

I. DEFINITIONS

A. GENERAL

- (1) "Authorized Representative of the Board" is a member of the Board, Board Staff, or an individual designated by the Director.
- (2) "Board Staff" is an employee of the Board.
- (3) "Change of Ownership" is a change in the control of the School. Any agreement to transfer the control of a school is considered to be a change of ownership. The control of a school is considered to have changed:
 - (a) In the case of ownership by an individual, when more than 50% of the school has been sold or transferred;
 - (b) In the case of ownership by a partnership or a corporation, when more than 50% of the school or of the owning partnership or corporation has been sold or transferred; or
 - (c) when the Board of directors, officers, shareholders, or similar governing body has been changed to such an extent as to significantly alter the management and control of the school.
- (4) "Continuing Education Unit (CEU)" is the standard measure of one unit for every ten (10) contact hours of successful participation in an organized continuing educational experience.
- (5) "Enroll," "Enrolled," or "Enrollment" is the completion of the application form and/or paperwork to attend school.
- (6) "Independent Testing Agent" is a person employed to administer an entrance examination to a potential student. The person cannot be otherwise employed by or associated with the school.
- (7) "New Program of Study" is applicable if:
 - (a) the program has not been offered previously or has been offered and then discontinued;
 - (b) the program objective has been revised so that the program provides preparation for a different job title (examples: legal secretary to paralegal; dental technician to medical technician; computer operator to computer programmer); or
 - (c) The content, total number of hours in the program of study, or number of correspondence lessons of an approved program of study change 25% or more (examples: 100 hours of content changes in a 400-hour program of study, 250 hours of content are deleted from a 1,000 hour program of study, 150 hours of content are added to a 600-hour program of study, or the number of correspondence lessons are reduced from 32 to 24 lessons).
- (8) "Notice of Hearing" is an order to appear before the Board. The order shall be mailed certified, restricted delivery and include but not be limited to the names of the parties involved, time, location, and purpose of the hearing.
- (9) "Occupational Instruction" is that which prepares an individual for employment or contributes toward enhancing job tenure or promotion.
- (10) "Program of Study" is an organized unit of courses or an individual course in which instruction is offered. (Hereafter referred to as "program" or "programs" unless otherwise indicated.) Each entrance or exit point constitutes a new program of study.

I. DEFINITIONS - CONTINUED

- (11) "Real Estate Continuing Education Approval" is approval granted to organizations which have properly submitted and have received approval for their outlines to meet the six (6) classroom hour continuing education requirement for real estate brokers and sales personnel set forth in Arkansas Code 17- 42-501 et. seq.
- (12) "Sponsor" is a person or organization that plans and implements a project or activity.
- (13) "Board" or "SBPCE" is the State Board of Private Career Education.
- (14) "Total Cost of Program" is equal to tuition plus registration fees.
- (15) "APBBLB" is the Arkansas Professional Bail Bond Company Bondsmen Licensing Board.
- (16) "Bail Bondsmen Beginning Education" is a course covering Arkansas Code and Regulations related to bail bondsmen taken prior to sitting for the licensure exam.
- (17) "Bail Bondsmen Classroom Hour" is a period of fifty (50) minutes of actual classroom instruction, presented either live or by video with an instructor present.
- (18) "Bail Bondsmen Review Committee" is a group of three (3) persons to review proposed course outlines. The committee shall consist of one staff member of the State Board of Private Career Education, one staff member of the Arkansas Professional Bail Bondsmen Licensing Board, and one person with knowledge of the bail bondsmen business but not associated with an organization providing education.
- (19) "Bail Bondsmen Continuing Education" is post-licensure education derived from participation in courses in bail bondsmen related subjects selected from the list of topics approved by the APBBLB.
- (20) "Real Estate Classroom Hour" is a period of at least fifty minutes, but not more than sixty minutes, of actual classroom instruction with an instructor present, presented either live or by videotape or material determined to be equivalent to at least fifty minutes of instruction for correspondence courses.
- (21) "Real Estate Continuing Education" - is post-licensure education derived from participation in courses in real estate related subjects, which have been approved by the State Board of Private Career Education (SBPCE).
- (22) "Continuing Professional Education (CPE)" is a measure of one unit for each contact hour of successful participation in an organized continuing educational experience.

I. DEFINITIONS - CONTINUED

B. LICENSE TYPES

- (1) "Career Seminar School License" is a license granted to those organizations desiring to offer training that enhances occupational qualifications. Career Seminar training shall be presented in one (1) day eight (8) hour seminars in the state during a given licensure year and student tuition plus registration fees shall be less than \$500. (Hereafter referred to as "School" unless otherwise indicated.)
- (2) "Real Estate Continuing Education School License" is a license granted to licensed real estate schools to offer one-day seminars approved to meet the six (6) classroom hour continuing education or post-licensure requirement for real estate brokers and sales persons as set forth in Arkansas Code 17-42-501 et. seq. (Hereafter referred to as "School" or unless otherwise indicated.)
- (3) "Satellite School License" is a license granted to those organizations located in Arkansas that have a "School License" and desire to offer programs away from the school where programs of study are offered on a regular continuing basis by Arkansas Schools. (Hereafter referred to as "School" or unless otherwise indicated.)
- (4) "School License" is a license granted to any person, firm, partnership, association, corporation, or other form of business organization seeking to do business or offering training or instruction:
 - (a) That leads to or enhances occupational qualifications;
 - (b) In flight or ground school to student fliers or mechanics;
 - (c) As preparation for passing exams which may lead to employment; or
 - (d) In driver education.
 (Hereafter referred to as "School" unless otherwise indicated.)
- (5) "Traveling School License" is a license granted to those organizations that desire to offer programs where the total length of the program is less than or equal to eighty (80) clock hours, in various Arkansas towns. This license allows that training shall only be offered in one location at a time. (Hereafter referred to as "School" unless otherwise indicated.)

II. ADMISSIONS REQUIREMENTS

A. GENERAL REQUIREMENTS

Schools shall provide not less than the following:

- (1) The admissions requirements shall be published and administered as written.
- (2) Any school offering a minimum of three-hundred (300) clock hours, eight (8) semester hours, or twelve (12) quarter hours and enrolling students without a high school diploma or a General Education Diploma (GED) shall adhere to the following guidelines:
 - (a) Assess the skills of these students by administering an entrance examination that is approved by the U. S. Department of Education. This examination shall be administered by an Independent Testing Agent, using original copyrighted materials. Test results shall be placed in the student's academic file.

II. ADMISSIONS REQUIREMENTS - CONTINUED

(b) Maintain a periodic tracking system to monitor the progress of each of these students. The tracking system shall include, but is not limited to, name of student, grade point average, and documentation of counseling sessions. All documentation shall be maintained in the student's academic file.

(3) During the hours high school classes are in session, the school shall not permit high school students to attend except in individual cases approved by the principal of the high school, which the student is required to attend. In such cases a letter authorizing attendance by the student shall be filed at the school in the individual folder of the student.

(4) New students shall not begin training except at pre-established and announced intervals.

(5) Students under 18 years of age shall sign any school-student agreement jointly with parent, guardian, or guarantor. A copy of this agreement shall be placed in the student's file.

B. ADMISSIONS REPRESENTATIVES LICENSE - ORIGINAL

An original application form shall have the following documentation attached:

(1) A copy of the applicant's high school transcript, diploma, proof of GED, or other document that can serve as proof of high school graduation such as a college transcript;

(2) A copy of the applicant's birth certificate or a copy of an official government document that shall show proof of age of at least eighteen (18) years, such as a driver's license, passport, etc.;

(3) If applicable, attach proof of honorable discharge from the armed services;

(4) A copy of a Photo ID such as a driver's license; **AND**

(5) Two (2) photographs of the applicant. The photographs shall be 1" x 1". Photos shall not include other persons. Any other photos shall be returned which may cause a delay in issuing the license of the admissions representative, as well as, assessment of administrative fee for incomplete information.

C. ADMISSIONS REPRESENTATIVES LICENSE – RENEWAL

A renewal application shall have two (2) photographs of the applicant attached. The photographs shall be 1" x 1". Photos shall not include other persons. Any other photos shall be returned which may cause a delay in issuing the license of the admissions representative, as well as, assessment of administrative fee for incomplete information.

D. ADMISSIONS REPRESENTATIVES AND RECRUITMENT - GENERAL

Schools shall provide not less than the following:

(1) An admissions representative license shall be issued for one (1) year. The expiration date shall be the last day of the month during which the license was issued.

