

# State of Idaho Division Of Occupational and Professional Licenses Real Estate Commission

# **Education & Certification Policy**

This booklet contains Idaho Real Estate License Law and Rules and established policies of the Idaho Real Estate Commission pertaining to education and exam requirements for licensing purposes, and the certification of real estate providers, instructors, and courses.

This Education & Certification Policy supersedes all other revisions.

The portions of the Real Estate License Law and Rules contained in this policy are intended for use solely as a reference and should not be used as a substitute for the official Idaho Code and Idaho Administrative Rules.

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# **Reference Information**

This booklet includes select Idaho **statutes** (identified with code numbers), **rules** (identified with rule numbers), and **policies** (identified in italics) that have been adopted by the Education Council and Commission regarding general education policies, licensure and education requirements for the real estate professional, and the certification of providers, instructors, and courses.

## **54-2004. DEFINITIONS**

- (1) "Accredited college or university" means an institution accredited by the regional accrediting associations, as reported in the most current publication of the accredited institutions of postsecondary education.
- (14) "Commission" means the Idaho real estate commission, unless the context clearly indicates a different meaning.
- (15) "Commission core course" means the annual course covering the twelve (12) month period between July 1 and June 30, which contains curriculum identified by the commission that stresses that year's trends in real estate practices and changes in laws in real estate related industries. A core course must contain no more than four (4) classroom hours of instruction.
- (16) "Continuing education elective course" means a real estate course offering, other than the commission core course for which continuing education credit hours may be obtained as provided in section 54-2023, Idaho Code.
- (19) "Council" means the Idaho real estate education council.
- (22) "Distance learning course" means, in relation to a real estate course offering, a real estate course that is delivered not as a live course but through a medium in which the instructor and student are separated by both distance and time.
- (31) "Live presentation" means, in reference to a real estate course offering, a real estate course that is personally presented by the instructor and personally attended by the student at the same facility, or, if separated by distance, the instructor and student are connected by contemporaneous, two-way audio and visual communication.
- (36) "Post license course" means a commission-approved or certified elective course that is specifically oriented toward salespersons in their first two (2) years of Idaho practice. The course must contain no more than twelve (12) classroom hours of instruction.
- (48) "Successfully completed" means, in reference to a real estate course offering, completing all required course hours and, except where the licensee seeks continuing education credit for having regularly attended the live presentation of a course, passing a commission-approved assessment or final examination.

#### POLICY RELATED DEFINITIONS

 Active Military Duty – The period during which the person is actually engaged in the military services of the United States or its auxiliary branches, or held as prisoners, plus six (6) months following discharge from such military service

- Alternative Delivery Methods The delivery of "live" education via the use or incorporation of video and sound technology
  - Remote Delivery Live education presented by an instructor and attended by students via a virtual platform
  - Hybrid Delivery Live education presented by an instructor with some students attending in person and other students attending via remote delivery
- Course Developer The individual or entity who develops course material for dissemination
- Homework A set of tasks assigned to all students in a class by their instructor. This work is to be completed outside of the classroom and should consist of tasks designed to prepare the students for the following lesson.
- Instructor The individual who teaches the course material to students
- Make-up Work A set of tasks assigned to an individual prelicense student by that instructor to replace a portion of the class time the individual student did not attend due to absence.
- Moderator An appointed representative of the certified provider who manages classroom activities for the remote location when a course is presented by remote or hybrid delivery
- Provider (school) The certified entity who offers or hosts education course sessions for prelicense or continuing education purposes and is responsible for the administrative tasks related to offering the course
- Provider Director The individual appointed to oversee the provider's operation; the provider
  director accepts the responsibility on behalf of the provider to ensure the education is conducted
  according to Commission standards.
- Real Estate-related Experience Refers to extensive experience:
  - o As an actively licensed real estate broker
  - As an attorney at law with practice in real estate transactions
  - With decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions
  - As an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions
  - o As a real property fee appraiser
  - o In all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings
  - o In real estate investment, property management, or analysis of investments or business opportunities
- Written Notification This may include Military Orders showing the deployment, or letter or other document signed and notarized by the licensee, instructor, military spouse, or his designee, or other document substantiating that the licensee/instructor has been called to active duty

#### BYLAWS OF THE IDAHO REAL ESTATE EDUCATION COUNCIL

#### **Idaho Code Citations Relevant to the Section:**

54-2008. Establishment Of Idaho Real Estate Education Council.

54-2009. Council Appointment, Qualifications and Term.

54-2010. Compensation.

ARTICLE 1. The Idaho Real Estate Education Council is charged with the responsibility of planning, coordinating, and directing a viable education program for all licensees in the State of Idaho. This responsibility shall include the development of required education for initial licensure at the sales

associate and broker levels, continuing education for general professional development, and coordination of education programs for specialized development. The following functions reflect the Council member's duties:

- 1. Technical direction regarding the development of standards of certification for education programs.
- 2. Technical direction regarding research, development and/or revision, and publication of education courses or materials.
- 3. Coordination, cooperation, and visitations with colleges, universities, private institutions, etc., for conducting real estate-oriented courses and the auditing of such.
- 4. Technical direction regarding the instructor development training programs.
- 5. Technical direction concerning the development of standardized course outlines, instructor guidelines, training aids, etc.

*In addition, the Council is delegated the following authority by the Real Estate Commission:* 

- 1. In accordance with Commission policy, to grant or deny a license/certification applicant's request concerning waivers or modifications of prelicense education requirements.
- 2. To grant or deny requests to extend the period of time for the Commission to accept license exam results or courses completed to satisfy licensing or certification requirements.

ARTICLE 2. The Council shall cooperate and provide coordination with the public educational institutions and private schools for the conduct of industry-oriented courses offered throughout the state. Additionally, coordination shall be maintained with nationally sponsored and/or endorsed educational organizations presenting courses in or near our state. The primary purpose of the Council is to serve the Commission, the industry, and comply with the law. Every effort will be made to establish open and effective lines of communication to all levels and areas of the industry.

ARTICLE 3. Administrative staff shall carry out the day-to-day workload of the Council. This staff is administratively aligned with and functions as a division of the Real Estate Commission.

