) years immediately prior to the license activation.

(2) 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.

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

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

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

(4) 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.

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

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

(a) Successfully complete a commission-approved continuing education or post license course;

(b) 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;

(c) Successfully complete a commission-approved broker prelicense course. Continuing education credit may be obtained for retaking the same broker

prelicense course only if completed after three (3) years of completing the previous course; or

(d) 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 Lookup on the Commission's 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 and course outlines to IREC using the Licensee Request for Continuing Education Credit form (REE-153):

- *Accredited Buyer Representative (ABR) (through REBAC)*
- *Accredited Land Consultant (ALC) (through RLI)*
- *Certified Aging in Place Specialist (CAPS) (through NAHB)*
- *Certified Commercial Investment Member (CCIM)*
- *Certified Graduate Builder (CGB) (through NAHB)*
- *Certified International Property Specialist (CIPS)*
- *Certified New Home Sales Professional (CSP) (through NAHB)*
- *Certified Real Estate Brokerage Manager (CRB)*
- *Certified Residential Specialist (CRS)*
- *Graduate Master Builder (GMB) (through NAHB)*
- *Graduate REALTOR® Institute (GRI) (any state)*
- *Master Certified Sales Professional (Master CSP) (through NAHB)*
- *NAR's e-Pro certification (ePRO)*
- *NAR's Green Designation (GREEN)*
- *Performance Management Network (PMN) (through WCR)*
- *Resort & Second Home Markets Certification (RSPS)*
- *Seller Representative Specialist (SRS)*
- *Senior Real Estate Specialist (SRES)*
- *Short Sales & Foreclosures Resource (SFR)*

Courses taken to earn other designations not listed here will be considered on a case-by-case basis. Online courses must be ARELLO® certified. Courses taught through remote or hybrid delivery must be offered using standards that are substantially similar to Idaho's requirements for remote or hybrid delivery. The

online portion of courses taught through blended delivery method must also be ARELLO® certified.

(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 and if the course otherwise meets commission standards for course certification including distance learning and minimum classroom hour requirements; 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; Wyoming 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.*
- "Risk Management and Legal Competencies" – where the course is currently approved by the Wyoming Real Estate Commission for CE credit, and it is being offered to Wyoming real estate licensees to meet their CE requirements.*

Courses that are mostly not related to real estate brokerage practice such as courses that focus on completing USPAP forms will be denied.

(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.

Credit hours for college and university courses will be calculated using a formula of the number of credit hours times the number of weeks the course was offered.

Licensees may submit courses under this section for consideration of CE credit by submitting a Licensee Request for CE 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 offered in another jurisdiction for which IREC certification has been denied.

- (a) 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, post license, 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.

(7) 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.

Any licensee who renews or reactivates a license and who does not have sufficient continuing education hours on file with the Commission WILL receive an audit letter requesting proof of meeting the CE requirements.

(8) Provisional license - Extension of time. A three (3) 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 and the spouses of individuals 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 Licensing/Certification Fee Exemption for Military Persons.

Rule 402. APPROVED TOPICS FOR CONTINUING EDUCATION.

Continuing education is to assure that licensees possess the knowledge, skills, and competency necessary to function in a manner that protects and serves the public interest, or that promotes the professionalism and business proficiency of the licensee. The knowledge or skills taught in an elective course will enable licensees to better serve real estate consumers.

01. Topics Approved by the Commission. Topic areas for continuing education, as provided for in Sections 54-2023 and 54-2036, Idaho Code, will be approved by the Commission as they pertain to real estate brokerage practice and actual real estate knowledge.

Pursuant to Idaho Code 54-2036(3) and Rule 402, the specific, approved topic areas for continuing education course content are:

- 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*
- u. *Business success*

02. Topics Not Eligible for Continuing Education Credits. Topics which are specifically exam preparation in nature or not directly related to real estate brokerage practice will not be eligible for approval.

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. Except as otherwise provided in section 54-2023(6)(d), Idaho Code, 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 to present a portion of the course curriculum 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.

As the owner of the Commission-developed courses, the Commission retains complete control over dissemination of all Commission-developed course materials. Individuals may not distribute these materials to others without written permission from the Commission. Any inquiries about obtaining such materials should be referred to the Commission.

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;

(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 shall:

(i) 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;

(ii) 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; and
(iii) Have attended a commission-approved provider training within the two (2) years immediately preceding the designation.

The requirement to complete the provider training also applies when a new director is appointed for an existing certified provider.

If the Idaho Real Estate Commission receives notification that there is no director in place for a certified provider, or if returned correspondence is received, the provider certification will be placed on administrative hold until such time as the issue has been resolved to the satisfaction of the Commission.