II. ADMISSIONS REQUIREMENTS - CONTINUED

- (2) The application for an admissions representative shall be submitted on the forms and in the manner set forth by the Board.
- (3) The admissions representative shall carry the pocket card license at all times the school is being represented.
- (4) The pocket card license shall bear not less than a recent photograph of the admissions representative, their name, the name and location of the licensed school to be represented, and the valid period of the license.
- (5) An unlicensed admissions representative shall not be permitted a trial or break-in period of employment with a school which would allow them to engage in recruiting.
- (6) An admissions representative shall obtain a license for each school site to be represented to Arkansas residents.
- (7) The admissions representative shall not advertise programs other than those licensed by the Board.
- (8) The admissions representative shall conduct business affairs in such a manner as to reflect honesty, integrity, and a sense of fair play.
- (9) The admissions representative shall not promise employment of any type, for any period of time, nor for any rate of pay, to a prospective student, unless such conditions for employment are clearly stated in the enrollment contract signed by the prospective student and/or the student's parent, guardian or guarantor and by an authorized official of the school.
- (10) The admissions representative shall discuss only the school they are licensed to represent. If the representative is questioned about another school the only response given shall be to contact the school directly or the Arkansas State Board of Private Career Education.
- (11) The admissions representative shall not attempt in any manner to persuade a prospective student to cancel an enrollment contract with any other school.
- (12) The admissions representative shall not mislead any prospective student by promising anything not covered specifically in the enrollment contract or printed publications of the school.
- (13) The title, content, cost, or objective of a program proposed by an admissions representative for enrollment of a prospective student shall not be different from that which is currently approved by the Board.
- (14) The school authority shall return to the Board Staff within thirty (30) calendar days, the pocket card license of an admissions representative who is no longer employed. A letter with the date of, and reason for the representative's termination shall be submitted with the pocket card license.
- (15) Schools shall train their admissions representatives so as to be knowledgeable of school policies and procedures, as well as those of the Arkansas State Board of Private Career Education.

II. ADMISSIONS REQUIREMENTS - CONTINUED

- (16) Schools shall be responsible for any statements or commitments made by its admissions representatives to students or prospective students.
- (17) The admissions representative shall not:
- (a) Solicit in public places other than an educational setting, at job fairs, or other organized meetings;
 - (b) Offer as an inducement or enticement, any substantial consideration to a prospective student prior to enrollment, such as cash, food, housing, or gifts;
 - (c) Administer the entrance test, if one is given;
 - (d) Advise students about financial aid other than informing the student of the general availability of financial assistance; **AND**
 - (e) Engage in acts or practices, which have a tendency to intimidate, coerce, or mislead a prospective student into accepting an enrollment.
- (18) A file shall be maintained at the school with information on all financial inducements for student referrals to currently enrolled students and scholarships available to all students.
- (19) Schools shall not offer premiums and/or special inducements to prospective students or enrollees unless the Board Staff is notified in writing as to the type, purpose, and monetary value.
- (20) Schools shall not engage in commercial activities for profit, or for any other reason, which may be construed by the Board as unfair to the students, i.e. requiring the student to work, in the field they are studying, in a business owned by persons associated with the school.

III. ADVERTISING

Schools shall provide not less than the following:

- (1) Any advertisement or promotional literature written or used by a school shall be completely truthful. The material shall be presented in a manner, which avoids leaving any false, misleading, or exaggerated impressions with respect to the school, its personnel, programs and services, or the occupational opportunities for students and/or graduates. Television and radio advertisements shall disclose if a person portraying a student is an actor. This may be done by indicating in the advertisement that "This is a dramatization".
- (2) All advertising and promotional literature shall include the correct name of the school. So-called "blind" advertisements are considered misleading and unethical.
- (3) Schools shall not use a photograph, cut, engraving, or illustration in catalogs, sales literature, or otherwise in such manner as to convey a false impression as to the size, importance, or location of the school or its equipment.

III. ADVERTISING - CONTINUED

- (4) Letters of endorsement, commendation, or recommendation may be used provided prior consent is obtained and no remuneration is made for either the consent or use of the endorsement. Consent agreements from students shall be kept on file and be subject to review. Testimonial material may be used only when it is strictly factual and portrays currently correct conditions or facts.
- (5) Schools shall be duly approved and licensed by the Board before they may promote or advertise through any media or form.
- (6) Schools shall not advertise that they offer programs, which they have not been licensed to offer.
- (7) All advertising and promotional literature used by a school shall clearly indicate that training or education, and not employment, is being offered. Job guarantees shall not be stated in any form.
- (8) Schools placing advertisements in CLASSIFIED COLUMNS of newspapers or other publications to attract students shall use classifications such as "Education," "Schools," or "Instruction." Headings such as "Help Wanted," "Employment," or "Business Opportunities" shall be used only to solicit employees for the school.
- (9) A school shall not use the words "free" or "guarantee" for advertising or sales promotion purposes.
- (10) References to financial aid availability shall include the phrase "for those who qualify."
- (11) Schools that utilize completion or placement statistics in advertisements, other recruiting materials, and/or verbal presentations shall maintain proof of corroboration of these statistics.
- (12) No dollar amount or amounts will be quoted in any advertisement as representative or indicative of the earning potential of graduates.
- (13) A file shall be maintained at the school with copies of all advertising and promotional literature. Printed copy and dates for radio and television advertising shall be maintained in this file.
- (14) Advertisements shall clearly identify the name and location of the school and the statement: "Licensed by the State Board of Private Career Education" or "Licensed by SBPCE."
- (15) No statement shall be made that the school or its programs of instruction have been accredited unless the accreditation is that of the appropriate nationally recognized accrediting agency listed by the United States Department of Education.

IV. ARBITRATION PANEL

- (A) If a grievance cannot be resolved informally the student or school can request the Arbitration Panel be convened if the grievance is related to:
- (1) The failure of the school to perform agreements made with the student; **AND/OR**
 - (2) An admissions representative's misrepresentations in enrolling the student; **AND**
 - (3) The request for arbitration is made in writing and filed with the Board within one (1) year of completion or withdrawal of the student from the school.
- (B) Both parties shall comply with the decision of the Arbitration Panel.
- (C) If multiple requests for hearings against one school are received the Board Staff shall determine the number to be heard in one day.

V. BANKRUPTCY

Schools that file for bankruptcy shall provide not less than the following:

- (A) Notify the Board Staff by certified mail or facsimile that this action has been taken. This notification shall be provided within twenty-four (24) hours of the filing, excluding Saturdays, Sundays, and legal holidays. The information should be provided to the Board Staff by completing the Bankruptcy Notification Form located in the forms section of your notebook.
- (B) Provide monthly financial information to the Board Staff on the forms and in the manner prescribed by the Board.
- (C) Submit the name of their bankruptcy lawyer and case number.
- (D) Submit information on where the action was filed such as the state, county and court.
- (E) One copy of all information filed with the Bankruptcy Court shall also be submitted to the Board Staff.

VI. BOND - SURETY

- (A) The Board shall determine the sum of each surety bond based upon the following guidelines:
- (1) Except as provided in Section 6-51-620 (h) (2) and (3) a school shall procure a bond equal to ten percent (10%) of the gross tuition with a minimum bond amount of five thousand dollars (\$5,000) and a maximum bond amount of seventy-five thousand dollars (\$75,000).
 - (2) Schools that have no gross tuition charges assessed for the previous year shall secure a surety bond in the amount of five thousand dollars (\$5,000).
 - (3) **Schools that have a total cost per program of three thousand dollars (\$3,000) or less shall not be required to have a bond.**

VI. BOND – SURETY - CONTINUED

- (B) A surety bond is not required for schools holding an active license on April 10, 1995, by the State Board of Private Career Education and that maintains continuous licensure.
- (C) Each school licensed under this chapter shall annually submit a surety bond. The surety bond shall be submitted to the Board on or before the expiration date of the bond.
- (D) The bond shall be for the period during which the license is issued. The first year of licensure the bond will be for the number of months for which the license is being sought. In subsequent years the bond shall expire on August 31 of each year.
- (E) The surety bond shall be conditioned to provide indemnification to any student or enrollee who suffers loss or damage as a result of:
 - (1) A violation of a provision of this chapter or any rule or regulation of this Board by the school or its officers, admissions representatives, or employees; **OR**
 - (2) The failure or neglect of the school to faithfully perform all agreements, express or otherwise, with the student, enrollee, one (1) or both of the parents of the student or enrollee, or a guardian of the student or enrollee as represented by the application for licensure and the materials submitted in support of that application; **OR**
 - (3) An admissions representative's misrepresentation in procuring the student's enrollment.
- (F) Any student of a school in violation of 6-51-620 (c) may bring an action in the circuit court of the proper county to execute against the bond.
- (G) A surety on that bond may be released after the surety has made a written notice of at least thirty (30) days before the release. However, a surety may not be released from the bond unless all sureties on the bond are released.
- (H) The license shall be suspended when that school is no longer covered by a surety bond meeting the required amount. The Board shall notify the school in writing at least ten (10) days prior to release of the surety or sureties that the license is suspended until another surety bond is filed in the manner and amount required under this chapter.
- (I) The bond shall be based on gross tuition meaning the total amount collected by a school during the most recently completed twelve (12) month fiscal year, reduced only by the amount of refunds paid during the fiscal year, for tuition, application fees, registration fees, and those other fees deemed appropriate by rule and regulation of the Board; provided however, that for a school located outside of this state which is authorized to recruit in this state, 'gross tuition' means only the amount of such tuition and fees collected from residents of this state. The information regarding gross tuition shall be submitted to the Board on the forms provided.
- (J) The bond shall be a surety bond issued by a company authorized to do business in the State. The bond shall be to the State to be used for payment of a tuition refund due to a student or potential student.