ARTICLE 4. Selection criteria for appointees to the Idaho Real Estate Education Council shall include:

- 1. Appointees shall provide evidence of a reasonable degree of real estate-related knowledge;
- 2. Appointees shall provide evidence of an involvement in real estate education in Idaho; and
- 3. Appointees shall not serve in any capacity which may adversely affect the performance of the appointee's official duties nor create an appearance of impropriety. Appointees must avoid self-dealing in any decision made in their official capacity. Any appointee having a private interest in any discretionary matter shall not act but shall withdraw him or herself.

ARTICLE 5. Each of the four appointed members shall be appointed on a staggered basis for a term of at least four years-one new appointee each year. Replacements for such representatives shall be made concurrently with the dismissal date but in no case shall the appointments be made later than thirty days after such dismissal.

ARTICLE 6. A Chair and a Vice Chair shall be elected from within the Council membership and by the Council membership during its annual reorganization meeting. Officers shall be elected to serve for a term of one year but may be reelected.

ARTICLE 7. In the event of temporary inability or disability of a member, the Chair of the Idaho Real Estate Commission may appoint a temporary active member to insure the probability of a quorum at all times.

ARTICLE 8. Regular attendance at meetings is essential for the smooth functioning of the Commission and administrative staff. Individuals are responsible for notifying the Chair in the event of unforeseen circumstances or emergency situations. Absence, even with prior notification, should be avoided. Two absences shall be considered grounds for possible dismissal by the Commission.

ARTICLE 9. It shall be the duty of the Chair to preside at all meetings of the Council. He/she shall have the power to call meetings of the Council at such time and place as he/she may direct. In the absence of the Chair, or his/her inability to act, the Vice Chair shall possess all powers of the Chair.

ARTICLE 10. The Council shall hold an annual reorganization meeting each year. Other meetings of the Council shall be at least quarterly.

ARTICLE 11. A quorum of members shall be required before any official action may be taken by the Council. A majority of members shall constitute a quorum.

# POLICIES RELATED TO STUDENT ATTENDANCE & ENGAGEMENT

**Notes for Prelicense Course Presentations**: *If an instructor wishes to allow electronic notetaking, the provider must establish a written classroom participation policy governing the use of electronic notetaking in the classroom. The policy must adhere to the following minimum guidelines:* 

- 1. A student shall direct his/her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction, such as texting, checking email, surfing the internet, completing contracts or other work.
- 2. A student shall refrain from engaging in activities which are distracting, or which otherwise disrupt the orderly conduct of a class including distracting noise.

Providers are expected to take appropriate steps to ensure all students comply with their participation policy. The provider shall require the instructor to make an announcement at the beginning of the course and at the beginning of each subsequent day that electronic devices shall only be used for course related activities and notetaking purposes.

The provider must develop and maintain a school policy that outlines how make-up work will be handled. The provider's records regarding make-up work must include a list of all sessions missed by the student and documentation to support the make-up work that was assigned and completed. The school's make-up work policy should address the consequences for missing too many class sessions or classroom hours and inform students of how they will communicate potential absences and receive and submit their make-up work assignments.

**Notes for Post License Course Presentations:** Recently licensed agents should be advised and reminded that prelicense course attendance is handled in a different manner than education taken after licensure. Licensees **MUST** abide by this policy for all classes once prelicense courses are finished.

**DOPL REAL ESTATE PRELICENSE COURSE ATTENDANCE POLICY:** Regular attendance means 100% attendance at all sessions of a live, remote, and/or hybrid course offering. The Commission obligates instructors and course providers to monitor student attendance and strictly enforce this attendance policy. A certified instructor or course provider may have their certification withdrawn for failure to enforce the 100% attendance policy at all course offerings.

Use of any electronic devices is not permitted during class time, unless required as part of the course. This includes texting, checking messages, incoming and outgoing calls, or any activities not related to the instruction of the course content.

Students will engage in professional behavior and maintain a professional demeanor while attending classes. This includes dressing appropriately for the classroom environment. All students are expected to interact with others in a way that promotes and enhances learning for all. Offensive or inappropriate language is not to be used in any form of communication. Students are allowed to disagree with each other or the instructor but must do so in a civil manner.

A student who misses any portion (even a few minutes) of a prelicense course may, at the discretion of the instructor and provider, complete make-up work to satisfy the 100% attendance requirement. Make-up work is allowed ONLY for prelicense courses and MUST be completed for all portions of the course the student does not attend. Make-up work is defined as one or more of the following:

- 1. Extra homework or other assignment given by the instructor (assignment cannot duplicate material already presented in portion of class attended and must relate to subject matter the student missed);
- 2. Attendance of a corresponding class session(s) in a subsequent offering of the same course; **OR**
- 3. Supervised presentation of an audio or video recording of the class session(s) missed.

A student who does **NOT** complete the required make-up work within 90 days of the scheduled course completion date for a prelicense course **MAY NOT** receive credit for the course.

A note for students: Your provider (school) is required to report your attendance to the Commission within 5 business days. Please check your education record to ensure it is posted and if not, contact the provider to report it. If the provider does not post the attendance to your record until after the 5 business days have passed, they are required to notify you in writing when it is posted. If you have reached out to the provider and made reasonable attempts to get it posted with no success, please notify the Commission.

**DOPL REAL ESTATE CORE, POST LICENSE, & CE COURSE ATTENDANCE POLICY:** Regular attendance means 100% attendance at all sessions of a live, remote, and/or hybrid course offering. The Commission obligates instructors and course providers to monitor student attendance and strictly enforce this attendance policy. A certified instructor or course provider may have their certification withdrawn for failure to enforce the 100% attendance policy at all course offerings.

Use of any electronic devices is not permitted during class time, unless required as part of the course. This includes texting, checking messages, incoming and outgoing calls, or any activities not related to the instruction of the course content.

A student who misses any portion (even a few minutes) of a course taken for Post License or CE elective credit WILL NOT receive credit for the course unless the provider allows the student to attend the corresponding class session(s) in a subsequent offering of the same course.

Students will engage in professional behavior and maintain a professional demeanor while attending classes. This includes dressing appropriately for the classroom environment. All students are expected to interact with others in a way that promotes and enhances learning for all. Offensive or inappropriate language is not to be used in any form of communication. Students are allowed to disagree with each other or the instructor but must do so in a civil manner.

