

§535.73 Approval of Elective Continuing Education Courses

1. General requirements.
 1. This subsection applies to continuing education providers seeking to offer an elective CE course approved by the Commission.
 2. Non-elective CE courses are approved and regulated under §535.72 of this subchapter (related to Approval of Non-elective Continuing Education Courses).
2. Application for approval of an elective CE course.
 1. For each continuing education course an applicant intends to offer, the applicant must:
 1. submit the appropriate CE Course Application form;
 2. pay the fee required by §535.101 (relating to Fees) and §535.210 of this title (relating to Fees); and
 3. submit a timed course outline that includes:
 1. course topics;
 2. assignments and activities, if applicable;
 3. topic or unit quizzes, if applicable; and
 4. the amount of time dedicated for each item listed in clauses (i) - (iii) of this subparagraph.
 2. A provider may file a single application for a CE course offered through multiple delivery methods. A fee is required for content review of each CE course and for each distinct delivery method utilized by a provider for that course.
 3. A provider who seeks approval of a new delivery method for a currently approved CE course must submit a new application and pay all required fees, including a fee for content review.
 4. The Commission may:
 1. request additional information be provided to the Commission relating to an application; and
 2. terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Commission mails the request.
3. Standards for course approval of elective CE course.
 1. To be approved as an elective CE course by the Commission, the course must:
 1. cover subject matter appropriate for a continuing education course for real estate, easement or right-of-way, or real estate inspection license holders;
 2. be current and accurate; and
 3. be at least one hour long with daily presentations no more than 10 hours long.

2. A provider must demonstrate that a course meets the requirements under paragraph (1) of this subsection by submitting a statement describing the objective of the course and the relevance of the subject matter to activities for which a real estate, easement or right-of-way, or inspector license is required, including but not limited to relevant issues in the real estate market or topics which increase or support the license holder's development of skill and competence.
3. The course must be presented in full hourly units.
4. The course must be delivered by one of the following delivery methods:
 1. classroom delivery;
 2. distance education delivery; or
 3. a combination of (A) and (B), if at least 50% of the combined course is offered by classroom delivery.
4. Approval notice. A CE provider shall not offer elective continuing education courses until the provider has received written notice of the approval from the Commission.
5. Renewal of elective CE course approval.
 1. An elective CE course expires two years from the date of approval.
 2. Not earlier than 90 days before the expiration of a course approval, a provider may apply for a renewal of course approval for another two-year period.
 3. Approval of an application to renew an elective CE course approval shall be subject to the standards for initial approval set out in this section.
 4. The Commission may deny an application to renew an elective CE course approval if the provider is in violation of a Commission order.
6. Approval of currently approved courses by a subsequent provider.
 1. If a CE provider wants to offer a course currently approved for another provider, that subsequent provider must:
 1. submit the applicable course approval form(s);
 2. submit written authorization to the Commission from the owner of the rights to the course material granting permission for the subsequent provider to offer the course; and
 3. pay the fee required by §535.101 or §535.210 of this title.
 2. If approved to offer the currently approved course, the subsequent provider is required to:
 1. offer the course as originally approved, with any approved revisions, using all materials required for the course; and
 2. meet the requirements of §535.75 of this subchapter (relating to Responsibilities and Operations of Continuing Education Providers).

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§535.74 Qualifications for Continuing Education Instructors

1. A provider must ensure that an instructor who teaches continuing education courses is competent in the subject matter to be taught and has the ability to teach effectively.
2. The provider must use an instructor who possesses the following additional qualifications to teach real estate non-elective CE courses:
 1. meet the criteria to teach qualifying courses under §535.63 of this chapter (relating to Qualifications for Instructors of Qualifying Courses);
 2. successfully complete an instructor training program authorized by the Commission for the version of the non-elective CE course to be taught; and
 3. receive a passing grade of at least 80% on the non-elective CE course final examination promulgated by the Commission.
3. For Inspector Legal and Ethics and Standards of Practice Review, the provider must use an instructor who has five years of active licensure as a Texas professional inspector, and has:
 1. performed a minimum of 200 real estate inspections as a Texas professional inspector; or
 2. three years of experience in teaching and/or sponsoring trainees or inspectors.
4. An inspector is qualified to instruct a Ride-Along Course as defined in §535.218 of this chapter (relating to Continuing Education Required for Renewal) if the inspector has five years of active licensure as a Texas professional inspector, and has:
 1. performed a minimum of 200 real estate inspections as a Texas professional inspector; or
 2. three years of experience in teaching and/or sponsoring trainees or inspectors.