VII. CANCELLATION AND REFUND POLICY

Schools shall publish and adhere to a cancellation and refund policy that provides not less than:

- (A) A full refund to any student who cancels the enrollment contract within seventy-two (72) hours (until midnight of the third day excluding Saturdays, Sundays, or legal holidays) after the enrollment contract is signed by the prospective student.
- (B) If an applicant is not accepted for enrollment by a school the applicant is entitled to a full refund of monies paid less an application fee not to exceed twenty-five dollars (\$25).
- (C) If the student has contracted with a school to pursue a correspondence program, or combination program, the student is considered as having entered training when the student has completed and submitted to the school the first lesson.
- (D) If the student has contracted with a school to pursue a resident program, the student is considered as having entered training when the student has attended one regular class period of instruction at the resident school.
- (E) All refunds shall be made by the school to the student or lender no later than thirty (30) calendar days after the student withdraws or is terminated from the program. Proof of refund(s) shall be placed in the student's file. If refunds are made by check, proof shall be a photocopy of the refund check after it has cleared the bank. The check shall be copied front and back on the same sheet of paper, with the number of the check from the front folded so that it shows at the same time the back is copied. If refunds are made by electronic funds transfer, the refund shall be recorded on the student's account record and proof of refund shall be provided to Board staff upon request.
- (F)
 - (1) At the time of any home solicitation sale:
 - (a) The seller shall furnish the buyer with a fully completed receipt, **AND**
 - (b) A copy of any contract or agreement pertaining to such sale at the time of its execution which shall show the name and address of the seller, the date of transaction, **AND**
 - (c) Contain in boldface type, of a minimum size of ten (10) points, a statement in substantially the following form:

ANY BUYER MAY CANCEL THIS TRANSACTION ANY TIME PRIOR TO
MIDNIGHT OF THE THIRD BUSINESS DAY EXCLUDING SATURDAYS,
SUNDAYS, OR LEGAL HOLIDAYS AFTER THE DATE OF THIS
TRANSACTION. This statement shall be in immediate proximity to the space
reserved for the signature of the buyer, in the contract, agreement or receipt.
 - (d) The buyer may cancel by written notice mailed to the seller, preferably by certified or registered letter.
 - (e) If in the event the buyer cancels, the seller shall return to the buyer within thirty (30) calendar days of the cancellation:
 - (i) Any payments made,
 - (ii) Any goods or other property, received as a trade-in (or a sum equal the trade-in allowance given therefore), **AND**
 - (iii) Any note or other evidence of indebtedness given by the buyer to the seller pursuant to or in connection with the sale.

1 (f) After cancellation the seller shall have thirty (30) calendar days to take possession
2 of
3 any property left with the buyer.

4 **VII. CANCELLATION AND REFUND POLICY - CONTINUED**

5
6 (G) The effective date of the termination, for refund purposes, shall be the last day of
7 attendance.

8
9 (H) The student shall not be required to purchase instructional supplies, books, etc. until such time
10 as these materials are needed for use in the program.

11
12 (I) In the event a school discontinues a program in which students are enrolled, a full refund of all
13 tuition and fees is due. Refunds shall be made in accordance with item 5 of this section. This
14 statement does not apply to a closed school; however, it does apply to a school that closes only
15 one location.

16
17 (J) Schools shall publish and adhere to a refund policy that provides not less than:

18 (1) The registration fee not to exceed one hundred dollars (\$100) paid to the school by
19 the student may be retained as an enrollment or application fee.

20 (2) All amounts paid in excess of one hundred dollars (\$100) shall be refundable.

21 (3) The refund shall be based on the cost for each academic year of the program. All tuition
22 beyond the current enrollment period shall be refunded when a student terminates.

23 (a) During the first twenty five percent (25%) of the program the refunds shall be
24 made on a pro rata basis based on the total number of clock hours for which the
25 program is licensed.

26 (b) At completion of 25% of the program the student owes 50% of the tuition.

27 (c) At completion of 50% of the program the student owes 75% of the tuition.

28 (d) At completion of 75% of the program the student owes 100% of the tuition.
29

30 **VIII. CLOSING OF SCHOOLS**

31
32 Schools shall provide the Board Staff not less than the following when closing:

33
34 (A) Immediate notification of the action by letter and/or facsimile.

35
36 (B) The name, address, and telephone number of the person who will be responsible for closing
37 arrangements.

38
39 (C) The name, address, telephone number, and the name of the program of instruction for
40 each
41 student currently enrolled.

42
43 (D) The amount of class time required for each student to complete the program, along with the
44 amount of refund, if any, for which each student is eligible.

45
46 (E) The school shall deliver all student academic and financial aid records for the previous ten (10)
47 years of the schools operation to the Director. The records delivered to the Director shall be
48 arranged in alphabetical order and stored in standard record storage boxes.
49

1 (F) When there is a change in ownership of a school it shall become the responsibility of the new
2 owner to maintain the student records from the previous ownership.

3
4 (G) When a school with multiple locations closes one location it shall be the responsibility of
5 the school to move and maintain all student records from the closed location at one of the
6 remaining licensed locations.

7 **IX. COMPLAINTS**

8
9 Schools shall provide not less than the following:

10 (A) Schools shall publish and adhere to a procedure for handling student complaints.

11
12 (B) Schools shall post Board provided information (Form 8000) so that students will be aware of
13 the complaint process available to them through the Board. This information shall be posted in
14 locations used and/or seen by all students on a regular basis.

15
16 (C) The complaint shall be submitted in writing, on the forms provided by the Board.

17
18 (D) The complaint shall be filed within three (3) years of the alleged violation.

19
20 (E) If a student desiring to file a complaint has begun legal action against the school, the Board
21 Staff shall wait until legal options have been exhausted before beginning the Board approved
22 complaint process.

23
24 (F) IF THE SCHOOL IS CURRENTLY LICENSED

25
26 (1) The complaint shall be forwarded to the administrator of the school, by certified mail, who
27 shall have ten (10) calendar days from receipt of the complaint to submit a written
28 response to the Board Staff. Failure of a school administrator to respond to the complaint
29 will result in the issuance of a notice of hearing to appear before the Board. The school
30 shall include a copy of the student's contract and transcript with their response to the
31 complaint.

32
33 (2) The Board Staff shall forward the school's response by certified mail, to the student for
34 review. The student shall have ten (10) calendar days, after receipt of written school
35 response, to provide a response to the information received from the school. If the Board
36 Staff has not received additional correspondence from the student by the tenth (10th)
37 calendar day after receipt by the student, the school's response shall be considered
38 accepted by the student.

39
40 (3) The student response shall be forwarded to the administrator of the school, by certified
41 mail, who shall have ten (10) calendar days from receipt of the complaint to submit a final
42 written response to the Board Staff. Failure of a school administrator to respond to the
43 complaint will result in the issuance of a notice of hearing to appear before the Board.

44
45 (4) The Board Staff shall forward the school's response by certified mail, to the student for
46 review. The student shall have ten (10) calendar days, after receipt of written school
47 response, to notify the Board in writing of acceptance of the response or to request
48 arbitration if applicable. If the Board Staff has not received additional correspondence
49 from the student by the tenth (10th) calendar day after receipt by the student, the school's
response shall be considered accepted by the student.

(5) At any time the Board Staff may attempt to seek an informal resolution of the complaint.

1 (6) In some cases the student or school can request the Arbitration Panel be convened. See
2 "Arbitration Panel" for additional information.

3
4 (G) IF THE SCHOOL IS LOCATED OUT OF STATE AND NOT CURRENTLY
5 LICENSED

6
7 Every effort shall be made to have the complaint answered by school officials.
8

9 **X. EXEMPTIONS**

10
11 Arkansas Code Title 6, Chapter 51, Subchapter 601 et. al. requires that most persons or organizations
12 offering training that leads to or enhances occupational qualifications be licensed by the State Board of
13 Private Career Education. There are twelve (12) specific exemptions listed in Subchapter 603.

14
15 In order for a school to be granted an exemption, it must be shown that the school clearly and
16 completely meets the provisions of one (1) or more of the specific exemptions. When an exemption is
17 granted the organization shall not refer to the State Board of Private Career Education in any material or
18 manner.

19
20 The following criteria shall be used to determine whether these provisions are clearly and completely
21 met and thus the training is exempt from licensure under 6-51-603:

22
23 Private institutions exclusively offering instruction at any or all levels from preschool through
24 twelfth grade.

25
26 PROOF To establish exemption under this section, a notarized affidavit and
27 documentation showing that the school offers only instruction for preschool through twelfth
28 grade shall be submitted. The affidavit shall include an explanation of how the curriculum is
29 typical of that taught in a public school.