A note for students: Your provider (school) is required to report your attendance to the Commission within 5 business days. Please check your education record to ensure it is posted and if not, contact

the provider to report it. If the provider does not post the attendance to your record until after the 5 business days have passed, they are required to notify you in writing when it is posted. If you have reached out to the provider and made reasonable attempts to get it posted with no success, please notify the Commission.

# MINIMUM STANDARDS FOR ALTERNATIVE DELIVERY METHODS

#### **General Requirements:**

- 1. Individuals who are found to be out of compliance with one or more of the Minimum Standards are not eligible to instruct or participate in a class offered via an alternative delivery method until they have demonstrated full compliance with all the Minimum Standards.
- 2. The setup and technology at each location must be pre-approved by the Commission.
  - Approved Platforms: Zoom Pro or higher, REcampusLIVE, or WebEx Meeting
- 3. All students must have a full view of at least one monitor at each class location.
  - Additional monitors should be placed, as required, to ensure students have a clear view of the screen and its contents
- 4. The instructor must have a screen(s) sufficiently large to allow them to have a full and clear view of all students' faces
  - Cell phones, personal tablets, and laptop screens do not have screens of a sufficient size to meet this requirement
- 5. All students must be able to hear the question and response when questions are asked
  - Instructors are expected to repeat any questions asked by students to ensure the entire class has heard the question
- 6. Class sessions with 25 or less students DO NOT require a moderator. Classes with 26 or more students require at least one (1) moderator separate from the instructor.
  - A student enrolled in the class may not be utilized as a moderator

#### **Provider Requirements:**

- 1. Complete and file a Provider Remote Delivery Application form with DOPL
- 2. Provide basic technical support and training for instructors and moderators
- 3. Ensure any required class materials have been distributed to students before the first session
- 4. Ensure end-of-course evaluations are conducted
- 5. Maintain detailed attendance records and provide them upon request
- 6. Arrange prelicense end-of-course testing, as approved by the Commission
- 7. Ensure instructors and moderators are up to date on all required training(s) or certification(s)
- 8. Communicate with instructors and moderators to address any student engagement and participation concerns

#### **Instructor Requirements:**

- 1. Hold a current Certified Distance Education Instructor (CDEI) Certification through IDECC
  - Guest speakers do not need to have a CDEI certification; however, they must be directly supervised by a CDEI certified instructor during all portions of their instruction
- 2. Manage classroom time, cover all materials, and engage students frequently
- 3. Explain the required Student Remote Delivery Engagement Terms and DOPL Real Estate Attendance Policy at the beginning of each class

#### **Moderator Requirements:**

- 1. Be a co-host of the class session and identify themselves as a moderator in their name
- 2. Keep video feed on during class introductions
- 3. Ensure compliance with the DOPL's Real Estate Attendance policies
- 4. Ensure students and instructor have continuous audio and video feeds
- 5. Provide basic technical support
- 6. Promptly address any unprofessional behavior or distractions
- 7. Timely report student attendance, class participation, and any student concerns to the instructor and provider **daily**

#### **Student Engagement Terms - Alternative Delivery:**

- 1. Test your equipment and technology prior to the start of class; you are required to have a:
  - Reliable internet connection with sufficient bandwidth
  - Video camera able to maintain a continuous feed
  - Working microphone
- 2. Cell phones **ARE NOT** to be used as the main device to connect to the virtual classroom
  - Cell phone use is prohibited during instruction
- 3. Attend 100% of the course as outlined in the Attendance Policies from an area that is free from background noise, other people, or other distractions
- 4. Keep a continuous video feed during all classroom instruction
  - You may only turn off or pause your video feed, use a virtual background, or assign an avatar during scheduled breaks
- 5. Engage in the same behavior, decorum, and attire as you would in a live classroom and do not engage in any distracting behaviors
  - Examples may include driving, eating, sleeping, smoking, vaping, excessive movement or walking with your camera, and unnecessary chats during class
- 6. Remain actively engaged for the duration of the course and respond to all questions, polls, and prompts from the instructor and moderator
- 7. Prelicense students **MUST** keep any test questions or information learned during the exam confidential

# POLICIES RELATED TO SPECIAL CONSIDERATION REQUESTS

**Special Consideration of Certification and Licensing Requirements:** The Idaho Real Estate Commission is authorized, upon request for special consideration by an applicant, to waive or modify any requirement established by statute for the certification of course providers, instructors, courses, and any prerequisite requirement for obtaining a broker or sales associate real estate license.

- A. DOPL Education Staff and the Education Council are authorized by the Commission to consider and determine the following matters relating to education requirements for licensure and certification.
  - 1. Certification of course providers (<u>54-2026</u>)
  - 2. Certification of instructors (<u>54-2033</u> & <u>54-2034</u>)
  - 3. Certification of courses and course content (54-2036)
  - 4. Waivers or modifications to prelicense education requirements (54-2012(1)(h) and 54-2022(2))

- 5. Determination of equivalency with Idaho requirements of prelicense and continuing education courses (54-2022(6))
- 6. Extensions of time for acceptance of exam results or prelicense coursework (54-2014(1) and 54-2022(2))

DOPL Staff is specifically authorized to certify course providers, instructors, and courses, and to determine equivalency of CE courses with Idaho requirements.

If an applicant requests an extension of time for acceptance of courses or exam results, special consideration of an education requirement, or if the applicant does not agree with DOPL Staff's determination of a matter, or if DOPL Staff in his/her discretion deems it appropriate or advisable, then the applicant's request will be placed on the agenda of the next regularly scheduled Education Council meeting for consideration and determination by the Council. Applicants will be advised in writing within ten (10) business days of the Council's decision.

If an applicant does not agree with the Education Council's decision, then the applicant may request to have the matter reviewed by the Commissioners by timely filing a written request for Commissioner Review. Such request must be received at the Commission office within fifteen (15) days from the date of the Education Council's written notification to the applicant. A request for Commissioner Review of an Education Council decision will be treated in all respects as a request for special consideration before the Commissioners. Unless a written request is timely filed, the decision of the Education Council will be deemed the final agency action.

