

APPLICATION PROCEDURES FOR APPROVAL OF COMMISSION-APPROVED TRAINING ACTIVITIES

Persons or institutions seeking approval to offer commission-approved training activities should read the following before filling out the application form so as to familiarize themselves with the procedures involved with submitting an application(s) pursuant to Sections 81-885.49 through 81-885.54 of the Nebraska Real Estate License Act and Title 299, Chapter 7 of the Rules and Regulations of the Nebraska Real Estate Commission.

THE AMERICANS WITH DISABILITIES ACT (ADA)

Real Estate Trainers have responsibilities under the ADA. Any private entity that offers education (activities) or examinations related to licensing for professional or trade purposes must offer such courses (activities) or examinations in a place and manner accessible to all persons, or offer alternative but equal arrangements. This may include the provision of auxiliary aids and services for persons with disabilities. For more information please contact your Equal Employment Opportunity Commission.

APPLYING FOR COMMISSION-APPROVED TRAINING RECOGNITION

Each application for commission-approved training activity recognition must be received at least 30 days in advance of the initial offering for credit of the activity. A full application consists of:

- 1) the Training Activity Application (Trg-1) form, and
- 2) an example of the activity completion certificate that will be issued for full attendance at the activity.

As long as there is no significant change to items reflected in the Application, the Application for Recognition process is a onetime requirement per activity.

COMPLETING THE TRAINING ACTIVITY APPLICATION FORM (TRG-1)

1) **Provider information**, as appropriate, is required. Providers may be anyone who commits to perform the administrative responsibilities associated with conducting commission-approved training, issuing certificates, maintaining the records and reporting attendance to the Real Estate Commission, as outlined in the License Act. It is anticipated that these may include: educators, designated brokers, in-house trainers, independent trainers, etc.

2) **Title of Training Activity**: Every effort is made to respect the title of the activity as submitted. However, sometimes it becomes necessary to alter the title slightly. Providers should carefully review the letter confirming Commission recognition of the activity and be certain to use the title the Commission recognizes, in full, on all future references to the activity.

3) **Format of Training Activity**: indications of distance delivery requires a description of the particular delivery method utilized i.e. internet, webinar, satellite downlink, etc.

4) **Length of Activity**: No training activity can be less than sixty minutes in length. Activities are approved in hour increments. Multiple hour activities may be based on a fifty-minute hour. For example: a 50 minute activity will not be recognized (it must, at minimum, be 60 minutes); an 80 minute activity will be recognized for 1 hour credit (activities are approved in 1 hour increments-percentages of an hour are rounded down, not up); a 100 minute activity will be recognized for 2 hours of credit (multiple hour activities may be based on a 50 minute hour).

5) **Location of Activity:** Provide that time and location of first offer date of the activity. First offer date must be at least 30 days after submission date for the course. If offered via the internet or other remote technology simply check the "Internet" box on the form.

6) **Main Goal or Objective of Activity:** Care should be given to craft the main goal or objective of the activity so that it clearly and comprehensively describes the content of the activity and expected training outcome. Training activities are required to directly relate to real estate services provided by licensees to the public. Additional guidance with regard to content may be found in the Regulations attached to this packet at: Title 299, Chapter 7, Sections 005 and 006.

7) **Monitoring Attendance:** The training provider shall be responsible for monitoring attendance at the training activity, issuing certificates only to those who complete 100% of the training activity as submitted to the Commission, and reporting the names and license I.D. numbers of those who complete the activity to the Real Estate Commission. The Application requires a brief statement on how attendance will be monitored.

a. **Completion Certificates:** A completion certificate, not larger than 8½ x 11, must be issued to the licensee upon completion of the activity. Each Completion Certificate shall CLEARLY AND PROMINENTLY display the name of the approved training provider and distinguish the activity as Commission- approved Training. Additionally, the certificate must include:

- 1) the licensee's full name,
- 2) the licensee's identification number,
- 3) the license type of the licensee,
- 4) the title of the training activity, as recognized by the Commission,
- 5) the content number, assigned by the Commission, following the title,
- 6) the city/state where activity was held
- 7) the date the activity was held
- 8) the number of training hours granted the activity,
- 9) a statement of fact that the activity is recognized by *the Nebraska* Real Estate Commission **and**
- 10) a statement indicating that the licensee completed 100% of the activity as evidenced by the Certificate signed by the Provider or the Contact Person identified in the Application.