30
31 (2) Schools established by laws of Arkansas, governed by Arkansas Boards and permitted to
32 operate for the sole purpose of providing specific training normally required to qualify persons
33 for occupational licensure by state Boards or commissions, which determine education and
34 other standards for licensure and operation of such schools.

35
36 PROOF To establish exemption under this section, the following evidence shall be
37 submitted:

- 38 (a) Name of school;
39 (b) Names of programs;
40 (c) A copy of certificate, license, letter or other document showing approval of the school
41 under another law of the State;
42 (d) A copy of regulations from another law of the State establishing requirements for
43 operation; and
44 (e) Name, address, and phone number of the office enforcing the State law by which the
45 school is regulated and approved.

46
47 (3) State colleges and universities coordinated by the State Board of Higher Education.

48
49 PROOF To establish exemption under this section, submit evidence that the school is
50 coordinated by the State Board of Higher Education.
51

X. EXEMPTIONS - CONTINUED

- (4) Programs of study offered by institutions or individuals for personal improvement, avocational or recreational, if designated through media or other sources, as not for the purpose of enhancing an occupational objective.

PROOF These programs have been determined by the Board to be purely avocational or recreational unless there is evidence to the contrary:

- DANCE RIFLE RANGES SWIMMING
- SEWING
- MUSIC JUDO AND KARATE KNITTING
- RIDING ACADEMIES PHYSICAL FITNESS SPORTS OR ATHLETICS

Other programs shall establish exemption by submitting the following:

- (a) Course name, content, length, and cost;
 - (b) Objective of course and an explanation of how the subjects are generally considered to be avocational or for recreational purposes;
 - (c) Types of students (examples: Children ages 7-12; homemakers, teachers, general public, etc.)
 - (d) Copies of advertisements including yellow page ads. If there will be no advertising, so state.
- (5) Schools operated solely to provide programs of study in theology, divinity, religious education, and ministerial training.

PROOF To establish exemption under this section, the following evidence shall be submitted:

- (a) A notarized affidavit stating the name of the religion or denomination and explain how it owns, controls, operates, and conducts the school. Submit the by-laws and Articles of Incorporation if the institution is incorporated.
 - (b) A list of the programs of study to be offered including length in clock or credit hours, cost, and program objective.
 - (c) A description for each course in each program.
- (6) A training program offered or sponsored by an employer for training and preparation of its own employees and for which no tuition fee is charged the employee.

PROOF To establish exemption under this section, the following evidence shall be submitted:

- (a) Name of program;
- (b) A notarized affidavit from the organization stating that no students other than employees will be solicited or enrolled. Further, stating the employer will bear all the tuition costs and the employee will not be required to reimburse the employer by means of cash, production of work without pay, or any other means.
- (c) The affidavit shall also include a statement that no advertising will be done through newspaper and/or yellow page ads.
- (d) Include samples of advertising that will be used by the employer inside the business to recruit participants. If there will be no advertising, so state.

X. EXEMPTIONS - CONTINUED

(7) A program of study sponsored by a recognized trade, business, or professional organization for instruction of the members of the organization with a closed membership and for which no fee is charged the member.

PROOF To establish exemption under this section, the following evidence shall be submitted:

- (a) Name of program;
- (b) A letter shall be submitted that includes an explanation as to how the membership is closed. Membership is not closed if any member of the public can join. Such organizations must provide other services and benefits to their members in addition to the educational instruction they offer. In addition, the organizations may be asked to furnish the charter and by-laws;
- (c) A notarized affidavit from the organization stating that no students other than members of the organization mentioned in (b) will be solicited or enrolled;
- (d) Samples of newspaper and yellow page ads, brochures, and any other means of soliciting or advertising. If there will be no advertising, so state.

(8)A school or educational institution supported by state or local government taxation.

PROOF To establish exemption under this section, submit evidence that the school is supported by taxation. More than fifty percent (50%) of the school funds must be tax dollars from either a state or local source.

(9) Flight instructors licensed under appropriate Federal Aviation Administration regulations and offering only training for a private pilot’s license.

PROOF To establish exemption under this section, submit a notarized affidavit that only training for private pilots license is being offered.

(10) Schools covered by Arkansas Code 6-61-301 (a)(3) and exempted from 6-51-101 et. seq.

PROOF To establish exemption under this section, submit evidence that the school is covered by Arkansas Code 6-61-301 (a)(3) and exempted from 6-51-101 et. seq.

(11) Training offered by other Arkansas state agencies, boards, or commissions.

PROOF To establish exemption under this section the agency, board, or commission shall submit the following if a question arises regarding training:

- (a) Name, address, and phone number of the agency, board, or commission;
- (b) Name of person in charge of training; **AND**
- (c) Arkansas Code Title, Chapter and Subchapter numbers that created the agency, Board, or commission.

X. EXEMPTIONS - CONTINUED

(12) Training offered on military bases where a majority of the students enrolled are active or retired military personnel or their dependents.

PROOF To establish exemption under this section the organization offering training on the military base shall submit the following if a question arises regarding training:

- (a) Name of organization; **AND**
- (b) A notarized attendance list indicating status of each student as civilian, active or retired military personnel, or their dependents.

XI. FEES

A. FEES GENERAL INFORMATION

(1) FEES SHALL BE NON-REFUNDABLE.

(2) The following school licenses shall not be prorated at any time:

- (a) Career Seminar School License
- (b) Real Estate Continuing Education License

(3) For organizations seeking an original license, the licensing fee shall be prorated. Prorated license fees shall be figured based on the following chart:

Month Application Submitted to Board Staff:	Number of Months For Which Fees Shall Be Submitted:
February	7
April	5
June	15
August	13
October	11
December	9

B. LICENSE FEES

(1) CAREER SEMINAR SCHOOL LICENSE (The fee for this license shall not be prorated.)

\$415 to offer one (1) day eight (8) hour seminars in one location (city or town) in the state during the licensure year.

- \$415 1-4 seminars
- \$690 5-9 seminars
- \$965 10+ seminars

to offer one (1) day eight (8) hour seminars in various locations in the state during the licensure year locations of seminars shall be listed on the application. If additional locations are added and this moves your license to the next level, the additional fee shall be included with your list of new locations.

XI. FEES CONTINUED

(2) REAL ESTATE CONTINUING EDUCATION LICENSE (The fee for this license shall not be prorated.)

\$230 1-4 Real Estate Continuing Education Sessions

\$460 5-9 Real Estate Continuing Education Sessions

\$690 10+ Real Estate Continuing Education Sessions

to offer Real Estate Continuing Education in designated sites other than the school location.

Designated sites shall be listed on the application for less than ten (10) locations. These

programs shall be used to meet the six (6) classroom hour continuing education and post-

licensure requirement for real estate brokers and sales personnel as set forth in Arkansas Code

17-42-501 et. seq.

If additional locations are added and this moves your license to the next level, the additional fee shall be included with your list of new locations.

(3) SCHOOL – ORIGINAL & RENEWAL

ORIGINAL LICENSE fees shall be \$200 plus the license fee which is prorated based on the month the application is received by the board. Each additional program shall be charged at the rate listed under “original fee for each additional program of study”.

RENEWAL LICENSE fees shall be based on the following chart. The “License Fee” includes twenty (20) programs of study.

HIGHEST TUITION RENEWAL (TOTAL COST OF PROGRAM) FEE FOR EACH GREATER ADDITIONAL THAN OR PROGRAM OF EQUAL TO STUDY	BUT LESS THAN	LICENSE FEE	ORIGINAL FEE FOR EACH ADDITIONAL PROGRAM OF STUDY
\$ 0		\$ 500	415
25			50
\$ 500		\$ 1,000	620
50			75
\$ 1,000		\$ 2,000	830
75			100
\$ 2,000		\$ 4,000	1,105
100			150
\$ 4,000		\$ 6,000	1,520
125			175
\$ 6,000		\$ 8,000	1,660
150			200
\$ 8,000		\$10,000	1,930
150			225

1	\$10,000		\$15,000	2,210	250
2		150			
3	\$15,000		\$20,000	2,485	250
4		150			
5	\$20,000 +			2,760	250
6	150				

XI. FEES - CONTINUED

(4) SATELLITE SCHOOL LICENSE - ORIGINAL & RENEWAL

ORIGINAL SATELLITE SCHOOL LICENSE fees shall be \$100 plus the license fee amount prorated based on the month the application is received by the board. Each additional program shall be charged at the rate listed under “original fee for each additional program of study”.

RENEWAL SATELLITE SCHOOL LICENSE fees shall be based on the following chart. The “License Fee” includes twenty (20) programs of study.