- B. It is the policy of the Commissioners that DOPL Staff shall have the authority to determine the following applicant requests:
  - 1. Waivers of the national exam (54-2014) and (54-2015)
  - 2. Any Disclosure Statement for Inquiry on Impact of Criminal Conviction or felony exemption review request for applicants with a single conviction greater than 15 years ago, if it is for a:
    - Controlled substance violation with no aggravating factors such as significant quantity, distribution, or significant history of repeat offenses;
    - Felony DUI with no aggravating factors such as significant history of repeat offenses;
    - Petit Theft; or,
    - Property crime without aggravating circumstances such as a significant history of repeat offenses.

Black's law defines an aggravating factor or circumstance as "Any factor or circumstance which increases the enormity of a crime or the injury of a wrong."

- C. Decisions for applicants with multiple convictions greater than 15 years ago, a single conviction between 5 and 15 years ago, a conviction for a reason not listed above will always be heard by the full Commission at the next regularly scheduled Commission meeting.
- D. All requests for felony or revocation exemption, waiver of high school graduation/GED, waiver of experience requirements, or waiver or modification of any other requirements not specifically enumerated above will be presented directly to the Commissioners to be heard and decided as requests for special consideration.

E. All special considerations, waivers, and other modifications of licensing requirements, whether determined by DOPL Staff, the Education Council, or Commissioners, are valid for six (6) months from the date of the Commission's written notification to the applicant, unless specifically stated otherwise in the written notification.

The Executive Officer shall have delegated authority to review and approve these requests. The default if the applicant's history is questionable will always be to defer to the next regularly scheduled Commission meeting for full Commission consideration.

DOPL Staff will provide written notification of decisions within ten (10) business days.

If an applicant does not agree with DOPL Staff's decision, the applicant may request to have the matter reviewed by the Commission members by timely filing a written request for Commissioner review at a regularly scheduled meeting. Such request must be received at the Commission office within fifteen (15) days from the date of DOPL Staff's written notification to the applicant. A request for Commissioner review of a DOPL Staff determination will be treated in all respects as a request for special consideration before the Commissioners.

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#### LICENSING & CERTIFICATION FEE EXEMPTION FOR MILITARY PERSONS

#### **Idaho Code Citations Relevant to the Section:**

<u>67-2606. License Fees — Military Exemption.</u> <u>67-9401 to 679407. Occupational Licensing Reform Act.</u>

Under Idaho statute, licensees, certified real estate instructors, and individuals whose spouse is serving in the military are exempt from the payment of licensing/certification fees during the period that such licensees, certified instructors, or the military spouse are actively engaged in military services. During the period of such engagement, the licensee, instructor or spouse is not required to renew the licensee/certification. The following is the policy for implementing this law.

Upon receiving written notification that a renewing real estate licensee, certified real estate instructor, or military spouse has been called to active military duty, and the licensing/certification period would otherwise expire during the period of such active duty, the Licensing/Education Department will cause the license or certification to be renewed, in the type and status currently held, without the requirement to pay a license or certification renewal fee, complete continuing education or instructor development training, or file a renewal application.

In the case that the licensee, certified instructor, or the spouse has paid his or her license/certification renewal fee and is then called to active military duty, which active duty commences on or before the renewal date, the Licensing/Education Department will, upon written notification and request from the licensee, refund the full license or certification fee paid for the licensing/certification period during which the licensee/certified instructor was engaged in active duty. Refund requests must be received no later than six (6) months after the conclusion of active military duty; requests made after the six (6) month period will not be considered.

Licensing candidates and spouses of individuals currently serving on active duty who are exempt from the payment of licensing/certification fees will submit a completed Supplemental Active

Military Application along with their salesperson, broker, cooperative broker, or instructor application to have the fee waived by the Commission.

The Commission is authorized to expedite applications for veterans of the armed services and individuals serving on active duty or the spouses of such individuals, if notified of veteran or active-duty status on the application.

#### POLICES RELATED TO RECRUITMENT & PROMOTIONAL ACTIVITIES

The following policies have been developed to: 1. Ensure education classes remain instructional and professional; 2. Prohibit the use of instructional time for recruitment; 3. Prohibit the use of instructional time to product and service promotion; AND 4. Address students' desire for information about employment opportunities.

**Recruitment Activities Policy**: No instructor, school director or provider employee shall use class time to encourage, induce, or promote student employment, affiliation, or membership with any particular real estate licensee, real estate organization, franchise, or network. "Promote" includes the making introductory remarks about a licensee, organization, franchise, or the naming of such in examples (unless a reported court case).

Classroom time must not be devoted to the discussion or promotion of marketing materials. Firm brochures and material must not be included within any DOPL approved instructional materials and course outlines. (This restriction does not apply to a brokerage firm's "in house" educational activities, except to the extent that credited classroom time may not be used to promote the firm.)

#### Permissible Promotion and Recruitment Activities:

- 1. Must clearly be designated as "recruitment" and student attendance must clearly be optional
  - If conducted during the instructional day, permissible promotion and recruitment activities must occur before or after class, or during the lunch break
  - If during a lunch break, it must be clear that students are free to leave
  - Schools may organize a "recruitment session" outside of the regularly scheduled class
- 2. Must be clear that DOPL does not favor or embrace one brokerage over any other

**Product and Service Promotion Policy**: Sponsors, providers, and instructors may make available for purchase materials and services that belong to the sponsor, instructor, or some other party on a limited basis. Sponsors and instructors shall not present a course for the main purpose of selling products or services and shall limit the announcement of products or services during the course. It is the Commission's intent that product and service promotion does not interfere with the presentation of the approved course material and the course is presented completely as it was approved.

# Policies Related to Licensure & Education Requirements

#### POLICIES RELATED TO THE LICENSING EXAM

#### **Idaho Code Citations Relevant to the Section:**

54-2012. Minimum Requirements for an Individual Primary Idaho License.

54-2014. License Exams.

54-2015. Individuals Actively Licensed in Another State or Jurisdiction Seeking Primary Idaho Licensure.

An applicant must achieve a passing score on each part of the exam within **ONE YEAR** of applying for a license. For example: if the applicant passed one part of the exam (either National or Idaho) on January 11, and then passed the other part on August 1, the applicant would have one year from January 11 to apply for a license.