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.

Providers must schedule a course through the IREC Online Services at least twenty-four (24) hours prior to course offering regardless of whether it is open to all licensees or not.

(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 must be incorporated into the curriculum and utilized by students. For commission-developed courses utilizing a textbook, each student is required to have the textbook and it must be used in the course.

(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, and public health codes as well as the Americans with Disabilities Act.

If a provider will not be physically present at the class, there must be a provider representative on site who has been instructed in the provider duties they will be responsible for during the class. This is documented by a signed Onsite Provider Representative Form (REE-024) form in the provider's files.

(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: legal name, address, telephone number, and email address of school; full legal name of the student, license number when one has been issued, beginning and ending dates of attendance; clock hours completed, i.e. sign-in sheet or attendance sheet; course/exam results.

Upon course completion, students must receive a certificate or statement of completion that includes the student's full legal name or the name as it appears on the real estate license, license number when one has been issued, provider name, course title, course approval number, course date(s), course delivery method, approved credit hours and the signature of the director.

(b) Course completion lists. Within five (5) business 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 that shall include the legal 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 using IREC Online Services. It is the Provider's responsibility to ensure the accuracy of the course completion lists, including use of each student's legal name and license number or social security number, as applicable. Failure to submit course completion lists timely and accurately is a serious issue. Provider directors must provide appropriate control and supervision for clerical staff entering course completion lists on their behalf.

Idaho statute grants providers limited authority to obtain certain information from students that is regarded as confidential; namely: the student's personal addresses and in some cases, social security numbers. The 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; and

Evaluation Instructions for Continuing Education Courses

Idaho Code 54-2027 *requires that all certified providers collect written evaluations from students, using an approved form for the course and instructor. Evaluations may be collected electronically only when an opportunity to complete the evaluation form in a manner that does not disclose the student's identity is offered to every student. 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. Providers are expected to supply copies of the most current evaluations with every course renewal application submission.*

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

Evaluation Instructions for Commission-Developed Education Courses

Evaluations for live offerings of Commission-developed courses must be collected for each course offering and provided to the Commission. The process for distribution and collection of paper evaluations must be handled as follows:

- 1. Prior to the conclusion of the course, but before the final exam (if any), a sufficient amount of classroom time shall be set aside for students to complete evaluations of the course and instructor.*
- 2. The provider or course instructor must distribute the current Commission-approved evaluation form to each student and appoint one student to collect the completed evaluations. The provider and/or instructor(s) must then leave the room, prior to completion of the evaluations.*
- 3. The student appointed to collect the evaluations will place all completed evaluations in an envelope provided by the provider. The envelope must be pre-addressed to the Commission. The student will seal the envelope and sign his/her name across the envelope flap.*
- 4. The provider must transmit the sealed envelope to the Commission within five (5) business days from the conclusion of the course. Upon receipt of the sealed envelope, the Commission will promptly scan and e-mail all evaluations to the provider director.*

Providers may electronically distribute course evaluations for Commission-developed classes using an electronic format approved in advance by the Commission. The form must provide students with Commission contact information to make confidential remarks, if desired by the student.

The Commission may 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 required to submit schedules of courses and instructors to the Commission on an ongoing basis by entering the course schedule information into the IREC Online Services at least twenty-four (24) hours prior to the course offering and keep it updated with any changes or cancellations. The course schedule must also identify the correct instructor. For online courses, or for courses offered through remote or hybrid delivery, the course instructor identified must hold a current Certified Distance Education Instructor (CDEI) designation from ARELLO®.

(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 educating licensees.

Reasonable steps to ensure instructor competency. 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:

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. An optional Instructor Qualification form has been developed by the Commission that providers may use to document an instructor’s experience and credentials.

a. ***Teaching performance.*** The provider shall promptly review the student evaluations for every course, as it is being taught, and shall immediately advise the instructor of any deficiencies or concerns noted in the evaluations.

b. When using a new instructor for a live course offering for the first time, the provider is responsible for evaluating the instructor performance using the IREC instructor evaluation form. The provider is also responsible for periodically evaluating its live course instructors using the IREC instructor evaluation forms. Upon completion of an evaluation, the results of the evaluation shall be provided to the instructor and a follow up plan for improvement, if needed, shall be discussed. This evaluation and documentation of the plan for improvement is to be kept with the provider’s records and provided to the Commission upon request.

Minimum teaching standards are set forth in Rule 500.

Failure to take reasonable steps to ensure instructor competency may result in withdrawal of provider certification.

