

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. 790-X-1-21

Rule Title: Distance Education Courses

         New   ✓   Amend          Repeal          Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?   Yes  

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?   Yes  

Is there another, less restrictive method of regulation available that could adequately protect the public?   No  

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?   No  

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?   N/A  

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?   Yes  

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?   No  

\*\*\*\*\*

Does the proposed rule have an economic impact?   No  

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer   Vaughn T. Poe  

Date   July 29, 2021  

REC'D & FILED (DATE FILED)  
(STAMP)

A-2 JUL 29 2021

LEGISLATIVE SVC AGENCY

**ALABAMA REAL ESTATE COMMISSION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Real Estate Commission

**RULE NO. & TITLE:** Rule 790-X-1-.21  
Distance Education Courses

**INTENDED ACTION:** Amend Rule

**SUBSTANCE OF PROPOSED ACTION:** This rule amendment is a restructuring of the distance education rule to separate synchronous distance education from asynchronous distance education. A copy of the proposed rule amendment may be found on the Commission's website, [www.arec.alabama.gov](http://www.arec.alabama.gov).

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Comments can be presented at the public hearing scheduled at 9:00 a.m. on September 23, 2021 during the regularly scheduled Commission Meeting to be held at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Vaughn Poe, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on October 8, 2021.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
October 8, 2021

**CONTACT PERSON AT AGENCY:** Barbi Lee, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.

*Vaughn T. Poe*  
\_\_\_\_\_  
Vaughn T. Poe  
Executive Director

**Rule 790-X-1-.21. Distance Education Courses.**

Distance education courses are programs whereby instruction does not take place in a traditional classroom setting but rather where teacher and student are apart and instruction takes place through other media. Distance education courses include but are not limited to those which are presented through interactive classrooms, virtual courses ~~computer conferencing~~, interactive computer and the Internet. Distance education courses may be offered by approved instructors of primary or secondary providers.

(1) A primary provider is defined as a course developer who has a proprietary interest in the course. Primary providers may have their own instructors deliver courses and/or may market the courses to secondary providers. If a primary provider offers distance education courses directly to Alabama licensees, the provider shall be a school licensed or approved by the Commission.

(2) A secondary provider is defined as a school which obtains a distance education course from a primary provider. The secondary provider shall have approved instructors who are responsible for enrolling students, providing course orientation, monitoring student progress, answering student questions, administering and grading exams, verifying and reporting course completion and verifying student identity. Any school providing any of these services, other than administering a final exam, shall be deemed to be a secondary provider. The secondary provider shall be a school licensed or approved by the Commission.

(3) Instructors of distance education courses shall be approved by the Commission. Instructors shall not receive approval until they receive the Distance Education Instructor Certification from IDECC (International Distance Education Certification Center), which is a subsidiary of ARELLO (Association of Real Estate License Law Officials), and submit verification of the certification to the Commission. The Distance Education Instructor Certification shall be renewed and kept current in order for the instructor to continue offering distance education courses.

~~(4) Administrators of schools offering the prelicense course shall provide students with licensing requirements and information on how to schedule to take the licensing examination. Administrators of schools offering the post license course shall provide students with original salesperson license requirements and an application.~~

(4) All distance education prelicense and post license courses of primary providers shall be certified by ARELLO or IDECC before

being submitted to the Commission for approval and shall retain certification in order to retain Commission approval.

(a) Synchronous continuing education courses shall be certified by ARELLO or IDECC prior to being reviewed for approval by the Commission.

(b) Asynchronous continuing education and all prelicense and post license courses shall be certified by ARELLO or IDECC prior to being reviewed for approval by the Commission.

(c) College credit courses offered through distance education at approved colleges and universities shall be exempt from ARELLO, IDECC, and Commission certification.

~~(5) All distance education courses developed by approved primary providers shall be approved by the Commission prior to being marketed to secondary providers who will offer the courses to Alabama licensees. Additionally, all distance education courses that will be offered to Alabama licensees by either primary or secondary providers shall be approved by the Commission. Any course containing major content errors or which fails to meet curriculum requirements shall be denied. The revised course may be submitted at a later date along with a new application and course review fee.~~

(5) Distance education courses that will be offered to Alabama licensees by either primary or secondary providers shall be approved by the Commission. Any course containing major content errors or which fails to meet curriculum requirements shall be denied. The revised course may be submitted at a later date along with a new application and course review fee.

~~(6) Approved instructors who submit distance education course for approval shall submit the Course Summary Certificate number from ARELLO or IDECC along with the course application and fee. For secondary providers, the Course Summary Certificate from ARELLO or IDECC shall be the same number received by the primary provider.~~

(6) Synchronous distance education is defined as a course with defined attendance time allowing an instructor to offer live instruction virtually while students are in different locations. Instructors of approved synchronous distance education courses must abide by the following requirements:

(a) Instructors of approved synchronous distance education courses shall submit to the Commission their course outline and procedures for enrolling students, monitoring attendance, answering student

questions, administering and grading exams where applicable, and verifying student identity.

(b) Students must use video and be present on camera at all times without the use of still pictures or icons;

(c) Students must be present the entire course or session with the only exception being a temporary loss of connection not to exceed 15 minutes per three hours of instruction;

(d) Students shall not be participating in other activities such as driving, sitting, or riding in a vehicle; phone calls; text messages; emails; office paperwork; conversations with people who are not involved in the course; and any other activity unrelated to the course identified by the instructor or moderator;

(e) Students must be involved in the class using breakout rooms, polling, or other means of promoting interaction;

(f) Students must be monitored at all times by a separate moderator other than the instructor regardless of class size.