Applicants licensed in another jurisdiction may request a waiver of the national portion of the licensing exam. Waiver request approvals are valid for six months from the date the certified license history is issued, or until the license expires or is inactivated, whichever comes first.

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# POLICIES RELATED TO PRELICENSE EDUCATION REQUIREMENTS

#### **Idaho Code Citations Relevant to the Section:**

54-2022. Real Estate Education – Prelicense Requirements

Current required prelicense courses to become a Salesperson: Sales Prelicense Module 1 **AND** Sales Prelicense Module 2. Students are recommended to complete Sales Prelicense Module 1 prior to beginning Sales Prelicense Module 2.

Current required courses to become a Broker: Brokerage Management, Real Estate Law, AND 2 elective courses selected from the following approved list:

- Real Estate Finance (20 hours)
- Valuation & Analysis (20 hours)
- Idaho GRI Courses (completing two (2) of the GRI courses fulfils one (1) elective requirement):
  - o GRI101: Taxation and Investment Property; Tax and the Self-Employed (12 hours)
  - o GRI102: Professional Standards Ethics; Risk Reduction (12 hours)
  - o GRI201: Business Planning and Technology; Sales and Marketing (12 hours)
  - o GRI202: Contracts in Real Estate Transactions; Negotiations (12 hours)
- CCIM Designation Courses (online only allowed if ARELLO certified):
  - o CI 101: Financial Analysis of Commercial Investment Real Estate (29 hours)
  - o CI 102: Market Analysis for Commercial Investment Real Estate (29 hours)
  - CI 103: User Decision Analysis for Commercial Investment Real Estate (32 hours)
  - o CI 104: Investment Analysis for Commercial Investment Real Estate (29 hours)

If a broker applicant has a law degree, **AND** the applicant is currently practicing law, the following coursework will be waived upon applicant's written request: Real Estate Law.

If a broker applicant is currently licensed as an appraiser, **AND** the applicant is currently actively practicing as an appraiser, the following coursework will be waived upon applicant's written request: Valuation & Analysis.

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#### POLICIES RELATED TO CONTINUING EDUCATION

#### Idaho Code Citations Relevant to the Section:

54-2023. Continuing Education Requirements.

- (1)(a) Salesperson First active renewal or activation. "Post license course" consists of the eight (8) hour Post License Fundamentals course plus one 4-hour post license module of choice. No other course can be substituted for the DOPL-provided real estate post license course.
  - (2) Credits used to reactivate license. Credits taken to reinstate (reactivate) a license must have been taken within the current license renewal period or the license period immediately preceding the current license period.
- (6)(d)(i) Professional designation courses. Courses taken to earn the following professional designations will automatically be accepted for continuing education elective credit. The accepted courses have been assigned a course number and are listed under the Continuing Education Course Catalog on the DOPL's Online Services.
  - Accredited Buyer's Representative (ABR)
     Certified Residential Specialist (CRS)
  - Accredited Land Consultant (ALC)
     Graduate REALTOR® Institute (GRI)
  - Certified Aging in Place Specialist (CAPS)
     Green Designation (GREEN)
  - Certified Commercial Investment Member (CCIM)
     Performance Management Network (PMN)
  - Certified International Property Specialist (CIPS)
     Seller Representative Specialist (SRS)
  - Certified Real Estate Brokerage Manager (CRB)
     Seniors Real Estate Specialist (SRES)

If a pre-approved designation course isn't offered through a certified provider, or a licensee completes another designation not listed above, it will be considered on a case-by-case basis.

(6)(d)(ii) Courses accredited by another profession or jurisdiction. *Licensees will not receive continuing* education credit for any course that is not certified or accepted by the Commission in accordance with Idaho license law.

Licensees may request non-certified courses (approved by and offered in satisfaction of another professional or occupational licensing authority's education requirements) be considered for Idaho CE credit. **However, these policies ONLY apply to courses that**:

- 1. Are approved for credit by another professional or occupational licensing authority (e.g., Dept. of Finance; State Bar; Wyoming Real Estate Commission); **AND**
- 2. Are offered to the other authority's licensees to satisfy their licensing requirements; **AND**
- 3. Fit within the approved topic areas established by the Commission.

This policy does **NOT** apply to any course being offered to Idaho real estate licensees for credit toward Idaho's real estate CE licensing requirements. Courses that are being offered to Idaho

real estate licensees in satisfaction of their CE requirements **MUST** be certified by the Commission.

Courses that are mostly not related to real estate brokerage practice, such as courses that focus on completing USPAP forms, will be denied. Under no circumstances will continuing education credit be given for a course offered in another jurisdiction for which DOPL real estate certification has been denied.

(6)(d)(iii) Courses offered by an accredited college or university. Credit hours for college and university courses will be calculated using a formula of the number of credit hours times the number of weeks the course was offered.

An accredited college or university listed in the U.S. Department of Education Database of Accredited Postsecondary Institutions and Programs will be deemed to have certification standards equivalent to ARELLO® certification.

To request any of the above types of education be applied to an Idaho real estate license for continuing education credit, licensees must submit their course completion certificates and course outlines to DOPL using the "Submit Continuing Education Records" link through Online Services no later than sixty (60) days prior to the end of the renewal period.

- Online courses must be ARELLO® certified for credit to be granted. The online portion of courses taught through blended delivery method must also be ARELLO® certified.
- Courses taken via an alternative delivery method must include documentation that the course was delivered in a manner that is substantially similar to Idaho's Real Estate Alternative Delivery Standards or the request may be denied.
- (6)(e) Certified Instructors and CE. A certified course instructor may obtain continuing education for courses they have taught through a certified provider. To obtain continuing education credit under this section, the instructor will request the provider reports them along with the rest of the students via Online Services.
  - (7) Licensee duty to keep satisfactory proof. Any licensee who renews or reinstates (reactivates) a license and who does not have sufficient continuing education hours on file with the Commission **WILL** receive an audit letter requesting proof of meeting the CE requirements.

# Policies Related to Provider, Instructor, & Course Certification

#### OVERARCHING POLICIES

#### **Idaho Code Citations Relevant to the Section:**

54-2020. Fees.

54-2025. Certification Requirements.