A COPY OF THE COMPLETION CERTIFICATE MUST ACCOMPANY APPLICATION FOR RECOGNITION. (see sample)

8) **Records Maintenance:** The records, which must be maintained for four years, include: A copy of the Training Activity Application, the recognition confirmation letter from the Commission, copies of all Notices of Training Scheduling and student attendance documents i.e. sign-in sheets, verification rosters, etc. The method of record maintenance must be described on the Application form. Additional records requirements may be found in the Rules & Regulations of the Commission, Title 299, Chapter 7, Section 11.05.

9) **Provider's Disciplinary History:** This section requires full disclosure of any disciplinary action by any professional licensing or regulating entity and, therefore, is not restricted to the practice of real estate alone. This information will be subject to review by the staff and, possibly, the full Commission.

10) **Instructor Information:** This information must be submitted for each instructor. In instances where multiple instructors will be utilized the Trg-3 form may be utilized. As with information gathered on the Provider, this section requires full disclosure of any disciplinary action by any professional licensing or regulating entity and, therefore, is not restricted to the practice of real estate alone. This information will be subject to review by the staff and, possibly, the full Commission.

11) **Provider Certification:** This statement indicates Provider is aware of his/her obligations under the Nebraska Real Estate License Act and the Americans With Disabilities Act and will comply with them.

Upon recognition by the Real Estate Commission, the Provider will be contacted with a determination of recognition each time a Training Activity Application is submitted. When a Provider receives his/her first training activity recognition, he/she will also receive emailed information on how to submit verification lists to the Commission electronically.

PRIOR TO OFFERING A RECOGNIZED TRAINING ACTIVITY

Prior to offering a course for credit the provider must submit the course approval form (TRG-1) and received notice of approval and first offer date from the Commission, the course may not be offered for credit prior to the first offer date.

AFTER EACH ADMINISTRATION OF A TRAINING ACTIVITY

UPON VERIFICATION OF 100% ATTENDANCE:

1) Each licensee who attends 100% of the training should receive a completion certificate, as submitted with the Application. Licensees should be advised to keep this certificate as they may be called upon by the Commission to submit the certificate as proof of completing the activity.

2) Each Provider is required to electronically submit a verification list of those who received a certificate. **This list should be submitted as soon as possible after the activity is held but, by law, must be submitted within ten days after the activity.**

Each Provider will receive instructions from the Commission, upon initial approval,

Licensees rely upon these uploads to receive credit for their attendance at training activities. Accuracy on the spreadsheet is critical! Chronic failure to submit timely and accurate reports will result in a Show Cause Hearing before the Commission as to why approval as a Provider should not be rescinded.

I.D. numbers:

Every time a license is issued i.e. upon initial issuance and annually upon license renewal, a Receipt Card will be provided to a licensee. The licensee's I.D. number appears on this card. Although the license number will remain the same as long as the license is renewed, it is recommended that licensees and on-site Proctors be advised to refer to this card and verify the number when registering students.

Rosters, which include I.D. numbers, may be purchased from the Commission upon the execution of a Privacy Agreement with the Commission. Please contact the Commission for further information.

RENEWAL OF COURSE APPROVAL

Providers of Commission Approved Training activities will need to renew the approval of the activities which they wish to continue offering every three years.

A renewal packet will be emailed to each provider in December regarding the activity(s) due for renewal during the following year. This packet will request pertinent information regarding the activity(s) due for renewal. This renewal application will then be reviewed, and action will be taken by the Commission.

Attendance And Participation Standards

Standards to be provided to all students on or before the start of the education activity:

1. Administrators and instructors shall take steps to ensure that all students comply with the following participation standards:
 - a. A student shall direct his/her attention to the instruction being provided and refrain from engaging in activities unrelated to the instruction including but not limited to: Shopping, attending social gatherings or events, driving, ongoing communications, whether in person or via telecommunications or other internet based services, watching or listening to television or other video or audio presentations other than the classroom activity.
 - b. A student shall refrain from engaging in activities which are distracting to other students or the instructor, or which otherwise disrupt the orderly conduct of a class, including but not limited to: Personal or business conversations, talking on cell phones, repeatedly interrupting instruction with off topic comments or anything else that significantly distracts from the learning environment.
2. Instructors shall deny course credit and may dismiss a student from class for failure to comply with the student attendance participation standards prescribed in Paragraph (1) (a) & (b) of this Rule.
3. Instructors who deny course credit based upon this standard shall notify the student at the time of disqualification and maintain a record of the student who did not receive the course credit as well as a brief explanation of the reason for the course credit being denied

STATUTORY AND RULE & REGULATION

REFERENCES PERTAINING TO

CONTINUING EDUCATION AND COMMISSION-APPROVED TRAINING

81-885.49. Continuing education; purpose. The purpose of sections 81-885.49 to 81-885.54 is to establish requirements for continuing education and training of real estate brokers and salespersons who are licensed in order to maintain and improve the quality of real estate services provided to the public.

