

FINAL REGULATIONS

264 CMR 9.00: COURSE APPROVAL REQUIREMENTS FOR PROVIDERS OF PRIMARY AND CONTINUING EDUCATION

Section

- 9.01: Course Approval by Board
- 9.02: Application for Course Approval
- 9.03: Criteria for Course Approval
- 9.04: Criteria for Instructor Qualification
- 9.05: Primary Education
- 9.06: Continuing Education
- 9.07: Distance Education Courses
- 9.08: USPAP Courses
- 9.09: Approved Courses
- 9.10: Renewal of Course Approval

9.01: Course Approval by Board

- (1) The Board shall review materials submitted by course providers to determine the acceptability of each course for educational credit toward licensure, certification, and continuing education requirements. The Board will evaluate the appropriateness of the course subject matter, the length of the course, the credit hours to be awarded, the examination given in the course, and the qualifications and preparation of the course instructor(s). All courses shall meet the minimum criteria established by the AQB for acceptable education and such other requirements as determined by the Board.
- (2) The Board shall identify each course as wither Primary Education or Continuing Education. The Board shall designate each Primary and Continuing Education course as Residential, Non-residential, USPAP, or Elective. The Board shall also assign the number of credit hours to be awarded for each course.
- (3) The Board shall not approve examination review courses for credit towards either continuing education or primary education.

9.02: Application for Course Approval

- (1) Only a course provider may apply for course approval. This may be done by filing an application form, accompanied by the appropriate supporting documentation and fee. All materials submitted to the Board in support of an application for course approval shall be retained by the Board.
- (2) Each application shall include all of the following information:
 - (a) A description of the course provider's educational program, including its origination date, location, whether membership in any organization is a prerequisite to course enrollment, and any other relevant background information. A course catalogue shall be included if available;
 - (b) A copy of course materials, including the course syllabus, references and texts, and other instructional tools;
 - (c) A copy of the examination given for each course. If because of security concerns an exam cannot be released, a detailed description of the examination, including the number of questions, length of time permitted to complete the exam, whether the exam is open or

FINAL REGULATIONS

closed book, and whether a calculator or other resources are permitted or required for the exam, may be substituted. Such a description is subject to verification by the Board;

- (d) A copy of the instructor qualification and preparation requirements;
 - (e) Such other information as the Board shall request.
- (3) The Board or its agents may require verification of any information submitted by a course provider.

9.03: Criteria for Course Approval

- (1) Each course shall meet the minimum requirements for education mandated by the AQB in accordance with federal law, 12 U.S.C. 3345(a).
- (2) The subject matter of each course shall be real estate appraisal-related
- (3) Membership in any organization or association shall not be prerequisite to enrollment in the course.
- (4) For each course a provider must:
 - (a) take attendance at each class session. Attendance records must be retained by the course provider for five (5) years;
 - (b) maintain records of each course that include a description of the subject matter, documentation of instructor qualifications; a roster of the names and completion dates for each person completing the course; and a copy of the examination or evaluation;
 - (c) provide to the Board, upon request, copies of all records for a particular course, within 14 days of the request; and,
 - (d) ensure that any primary course offered for credit towards licensure or certification is approved by the Board at the time it is offered.

9.04: Criteria for Instructor Qualification

- (1) Each course must be taught by a qualified instructor. In order to be qualified, an instructor must have:
 - (a) two (2) years of experience directly related to the subject matter being taught; or
 - (b) a baccalaureate or higher degree in a field directly related to the subject matter being taught; or
 - (c) one (1) year prior experience teaching the subject matter to be taught; and
 - (d) completed a course audit or co-taught the course to be taught; or
 - (e) a combination of education and experience equivalent to (a), (b) or (c) above.
- (2) USPAP courses may only be taught by an AQB certified instructor who is a State-Certified General Real Estate Appraiser, a State-Certified Residential Real Estate Appraiser, or who holds the equivalent to one of these licenses in another state.

FINAL REGULATIONS

- (3) A provider must keep on file all documents that demonstrate the competence and qualifications of the instructors and make them available to the Board for inspection upon request.

9.05: Primary Education

- (1) Each educational offering shall provide a minimum of fifteen (15) classroom hours. Courses from accredited colleges will be credited fifteen (15) hours for each academic credit hour.
- (a) Fifty (50) minutes constitutes one (1) classroom hours.
- (b) Credit shall be granted only when an individual successfully completes an examination pertinent to the educational offering.
- (c) Courses that include open book examination will not be approved.
- (d) Primary education courses shall be in the following areas:
1. influences on real estate value;
 2. legal considerations in appraisal;
 3. types of value;
 4. economic principles;
 5. real estate markets and analysis;
 6. valuation process;
 7. property description;
 8. highest and best use analysis;
 9. appraisal statistical concepts;
 10. sales comparison approach (theory and application);
 11. site value;
 12. cost approach (theory and application);
 13. income approach (theory and application), including:
 - a. gross rent multiplier analysis,
 - b. operating expense ratios, and
 - c. direct capitalization;
 14. valuation of partial interests;
 15. Uniform Standards of Professional Appraisal Practice; and
 16. narrative report writing (certified classifications only).