Providers are strongly encouraged to attend each annual IREC Instructor Development Workshop.

(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. The provider's name, as certified by the Commission, must be included in all advertising.

(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 the IREC website as "accepted" for continuing education credit by the Commission.

No course may be advertised as "pending approval" even if an application for certification has been submitted to the Commission. It may only be advertised as "submitted to IREC for CE approval."

(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.

54-2028. TERM OF PROVIDER CERTIFICATION AND RENEWAL.

(1) Each course provider's certification issued by the commission shall be for a term of up to one (1) year and shall expire annually on June 30.

(2) In order to maintain certification, each provider shall:

- (a) 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; and
 - (b) Certify that its designated director or person in charge has, within the past two (2) years, attended a commission-approved provider training.
- (3) Recertification is not effective until the commission has formally approved the application for renewal.
- (4) 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.

Renewal of provider certification must be completed online through IREC's Online Services.

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 not yet successfully completed by 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, post license 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.

Instructors who are currently on an Instructor Performance Improvement Plan (IPIP) or 30-day notice letter from the Commission are not eligible to be certified as instructor for additional Commission-developed courses or serve as a supervising instructor for an instructor who is student teaching until they have successfully complied with the terms of the IPIP or 30-day notice letter to the satisfaction of the Commission.

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 post license 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
 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), post license, 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 must have active experience as a licensed real estate salesperson or broker in Idaho for at least five (5) years within the 10 years prior to application.
- ***Broker Prelicense - Brokerage Management:*** Applicant must have an active broker's license AND at least five (5) years active real estate-related experience.
- ***Broker Prelicense - Law:*** Applicant must be an actively licensed attorney with a minimum of five (5) years' experience.
- ***Broker Prelicense - Finance:*** Applicant must have at least five (5) years active real estate-related and/or finance experience.
- ***Broker Prelicense - Valuation & Analysis:*** Applicant must be an actively licensed or certified appraiser OR have at least five (5) years active real estate-related experience.
- ***Business Conduct & Office Operations (BCOO):*** Applicant must have at least five (5) years active real estate-related experience and be an actively licensed broker.
- ***Commission CORE Course:*** Applicant must have at least five (5) years

active real estate-related experience.

- ***Post License Fundamentals:*** Applicant must have active experience as a licensed real estate salesperson or broker for at least five (5) years within 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
- ***Post License Professionalism, Negotiations, and Closings:*** Applicant must have active experience as a licensed real estate salesperson or broker for at least five (5) years within the 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
- ***Post License Pricing, Marketing and Advertising:*** Applicant must have active experience as a licensed real estate salesperson or broker for at least five (5) years within the 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
- ***Post License Introduction to Commercial Real Estate:*** Applicant must have active experience as a licensed real estate salesperson or broker for at least five (5) years within the 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification. In addition, applicant must have two (2) years' experience brokering commercial transactions **PLUS** hold either a post-secondary degree specific to commercial real estate **OR** an active status CCIM or SIOR designation.

“Real estate-related experience” is defined as extensive experience:

- *As a licensed real estate sales associate or broker*
- *As an attorney at law with practice in real estate transactions*
- *With decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions*
- *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*
- *In all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings*
- *In real estate investment, property management, or analysis of investments*

or business opportunities

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 with a minimum passing score of 70%. 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. The Certified Distance Education Instructor (CDEI) certification course offered through the International Distance Education Certification Center (IDECC) will be accepted to fulfill this requirement; **and***
5. *Serve a student teaching period. The student teaching period involves:*
 - *Teaching a minimum of 2 hours or 20% of the course material, whichever is greater, under the supervision of the certified instructor*, **and***
 - *Receiving favorable evaluations from students in the class; **and***
 - *Receiving a favorable recommendation from the certified instructor for the assistant teaching.*

For instructors seeking certification for subsequent courses who are already certified by IREC to teach, previous student teaching hours may be credited toward the 20% minimum. The instructor must seek an additional opportunity to student teach the amount remaining if the minimum is not fully satisfied by their previous student teaching experience.

** A certified instructor must have taught the course at least three (3) times to supervise a student teacher.*

***An individual** who has completed the “Distinguished Real Estate Instructor” (DREI) professional designation from the Real Estate Educator’s Association (REEA) will be deemed to have satisfied requirements 4 and 5.*

***Pursuant to Idaho Code 54-2033(1)**, qualified instructors at degree granting institutions as stated in 54-2033(1) are not subject to 1 through 5 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.*

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 Idaho Code 54-2027(6). However, the course must be certified by the Commission.