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§535.75 Responsibilities and Operations of Continuing Education Providers

1. Except as provided by this section, CE providers must comply with the responsibilities and operations requirements of §535.65 of this chapter (relating to Responsibilities and Operations of Providers of Qualifying Courses).
2. Use of Qualified Instructor.

1. Except as provided by this subsection, a CE provider must use an instructor that:
 1. is currently qualified under §535.74 of this subchapter (relating to Qualifications for Continuing Education Instructors); and
 2. has expertise in the subject area of instruction and ability as an instructor;
2. A CE instructor shall teach a course in substantially the same manner represented to the Commission in the instructor's manual or other documents filed with the application for course approval form;
3. A CE provider may use the services of a guest instructor who is not qualified under §535.74 of this subchapter for real estate, easement or right-of-way, or inspector elective CE courses provided that:
 1. the guest instructor instructs for no more than a total of 50% of the course; and
 2. a CE instructor qualified under §535.74 of this subchapter remains in the classroom during the guest instructor's presentation.
4. A CE provider may use the services of a guest instructor who is not qualified under §535.74 of this subchapter for 100% of a real estate, easement or right-of-way, or inspector elective CE courses provided that:
 1. The CE provider is:
 1. an accredited college or university;
 2. a professional trade association that is approved by the Commission as a CE provider under §535.71 of this subchapter (relating to Approval of Continuing Education Providers); or
 3. an entity exempt under §535.71 of this subchapter; and
 2. the course is supervised and coordinated by a CE instructor qualified under §535.74 of this subchapter who is responsible for verifying the attendance of all who request CE credit.
3. CE course examinations.
 1. For real estate CE courses, examinations are only required for non-elective CE courses and must comply with the requirements in §535.72(g) of this subchapter (relating to Approval of Non-elective Continuing Education Courses) and have a minimum of four questions per course credit hour.
 2. For inspector CE courses, examinations are only required for CE courses offered through distance education delivery and must comply with the requirements in §535.72(g) of this subchapter and have a minimum of four questions per course credit hour.

4. Course completion roster. Upon completion of a course, a CE provider shall submit a class roster to the Commission as outlined by this subsection.
 1. Classroom delivery.
 1. A provider shall maintain a course completion roster and submit information contained in the roster by electronic means acceptable to the Commission not sooner than the number of course credit hours has passed and not later than the 10th calendar day after the date a course is completed.
 2. A course completion roster shall include:
 1. the provider's name and license;
 2. a list of all instructors whose services were used in the course;
 3. the course title;
 4. the course numbers;
 5. the number of classroom credit hours;
 6. the course delivery method;
 7. the dates the student started and completed the course; and
 8. the signature of an authorized representative of the provider for whom an authorized signature is on file with the Commission.
 3. The Commission shall not accept unsigned course completion rosters.
 2. Distance education delivery. A provider shall maintain a Distance Education Reporting form and submit information contained in that form by electronic means acceptable to the Commission, for each student completing the course not sooner than the number of course credit hours has passed after the student starts the course and not later than the 10th calendar day after the student completed the course.
 3. A provider may withhold any official completion documentation required by this subsection from a student until the student has fulfilled all financial obligations to the provider.
 4. A provider shall maintain adequate security against forgery for official completion documentation required by this subsection.
5. Maintenance of records. Maintenance of CE provider's records is governed by this subsection.
 1. A CE provider shall maintain records of each student enrolled in a course for a minimum of four years following completion of the course, including course and instructor evaluations and student enrollment agreements.

2. All records may be maintained electronically but must be in a common format that is legible and easily printed or viewed without additional manipulation or special software.
3. A CE provider shall maintain any comments made by the provider's management relevant to instructor or course evaluations with the provider's records.
4. Upon request, a CE provider shall produce instructor and course evaluation forms for inspection by Commission staff.
6. Changes in ownership or operation of an approved CE Provider. Changes in ownership or operation of an approved CE provider are governed by this subsection.
 1. An approved provider shall obtain the approval of the Commission at least 30 days in advance of any material change in the operation of the provider, including but not limited to changes in:
 1. ownership;
 2. management; and
 3. the location of the main office and any other locations where courses are offered.
 2. An approved provider requesting approval of a change in ownership shall provide a CE Provider Application including all required information and the required fee.

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§535.77 CE Providers: Compliance and Enforcement

Compliance and enforcement of CE Providers is governed by §535.67 of this title.