

1301:5-7-04 **Distance education.**

- (A) For purposes of this rule, the term "distance education" refers to educational programs in which instruction is accomplished through the use of media whereby teacher and student are separated by distance and/or by time.
- (B) An entity shall apply to the division of real estate, for distance education course approval in a form prescribed by the Ohio real estate commission and include a nonrefundable processing fee of sixtytwo hundred dollars. The application form and processing fee must be submitted to the division of real estate at least forty-five days prior to the proposed initial date of the offering. Courses completed by a licensee prior to being approved by the Ohio real estate commission will not qualify for continuing education credit.
- (C) The application shall include, but not be limited to, the following information:
- (1) Name, address and telephone number of the entity.
 - (2) Name and address of owner of entity if entity is privately owned.
 - (3) Summary of offering, including minimally:
 - (a) Title of offering;
 - (b) Proposed initial date of offering;
 - (c) Prerequisite for participation, if any;
 - (d) Duration of offering;
 - (e) Form of attendance certificate and methods utilized which will provide the entity reasonable assurance of student identity;
 - (f) Methods of record maintenance;
 - (g) Copies of orientation materials, as provided in paragraph ~~(D)(4)(D)(3)~~ of this rule;
 - (h) Sample of proposed advertising, if any;
 - (i) Summary of course design, including methods utilized to assure active

student participation, a detailed course outline of topics covered, a time sequence for the hours requested, estimation of length of time it should take a student to complete the course;

(j) Fees assessed to students for participation in course offering;

(k) The amount of time necessary to complete the course, without interruption;

(l) A complete copy of the course on the medium that is to be utilized and, if requested by the superintendent, the sponsor must make available at the sponsor's expense all software necessary for the superintendent to review the submitted course;

(4) Any other relevant information useful in determining that the entity proposes an offering, which will contribute to desired current knowledge for the purpose of protecting the consumer and improving service by real estate licensees.

(D) The Ohio real estate commission will approve a course in distance education for continuing education credit, based upon a satisfactory review of the following criteria:

(1) The application and materials submitted pursuant to paragraph (C) of this rule;

(2) The course is designed to assure that students actively participate in the instructional process while completing the course by utilizing techniques that require substantial student interaction with the instructor, other students or a computer program. The course design must not permit students to merely sit passively and observe instruction or read instructional materials;

(3) The course, when taken without interruption, consists of no more than six hours of distance education;

(4) The sponsor provides the students with an orientation or information package which contains all necessary information about the course, including but not limited to information about the course subject matter and learning objective, procedures and requirements for satisfactory course completion, special requirements with regard to computer hardware and software or other equipment and the availability of instructor or technical support;

(5) The sponsor provides appropriate instructor and technical support to enable students to satisfactorily complete the course;

- (6) The sponsor utilizes procedures that provide reasonable assurance of student identity and that the student receiving the continuing education credit for completing the course actually performed all of the work required to complete the course;
 - (7) The courses are designed to meet ~~elective~~ continuing education course requirements, subject areas of which are specified in paragraph (E) of this rule. Courses required pursuant to section 4735.07 of the Revised Code, section 4735.09 of the Revised Code ~~or paragraph (D) of rule 1301:5-7-02 of the Administrative Code~~ shall not be approved for offering through distance education.
- (E) The Ohio real estate commission shall approve distance education course offerings in only the following subject areas:
- (1) Legislative issues that influence real estate practice;
 - (2) Advanced real estate financing, including mortgages and other financing techniques;
 - (3) Real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
 - (4) Real property management, including leasing agreements, accounting procedures, and management contracts;
 - (5) Land use planning and zoning;
 - (6) Real estate securities and syndication;
 - (7) Accounting and taxation as applied to real property;
 - (8) Land development;
 - (9) Advanced real estate appraising;
 - (10) Real estate marketing procedures related specifically to actual real estate knowledge;
 - (11) Timeshares, condominiums and cooperatives;

- (12) Brokerage office management;
 - (13) Use of calculators, computers or technology as applied to the practice of real estate;
 - (14) Real estate law, civil rights and ethics as provided in division (D) of 1301:5-7-02 of the administrative code.
- (F) The superintendent may deny an application for distance education course approval or withdraw a previously approved course, according to the process provided in paragraphs (C)(3) to (C)(6) of rule 1301:5-7-03 of the Administrative Code.
- (G) Credit for completion of a distance education course shall only be granted for the calendar year in which the course was approved, unless the course is renewed for the succeeding year by filing with the commission no later than November fifteenth the materials required in paragraphs (G)(1) and (G)(2) of this rule. Failure to renew a course shall result in the automatic withdrawal of the course offering for the succeeding year, without any further action by the superintendent.
- (1) An application as provided in paragraph (C) of this rule, except the entity shall only include information or materials that have changed since the previous year's course approval;
 - (2) A processing fee of sixty dollars.
- (H) An entity may administer examinations to licensees for the purpose of verifying participation and evaluating the effectiveness of the distance education course, but passage of an examination by a licensee shall not be a condition for advancement to a subsequent section of the course or successful completion of the course.
- ~~(I) Licensees may only submit proof of completion of a maximum of fifteen distance education credit hours toward fulfillment of the thirty-hour continuing education requirement in any three-year education cycle.~~

Effective: 06/24/2004

R.C. 119.032 review dates: 06/30/2006

CERTIFIED ELECTRONICALLY

Certification

06/14/2004

Date

Promulgated Under: 119.03
Statutory Authority: 4735.10
Rule Amplifies: 4735.141
Prior Effective Dates: 6/21/02