HIGHEST TUITION RENEWAL (TOTAL COST OF PROGRAM) FEE FOR EACH GREATER BUT ADDITIONAL THAN OR PROGRAM OF EQUAL TO STUDY	BUT LESS THAN	LICENSE FEE	ORIGINAL FEE FOR EACH ADDITIONAL PROGRAM OF STUDY
\$ 0		\$ 500	315
25			25
\$ 500		\$ 1,000	520
50			50
\$ 1,000		\$ 2,000	730
75			75
\$ 2,000		\$ 4,000	1,005
100			100
\$ 4,000		\$ 6,000	1,420
125			125
\$ 6,000		\$ 8,000	1,560
150			150
\$ 8,000		\$10,000	1,830
150			150

1	\$10,000		\$15,000	2,110	150
2		150			
3	\$15,000		\$20,000	2,385	150
4		150			
5	\$20,000+			2,660	150
6	150				
7					

XI. FEES - CONTINUED

(5) FEE FOR TRAVELING SCHOOL LICENSES (for schools currently holding a license the fee to obtain this license shall be based on a renewal fee):

ORIGINAL LICENSE fees shall be \$200 plus the following amount prorated based on the month the application is received by the board. Each additional program shall be charged at the rate listed under "original fee for each additional program of study".

RENEWAL LICENSE fees shall be based on the following chart. The "License Fee" includes twenty (20) programs of study.

\$50 per location change. Notification of change in location of this license shall be made not less than 24 hours prior to the move. The notification shall be considered made upon receipt by the Board staff of the forms and appropriate fee.

HIGHEST TUITION RENEWAL FEE GREATER PROGRAM OF THAN OR STUDY EQUAL TO ABOVE 20	BUT LESS THAN	LICENSE FEE	ORIGINAL FEE ADDITIONAL PROGRAM OF STUDY
\$ 0	\$ 500		415 50
25			
\$ 500	\$ 1,000		620 75
50			
\$ 1,000	\$ 2,000		830 100
75			
\$ 2,000	\$ 4,000		1,105 150
100			
\$ 4,000	\$ 6,000		1,520 175
125			
\$ 6,000	\$ 8,000		1,660 200
150			
\$ 8,000	\$10,000		1,930 225
150			
\$10,000	\$15,000		2,210 250
150			
\$15,000	\$20,000		2,485 250
150			
\$20,000 +		2,760	250
	150		

(6) FLIGHT SCHOOL LICENSE

\$1,035 for Federal Aviation Administration (FAA) Part 141 schools. Each program shall be listed on the application.

1 Flight School instructors shall be registered but shall be exempt from the registration fee.
2 Flight Schools shall not license as Satellite Schools. All other Flight Schools shall license in
3 accordance with fees for a School License.
4

5
6 **C. OPERATIONAL FEES**

7
8 (1)ADMINISTRATIVE LATE FEE

9
10 \$ 50 shall be charged a licensed school for items not returned or submitted by 4:30 p.m. on the
11 due date. Information is considered late if incomplete. Arrangements for additional time shall
12 be made not less than twenty-four (24) hours prior to the due date.

13 An additional \$100 shall be charged, if requested information is not received after the first
14 request and the same information has to be requested the second time.
15

16 **XI. FEES - CONTINUED**

17
18 (2)ADMINISTRATIVE LATE FEE - RENEWAL LICENSE

19
20 20% of the renewal fee shall be paid in addition to the annual renewal fee if the properly
21 completed application for renewal is not submitted by 4:30 p.m. on the scheduled due date.
22 Arrangements for additional time shall be made not less than twenty-four (24) hours prior to
23 the due date.
24

25 (3)ADMISSIONS REPRESENTATIVES

26
27 \$250 original license at a given school.
28 \$125 for an original license for a second site of the same school chain.
29 \$125 for a renewal license at the same location or chain where currently licensed.
30

31 (4)AMENDMENTS TO LICENSE

32
33 HIGHEST TUITION
34 (TOTAL COST OF PROGRAM)
35 GREATER BUT FEE
36 THAN OR LESS
37 EQUAL TO THAN

\$ 0	\$ 500	\$ 60
\$ 500	\$1,000	\$ 90
\$1,000+		\$115

38
39
40
41
42

43 Change in clock or credit hours,
44 Change in cost of program,
45 Change in name of program,
46 Change in name of school,
47 Change in location of school, and/or.
48 Change in mailing address of school.
49

50 (5)ARBITRATION PANEL FEE
51

1 HIGHEST TUITION
 2 (TOTAL COST OF PROGRAM)
 3 GREATER BUT FEE
 4 THAN OR LESS
 5 EQUAL TO THAN
 6
 7 \$ 0 \$1,000 \$250* for the first hearing of the day \$125 for each
 8 additional
 9 \$1,000+ \$500* for the first hearing of the day \$250
 10 for each additional

11
 12 *PLUS APPEARANCE FEE for the court reporter shall be charged to a school involved in an
 13 Arbitration Panel Hearing. Any party requesting a transcript of oral proceedings shall bear
 14 the cost of such transcript.
 15

XI. FEES - CONTINUED

(6) COMPLAINT PROCESSING FEE

\$50 shall be submitted to the Board by the school with their response to the student complaint.

(7) FORM FEES

\$ 8 copy of Arkansas Code 6-51-601 et. al. & current regulations.

\$50 Application Notebook--contains law, regulations, and complete set of forms.

\$ 1 each page for an original form requested and mailed.

\$ 5 each page for an original form requested and faxed.

\$25 complete set of original forms, mailed.

(8) INSTRUCTOR REGISTRATION FEE

\$ 50 per instructor

(9) NEW PROGRAMS OF STUDY - BASED ON HIGHEST TUITION OF CURRENTLY LICENSED PROGRAMS

HIGHEST TUITION

(TOTAL COST OF PROGRAM)

GREATER	BUT	FEE
THAN OR	LESS	PER
EQUAL TO	THAN	PROGRAM

\$ 0	\$ 500	60
\$ 500	\$ 1,000	90
\$ 1,000	\$ 2,000	115
\$ 2,000	\$ 4,000	145
\$ 4,000	\$ 6,000	175
\$ 6,000	\$ 8,000	205
\$ 8,000	\$10,000	230
\$10,000	\$15,000	260
\$15,000	\$20,000	290
\$20,000+		290

(10) REAL ESTATE CONTINUING EDUCATION OUTLINE APPROVAL

\$ 50 per outline submitted.

\$ 10 per ARELLO certified outline.

(11) REPLACEMENT OF LICENSE

\$ 25 for each replacement license of an admissions representative.

\$ 25 for each replacement license of a school.

XI. FEES - CONTINUED

(12) RETURNED CHECKS
\$25 per check.

(13) SCHOOL VISIT FEE

IN-STATE

This fee will not be charged to in-state schools for the first visit during a licensure year.

HIGHEST TUITION (TOTAL COST OF PROGRAM)

GREATER THAN OR EQUAL TO	BUT LESS THAN	FEE PER DAY
\$ 0	- \$1,000	\$50
\$1,000+		\$75

OUT-OF-STATE - actual cost not to exceed State-approved rate.

(14) INVOICE FEE

\$10 shall be assessed when the appropriate fee is not submitted at the time forms are received by the Board and an invoice has to be issued.

(15) BAIL BONDSMENT BEGINNING AND CONTINUING EDUCATION OUTLINE APPROVAL

\$ 50 per outline submitted.

(16) DOCUMENT REPLACEMENT FEE

\$25 shall be assessed to provide a replacement for a form sent to the school for completion, i.e. 4500, renewal application, etc.

1 **XI. FEES - CONTINUED**

2
3 **(D) MISCELLANEOUS FEES**

4
5 (1)STUDENT FEE - RECORDS FROM CLOSED SCHOOLS

6
7 \$ 5 per student file when processed on the regularly scheduled date. The fee covers the cost of
8 one (1) official copy of the student transcript. When additional copies are needed at a later
9 date because the organization to which the transcript was mailed cannot locate the first
10 copy the \$5 fee will again be assessed.

11
12 \$10 per student file when processed on the regularly scheduled date and mailed certified return
13 receipt requested. The fee covers the cost of one (1) official copy of the student transcript.

14
15 \$ 1 per additional copy of the student transcript.

16
17 \$25 per student file when processed for next day availability. The fee covers the cost of one (1)
18 official copy of the student transcript to be mailed or picked up.

19
20 \$30 per student file when processed for next day availability. The fee covers the cost of one (1)
21 official copy of the student transcript to be mailed.

22
23 \$.25 per page for each additional page of information copied.

24
25 (2)COPY FEE

26
27 \$.25 per page for copies of information in a school file that is open to the public under Freedom
28 of Information.

29
30
31 **XII. FINANCIAL INFORMATION**

32
33 (A) Schools shall have finances to establish and carry out a program of education on a continuing
34 basis.

35 The finances shall be sufficient to provide for not less than the following: utilities (light, gas, water,
36 and telephone) paid, appropriate textbooks and supplies available at the start of a term, payroll
37 made as scheduled, etc.

38
39 (B) The school shall maintain satisfactory credit ratings.