*No course, instructor, or provider will be certified retroactively.* 

Continuing education credit will not be awarded to licensees for courses not certified or accepted by the Commission in accordance with Idaho license law.

Fees paid in connection with all certification applications are non-refundable.

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## POLICIES RELATED TO PROVIDER CERTIFICATION

#### **Idaho Code Citations Relevant to the Section:**

54-2026. Certification of Course Providers.

All provider directors, or those interested in becoming a provider director, must attend an offering of Provider Training at least once every two (2) years. The requirement to complete the provider training also applies when a new director is appointed for an existing certified provider.

If DOPL receives notification that there is no director in place for a certified provider, or if returned correspondence is received, the provider certification will be placed on administrative hold until such time as the issue has been resolved to the satisfaction of the Commission.

Providers are strongly encouraged to attend each annual DOPL's Real Estate Instructor Conference.

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# POLICIES RELATED TO DUTIES & REQUIREMENTS OF CERTIFIED PROVIDERS

#### **Idaho Code Citations Relevant to the Section:**

<u>54-2027. Duties and Requirements of All Certified Course Providers.</u>
<u>Rule 500. Minimum Teaching Standards.</u>

- (2) Open access to course offerings. Providers must schedule a course through the DOPL Online Services at least twenty-four (24) hours prior to course offering, regardless of whether it is open to all licensees or not.
- (3) Disclosure of fees. For any course requiring textbooks, the textbooks must be incorporated into the curriculum by the instructor and utilized by the students.
- (4) Facilities and supportive personnel. *The premises, equipment, and facilities of the school should comply with all city, state, and federal regulations, such as, but not limited to, fire, building,*

occupancy, zoning, and public health codes, as well as the Americans with Disabilities Act.

If a provider will not be physically present at the class, there must be a provider representative on site who has been instructed in the provider duties they will be responsible for during the class. This must be documented in the provider's files.

When a provider lends or rents their facility space to another party for the use of providing real estate education, a written agreement identifying the party acting as provider must be established, kept in the provider's documentation, and provided to the Commission upon request.

(5)(a) Records. Providers are required to maintain student records for a period of five (5) years. These records must include information, such as: legal name, address, telephone number, and email address of school; full legal name of the student, license number when one has been issued, beginning and ending dates of attendance; clock hours completed; course/exam results.

Upon course completion, students **MUST** receive a certificate or statement of completion that includes the student's full legal name or the name as it appears on the real estate license, license number when one has been issued, provider name, course title, course approval number, course date(s), course delivery method, approved credit hours, and the signature of the provider director.

(5)(b) Course completion lists. Providers shall submit course completion lists using DOPL Online Services. It is the Provider's responsibility to ensure the accuracy of the course completion lists, including use of each student's legal name and license number or social security number, as applicable. Failure to submit course completion lists timely and accurately is a serious issue. Provider directors must provide appropriate control and supervision for clerical staff entering course completion lists on their behalf.

Providers are required to report student completions within 5 business days per Idaho Code 54-2027(b). In any instance when the provider reporting occurs after the  $5^{th}$  business day, the provider is required to notify the student in writing of the late reporting.

It remains the responsibility of the Provider to ensure that the confidential information is not disseminated or used for purposes other than the creation and submission of a course completion list. A Provider is permitted to disclose confidential information only to DOPL staff, and then only as information included in the course completion list

A student's confidential information should never be displayed on a sign in sheet. A student's real estate license number is not confidential information. A student who is already licensed in Idaho must be permitted to use his or her license number instead of social security number. However, prelicense students generally will not yet have an Idaho license, and therefore social security numbers will have to be used for course completion lists. Reasonable measures must be taken to protect the confidentiality of such information. Providers may wish to execute confidentiality agreements with their students.

(5)(d) Evaluations. All certified providers must collect evaluations from students for the course and instructor. Providers are required to keep either the evaluations or a written summary of them for one (1) year from the course completion date, and to provide either the evaluations or summary to the instructor and/or course developer promptly upon conclusion of a course.

The Commission may request the evaluations or the summary thereof from providers on a random or occasional basis to monitor instructor and course performance and to assure compliance with the license law pertaining to collection of evaluations. Providers are required to transmit either the evaluations or summary to the Commission upon written request.

When multiple instructors are being evaluated, care must be taken to ensure students complete separate evaluations for each instructor.

The Commission may randomly select one or more student(s) from every class for the purpose of obtaining supplemental evaluations on a course and instructor.

The following instruction regarding evaluation forms is to be provided to students as the evaluation forms are distributed:

"Evaluations are required to help ensure quality real estate education in Idaho. Your evaluations help the school, instructor, and Commission improve your education. Please contact the Commission directly to make additional confidential comments regarding the course, instructor, or school."

In addition to the requirements listed above, for DOPL-provided real estate education courses, the process for distribution and collection of evaluations must be handled as follows:

- 1. Prior to the conclusion of the course, but before the final exam (if any), enough classroom time shall be set aside for students to complete evaluations of the course and instructor
- 2. The provider or course instructor must distribute the current Commission-approved evaluation form (paper or electronic) to each student
- (5)(e) Course schedules. Providers are required to submit schedules of courses and instructors to the Commission on an ongoing basis by entering the course schedule information into the DOPL Online Services at least twenty-four (24) hours prior to the course offering and keep it updated with any changes or cancellations. The course schedule must also identify the correct instructor.
  - (6) Instructors. Providers have a legal duty to "take reasonable steps to ensure that the instructor is competent to teach the course offered." Minimum teaching standards are set forth in Rule 500. A provider who meets the following steps will be deemed by the Commission to have satisfied this requirement:
    - a. The provider has verified with the Commission that the instructor is currently certified to teach the course, or, if instructor certification is not required to offer the course, the provider has reviewed and verified the instructor's documented credentials to teach the course.
    - b. The provider shall promptly review the student evaluations for every course and shall immediately advise the instructor of any deficiencies or concerns noted in the evaluations.
    - c. The provider is also responsible for periodically evaluating its live course instructors using the DOPL real estate instructor evaluation form.
    - d. Upon completion of an evaluation, the results of the evaluation shall be provided to the instructor and a follow up plan for improvement, if needed, shall be discussed. This evaluation and documentation for improvement is to be kept with the provider's records and provided to the Commission upon request.

