

5.4 CONTINUING EDUCATION

110.R5.4.1 Standards. The BBRS may by rule adopt standards for continuing education requirements and course and instructor approval. The standards must include requirements for continuing education as applicable to buildings and building codes and referenced standards.

110.R5.4.2 Hours. A qualifying licensee must provide proof of completion of required hours of continuing education per two year license cycle in the appropriate category in which the licensee is licensed. Credit may not be earned if the licensee has previously obtained credit for the same course as either a student or instructor during the same licensing period.

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| 1. Construction Supervisors License | 12 Hours |
| 2. Construction Supervisors License (One- and Two-Family Dwellings) | ten Hours |
| 3. Construction Supervisors Specialty License | six Hours |

Exception. *Building officials* who are certified and in good standing in accordance with 780 CMR 110. R7 are exempt from 780 CMR 110.R5.4.

110.R5.4.3 Education Topics. All Construction Supervisor License holders are required to complete the appropriate number of continuing education each two-year renewal cycle as described in 780 CMR 110.R5.4.2. The following hour(s) of continuing education topics are required:

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| 1. Code Review | one hour |
| 2. Workplace Safety | one hour |
| 3. Business Practices / Workers' Compensation | one hour |
| 4. Energy (except Demolition Specialty License) | one hour |
| 5. Lead Safe Practices (only first renewal cycle) | one hour |

The remainder credit hours to be completed by approved electives.

110.R5.4.4 Accessibility. To the extent possible, the BBRS shall ensure that continuing education courses are offered throughout the state and are accessible to all licensees.

110.R5.4.5 Renewal of Approval. The BBRS is authorized to establish a procedure for renewal of course approval.

110.R5.4.6 Content. Continuing education consists of approved courses that impart appropriate and related knowledge in the regulated industries. Courses may include relevant materials that are included in licensing exams subject to the limitations imposed in 780 CMR 110.R5.4.6, item 1. The burden of demonstrating that courses impart appropriate and related knowledge is upon the person seeking approval or credit.

Course examinations will not be required for continuing education courses unless they are required by the instructor.

Unless determined by the coordinator textbooks are not required to be used for continuing education courses. The coordinator must provide students with a syllabus containing, at a minimum, the course title, the times and dates of the course offering, the names and addresses or telephone numbers and email address of the course coordinator and instructor, and a detailed outline of the subject materials to be covered. Any written or printed material given to students must be of readable quality and contain accurate and current information.

Upon completion of an approved course, licensees shall earn one hour of continuing education credit for each hour approved by the BBRS. Each continuing education course must be attended in its entirety in order to receive credit for the number of approved hours. Courses may be approved for full or partial credit, and for more than one regulated industry.

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Continuing education credit in an approved course shall be awarded to presenting instructors on the basis of one credit for each hour of preparation for the initial presentation, which may not exceed three hours total credit for each approved course. Continuing education credit may not be earned if the licensee has previously obtained credit for the same course as a licensee or as an instructor within the Current licensing cycle

The following courses will not be approved for credit:

1. courses designed solely to prepare students for a license examination in a discipline other than CSL;
2. courses in mechanical office skills, including typing, speed reading, or other machines or equipment. Computer or business skills courses are allowed, if appropriate and related to the regulated industry of the licensee;
3. courses in motivation, psychology, or any other course not related to the building industry
4. courses that are primarily intended to impart knowledge of specific products of specific companies, if the use of the product or products relates to the sales promotion or marketing of one or more of the products discussed.

110.R5.4.7 Course Approval. Courses must be approved by the BBRS in advance and will be approved on the basis of the applicant's compliance with the provisions of this section relating to continuing education in the regulated industries. The BBRS shall make the final determination as to the approval and assignment of credit hours for courses. Courses must be at least one hour in length.

Approval will not be granted for time spent on meals or other unrelated activities. Breaks may not be accumulated in order to dismiss the class early. Classes shall not be offered to any one student for longer than six hours in one day, excluding meal breaks.

Application for course approval must be submitted 120 days before the course offering.

Approval is granted for a subsequent offering of identical continuing education courses without requiring a new application if the course is offered within the approved 24 month cycle. The BBRS shall deny future offerings of courses if they are found not to be in compliance with the laws relating to course approval. Course shall be updated subject to periodic review by the BBRS to ensure currency with technological changes in the building code.

