

520-2-.02 Real Estate Schools.

(1) **Timetable for Approval.** The Commission shall approve, disapprove, or request additional data on any application for a school approval within sixty (60) days of the receipt of a complete application meeting the requirements of Rule 520-1-.04(4) and containing the data required by this rule. An application will be deemed abandoned if the applicant fails to respond to a request for additional or revised data within 120 days after the Commission has sent such a request to the address of the applicant listed on the application. In the event an application is abandoned, a new application and fee will be required to reinstate the application. **The Commission, in its discretion, may elect not to process an incomplete application as defined by Rule 520-1-.04(4) unless and until all the requirements of that paragraph are met.**

(2) **Application Requirements for Approval.** Applicants for school approval must file with the Commission an application and a fee as provided by Rule 520-1-.04. The application must set forth in terms acceptable to the Commission the following:

(a) Identification. The name and address of the school, the name of the school director and the school coordinator as well as any other identifying criteria which the Commission may require must be included. The school director and/or coordinator shall be responsible for certifying student completion of all courses covered under this Chapter.

(b) Records Management. The applicant must provide a detailed proposal of records management for retaining for at least five years records of student attendance, the scores earned by all students on all graded exercises and examinations, and any student certifications required by this chapter.

(c) Nonpublic Postsecondary Education Certificate. If the applicant is subject to the Nonpublic Postsecondary Educational Institutions Act of 1990, O.C.G.A. § 20-3-250.1 et. seq., a copy of the current certificate issued by the Nonpublic Postsecondary Education Commission must be included.

(d) School Directors and Owners. The applicant must include the name and address of the owner if the school is a sole proprietorship, the names and addresses of the partners if the school is a partnership, the names and addresses of the members if the school is a limited liability company (if a member is a corporation, the names and addresses of the officers of the corporation member), and the names and addresses of each officer if the school is a corporation.

(e) Attendance Make-up Policy. The applicant must describe any make-up policy regarding attendance that the school has adopted.

(f) Entrance Qualifications. The applicant must include a list of any entrance qualifications for students.

(g) Media Equipment. The application must state that the school can make available to its students materials the Commission may require for use in a particular course or courses and that it has video or audio equipment available to present Commission required material;

(h) Learning Environment. The applicant must state that the school will conduct approved in-class courses in environments that are appropriate for learning;

(i) Electronic Registration and Transmission Capability. The applicant must state that the school has the capability to follow Commission authorized procedures for 1) electronically registering its students for qualifying examinations with the Commission's approved vendor, 2) to communicate electronically any required student course completion information to that vendor, and 3) to communicate electronically any required student course completion information to the Commission;

(j) Compliance with the Americans With Disabilities Act (ADA). The applicant must state that the school will comply with all relevant provisions of the Americans With Disabilities Act (ADA).

(k) Nondiscrimination. The applicant must state that the school will not discriminate in its fees, enrollment, or completion policies on the basis of race, color, sex, religion, national origin, familial status, or handicap.

(l) Course Outlines. The application must include a detailed outline(s) of course(s) to be offered with hours to be spent on each subject area to be covered in the course(s) and a description of all planned in-class and homework exercises.

(m) Bibliography. The application must include a bibliography of all texts and reference materials for use in the course(s).

(n) Student Evaluations. The applicant must provide a comprehensive description of the measures and standards it will employ to evaluate student performance in order to determine whether a student successfully completes a course.

(o) Learning Objectives. The application must contain a description of the learning objectives for each instructional hour of the course(s). A learning objective is part of the overall goal of the course. An objective states, in terms that can be measured, what the student should be able to do, explain, or demonstrate upon mastery of the content of each hour of instruction.

(p) Instructors. The application must include a list of all proposed instructors;

(q) Course Schedule. The application must include a list of the course(s) for which the school seeks approval.

(r) Notice to Students. The applicant must provide a copy of the Notice to Students required by this Rule.