40
41 (C) When requested, an annual report shall be submitted to the Board staff providing, but not limited
42 to:

- 43 (1) Total tuition contracted for,
44 (2) Total number of employees, including staff and faculty,
45 (3) Approximate market value of real estate, equipment, and inventory, **AND**
46 (4) Total annual wages, salaries, and commissions.

47
48 (D) Financial information shall be provided to Board representatives upon request.

1 (E) Schools, which participate in Federal Financial Aid programs, shall have on file with the Board the
2 most recent copy of the audit of such programs as submitted to the Education Department Audit
3 Agency, Office of Inspector General.

4 **XII. FINANCIAL INFORMATION - CONTINUED**

5
6 (F) Schools operating with a less than 1:1 ratio of current assets and current liabilities may be requested
7 to submit additional financial information on a more regular basis than annually.

8
9 (G) Schools seeking license renewal shall provided:

10 (1) Schools with tuition in excess of one-thousand dollars (\$1,000) shall annually provide not less
11 than a copy of the most recent financial statement that:

12 (a) Was prepared by a certified public accountant or public account registered with the
13 appropriate Board of public accountancy,

14 (b) And includes:

15 (A) A balance sheet,

16 (B) A statement of income and retained earnings,

17 (C) Statement of cash flows, AND

18 (D) Gross amount of annual student tuition and fees for each school,

19 (E) As well as, accountant notes to the financial statement.

20 (2) Schools with tuition equal to or less than one-thousand dollars (\$1,000) shall submit annual
21 financial information to include a balance sheet and an income statement with Form 4000.

22 (3) Hospital-Based schools shall submit copies of the departmental budgets with Form 4000.

23
24 (H) Schools seeking original licensure shall provided not less than:

25 (1) Schools with tuition in excess of one thousand dollars (\$1,000) shall provide not less than a
26 financial statement that was prepared by a certified public accountant or public account
27 registered with the appropriate Board of public accountancy and includes not less than a
28 balance sheet. In addition to the balance sheet, the following shall be included for any school
29 that is licensed in other states:

30 (a) A statement of income and retained earnings,

31 (b) Statement of cash flows, AND

32 (c) Gross amount of annual student tuition and fees for each school,

33 (d) As well as, accountant notes to the financial statement.

34 (2) Schools with tuition equal to or less than one thousand dollars (\$1,000) shall submit a balance
35 sheet with Form 4000.

36 (3) Hospital-Based schools shall submit copies of the departmental budgets Form 4000.

37
38
39 **XIII. HEARINGS**

40 (A) Hearings shall be conducted in accordance with Board approved policy.

41 (B) Oral proceedings shall be recorded by a certified court reporter.

42
43 (C) Any party requesting a transcript of oral proceedings shall bear the cost of such transcript.

44
45 (D) All hearings shall be held at the regularly scheduled Board meetings, unless an emergency exist that
46 would require immediate attention.
47
48
49
50

1
2
3
4 **XIV. INSTRUCTORS**

5
6 Schools shall provide not less than the following:
7

- 8 (1) The name and proof (official transcript, certificate, license, etc.) of qualifications of each instructor
9 employed by the school shall be submitted in the manner and on the forms prescribed by the Board.
10
11 (2) The forms shall be submitted to the Board Staff at such time as the school applies for approval and
12 licensing or no later than thirty (30) calendar days after Board approval of the school.
13 Subsequently, the name and qualifications of each additional instructor employed shall be supplied
14 to the Board Staff within thirty (30) calendar days of employment.
15
16 (3) Career Seminar Schools shall be exempt from registration and fees for instructors.
17
18 (4) When completing the work experience section of an instructor registration form, be aware that
19 teaching is not work experience directly related to the program in which the person is teaching.
20
21 (5) INSTRUCTORS AT FLIGHT SCHOOLS shall hold the appropriate type of FAA approved license
22 for the area in which they are instructing.
23
24 (6) INSTRUCTORS OF REAL ESTATE shall be qualified by meeting either (A), (B) OR (C). In
25 addition to 6 A, B, OR C instructors of pre-licensure, post-licensure or Arkansas specific continuing
26 education shall within thirteen (13) months of approval complete the Instructor Training Institute
27 (ITI) sponsored by the Arkansas Real Estate Commission (AREC).
28

29 After attending the initial ITI, all instructors (including currently registered) shall complete the ITI at
30 least once every forty-eight (48) months.
31

32 All instructors (including currently registered) shall demonstrate a thorough, accurate and current
33 knowledge of the subject matter being taught. The knowledge shall be demonstrated as directed by
34 the Board.
35

36 (A) PRE-LICENSURE INSTRUCTORS:

- 37 (i) Have completed courses in real estate of at least sixty (60) classroom hours at a
38 recognized school, not including attendance at courses specifically designed for continuing
39 education.
40 (ii) have a high school diploma or GED,
41 (iii) have in Real Estate five (5) continuous years of work experience within the past five (5)
42 years, **AND**
43 (iv) hold and maintain a current active Arkansas Real Estate Broker License;
44

XIV. INSTRUCTORS - CONTINUED

(B) POST-LICENSURE:

- (i) have a high school diploma or GED;
- (ii) have in Real Estate five (5) continuous years of work experience within the past five (5) years;
- (iii) hold and maintain a current active Arkansas Real Estate Broker License;
- (iv) Have completed the post-licensure course for salespersons and brokers at a recognized school, not including attendance at courses specifically designed for continuing education;
- (v) annually attend not less than two of the quarterly Real Estate Instructor Workshops held jointly by the Arkansas Real Estate Commission and State Board of Private Career Education;
- (vi) prior to teaching the course attend the workshop offered by AREC regarding post-licensure education; AND
- (vii) prior to reaching and annually attend a workshop offered by AREC that reviews the changes in forms and contracts commonly used in Arkansas.

(C) CONTINUING EDUCATION INSTRUCTORS:

(i) **For topics that are Arkansas specific the instructor shall**

- (a) Have completed courses in real estate of at least sixty (60) classroom hours at a recognized school, not including attendance at courses specifically designed for continuing education.
- (b) have a high school diploma or GED,
- (c) have in Real Estate five (5) continuous years of work experience within the past five (5) years, **AND**
- (d) hold and maintain a current active Arkansas Real Estate Broker License. **OR**
- (e) hold a license to practice law in Arkansas and be engaged in full-time private practice with a substantial emphasis in real estate as demonstrated by appropriate documentation.
- (f) annually attend not less than two of the quarterly Real Estate Instructor Workshops held jointly by the Arkansas Real Estate Commission and State Board of Private Career Education;
- (g) prior to teaching and annually attend a workshop offered by AREC that reviews the changes in forms and contracts commonly used in Arkansas.

(ii) **For topics that are real estate general the instructor shall be qualified by**

- (a) Have completed courses in real estate of at least sixty (60) classroom hours at a recognized school, not including attendance at courses specifically designed for continuing education;
 - (b) have a high school diploma or GED;
 - (c) have in Real Estate five (5) continuous years of work experience within the past five (5) years; **AND**
 - (d) (i) hold and maintain a current active Arkansas Real Estate Broker License; OR
 - (ii) hold and maintain a current active Real Estate Broker License from another state and are approved as a real estate instructor in their home state; OR
 - (iii) hold and maintain an appropriate active license from another state for the topic teaching and are approved as a real estate instructor in their home state;
- OR

1 **XIV. INSTRUCTORS - CONTINUED**

- 2
3 (iv) is an approved instructor of courses in real estate-related subjects offered
4 by the National Association of Realtors, the National Association of Real
5 Estate Brokers, or their societies, institutes, or councils or have a Distinguished
6 Real Estate Instructor (DREI) Designation from the Real Estate Educators
7 Association (REEA).
8

9 (D) REAL ESTATE PANEL DISCUSSIONS AND GUEST SPEAKERS

10 Panel members and/or guest speakers shall be qualified by work experience. Panel members
11 and guest speakers shall have a minimum of five (5) years of on-the-job training in the subject
12 matter being presented. Panel members and/or guest speakers must be registered with SBPCE
13 on the form and in the manner prescribed. Panel members and/or guest speakers are not
14 allowed to participate in the post-licensure course.
15
16

- 17 (7) Instructors of Bail Bondsmen Education shall meet at least one of the following requirements:
18 (a) Hold not less than a baccalaureate degree in a field directly related to the subject they are
19 teaching; **OR**
20 (b)(i) Hold an associate degree in a field directly related to the subject they are teaching; **AND**
21 (ii) have one (1) year of on-the-job training directly related to the subject they are teaching; **OR**
22 (c)(i) Hold a high school diploma or certificate of equivalency;
23 (ii) shall have completed a program of instruction at a recognized school in a field directly
24 related to the subject they are teaching;
25 (iii) have three (3) years of on-the-job training directly related to the subject they are teaching;
26 **AND**
27 (iv) hold the appropriate certificate, license, or rating if the occupation is one requiring
28 certificate, license, or rating. **OR**
29 (d)(i) Hold a high school diploma or certificate of equivalency;
30 (ii) have seven (7) years of on-the-job training directly related to the subject they
31 are teaching; **AND**
32 (iii) hold the appropriate certificate, license, or rating if the occupation is one requiring certificate,
33 license, or rating.
34