110.R5.4.8 Course Coordinator. Each course of study shall have at least one coordinator, which is a person who is registered with the BBRS, who is responsible for supervising the program and ensuring compliance with all relevant law.

Each Coordinator shall oversee no more than twelve courses of study.

110.R5.4.9 Responsibilities of a Course Coordinator:

1. ensuring compliance with all laws and rules relating to continuing educational offerings governed by the BBRS;
2. ensuring that instructors are qualified to teach the course offering as defined in 780 CMR 110.R5.4.10;
3. maintaining accurate records relating to course offerings, instructors, tests taken by students if required, and student attendance for a period of three years from the date on which the course was completed. These records must be made available to the BBRS upon request. In the event that a coordinator ceases operation for any reason, the coordinator is responsible for maintaining the records or providing a custodian for the records acceptable to the BBRS. The coordinator must notify the BBRS of the name and address of that custodian. Under no circumstances will the BBRS act as custodian of the records;
4. supervising and evaluating courses and instructors. Supervision includes ensuring that all areas of the curriculum are addressed without redundancy and that continuity is present throughout the entire course;
5. providing course completion certificates within ten days of, but not before, completion of the entire course. Course completion certificates must be completed in their entirety. Course completion certificates must contain the following statement: "If you have any comments about this course offering, please mail them to the Board of Building Regulations and Standards attn: Education Coordinator. The current address of the department must be included. A coordinator may require payment of the course tuition as a condition for receiving the course completion certificate;
6. investigating complaints related to course offerings or instructors. A copy of the written, signed complaint must be sent to the BBRS within ten working days of course completion. An acknowledgment will be sent upon receipt of complaint via email.

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7. to be available to instructors and students throughout course offerings and provide to the students and instructor the mailing address, telephone number and email address at which the coordinator can be reached;
8. participate in workshops or instructional programs as reasonably required by the BBRS;
9. furnishing the BBRS, upon request, with copies of course and instructor evaluations and qualifications of instructors. Evaluations must be completed by students at the time the course is offered and evaluations must be reviewed by coordinators within five days after the course offering;
10. notifying the BBRS in writing within ten days of any change in the information in an application for approval on file with the BBRS.

110.R5.4.10 Instructors. Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have only qualified instructors teach at an approved course offering will result in loss of course approval. Coordinators are responsible to ensure that an instructor is qualified to teach the course offering.

1. Continuing education instructors must have one of the following:
 - a. a four-year degree (bachelor or equivalent) in any discipline plus two years' practical experience within the previous five years in the subject area being taught;
 - b. a four-year college degree (bachelors) or graduate degree in the subject area being taught;
 - c. a CSL holder or certified building official with at least three years experience in the subject area being taught; provided the instructor demonstrates proficiency in the subject matter
 - d. five years' practical experience within the previous ten years in the subject area being taught;

Note. A contractor whose construction license is currently suspended or revoked shall not teach or serve as a continuing education course instructor

2. Approved instructors are responsible for:
 - a. compliance with all laws and rules relating to continuing education;
 - b. providing students with current and accurate information;
 - c. maintaining an atmosphere conducive to learning in the classroom;
 - d. verifying attendance of students, submission of completed course evaluations and certifying course completion;
 - e. providing assistance to students and responding to questions relating to course materials; and
 - f. attending the workshops or instructional programs that are required by the BBRS.

110.R5.4.11 Prohibited Practices for Coordinators and Instructors. In connection with an approved continuing education course, coordinators and instructors shall not:

1. recommend or promote the services or practices of a particular business;
2. encourage or recruit individuals to engage the services of, or become associated with, a particular business;
3. require students to participate in other programs or services offered by the instructor or coordinator;
4. attempt, either directly or indirectly, to discover questions or answers on an examination for a license;
5. disseminate to any other person specific questions, problems, or information known or believed to be included in licensing examinations;
6. misrepresent any information submitted to the BBRS;
7. fail to cover, or ensure coverage of, major points, issues, and concepts contained in the course outline approved by the BBRS during the approved instruction; or
8. issue inaccurate course completion certificates.