9.06: Continuing Education

FINAL REGULATIONS

- (1) The purpose of continuing education is to ensure that licensed and certified appraisers participate in a program that maintains and increases the appraiser's skill, knowledge and competency in real estate appraising. The Board adopts the AQB recommendations for the contents and requirements for continuing education.
- (2) Credit toward the continuing education classroom requirements shall be granted only when the length of the educational offering is at least two hours.
- (3) Credit may be granted for educational offerings which are consistent with the purpose of continuing education stated herein and cover real estate appraisal related topics, including but not limited to:
 - (a) ad valorem taxation;
 - (b) arbitration;
 - (c) business courses related to practice of real estate appraisal (this topic is limited to ten hours per renewal cycle and is designated elective);
 - (d) construction estimating;
 - (e) ethics and standards of professional practice;
 - (f) land use planning, zoning and taxation;
 - (g) management, leasing, brokerage, timesharing;
 - (h) property development;
 - (i) real estate appraisal (valuations/evaluations);
 - (j) real estate law;
 - (k) real estate litigation;
 - (l) real estate financing and investment;
 - (m) real estate appraisal related computer applications;
 - (n) real estate securities and syndication;
 - (o) real property exchange; and,
 - (p) real estate appraisal topics related to fair housing and lending.

9.07: Distance Education

- (1) Board Approved Distance Education Courses may be utilized for Continuing Education requirements. In general, Primary Education Courses must be classroom based. Notwithstanding this prohibition, the mandatory course governing the requirements and responsibilities of trainees and supervisory appraisers, as referred to in 264 CMR 5.02 and 264 CMR 6.01(6)(a)(8), may be a Distance Education course.
- (2) A Distance Education course must comply with AQB requirements for Distance Education and may be approved by the Board only if it meets one of the following criteria:

FINAL REGULATIONS

- (a) it is presented to an organized group in an instructional setting with a person present who is qualified and available to answer questions, provide information, and monitor student attendance;
- (b) it is offered by an accredited college or university that offers Distance Education programs in other disciplines and the student successfully completes a written examination proctored by an official approved by the presenting college or university consistent with the requirements of the course accreditation; or, if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation which demonstrate mastery and fluency;
- (c) it has received approval for college credit from the International Distance Education Certification Center (IDECC) and the student successfully completes a written examination proctored by an official approved by the Course Provider consistent with the requirements of the course accreditation; or, if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation which demonstrate mastery and fluency;
- (d) it has received the approval of an AQB recognized organization that certifies the course design and delivery mechanism and the student successfully completes a written examination proctored by an official approved by the Course Provider consistent with the requirements of the course accreditation; or, if a written examination is not required for accreditation, the student successfully completes the course mechanisms required for accreditation which demonstrate mastery and fluency; or
- (e) it is approved as a Distance Education course through the AQB course approval program.

9.08: USPAP Courses

- (1) USPAP courses must be updated as the AQB establishes new criteria or issues new interpretations.
- (2) USPAP courses must always include distribution of the USPAP edition published and interpreted by the ASB.
- (3) All USPAP courses must be approved by the Board prior to being offered for credit towards initial licensure/certification or renewal.

9.09: Approved Courses

- (1) The Board shall publish a list of only those courses that have been approved by the Board.
- (2) The Board's list of approved courses shall contain the name of the course provider, the course title, the number of classroom hours for which the course shall be given credit, whether the course is acceptable for Primary Education and/or Continuing Education, and whether the course is designated residential, non-residential, USPAP, or elective.
- (3) The Board may add courses to, or delete courses from, the list at its discretion.
- (4) Course providers may not revise the title, content, or classroom hours of any course approved by the Board. In the event of such a change, the Provider must submit an application for course approval pursuant to 264 CMR 9.02.
- (5) Members of the Board or its agents may audit courses and require submission of student evaluations to verify the quality of the educational offering.

FINAL REGULATIONS

- (6) The Board may withdraw approval of any course at any time and the Board reserves the right, without further review, to withdraw approval of any courses offered by a Provider based on the determination that a single course offered by that Provider does not comply with the course approval criteria under 264 CMR 9.00 et seq.

9.10: Renewal of Course Approval

Approved courses shall be reviewed by the Board every two years. Course providers shall submit a petition for renewal of course approval on a form provided by the Board. The petition must be accompanied by the appropriate course approval fee. The Board may approve USPAP update courses for periods in excess of two years, however no such approval shall extend beyond December 31 of each odd numbered year.