35 Additionally, instructors may be required to attend a designated Instructor Development Workshop
36 when directed to do so by the SBPCE.
37

38 (e) BAIL BONDSMEN PANEL DISCUSSIONS AND GUEST SPEAKERS

39 Panel members and/or guest speakers shall be qualified by work experience. Panel members
40 and guest speakers shall have a minimum of five (5) years of on-the-job training in the subject
41 matter being presented. Panel members and/or guest speakers must be registered with SBPCE
42 by submitting the appropriate forms on Form 3090.
43
44

XIV. INSTRUCTORS - CONTINUED

(8) INSTRUCTORS FOR DRIVER EDUCATION TRAINING shall be qualified by:

- (A) Possess a valid Arkansas driver license;
- (B) Have a high school diploma or a GED;
- (C) Completed a recognized First Aid Class;
- (D) Be at least twenty-one (21) years of age;
- (E) Not have a suspended, canceled, revoked or denied driver license within the past thirty-six (36) months;
- (F) Not reflect more than eight (8) point violations on driving record; **AND**
- (G)(i) Have a minimum of six (6) semester hours of Driver Education; **OR**
 - (ii) Have a minimum of seventy-two (72) clock hours of documented driver education training; **OR**
 - (iii) Have a minimum of seven (7) years of work experience, directly related to the program being taught (such as, but not limited to: experience as in law enforcement, investigating accidents, etc.)

(9) INSTRUCTORS - OTHER shall be qualified by:

- (A) Hold not less than a baccalaureate degree in a field directly related to the program in which they are teaching; **OR**
- (B)(i) Hold not less than a baccalaureate degree in a field **not** directly related to the program in which they are teaching, **AND**
 - (ii) Have 15 semester hours or equivalent directly related to the program in which they are teaching; **OR**
- (C)(i) Hold not less than a baccalaureate degree in a field **not** directly related to the program in which they are teaching, **AND**
 - (ii) Have one (1) year of on-the-job training directly related to the program in which they are teaching; **OR**
- (D) Hold an associate degree and have one (1) year of on-the-job training, both of which shall be directly related to the program in which they are teaching; **OR**
- (E) Hold an associate degree **not** directly related to the program in which they are teaching and have two (2) years of on-the-job training directly related to the program in which they are teaching
- (F)(i) Hold a high school diploma or certificate of equivalency;
 - (ii) Shall have completed a program of instruction at a recognized school in a field directly related to the program in which they are teaching;
 - (iii) Have three (3) years of on-the-job training directly related to the program in which they are teaching; **AND**
 - (iv) hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating. **OR**
- (G)(i) Hold a high school diploma or certificate of equivalency;
 - (ii) Completed required apprenticeship (as listed in the U.S. Department of Labor Bureau of Apprenticeship) in a field directly related to the program in which they are teaching; **AND**
 - (iii) Have five (5) years of on-the-job training directly related to the program in which they are teaching; **AND**
 - (iv) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating. **OR**

1 **XIV. INSTRUCTORS - CONTINUED**

- 2
3 (H)(i) Hold a high school diploma or certificate of equivalency;
4 (ii) Have seven (7) years of on-the-job training directly related to the program in which they are
5 teaching; **AND**
6 (iii) Hold the appropriate certificate, license, or rating if the occupation is one requiring
7 certificate, license, or rating.
8
9

10 **XV. LEGAL FILINGS**

11
12 Schools shall report by certified mail or facsimile, all legal action filed against them or initiated by them,
13 to the Board Staff within twenty-four (24) hours of notification of the filing, excluding Saturdays,
14 Sundays, and legal holidays. Updated information shall be submitted quarterly.
15
16

17 **XVI. RECORDS**

18
19 Schools shall provide not less than the following:
20

21 (A) ATTENDANCE RECORDS

- 22
23 (1) Schools shall have and adhere to a published attendance policy.
24 (2) Attendance shall be recorded in no more than two (2) hour increments; this requirement does
25 not apply to real estate continuing education classes and career seminar licenses.
26 (3) As a minimum, the policy shall provide that a student not be absent more than fifteen percent
27 (15%) of any module, quarter, or semester. This fifteen percent 15% policy shall not apply to
28 continuing education programs where a specific number of hours are required.
29 (4) Before implementing any changes in the attendance policy the students and Board shall be
30 notified in writing.
31 (5) Tardiness shall be defined as to how much time equals a tardy, when it becomes an absent, and
32 how many tardies equal an absence.
33

34 (B) COMPLETION CERTIFICATES/DIPLOMA

35
36 Schools may award a completion certificate or diploma. If a certificate or diploma is issued a copy
37 shall be placed in the student's file.
38

39 (C) FINANCIAL RECORDS - STUDENT

40
41 Any funds received from, or on behalf of, a student shall be recorded in a format that is readily
42 accessible to representatives of the Board. The funding source and the reason for the charges shall
43 be clearly identified. The records shall be posted and kept current.
44

XVI. RECORDS - CONTINUED

(D) MAINTENANCE OF RECORDS

- (1) All schools shall provide for a method of maintenance of, and access to, the student transcripts indefinitely. Contracts, financial aid applications, etc. shall be maintained for a period of ten (10) years after graduation, termination, or withdrawal of the student.
- (2) Records shall be maintained in a fire proof file cabinet for the first three (3) years of the life of the record or in electronic format with arrangements for a back up copy to be maintained offsite.
- (3) Flight Schools shall maintain records in accordance with regulations promulgated by FAA.
- (4) Student records shall be open for inspection by authorized representatives of the Board.
- (5) The school may retain academic transcript, diploma, or any pertinent record if a student's financial obligations are not paid in full.
- (6) After graduation, termination, or withdrawal of the student, the academic and financial aid records shall be combined into one file.
- (7) Schools offering truck driver training shall maintain records in accordance with rules and regulations of the Department of Transportation.

(E) PLACEMENT RECORDS

Schools offering job placement assistance shall maintain a record of efforts of the school to place the student. The record shall include not less than the:

- (1) Name of student;
- (2) Name of program completed;
- (3) Names and addresses of potential employers to which the student was referred; **AND**
- (4) The position in which the student was ultimately employed.

(F) TRANSCRIPTS

- (1) Transcripts shall be typed and clearly labeled with the following information: student name, date of birth, address, social security number, and program of study or appropriate courses.
- (2) The grading system shall be fully explained on the transcript form.
- (3) When appropriate the transcript shall indicate the degree of skill, speed, or accuracy for programs, which are measurable in a productive effort.
- (4) Transcripts shall be posted within thirty (30) calendar days of the end of each term or upon withdrawal or completion of a student. At which time an updated transcript shall be placed in the student's file.
- (5) The transcripts shall indicate the month(s) and year that each course was taken.
- (6) Courses appearing on the transcript shall be numbered or otherwise designated to indicate the exact course.

XVII. RECRUITMENT

Schools shall provide not less than the following:

- (A) The school shall not advertise programs other than those licensed by the Board.
- (B) All business shall be conducted in such a manner as to reflect honesty, integrity, and a sense of fair play.
- (C) No school employee or official shall promise employment of any type, for any period of time, nor for any rate of pay, to a prospective student, unless such conditions for employment are clearly stated in the enrollment contract signed by the prospective student and/or the student's parent, guardian, guarantor and by an authorized official of the school.
- (D) No school employee or official shall attempt in any manner to persuade a prospective student to cancel an enrollment contract with any other school.
- (E) No school employee or official shall mislead any prospective student by promising anything not covered specifically in the enrollment contract or printed publications of the school.
- (F) The title, content, cost, or objective of a program proposed by any school employee or official for enrollment of a prospective student shall not be different from that which is currently approved by the Board.
- (G) A school employee or official shall not:
 - (1) Solicit in public places other than an educational setting, at job fairs, or other organized meetings;
 - (2) Offer as an inducement or enticement, any substantial consideration to a prospective student prior to enrollment, such as cash, food, housing, or gifts;
 - (3) Administer the entrance test;
 - (4) Advise students about financial aid other than informing the student of the general availability of financial assistance; AND
 - (5) Engage in acts or practices, which have a tendency to intimidate, coerce, or mislead a prospective student into accepting an enrollment.
- (H) A file shall be maintained at the school with information on all financial inducements for student referrals to currently enrolled students and scholarships available to all students.
- (I) Schools shall not offer premiums and/or special inducements to prospective students or enrollees unless the Board Staff is notified in writing (as to the type, purpose, and monetary value.
- (J) Schools shall not engage in commercial activities for profit, or for any other reason, which may be construed by the Board as unfair to the students.