81-885.50. Continuing education; terms, defined.

As used in sections 81-885.49 to 81-885.54, unless the context otherwise requires:

- (1) Commission shall mean the State Real Estate Commission;
- (2) Licensee shall mean a natural person who is licensed by the commission as a real estate broker or salesperson; and
- (3) Two-year period shall mean twenty-four months commencing on January 1 following either the date of licensing of the real estate broker or salesperson or March 8, 1985, whichever is later, and each succeeding twenty-four-month period.

81-885.51. Continuing education; evidence of completion. In each two-year period, every licensee shall complete twelve hours of approved continuing education activities and six hours of commission-approved training.

Evidence of completion of such continuing education and training activities for the two-year period shall be submitted to the commission pursuant to rules and regulations adopted and promulgated by the commission.

81-885.52. Continuing education; certify activities.

- (1) The commission shall certify as approved continuing education activities those courses, lectures, seminars, or other instructional programs which it determines would protect the public by improving the competency of licensees. The commission may require descriptive information about any continuing education or training activity and refuse approval of any continuing education or training activity which does not advance the purposes of sections 81-885.49 to 81-885.54. The commission shall not approve any provider of continuing education or training courses, lectures, seminars, or other instructional programs unless such provider meets the standards established by the commission.
- (2) The commission shall certify the number of hours to be awarded for participation in an approved continuing education activity, based upon contact or classroom hours or other criteria prescribed by rule and regulation of the commission.
- (3) The commission may certify the number of hours to be awarded for successful completion of a course delivered in a distance education format, based upon the number of hours which would be awarded in an equivalent classroom course or program or other criteria prescribed by rule and regulation of the commission.

81-885.53. Continuing education; licensee; requirements. Except for inactive licensees, the commission shall not renew a license or issue a new license to any licensee who has failed to comply with the requirements of sections 81-885.49 to 81-885.54. Inactive licensees may renew their licenses at the end of the two-year period without having completed the hours of continuing education and training activities required by section 81-885.51 for each two-year period. Inactive licensees shall not be activated until the licensee has satisfactorily completed the total number of deficient hours of continuing education activities and filed evidence of such completion with the commission, except that no inactive licensee shall be required to make up more than the number of hours of continuing education required by section 81-885.51 for a two-year period.

81-885.54. Continuing education; rules and regulations. The commission shall adopt and promulgate rules and regulations necessary for the effective administration of sections 81-885.49 to 81-885.54 pursuant to the Administrative Procedure Act. Such rules and regulations may include, but not be limited to, the establishment of minimum standards for schools, courses, and instructors.

Title 299 - NEBRASKA REAL ESTATE COMMISSION

Chapter 7 - CONTINUING EDUCATION ACTIVITIES; REQUIRED HOURS; APPROVAL; RESTRICTIONS; DENIAL; REVOCATION; APPEAL PROCESS; RECORD KEEPING.

001 Of the twelve hours of continuing education required in Section 81-885.51 of the Nebraska Real Estate License Act (a) six hours in each two-year period shall be taken in continuing education activities which are derived from material covering ethical decision-making or federal or state laws, rules, or regulations dealing with or pertaining to real estate or real estate transactions, and which are approved and designated by the Commission as meeting this six-hour requirement, (b) three hours shall be required in each two year period in a property management course or courses approved and designated by the Commission as meeting this requirement for all licensees who provide property management services during such two year period, or who supervise a licensee or licensees who provide property management services during such two year period, and (c) three hours shall be required in courses on teams or team leadership which are approved and so designated by the Commission for all team members, team leaders, and designated brokers who supervise teams within 180 days after being designated a team member or team leader, or in the case of a designated broker within 180 days of the creation of any team under the broker's supervision.

001.01 Continuing education activities approved under this Section are not subject to the duplication provision as set forth in Section 004.07 of this Chapter, except that continuing education activities approved under this Section and which are of the same content, or if in the opinion of the Commission so similar as to be indistinguishable in content, cannot be duplicated within the same two-year continuing education period.

001.02 For purposes of this chapter property management shall mean and include: Acting under a written contract as a third party for a landlord or owner of property in the collection and or holding of rent, deposits, or other monies from tenants for the benefit of the property owner.

001.03 Continuing education activities required under Section 001(c) of this section shall meet the education requirements for the two year continuing education period in which they are taken and the ensuing two year continuing education period. Team members, team leaders and designated brokers who supervise teams shall complete the required team training a minimum of once every four years.