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.

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, instructors, courses, and any prerequisite requirement for obtaining a broker or sales associate real estate license.

A. The Education & Licensing Director and Education Council are authorized by the Commission to consider and determine the following matters relating to education requirements for licensure and certification.

- 1. Certification of course providers ([54-2026](#))*
- 2. Certification of instructors ([54-2033](#) & [54-2034](#))*
- 3. Certification of courses and course content ([54-2036](#))*
- 4. Waivers or modifications to prelicense education requirements ([54-2012\(1\)\(h\)](#) and [54-2022\(2\)](#))*
- 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 & Licensing Director is specifically authorized to certify course providers, instructors, and courses, and determine equivalency of CE courses with Idaho requirements.

If an applicant requests an extension of time for acceptance of courses or exam results, special consideration of an education requirement, or if the applicant does not agree with the Education & Licensing Director's determination of a matter set forth in paragraph (i) above, or if the Education & Licensing 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 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 Commissioners 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 Staff shall have the authority to determine the following applicant requests:

- 1. Waivers of the national exam ([54-2014](#) and [54-2015](#))*
- 2. Any Disclosure Statement for Inquiry on Impact of Criminal Conviction (REE-020) or felony exemption review request for applicants with a single conviction greater than 15 years ago, if it is for a:*
 - Controlled substance violation with no aggravating factors such as significant quantity, distribution, or significant history of repeat offenses;*
 - Felony DUI with no aggravating factors such as significant history of repeat offenses;*
 - Petit Theft; or,*
 - Property crime without aggravating circumstances such as a significant history of repeat offenses.*

Black's law defines an aggravating factor or circumstance as "Any factor or circumstance which increases the enormity of a crime or the injury of a wrong." The Executive Director shall have delegated authority to review and approve these requests. The default if the applicant's history is questionable will always be to defer to the next regularly scheduled Commission meeting for full Commission consideration.

Staff will provide written notification of decisions within ten (10) business days.

If an applicant does not agree with the Staff decision, the applicant may request to have the matter reviewed by the Commission members by timely filing a written request for Commissioner review at a regularly scheduled meeting. 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. Decisions for applicants with multiple convictions greater than 15 years ago, a single conviction between 5 and 15 years ago, a conviction for a reason not listed above will always be heard by the full Commission at the next regularly scheduled Commission meeting.

D. All requests for felony or revocation exemption, waiver of high school graduation/GED, waiver of 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.

54-2035. TERM OF INSTRUCTOR CERTIFICATION AND RENEWAL.

(1) Certification. Each instructor certification issued by the commission shall be for a term of up to one (1) year and shall expire annually on June 30.

(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;

Instructor recertification must be completed online through IREC's Online Services.

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.

The provider is responsible for periodically evaluating its live course instructors using the IREC instructor evaluation form. When an instructor falls below the 4.0 average, an Instructor Performance Improvement Plan (IPIP) should be developed by the instructor and provider. The IPIP is to be kept with the provider's records and provided to the Commission upon request. An instructor on an IPIP is not eligible to be certified to teach additional Commission-developed courses or to supervise a student teacher.

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

A sample of a course offering audited at the point of delivery by a Commission 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.***

Noncompliance in any of the above mentioned policy guidelines will be further examined by utilizing telephone and written surveys and communication with the instructor. Telephone surveys and follow-up surveys should provide evidence of educational benefits to students.

3. Review of the outline and reference materials provided for the course; and

Course outlines must include current materials and policies as approved by the Commission.

- (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 as long as they have been completed during the preceding two (2) years.

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

- (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 and the spouses of individuals serving on active military duty at the time of recertification will be recertified in accordance with IREC's Licensing/Certification Fee Exemption for Military Persons.

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, is offered through a delivery method that is substantially similar to a Commission approved delivery method, and if submitted by a licensee.

- (1) An application for course certification must be submitted in the form and manner required by the commission, with the required 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.

***Course names:** 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.*

Courses submitted for certification must include satisfactory learning objectives using action verbs from Bloom's Taxonomy list as provided by IREC on the Continuing Education Elective Course Certification Application.

- (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 continuing education course must contain at least one (1) classroom hour.

Courses submitted with half hour increments will be considered. (e.g., a course submitted for two and a half hours may be approved for two and one half hours.)

- (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 assessment.

Online courses are considered “distance learning” courses. Distance learning final exams must include a minimum of 5 questions per hour of instruction, with a maximum of 50 questions required. For courses taught through a blended delivery method, the online portion of the course is considered distance learning therefore must be ARELLO® certified.