Failure to take reasonable steps to ensure instructor competency may result in withdrawal of provider certification.

(8) Advertising restrictions. All course advertisements must contain the Commission's course approval number and the exact title of the course as it was certified. The provider's name, as certified by the Commission, must be included in all advertising.

No course may be advertised as either "approved" or "accepted" for continuing education for Idaho real estate licensees unless it has been certified by the Commission and assigned an Idaho course approval number. No course may be advertised as "pending approval" even if an application for certification has been submitted to the Commission. It may only be advertised as "submitted to DOPL/IREC for CE approval."

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#### POLICIES RELATED TO PROVIDER CERTIFICATION AND RENEWAL

#### Idaho Code Citations Relevant to the Section:

54-2028. Term Of Provider Certification and Renewal.

Renewal of provider certification must be completed online through DOPL Online Services.

Inactive providers will not be eligible for renewal on June 30 unless the issue that made them eligible for inactivation has been resolved to the satisfaction of the Commission.

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#### POLICIES RELATED TO INSTRUCTORS

#### Idaho Code Citations Relevant to the Section:

54-2027(6). Instructors.

54-2032. Certification of Instructors.

54-2033. Instructor Qualifications.

Rule 500. Minimum Teaching Standards.

Certified instructors are not required for elective courses. However, the course must still be certified by the Commission and the course must be offered through a certified provider.

**ALL** instructors, whether certified or not, are required to conduct themselves in a professional manner while performing instructional duties. Examples of professional mannerisms include:

- 1. Avoidance of any form of student harassment, which is not limited to harassment based on the gender, national origin, race, religion, age, or physical or mental ability of any student.
- 2. Demonstration of sufficient subject matter knowledge of the course material being instructed.
- 3. Adherence to the Commission's written policies regarding product and service promotion and recruitment in the classroom.
- 4. Display of competent teaching skills, which include but are not limited to, the ability to:
  - Communicate effectively through speech
  - Present instruction in an accurate, logical, orderly, and understandable manner
  - Respond appropriately to questions from students

- Utilize varied instructional techniques in addition to lecture, such as class discussion, role playing, or other techniques that enhance student interaction and learning
- Utilize instructional aids and modern technology in a manner that enhances learning
- Maintain an appropriate learning environment and effective control of the classroom
- Interact with adult students in a respectful and professional manner that encourages student learning
- Utilize relevant experience and research to supplement student learning
- Form constructive relationships with students
- Utilize instruction time effectively

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## POLICIES RELATED TO THE QUALIFICATIONS OF CERTIFIED INSTRUCTORS

#### Idaho Code Citations Relevant to the Section:

54-2033. Instructor Qualifications.
Rule 500. Minimum Teaching Standards.

- 1. In considering whether a person could reasonably be expected to train or prepare the average student in a particular subject as a certified instructor for DOPL provided real estate courses, the following factors, in addition to the minimum standard as set forth in the law, will be considered. The Commission will review special consideration requests made in writing based upon educational background and experience:
  - Salesperson Prelicense Module 1 & 2: Applicant must have active experience as a licensed real estate broker in Idaho for at least five (5) years within the 10 years prior to application.
  - **Broker Prelicense Brokerage Management:** Applicant must have an active broker's license AND at least five (5) years active real estate-related experience.
  - Broker Prelicense Law: Applicant must be an actively licensed attorney with a minimum of five (5) years' experience, unless a waiver is granted by Education Council through the Special Consideration Policy.
  - Broker Prelicense Finance: Applicant must hold an active broker's license and have at least five (5) years active real estate-related and/or finance experience.
  - Broker Prelicense Valuation & Analysis: Applicant must be an actively licensed or certified appraiser OR hold an active broker's license and have at least five (5) years active real estate-related experience.
  - **Business Conduct & Office Operations (BCOO):** Applicant must have at least five (5) years active real estate-related experience and be an actively licensed broker.
  - Commission Core Course: Applicant must hold an active broker's license and have at least five (5) years active real estate-related experience.
  - Post License Fundamentals: Applicant must have active experience as a licensed real estate broker for at least five (5) years within 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
  - Post License Professionalism, Negotiations, and Closings: Applicant must have active
    experience as a licensed real estate broker for at least five (5) years within the 10 years
    prior to application. If active practice is in a jurisdiction other than Idaho, applicant must

- also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
- Post License Pricing, Marketing and Advertising: Applicant must have active experience as a licensed real estate broker for at least five (5) years within the 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification.
- Post License Introduction to Commercial Real Estate: Applicant must have active experience as a licensed real estate broker for at least five (5) years within the 10 years prior to application. If active practice is in a jurisdiction other than Idaho, applicant must also pass the Idaho portion of the licensing exam within no more than 12 months immediately preceding the application for certification. In addition, applicant must have two (2) years' experience brokering commercial transactions.
- 2. Attend 100% of the live course, as taught by a certified instructor within the three (3) years prior to the date of application; **AND**
- 3. Successfully complete the final course exam for the most current version of the course in effect on the date of the application with a minimum passing score of 70%. If not successfully passed on the first attempt, one (1) retake is allowed; **AND**
- 4. Attend DOPL's Real Estate Instructor Development Workshop or possess other acceptable teaching experience and/or education in adult learning theory and methods (see below); **AND** 
  - The Certified Distance Education Instructor (CDEI) certification via the International Distance Education Certification Center (IDECC),
  - The Distinguished Real Estate Instructor (DREI) certification via the Real Estate Educators Association's (REEA)
  - Completion of the Gold Standard Instructor (GSI 1, 2, or 3) courses via REEA
- 5. Serve a student teaching period. The student teaching period involves:
  - Teaching a minimum of 2 hours or 20% of the course material, whichever is greater, under the supervision of the certified instructor\*, AND
  - Receiving favorable evaluations from students in the class; AND
  - Receiving a favorable recommendation from the certified instructor for the assistant teaching.

\*A certified instructor must have taught the course at least three (3) times to supervise a student teacher.

Certified instructors may take the real estate licensing exam once every five years. To obtain certification as specified in the requirements for post license instructor certification, the exam may not be taken more than once in 5 years. This will not affect the instructor's ability to take the exam for licensure.