002 The six hours of training required in Section 81-885.51 of the Nebraska Real Estate License Act may be fulfilled by satisfactorily completing training activities approved and recognized by the Commission **OR** by satisfactorily completing Commission approved continuing education activities **OR** by some combination of both.

003 Qualifications for approval of continuing education activities shall be as stated herein.

003.01 A continuing education activity offered in the State of Nebraska shall be qualified for approval if the Real Estate Commission determines that:

003.01A The continuing education activity contributes to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public; and

003.01B An in-class continuing education activity must consist of at least three in-class clock hours but no more than nine in-class clock hours in any one day of instruction. In the case of a continuing education activity delivered in a distance education format there must be at least the content equivalent of three in-class clock hours, and certification pursuant to 299 NAC 7-002.02. An in-class clock hour is defined as 50 minutes in length; and

003.01C The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the continuing education activity; and

003.01D All instructors have met the qualification standards as established by the Real Estate Commission; and

003.01E The provider has met the provisions of all other applicable state laws.

003.02 Continuing education activities offered via electronic means with real time visual and audio interaction between instructor and student shall qualify as classroom education if the instructor or a proctor can continuously view all participating students on their monitor or other viewing device or screen, or otherwise demonstrate to the Commission's satisfaction the capability to track and record the presence and participation of students.

003.03 Continuing education activities offered in a distance education format must be certified by the Association of Real Estate License Law Officials. A student must complete the distance education activity within one year of the date of enrollment. Distance education as it is used in this chapter shall mean courses in which instruction does not take place in a traditional classroom setting but rather through other media where the criteria provided in Sec. 003.02 have not been met.

003.04 Courses taken by salesperson licensees toward meeting the broker pre-license requirements, with the exception of Real Estate Principles and Practices or its equivalent courses, may be used toward meeting the continuing education requirement and also as meeting the pre-license broker requirement.

003.05 In addition to continuing education activities directly approved by the Real Estate Commission, the Commission shall accept:

003.05A Continuing education activities approved to meet the continuing education requirements for renewal of a salesperson or broker license in another real estate jurisdiction and taken outside the State of Nebraska.

003.05B Instruction by instructors of approved continuing education activities toward meeting the continuing education requirement. The same restrictions of usage as set forth in Title 299, Chapter 7, Section 003 will apply.

003.05C Reviews of continuing education activities that are provided in a distance education format and have been submitted for approval as provided in this Chapter when the appointed reviewer, who must meet the same qualification standards established for continuing education instructors, successfully completes the activity and provides a report prescribed by the Commission.

003.05D The Commission shall have no obligation to accept a continuing education activity otherwise considered acceptable under this subsection if the activity has been identified by the Commission as unacceptable according to Nebraska continuing education criteria.

003.05E Written affirmation from non-resident licensees that they have met the current continuing education requirement in their state of residence.

003.06 Licensees may use appraisal continuing education approved by the Nebraska Real Estate Appraiser Board toward their salesperson or broker continuing education requirement, when taken during the applicable two-year period for their salesperson or broker license.

003.07 Licensees may use continuing education approved as Mandatory Continued Legal Education by the Nebraska Supreme Court if subject matter of such meets the requirements of Title 299, Chapter 7, Section 003.01A.

004 The following activities shall not be approved as continuing education and cannot be used toward meeting the continuing education requirement:

004.01 Those which are specifically examination preparation in nature.

004.02 Those which deal with office or business skills, such as typing, speed reading, memory improvement, body language, motivation and similar activities.

004.03 Those which are completed by a challenge examination (testing-out of the activity).

004.04 Sales promotion or sales meetings held in conjunction with a brokerage firm's general business.

004.05 Orientation courses for licensees held by trade organizations.

004.06 Continuing education activities taken prior to approval date of the continuing education activity.

004.07 Continuing education activities of the same content, or if in the opinion of the Commission an activity is so similar as to be indistinguishable in content, cannot be used for a minimum of four years after the activity was taken to be applied toward meeting the continuing education requirement, except that activities meeting the required hours set forth in Section 001 of this Chapter may be repeated but not in the same two-year continuing education period.

004.08 Broker licensees cannot retake courses taken as part of their pre-license

requirement and use them toward meeting their continuing education requirement except as provided in Title 299, Chapter 7, Section 004.07.

004.09 Continuing education activities taken to make up a deficiency of the continuing education requirement from a previous continuing education period may not be used toward the current period's continuing education requirement.