An accredited college or university listed in the U.S. Department of Education Database of Accredited Postsecondary Institutions and Programs will be deemed to have certification standards equivalent to ARELLO® certification.

- (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. 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.
- (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 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.

The Commission-approved course exams shall be used in their entirety and may not be revised or altered without the Commission's advance permission. Providers are responsible to preserve the validity and security of course exams. Students shall not be allowed to retain exams or copy any exam questions, answers or distracters. A student who fails a final course exam shall be given a different version of the exam and must pass the entire retake exam with a minimum score of 70% in order to receive credit for the course. Students completing make-up work are still expected to take the exam at the end of the course, as scheduled, with the rest of the class. If the student has missed enough of the course time that taking the exam will jeopardize their ability to pass the exam, the provider should consider asking them to attend a subsequent offering of the missed portion in lieu of assigning make-up work.

(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.

(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.

If a course application is denied, the applicant may revise and resubmit the course one time for reconsideration without payment of an additional fee as described by the course denial letter.

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 will be taught in accordance with the standards and written policies adopted by the Real Estate Commission. Course instructors will conduct themselves in a professional manner when performing instructional duties and will not engage in conduct that criticizes,

degrades, or disparages the Commission, any student, other instructor, brokerage, agency, or organization.

01. Certification Requirement. A course required to be taught by a Commission-certified or Commission-approved instructor will 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 will adhere to the Commission's written attendance policy and credit hours will only be submitted for students who have successfully met the attendance requirements for which the course was approved.

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

05. Use of Exam Questions Prohibited. The instructor will not obtain or use, or attempt to obtain or use, in any manner or form, Idaho real estate licensing examination questions.

Professional mannerism includes:

1. Avoidance of any form of student harassment, which is not limited to harassment based on the gender, national origin, race, religion, age, or physical or mental ability of any student.

2. Demonstration of sufficient subject matter knowledge of the course material being instructed.

3. Adherence to the Commission's written policies regarding product and service promotion and recruitment in the classroom.

4. Display of competent teaching skills, which include but are not limited to, the ability to:

a. Communicate effectively through speech

b. Present instruction in an accurate, logical, orderly, and understandable manner

c. Respond appropriately to questions from students

d. Utilize varied instructional techniques in addition to lecture, such as class discussion, role playing, or other techniques that enhance student interaction and learning

e. Utilize instructional aids and modern technology in a manner that enhances learning

f. Maintain an appropriate learning environment and effective control of the classroom

g. Interact with adult students in a respectful and professional manner that encourages student learning

h. Utilize relevant experience and research to supplement student learning

i. Form constructive relationships with students and

j. Utilize instruction time effectively

Use of competent teaching skills may be measured by student evaluations. The instructor must maintain, for the course, an annual average of 4.0 or better (based on a 1-5) on the Commission's standard student evaluation form. Providers are responsible for tracking and documenting instructor scores for CE elective classes and providing these scores to the Commission upon request.

Recruitment Activities and Product and Service 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 and service promotion AND*
- 4. To address students' desire for information about employment opportunities.*

Recruitment Activities Policy: *No instructor, school director or provider employee shall use class time to encourage, induce or promote student employment, affiliation or membership with any particular real estate licensee, real estate organization, franchise, or network. "Promote" includes the making 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 student attendance must clearly be optional*
- 2. Must be clear that IREC does not favor or embrace one brokerage over any other AND*
- 3. Must be conducted outside of instructional hour (e.g., not during classroom or "credited" time).*

If conducted during the instructional day, permissible promotion and recruitment activities must occur before or after class, or during the lunch break. If during a lunch 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 sessions must be optional.

Classroom time must not be devoted to the discussion or promotion of marketing materials. Firm brochures and material must not be included within any IREC approved instructional materials and course outlines. (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 and Service Promotion Policy: *Sponsors, providers and instructors may make available for purchase materials and services 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 or services and shall limit the announcement of products or services during the course. It is the Commission's intent that product and service promotion does not interfere with the presentation of the approved course material and the course is presented completely as it was approved.

Pursuant to the exam provider's policies, test takers are not allowed to share or discuss the questions or answers seen in the licensing exam with other candidates. It is the policy of the Idaho Real Estate Commission that certified instructors and representatives of certified providers will not solicit or request students to provide license exam questions or answers from the licensing exam and will refrain from discussing such information or utilizing it in any way.

Certified instructors and representatives of certified providers may not apply for or take the real estate licensing exam for any other purpose than to obtain an Idaho real estate license or to obtain certification as specified in the requirements for post license instructor certification.

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

**Idaho Division of Occupational
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