Qualified instructors a	t degree	granting	institutions	as sta	ted in	54-2033(1)	are not	subject	to 1
through 5 above.									

#### POLICIES RELATED TO THE CERTIFICATION & RENEWAL OF INSTRUCTORS

#### Idaho Code Citations Relevant to the Section:

54-2035. Term of Instructor Certification and Renewal.

Initial instructor certification includes certification for one (1) course. The instructor must complete an Instructor Certification application for each subsequent DOPL provided real estate course they wish to instruct.

All Core instructors must be certified for each new Core course. This includes observing the entire course, the rollout meeting, and passing the final course exam. The Commission will provide the opportunity to observe the new Core course and pass the final exam every year at the Real Estate Instructor Conference to facilitate instructor certification for each new Core course.

If an instructor is certified for the previous year's Core course, they are eligible for certification for the current year's Core course, even if they are unable to attend the pilot during the Instructor Conference, so long as the other factors are met.

To maintain certification, the instructor must:

- Submit the most recent set of student evaluation forms; OR
- Submit a provider evaluation of the instructor less than 12 months old; OR
- Have been audited by DOPL Staff or the Education Council within the previous 12-month period.

If an instructor receives an unfavorable evaluation from the Education Council, DOPL, or a provider, an Instructor Performance Improvement Plan (IPIP) should be developed by the instructor and provider. The IPIP is to be kept with the provider's records and provided to the Commission upon request. An instructor on an IPIP is not eligible to be certified to teach additional DOPL provided real estate courses or to supervise a student teacher.

Instructor recertification must be completed online through DOPL Online Services.

POLICIES RELATED TO THE CERTIFICATION OF CE COURSES & CONTENT

# Idaho Code Citations Relevant to the Section:

54-2036. Certification of Courses and Course Content

54-2037. Term of Course Certification and Renewal

Rule 402. Approved Topics for Continuing Education.

Rule 500. Minimum Teaching Standards.

**ALL** courses except those offered to earn a professional designation, **MUST** be certified by the Commission, even if the course has been approved for real estate licensee continuing education credit in another jurisdiction.

Courses submitted with half-hour increments will be considered. Any change in hours or delivery method or significant change of course content for a currently certified course requires a new course application.

A course submitted for certification should be titled in such a way that the subject matter of the course

can be ascertained from the title. Applicants submitting a course for which there already exists a certified course with the same name may be asked to identify a different, unique title for the course as a condition of certification.

Courses submitted for certification must include satisfactory learning objectives using action verbs from the Bloom's Taxonomy list as provided by DOPL.

Online courses are considered "distance learning" courses. Distance learning final exams must include a minimum of 5 questions per hour of instruction, with a maximum of 50 questions required. For courses taught through a blended delivery method, the online portion of the course is considered distance learning, and therefore must be ARELLO® certified.

*The specific, approved topic areas for real estate continuing education course content are:* 

_	Brokerage office management & supervision	_	Real estate ethics
_	Legislative issues influencing real estate practice	_	Water rights
_	Accounting & taxation as applied to real property	_	Use of technology
_	Timeshares, condominiums, & cooperatives	_	Licensee safety
_	Real estate market measurement & evaluation	_	Negotiation skills
_	Real estate marketing procedures	_	Business success
_	Real estate inspections	_	Real estate appraising
_	Real estate investment	_	Property management
_	Fair housing, affirmative marketing, ADA, diversity, equity, and inclusion	_	Real estate law, contract law, agency, real estate licensing law & administrative rules
_	Real estate financing, including mortgages & other financing techniques	_	Land use planning & zoning, land development, construction, energy conservation in building
_	Real estate environmental issues & hazards (lead-	ed paint, underground storage tanks, radon, etc.)	

Course developers are expected to supply copies of the most current evaluations with every course renewal application submission.

#### POLICIES RELATED TO DOPL PROVIDED REAL ESTATE COURSES

### **Idaho Code Citations Relevant to the Section:**

54-2020. Fees

54-2036. Certification of Courses and Course Content.

As the owner of the DOPL provided real estate courses, the Commission retains complete control over dissemination of all DOPL provided course materials. Individuals may not distribute these materials to others without written permission from the Commission. Any inquiries about obtaining such materials should be referred to the Commission.

Creation and approval of the distance education version (online or otherwise) of any DOPL provided real estate course is at the direction of the Commission and will be handled according to procedures required and/or recommended by DOPL and the Division of Purchasing. All DOPL provided materials are copyrighted and may not be used without Commission consent.

For courses requiring a certified instructor, non-certified guest speakers may be utilized to present a portion of the course curriculum if the certified instructor is present in the classroom for the entire presentation and directly supervises the guest speaker. The course provider is responsible for the complete and accurate delivery of all DOPL provided real estate course content.

The Commission-approved course exams shall be used in their entirety and may not be revised or altered without the Commission's advance permission. Providers are responsible for preserving the validity and security of course exams. Students shall not be allowed to retain exams or copy any exam questions, answers, or distractors.

A student who fails a final course exam shall be given a different version of the exam and must pass the entire retake exam with a minimum score of 70% to receive credit for the course. Students completing make-up work are still expected to take the exam at the end of the course, as scheduled, with the rest of the class. If the student has missed enough of the course and taking the exam will jeopardize their ability to pass the exam, the provider should consider asking them to attend a subsequent offering of the missed portion in lieu of assigning make-up work.

Pursuant to the exam provider's policies, test takers are not allowed to share or discuss the questions or answers seen in the licensing exam with other candidates. It is the policy of DOPL that certified instructors and representatives of certified providers will not solicit or request students to provide license exam questions or answers from the licensing exam and will refrain from discussing such information or utilizing it in any way.

If written notification of registration cancellation is received in the office of the Commission at least five (5) business days before the course commencement date, the registration fee, less the cost of materials received, may be refunded. No refund will be made due to non-attendance. If a course is cancelled due to insufficient interest, a full refund will be made to all registrants. If a course is rescheduled, registrants will be given the option to attend on the rescheduled date or receive a full refund.

# Idaho Division of Occupational and Professional Licenses Real Estate Commission

Education, Curriculum, and Exam Program
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