Coordinators shall notify the BBRS within ten days of a felony or gross misdemeanor conviction or of disciplinary action taken against an occupational or professional license held by the coordinator or an instructor teaching an approved course. The notification shall be grounds for the BBRS to withdraw the approval of the coordinator and to disallow the use of the instructor.

110.R5.4.12 Fees. Fees for an approved course of study and related materials must be clearly identified to students. In the event that a course is canceled for any reason, all fees must be returned within 15 days from the date of cancellation. In the event that a course is postponed for any reason, students shall be given the choice of attending the course at a later date or having their fees refunded in full within 15 days from the date of postponement. If a student is unable to attend a course or cancels the registration in a course coordinator policies regarding refunds shall govern.

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110.R5.4.13 Facilities. Each course of study must be conducted in a classroom or other appropriate facility that is accessible and adequate to comfortably accommodate the instructors and the number of students enrolled.

110.R5.4.14 Supplementary Materials. An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available at the time and place of the course offering in order to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be of readable quality.

110.R5.4.15 Advertisement. 780 CMR 110.R.4.15 governs the advertising of continuing education courses.

1. Advertising must be truthful and not deceptive or misleading. Courses may not be advertised in any manner as approved unless approval has been granted in writing by the BBRS.
2. No advertisement, pamphlet, circular, or other similar materials pertaining to an approved offering may be circulated or distributed in this state, unless the following statement is prominently displayed: *"This course has been approved by the Massachusetts Board of Building Regulations and Standards for (approved number of hours) hours for continuing (relevant industry) education."*
3. Advertising of approved courses must be clearly distinguishable from the advertisement of other non-approved courses and services.
4. The number of hours for which a course has been approved must be prominently displayed on an advertisement for the course. If the course offering is longer than the number of hours of credit to be given, it must be clear that credit is not earned for the entire course.
5. Advertising shall comply with the MA regulation for advertisement of private occupational schools, 603 CMR 3.14 and all advertising, including but not limited to 'false advertising' is governed by 940 CMR 3.10, violations of which are enforceable under the provisions of M.G.L. c. 93A, the Consumer Protection Act.

110.R5.4.16 Notice to Students. At the beginning of each approved offering, the following notice must be handed out in printed form or must be read to students:

"This educational offering is recognized by the Massachusetts Board of Building Regulations and Standards as satisfying (insert number of hours approved) hours of credit toward continuing (insert appropriate industry) education requirements."

110.R5.4.17 Audits. The BBRS reserves the right to audit subject offerings with or without notice to the coordinator.

110.R5.4.18 Falsification of Reports. Anyone found to have falsified an education report to the BBRS shall be subject to limitation, condition, suspension of the license, course coordinator approval or instructor approval can be revoked and/or fined up to \$1,000.00. The BBRS reserves the right to audit a licensee's continuing education records.

110.R5.4.19 Waivers and Extensions. If a licensee provides documentation to the BBRS that the licensee or its qualifying person is unable, and will continue to be unable, to attend actual classroom course work because of a physical disability, medical condition, military service or similar reason, attendance at continuing education courses shall be waived for a period not to exceed one two-year cycle. Licensee must make up delinquent credit hours and pay appropriate fees.

The BBRS may request documentation of the condition upon which the request for waiver is based as is necessary to satisfy the BBRS of the existence of the condition and that the condition does preclude attendance at continuing education courses.

110.R5.4.20 Reporting Requirements. Required continuing education must be reported in a manner prescribed by the BBRS. Licensees are responsible for maintaining copies of course completion certificates.

110.R5.4.21 Continuing Education Fees. See 801 CMR 4.02 for the following fees:

1. Course Approval:
 - a. initial course application fee for each continuing education course approval sought;
 - b. initial course approval fee for each hour or fraction of one hour. Initial course approval expires on the last day of the 24th month after the course is approved;
 - c. renewal of course approval fee for each hour or fraction of one hour. Renewal of course approval expires on the last day of the 24th month after the course is renewed.

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2. Course Coordinator:

- a. initial coordinator approval fee. Coordinator may only oversee 12 courses. Initial coordinator approval expires on the last day of the 24th month after the coordinator is approved; and
- b. renewal of coordinator approval fee. Renewal of coordinator approval expires on the last day of the 24th month after the coordinator is renewed.