(3) **Renewal of Approval.** In order to renew any school approval, the Commission must receive an application from the school requesting renewal prior to the expiration of the current approval. The application requesting renewal must be on a form authorized by the Commission and accompanied by the required renewal fee established in Rule 520-1-.03(1).

(4) **Minimum Standards for Students.** Approved schools must adopt and enforce standards for students that at least meet the minimums described in this rule.

(a) Attendance. In order for a school to certify a student as passing an approved course, the student must attend all of the required number of hours of in-class instruction for which the course has been approved.

(b) Required Exercises and Examinations. In order for a school to certify a student as passing an approved course, the student must complete and pass all graded exercises and/or examinations required by the school.

(c) Make-up Policy. A school director may establish a make-up policy for students who are unable to attend all the scheduled hours of instruction required for a course. Such make-up may allow a student who misses one or more sessions of a course to make up those sessions by attending similar sessions of the same course. A student who enrolls in a school which offers the seventy-five hour salesperson's prelicense qualifying course, the sixty hour broker's prelicense qualifying course, or the twenty-five hour community association manager prelicense qualifying course in a series of courses each of whose total number of hours is fewer than the required seventy-five, sixty, or twenty-five hours may not transfer credit for a course or courses completed in that series to another school unless the new school offers the identical series of courses. Schools shall utilize no more than thirty minutes of audio or video material toward meeting any required or make-up hours of in-class instruction unless the Commission grants written authorization for such material prior to its use.

(d) Certification Requirements. In order for a school to certify a student as passing an approved course, the student must meet any minimum grading and conduct standards established by this Chapter and the school. On graded exercises and examinations for which this Chapter sets specific requirements, the school's policy must at least equal those requirements. [See 520-2-.04(11)] Other grading standards must be in accordance with generally accepted educational standards. Schools must publish these standards and give them to the students in a written form at the beginning of the course.

(5) **Notice to Students.** Upon a student's enrollment or prior to the beginning of instruction in any course, the school shall provide that student a written Notice to Students containing the following information about the course.

(a) Approval Details. The Notice must state that the school is approved by the Commission and disclose the following:

1. its end of renewal date;
2. the number of hours of education credit approved for the course;
3. whether the course is an in-class course or a computer-based course;
4. whether the course meets prelicense, postlicense, or continuing education credit; and
5. if the course is a prerequisite for licensure as a community association manager, salesperson or broker, whether it satisfies all or part of the hours required for that license, and if only a part of those hours, how many hours it meets and what other course(s) the student must complete to fulfill all of the requirements.

(b) Instructors. The Notice must list the instructors who will teach the course(s).

(c) Certification Policy. The Notice must describe the school's grading policies for exercises, homework, examinations, and any other work on which the students are graded.

(d) Attendance. The Notice must describe the school's attendance requirements, including notice that the student must be on time and present for all in-class hours in order to receive credit for the course, and a statement indicating how students will make-up absences if the school has established a makeup policy.

(e) Prohibition of Recruitment Notice. The Notice must include the prohibition of recruitment statement required by Rule 520-2-.15 and outline the manner in which students must report any efforts of recruitment;

(f) Computer-based Courses. If the course is a computer-based course, the Notice to Students must also include:

1. the name and address of the approved school;
2. the order in which the student must submit homework assignments;
3. a statement that the student must personally complete all instructional modules required to demonstrate mastery of the material and sign the certification statements required by this Rule;
4. a statement that the student must successfully complete all assignments before receiving credit for the course or before attending any required in-class instruction; and
5. an explanation of when and where to complete any required in-class instruction; and

(g) Preliminary Decisions. For Prelicense Courses, the Notice must include a description of the Commission's Preliminary Decision option for persons with criminal convictions. [See Substantive Regulation 520-1-.04(11).]

(h) Continuing Education Credit. The Notice must include a statement that the student may not receive credit for any continuing education course that he or she has taken within the previous calendar year.

(i) any other information which the Commission may require.

(6) **Reporting.** All approved schools must report the following information to the Commission or its designee.

