

254 CMR: BOARD OF REGISTRATION OF
REAL ESTATE BROKERS AND SALESMEN

254 CMR 4.00: REAL ESTATE SCHOOL AUTHORIZATION

Section

4.00: Real Estate School Authorization

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- (1) Purpose. In order to provide the real estate education that can qualify individuals for licensure as real estate brokers or salespersons or provide continuing education a real estate school must be authorized by the Board.
- (2) Applications. Applications for authorization as a real estate school must be made on the form prescribed by the Board and accompanied by the required fee. The Board shall verify the locations suitability for occupancy.
- (3) Renewal. School authorizations are valid for two years from the date of issuance and shall be renewed biennially.
- (4) Single Location Authorized. Each location at which a school operates must be separately authorized (and the Board may set a limit on the number of separate locations for an authorized school).
- (5) Authorized Agents. Each authorized school must designate one individual as an authorized agent. The authorized agent shall:
 - (a) maintain records documenting the attendance of individuals including the name of individuals, the dates on which the individuals attended the school and the date on which the individuals completed either the curriculum for licensure as a real estate broker or salesperson, the continuing education curriculum for licensed brokers and salespeople or the instructor curriculum. Each authorized school shall maintain the record of each individual for at least two years following the completion of the curriculum by such individual;
 - (b) ensure that only individuals who complete the 40 hours of education for salesperson's, 40 hours of education for brokers or 12 hours of continuing education for brokers and salesperson's are certified, in a form prescribed by the Board, as meeting the educational requirements for licensure or renewal of licensure;
 - (c) notify the Board of any change in the address or telephone number of the authorized school or any change of the authorized agent within seven days of such change.
 - (d) ensure that only qualified instructors are permitted to teach the curriculum that contributes toward certification for licensure or continuing education.
- (6) Rescinding of Authorization. The Board may suspend, revoke or refuse to renew the authorization of any school which fails to adhere to the rules and regulations of the Board including:
 - (a) failure to maintain records as required by 254 CMR 4.00(5)(a);
 - (b) failure to provide appropriate notice to the Board of any change of address, telephone number or of the authorized agent;
 - (c) failure to provide the Board or its agents with copies of or access to requested information;
 - (d) failure to use the exact name of the authorized school on any postings, advertisements, solicitations or any other medium of communication;
 - (e) failure to have an qualified instructor, in accordance with 254 CMR 4.00(7), in the classroom with the individuals taking the curriculum described in 254 CMR 4.00(5)(b) during the time that it is provided;
 - (f) obtaining a school authorization by false pretenses or fraudulent representation;
 - (g) discriminating against an individual based on age, marital status, gender, sexual preference, race, religion, socioeconomic status or disability;
 - (h) failing to provide an individual completing the curriculum for licensure as a broker or salesperson or for continuing education with appropriate certification of completion of such curriculum;
 - (i) providing certification of completion to an individual who has not completed such curriculum;

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- (j) combining any part of the broker, salesperson, instructor or continuing education curriculum into a single curriculum or offering.
- (k) failure to offer the curriculum for licensure and renewal established by the Board.

(7) Instructor Qualification.

(a) Requirements to Become an Instructor. No person may act as an instructor of the salesperson or broker curriculum in any authorized real estate school unless such person verifies to the Board satisfaction of the requirements established in 254 CMR 4.00(7)(a)1. through 4.

1. Instructors must hold a current brokers license issued by the Board.
2. Instructors must have a minimum of two years of work experience as a real estate broker involving at least 25 hours per week.
3. Instructors must have co-taught or audited the curriculum in an authorized school before they may teach it.
4. Instructors must have a minimum of 30 hours of instruction in an instructor training program which has been approved by the Board.

(b) Issuance of Instructor Authorization. The Board may issue authorization to act as an instructor to any person who has satisfied the requirements of 254 CMR 4.00(7)(a)1. through 4. or the equivalent in lieu thereof as determined by the Board.

(c) Use of Specialists. Instructors may employ specialists to teach particular portions of the salesperson or broker curriculum and such specialists need not obtain authorization from the Board. Specialists may not be employed to teach the entire curriculum.

(8) Distance or Online Learning.

(a) Licensees and prospective licensees shall only be allowed to take Board approved distance or online courses provided by authorized real estate schools.

(b) Prior to the beginning of a course, the Board approved outline and orientation shall be provided to the student which shall include, but not be limited to, the following:

1. how credit will be recorded for later access;
2. technology requirements for completion of the course;
3. links to school policies including such policies on misrepresenting student identity and refunds;
4. description of how much time a student has to complete the course;
5. information about access to content and technical support; and
6. methods to obtain answers to student questions.

(c) Rules for Courses Provided for Licensure.

1. Courses provided for licensure must be classroom based. For purposes of 254 CMR 4.00, classroom based shall be deemed to require live interaction between a Board approved instructor and any students.
2. Online or distance learning courses may only occur on regular schedules in the same manner as live courses. Instruction must occur during times that students and instructor(s) are able to interact during the class session utilizing communication technology.
3. Distance or online courses must utilize a form of communications technology so that during each scheduled class meeting, the Board approved instructor is able to interact with every student in real time. 254 CMR 4.00(8) shall not be deemed to prohibit students from viewing videos or other multimedia presentations as part of a course so long as the majority of the class is a real-time collaboration between instructor and students.
4. Correspondence or other distance learning courses in which students receive instruction by pre-recorded presentations or other types of courses in which students are not instructed in real time by a Board approved instructor shall not be eligible for Board approval.

(d) Rules for Continuing Education Courses.

1. The Board shall only approve distance or online courses provided by schools which meet the requirements of 254 CMR 4.00 and 5.00: *Continuing Education*.
2. The Board may deny the right to take distance or online courses to individuals whose licenses have lapsed or have been subject to discipline.

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3. Distance or online continuing education courses must be time-based. This requirement must be met by one of the following means:
 - a. Instruction is provided by Board approved instructors utilizing a form of communications technology so that during each scheduled class meeting, the Board approved instructor is able to interact with every student in real time;
 - b. Instruction is provided using technology that ensures that the course may not be completed in less than two hours (for example, if a course is based on a series of slides, a time limit must be set to prohibit bypassing or "click-through" of slides to reach the end of the course without enough time to review each slide); or
 - c. The course must contain periodic informational multiple choice queries and/or assessments during the course to help the student assess their level of comprehension and ensure understanding. These assessments must be designed to ensure a student could not reasonably complete the assessments without spending at least two hours reviewing the course content.
- (e) In order to ensure students are properly trained, the Board shall have the right to impose additional requirements on any Board approved distance or online courses. 254 CMR 4.00(8) may include successfully passing an examination (approved by the Board but administered by the school) in order to receive course credit.

REGULATORY AUTHORITY

254 CMR 4.00: M..G.L. c. 112, §§ 87PP through 87DDD½.