005 Qualifications for recognition of training activities shall be as stated herein.

005.01 A training activity offered in the State of Nebraska shall be recognized by the Real Estate Commission pursuant to Section 81-885.51 if the Real Estate Commission determines that:

005.01A The training activity directly relates to real estate services provided by real estate licensees to the public; and

005.01B The training does not materially misstate elements of the Real Estate License Act or other provisions of the law; and

005.01C Training activity shall be approved in one-hour increments. A training activity approved for one hour of training credit must consist of at least one sixty minute hour of instruction. A training activity approved for 2 or more hours of training credit must consist of 50 minutes of instruction for each hour of training credit. In the case of a training activity delivered in a distance education format there must be the content equivalent of the time requirements stated in this section; and

005.01D The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the training activity.

005.02 The Commission shall have the authority to require additional information regarding training content in order to determine eligibility.

005.03 The Commission may determine that an activity submitted to meet the training requirement would more appropriately be recognized as continuing education because the level of complexity or legal nature of the training requires a more detailed review of the subject matter as provided in these regulations for continuing education.

006 The following activities cannot be used toward meeting the training requirement:

006.01 Those which are specifically examination preparation in nature.

006.02 Those which are completed by a challenge examination (testing-out of the activity).

006.03 Orientation courses for licensees held by trade organizations.

006.04 Training activities taken prior to the Commission's recognition date of the training activity.

007 The Commission shall notify applicants in a timely manner, in writing, whether an application is approved or denied. If an application is denied, the denial notice shall state the reason(s) for denial. This section applies to initial submittals of applications for approval of training activities, and providers, activities, and instructors of Nebraska real estate continuing education; resubmittals of continuing education activities for reapproval every three years; and resubmittals of activities due to substantial changes in the activities.

008 Approved continuing education and training activities shall be resubmitted by the provider for approval and reviewed every three years by the Commission unless substantial changes are made in the activity prior to that time.

009 Upon renewal, as provided in sec. 008, above, approved providers shall submit a list of current approved instructors they wish to renew for the education and training activities.

010 If substantial changes are made, the activity shall be submitted by the provider for review and approval, and may not be offered prior to receiving notice that the altered activity has been approved.

011 Decisions of the Real Estate Commission to deny approval of training activities or continuing education providers, activities, or instructors may be reviewed by the Commission when such review is requested within twenty days of notification of said decision. The Real Estate Commission may at any time re-evaluate an approved training activity or continuing education provider, activity, or instructor. If a basis for consideration of revocation of approval is found, the Commission shall notify said provider by mail at least twenty business days prior to said hearing on the revocation.

012 Providers of approved training or continuing education activities shall be governed by the provisions of this Section in addition to any other applicable statutes or rules and regulations.

012.01 Successful completion of an approved training or continuing education activity requires full-time attendance at the activity. Guidelines for what constitutes full time attendance at a training or continuing education activity shall be developed and published by the Commission and provided to all students at or prior to the start of any instructional activity by the provider.

012.02 A completion certificate, not larger than 8 1/2 by 11 inches, must be issued to each student upon completion of the activity and shall include such information required by the Commission.

012.03 In the case of students using a pre-license broker course toward both pre-license and continuing education as set forth in Title 299, Chapter 7, Section 002.03, upon request by the student a separate continuing education completion certificate will be issued by the provider upon completion of the course in addition to the pre-license proof of completion.

012.04 Records shall be maintained by each provider on each individual student for four years. Said records to include: name and real estate license identification number of the student; residence or business address of the student; the title of the activity completed in full; the number of training or continuing education hours granted the activity; the date the student completed the activity; and, activity content numbers for continuing education activities.

012.05 A verification listing of the attendees at an approved training or continuing education activity who have met the requirements of completion as established by the Commission pursuant to Section 81-885.52 of the Nebraska Real Estate License Act shall be submitted to the Commission, in the current format specified by the Commission, within ten business days of the conclusion of the activity.

013 Nothing in this Chapter shall be construed to preclude training or educational offerings sponsored, or conducted, by the Real Estate Commission from being accepted toward meeting the continuing education requirement of the Nebraska Real Estate License Act.

Laws 1973, LB 68, §7; RS 1943, §81-885.07 (5) R. S. Supp., 1974. Effective date September 2, 1973.

Laws 1985, LB 101, §10; RS 1943, §81-885.54, R.S. Supp., 1985. Effective date March 7, 1985.

Laws 2016, LB678, §3; RS 1943, §81-885.56 R.S. Cum. Supp., 2016, Effective Date, October 1, 2016.

Laws 2016, LB678, §4; RS 1943, §81-885.24 R.S. Cum. Supp., 2016, Effective Date, October 1, 2016.

Training Forms Available Online at:

<https://nrec.nebraska.gov/licensing-forms/providerinfooftraining.html>