(a) Changes. Schools must immediately report to the Commission in writing changes in its director/coordinator, its name, its phone number, or its location or mailing address. The school must notify the Commission immediately if it terminates its relationship with an instructor because of the instructor's violation of any provision of this Chapter.

(b) Prelicense Student Registrations and Completions. Schools must electronically register students for qualifying examinations with the Commission's approved vendor and

promptly communicate electronically any required student course completion information to that vendor.

(c) **Student Completions in Post License and CE Courses.** Schools must communicate electronically all student completion information in approved post license and continuing education courses as directed by the Commission.

(7) **Evaluation of Instructors.** The school coordinator/director shall be responsible for consistent and regular evaluation of the school's instructors. The coordinator/director must provide each student with an opportunity to make unsigned, written evaluations of instructors.

Upon receipt of a sworn written request for an investigation or at its own discretion, the Real Estate Commission may request, and the coordinator/director shall supply additional student and coordinator/director evaluations on specific individual instructors in question. These evaluations may be used by the Commission to determine what action to take to improve the quality of instruction.

(8) **Maintenance of Records.** All approved schools must maintain for at least five years and upon reasonable request must make available to any authorized representative of the Commission the following documents.

(a) **Examinations.** Schools must retain copies of all examinations given and the answer keys for those examinations.

(b) **Texts and materials.** Schools must maintain copies of all texts or other instructional materials used in approved courses.

(c) **Attendance.** Each school must maintain records that reflect the attendance (or for Computer-based courses the completion of each module of instruction) and scores earned by each student on all graded, written exercises and examinations used to determine whether the student passed a course.

(d) **Instructor Resumes.** Schools must maintain resumes or other biographical information documenting such knowledge and experience for all postlicense and continuing education instructors who have not qualified as approved instructors under the standards of Chapter 520-2.

(e) **Computer-based Courses.** For all computer-based courses, each school must maintain for at least five years, in a form that the Commission authorizes, records which reflect the following:

1. the student's name, the course title, the number of hours authorized for the course, and the particular software version of the course;
2. a Commission authorized system of verification of the completion of each module of instruction within the computer-based course and the date of completion of the course; and
3. the scores for each student for all final examinations for those courses requiring such examinations;

(9) Advertising. This rule regulates advertising whether done by an approved school, an approved instructor, or the provider of approved courses or through any media. The term "media" includes, but is not limited to, print, photographic, broadcast, and computer media including, but not limited to, such examples as newspapers, magazines, flyers, posters, radio, television, signs, newsletters, and the Internet.

(a) Use of Commission Name. If a school, after approval, wishes to use the name of the Georgia Real Estate Commission in its advertising, it must indicate that the Georgia Real Estate Commission has approved the school as meeting the requirements of Georgia laws. Such advertising may not indicate in any fashion that the Georgia Real Estate Commission has any interest in the school other than insuring that it complies with the standards imposed by Georgia law. In no event can the phrase "Georgia Real Estate Commission" appear anywhere in the advertisement in larger type than the words and phrases preceding or following the phrase "Georgia Real Estate Commission."

(b) Use of the Name of a Licensed Firm. Whenever an approved school advertises that it is offering the Community Association Managers Prelicense Course, Salespersons Prelicense Course, or Brokers Prelicense Course at the location of a real estate firm or other organization that is not an approved school, the school must include in the advertisement the school's name as registered with the Commission and the name of the school must appear in equal or greater size, prominence, and frequency than the name of the firm or organization. Personnel of the approved school must:

1. give students and prospective students information concerning course offerings, except that the school may allow other persons to distribute written information prepared by the school's director/coordinator. Such printed information shall include no telephone number other than the school's number and the following statement:

"This information provided by (name of school). Direct any questions concerning this information to (name of school)."

2. administer the registration and enrollment of students and the certification of the students' completion of the course; and

3. maintain all records required by the Commission.

(c) Disclosure of Type of Course. Any advertising of a course must state within the body of the advertisement that the course is an in-class course or a computer-based course whichever is applicable.