(g) Students must not participate in comments unrelated to the course using the course's chat tool; and

(h) Students must be denied course credit for a virtual course if a violation occurs.

~~(7) All distance education courses of primary providers shall be certified by ARELLO or IDECC before being submitted to the Commission for approval and shall retain certification in order to retain Commission approval. This includes prelicense, post license and continuing education courses. College credit courses offered through distance education at approved colleges and universities shall be exempt from ARELLO or IDECC certification.~~

(7) Asynchronous distance education is defined as a course allowing a student to progress through the lessons of a course at his/her own pace and only contact the instructor when needed. Instructors of approved asynchronous distance education courses must abide by the following requirements:

(a) All asynchronous distance education courses developed by approved primary providers shall be approved by the Commission prior to being marketed to secondary providers who will offer the courses to Alabama licensees.

(b) Secondary providers shall only offer asynchronous courses which primary providers have had certified by ARELLO or IDECC. The

instructor for a secondary provider shall not be required to obtain ARELLO or IDECC certification for courses.

(c) Instructors of approved asynchronous distance education courses shall submit to the Commission their procedures for enrolling students, monitoring their progress, answering student questions, administering and grading exams, verifying and reporting course completion and verifying student identity. Instructors shall provide course requirements to all students in writing electronically or by mail when a distance education course is purchased. These requirements include, but are not limited to, submission of required forms, specific course deadlines, and the process for license examination scheduling.

(d) Approved instructors who submit an asynchronous distance education course for approval shall submit the Course Summary Certificate number from ARELLO or IDECC along with the course application and fee. For secondary providers, the Course Summary Certificate from ARELLO or IDECC shall be the same number received by the primary provider.

~~(8) Secondary providers shall only offer courses which primary providers have had certified by ARELLO or IDECC. The instructor for a secondary provider shall not be required to obtain ARELLO or IDECC certification for courses.~~

(8) All distance education courses shall follow curriculum requirements as specified by the Commission. Instructors who teach courses developed by another school or organization shall review the course for accuracy and applicability of content prior to submitting it to the Commission for review and approval.

~~(9) Instructors of approved distance education courses shall submit to the Commission their procedures for enrolling students, monitoring their progress, answering student questions, administering and grading exams, verifying and reporting course completion and verifying student identity. Instructors shall provide course requirements to all students in writing electronically or by mail when a distance education course is purchased. These requirements include, but are not limited to, submission of required forms, specific course deadlines, and the process for license examination scheduling.~~

(9) In order to successfully complete the prelicense or post license course, students shall take and score a minimum of 70% on a proctored final examination administered in an educational facility by an approved real estate instructor, an approved school

administrator, a qualified library employee or volunteer who is not in the real estate business, or a current or retired education professional who is not in the real estate business. Remote or virtual online proctoring using a live proctor may be used when approved by the Commission. Administrators will be held entirely responsible for the security of all final examinations.

~~(10) ARELLO or IDECC certified distance education courses shall follow curriculum requirements as specified by the Commission. Instructors who teach courses developed by another school or organization shall review the course for accuracy and applicability of content prior to submitting it to the Commission for review and approval.~~

(10) Administrators shall give distance education students instructions on how they can electronically submit a course evaluation to the Commission.

~~(11) Administrators shall give distance education students instructions on how they can electronically submit a course evaluation to the Commission.~~

(11) Administrators of schools offering the prelicense course shall provide students with licensing requirements and information on how to schedule to take the licensing examination. Administrators of schools offering the post license course shall provide students with original salesperson license requirements and access to the proper application.

~~(12) Distance education courses of primary providers shall continue to be ARELLO or IDECC certified in order to continue their approval with the Commission. If ARELLO or IDECC certification is discontinued for any reason, approval by the Commission shall be simultaneously discontinued for all primary and secondary providers who offer the affected course.~~

~~(13) (12)~~ The Commission may withdraw approval for any distance education course that is not offered in accordance with Commission requirements for distance education courses.

~~(14) (13)~~ The Commission may withdraw approval or otherwise discipline instructors and schools in accordance with Rule 790-X-1-.17 for any instructor who teaches distance education courses that do not comply with all applicable rules and statutes.

~~(15) In order to successfully complete the prelicense or post license course, students shall take and score a minimum of 70% on~~

~~a proctored final examination administered in an educational facility by an approved real estate instructor, an approved school administrator, a qualified library employee or volunteer who is not in the real estate business, or a current or retired education professional who is not in the real estate business. Remote or virtual online proctoring using a live proctor may be used when approved by the Commission.~~

**Author:** Alabama Real Estate Commission

**Statutory Authority:** Code of Ala. 1975, §§34-27-6; 34-27-8.

**History:** New Rule: Filed October 11, 1996; effective November 15, 1996. **Amended:** Filed August 3, 1998; effective September 7, 1998. **Amended:** Filed August 29, 2000; effective October 3, 2000. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed August 30, 2005; effective October 04, 2005. **Amended:** Filed April 24, 2007; effective May 29, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed May 27, 2009; effective July 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed August 27, 2012; effective October 1, 2012. **Amended:** Filed September 6, 2013; effective October 11, 2013. **Amended:** Filed August 25, 2017; effective October 9, 2017. **Amended:** Filed August 27, 2018; effective October 11, 2018. **Amended:** Filed \_\_\_\_\_; effective \_\_\_\_\_.