(d) Use of School's Passing Percentage Statistics. An approved school may not advertise that successful completion of its courses will assist an individual in passing either of the Commission's licensing examinations unless it includes its passing percentage in the advertisement in type as large as the reference to passing the examination. In calculating and advertising its passing percentage, an approved school must include the following information:

1. the passing rate of its students:

- (i) on the examination(s) to which the advertisement refers,

(ii) expressed as a specific percentage (language such as "more than 80% passing" is not acceptable),

(iii) based on only first-time examinees and so state in the advertisement, and

(iv) for the calendar year prior to the advertisement (the year must be identified in the advertisement);

2. whether the passing rate is for the salesperson's examination or the broker's examination (salesperson and broker passing rates may not be combined);

3. the actual number of its students taking the examination in the calendar year cited; and

4. the actual number of its students passing the examination during the calendar year cited.

An approved school that advertises courses that do not qualify an individual to sit for an examination but that are held out to the public as assisting an individual to pass the examination must comply with the requirements of this paragraph in advertising those courses.

(10) Prohibition of Recruiting.

No school coordinator/director shall allow anyone to use the school's premises or classroom to recruit new affiliates for any company one hour before, one hour after, or during an instruction period. The school coordinator/director shall cause the following statement to be distributed in written materials to all students at the beginning of the course:

"No recruiting for employment opportunities for any real estate brokerage firm is allowed in this class or on the school premises. Report promptly any effort to recruit on behalf of a brokerage firm by anyone including a fellow student to (*name of school coordinator/director*) at (*phone number and/or office location*) or the Georgia Real Estate Commission."

Instructors and school coordinators/directors must promptly report to the Commission any efforts to recruit students in violation of this paragraph.

see also O.C.G.A. §§43-40-2, 43-40-8, & 43-40-25.

(11) Exceptions. Schools may request exceptions, modifications, or exemptions to the requirement of this Chapter whenever sound educational reasons exist for such a request. Schools must submit such requests in writing with supporting rationales and may implement them only after receiving written authorization from the Commission.

see also O.C.G.A. §§43-40-2, 43-40-8, & 43-40-25.

Authority O.C.G.A. Secs. 43-40-2, 43-40-8, 43-40-25. **History.** Original Rule entitled "Net Listings" adopted. F. and eff. June 30, 1965. **Repealed:** F. Dec. 7, 1973; eff. Dec. 27, 1973. **Amended:** ER. 520-2-0.2-.02 entitled "Purpose of Chapter" adopted. F. and eff. July 5, 1974, as specified by the Agency. **Amended:** Permanent Rule of same title adopted. F. Sept. 26, 1975; eff. Oct. 16, 1975. **Repealed:** New Rule entitled "College Courses" adopted. F. June 13, 1979; eff. July 3, 1979. **Amended:** F. Nov. 16, 1979;

eff. Dec. 6, 1979. **Amended:** Rule retitled “College and Equivalent Courses” adopted. F. Feb. 6, 1981; eff. Mar. 1, 1981, as specified by the Agency. **Amended:** Authority changed. F. Aug. 5, 1982; eff. Nov. 1, 1982, as specified by the Agency. **Repealed:** New Rule entitled “Procedures for Approval of Courses” adopted. F. Nov. 14, 1983; eff. Jan. 1, 1984, as specified by the Agency. **Repealed:** New Rule entitled “Procedures for Approval of Schools” adopted. F. July 10, 1986; eff. Jan. 1, 1987, as specified by the Agency. **Amended:** F. Jan. 14, 1988; eff. Feb. 3, 1988. **Amended:** F. June 13, 1991; eff. July 3, 1991. **Amended:** F. Sept. 8, 1995; eff. Sept. 28, 1995. **Amended:** F. Nov. 14, 1996; eff. Jan. 1, 1997, as specified by the Agency. **Repealed:** New Rule entitled “Real Estate Schools” adopted. F. May 2, 2005; eff. May 22, 2005.