1
2 **XVIII. SCHOOL - APPLICATION FOR EXTENSION COURSE SITE**

3
4 Schools shall provide not less than the following:

- 5
6 (A) Name of course to be offered away from the school or satellite.
7
8 (B) Name of program to which the course is a part.
9
10 (C) Letter explaining where the course is being offered and if appropriate a copy of the agreement with
11 the site where the course is offered.
12
13 (D) If the course offered at the extension course site is an externship or clinical site where students are
14 placed in several businesses or clinics, only a copy of the agreement with one site shall be
15 submitted to the Board as a sample. A file containing copies of all other agreements shall be
16 maintained at the school and available for review by Board approved representatives.
17

18 **XIX. SCHOOL - APPLICATION FOR ORIGINAL LICENSE**

19
20 Schools shall provide not less than the following:

21
22 The application shall set forth and be accompanied by the appropriate documentation:

- 23
24 (A) The name and location of the school,
25
26 (B) Information on the type of ownership,
27
28 (C) Parent company information,
29
30 (D) Completed forms for all partners or shareholders with ten percent (10%) or more interest in the
31 school,
32
33 (E) Enrollment application and student-school contract forms,
34
35 (F) Details on each proposed program to include but not be limited to such information as occupational
36 demand, course titles, length, cost, and equipment available,
37
38 (G) School floor plan, which shall identify floors, windows, halls, classrooms, offices, rest rooms, and
39 storage space. The size of each classroom and its seating capacity shall be clearly marked. The
40 floor plan need not be drawn to scale. Schools offering programs held in public meeting facilities
41 are exempt from this requirement.
42
43 (H) A copy of a fire inspection report that has been completed within the past six (6) months. Schools
44 offering programs held in public meeting facilities are exempt from this requirement.
45
46 (I) One (1) copy of the current school catalog/bulletin, in printed form (determination or interpretation
47 of school policy shall be based on the most recent catalog/bulletin on file with the Board).
48
49 (J) A sample copy of the completion certificate that will be awarded to students and a sample copy of a

1 student transcript .

2 **XX. SCHOOL - APPLICATION FOR RENEWAL LICENSE**

3
4 Schools shall provide not less than the following:

5
6 The renewal application accompanied by the following:

- 7
8 (A) One (1) copy of the current catalog/bulletin (determination or interpretation of school policy shall
9 be based on the most recent catalog/bulletin on file with the Board).
10
11 (B) Certified list of all instructors on the form provided by the Board Staff.
12
13 (C) Certified list of all admissions representatives on the form provided by the Board Staff.
14
15 (D) Any supplementary data necessary to bring up-to-date areas of school activities, improvements
16 and/or responsibilities not covered elsewhere.
17
18

19 **XXI. SCHOOL - CATALOG/BULLETIN**

20
21 Schools shall provide not less than the following:

- 22
23 (A)(1) Name and address of the school,
24 (2) Publication date of catalog/bulletin,
25 (3) Indication that the information contained in the catalog/bulletin is expected to remain effective
26 during the forthcoming licensure year, **AND**
27 (4) Certification that the Board will receive advance notice in the event of changes in the content of
28 the catalog/bulletin.
29
30 (B) A calendar of the school showing beginning and ending dates for each school year, semester,
31 quarter, term and/or session, vacation periods, and holidays observed by the school.
32
33 (C) School policies covering leave, excused and unexcused absences, make-up work, tardiness,
34 satisfactory progress and grading system. Each policy shall have specified limits concerning
35 probation and termination of enrollment.
36
37 (D) Enrollment prerequisites for each program offered and the policy of the school relative to the
38 granting of credit for previous education, training and/or work experience.
39
40 (E) Cost of each program offered and what is covered in the cost.
41
42 (F) The school refund policy.
43
44 (G) An outline of each program for which approval is requested, showing courses and the number of
45 clock or credit hours to be earned by the student in each course of the program.
46
47 (H) A description of the available space, facilities and equipment.
48
49 (I) When a program is no longer offered on a permanent basis the program shall be removed from the

1 catalog/bulletin or stamped "Not Offered".

2 **XXII. SCHOOL - LICENSE - GENERAL REQUIREMENTS**

3
4 Schools shall provide not less than the following:

- 5
6 (A) Schools desiring to offer training shall file the appropriate application for licensure with the Board
7 staff in the manner and on the forms prescribed. Incomplete applications may cause a delay in the
8 licensing process.
9
- 10 (B) All school licenses issued shall expire the last day of August.
11
- 12 (C) Schools shall have facilities, equipment, instructional materials, instructional staff, and other
13 personnel to provide educational services necessary to meet the stated objectives for which the
14 educational services are offered.
15
- 16 (D) Schools shall designate an authorized school official.
17
- 18 (E) Requirements set by the Board to address specific minimum standards for programs shall be met.
19
- 20 (F) Schools located outside Arkansas shall be currently approved and/or recognized by the appropriate
21 approving agency of the state wherein the school is located.
22
- 23 (G) Schools shall place the Board on the school's mailing list.
24
- 25 (H) Applications should be received in the Board office the first working day of the month prior to the
26 month the Board meets.
27
- 28 (I) Any license issued shall be restricted to the programs submitted on the application.
29
- 30 (J) Schools shall offer only those programs and special courses, which it has been licensed to offer.
31 Each school shall post at the beginning of any term the schedule of courses being offered during the
32 term and each student enrolled therein shall be furnished with a list of the courses they are expected
33 to attend in order to meet program requirements.
34
- 35 (K) After a license is issued to a school by the Board on the basis of its application, it shall be the
36 responsibility of the school to notify the Board Staff of any changes in the current license. The
37 following items shall be reported and approval granted prior to the effective date of such change:
38 (1) New Program of Study;
39 (2) In clock/credit hours;
40 (3) In cost of program;
41 (4) In name of program;
42 (5) In name of school,
43 (6) In location of school, and/or.
44 (7) In mailing address of school.
45

XXII. SCHOOL - LICENSE - GENERAL REQUIREMENTS - CONTINUED

- (L) (1) A license is not transferable to a new owner. Anyone purchasing a licensed school shall make application for an original license.
- (2) In addition to the original application the following information shall be provided:
- (a) A copy of the sales contract or agreement, which includes:
 - (i) Acceptance by the purchaser for all refund liabilities which may have arisen during the operation of the school by the seller or any other former owner.
 - (ii) A statement to the effect that the sale is subject to approval by the Board.
 - (iii) Assumption by the purchaser of the liabilities, duties and obligations under the enrollment contracts between the students and the seller, which the seller is obligated to provide on or after the effective date of the sale.
 - (b) Articles of Incorporation, minutes of the Board of directors, or other evidence that the individuals acting as agent for the buyer and seller has authority to make the transaction,
 - (c) Any bills of sales or promissory notes associated with the contract, **AND**
 - (d) If the closing date for the transaction has passed, evidence that each party has complied or is presently complying with the contract.
- (M) (1) Programs shall be reported in clock or credit hours. Documentation supporting conversion of credit hours shall be on file at the school and open for inspection by authorized representatives of the Board.
- (2) Clock hour shall be a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction.
- (3) The Board shall accept the schools stated clock/credit hour conversion as equitable and as meeting minimum requirements if such policy does not provide less than the following:
- (a) SEMESTER CREDIT HOURS:
 - One semester credit hour for each fifteen (15) hours of classroom contact plus appropriate outside preparation or the equivalent; **OR**
 - One semester credit hour for each thirty (30) hours of laboratory work plus appropriate outside preparation; **OR**
 - One semester credit hour for not fewer than forty- five (45) hours of externship/shop instruction (contact hours) or the equivalent.
 - (b) QUARTER CREDIT HOURS
 - One quarter credit hour for each ten (10) hours of classroom contact plus appropriate outside preparation or the equivalent; **OR**
 - One quarter credit hour for each twenty (20) hours of laboratory work plus appropriate outside preparation; **OR**
 - One quarter credit hour for not fewer than thirty (30) hours of externship/shop instruction (contact hours) or the equivalent.
- (N) (1) A general statement shall be required annually including but not limited to the total number of students enrolled and completing programs during the most recent twelve-month period ending on June 30.
- (2) Schools located in Arkansas shall report total number of students, including out-of-state students.
- (3) Schools located out of Arkansas shall report only the number of students from Arkansas.

- 1 (O) If the Board receives a "hot check" the check must be replaced by a money order or cashiers check.
2 After a check is replaced the Board will not accept checks drawn on the school for five (5) years,
3 only a money order or cashiers check will be accepted.
4

5 **XXII. SCHOOL - LICENSE - GENERAL REQUIREMENTS - CONTINUED**

- 6
7 (P) No school shall incorporate the name "University" unless they are seeking to offer both
8 undergraduate and graduate programs through the Institutional and Program Certification of the
9 Arkansas Department of Higher Education. At the time of application with the Board, the school
10 shall provide a letter from the Arkansas Department of Higher Education stating that the school
11 meets the criteria to use the word "University" in their name. If this letter is not available at the
12 time of application with the Board the word "University" shall not be approved. At such time as the
13 letter is available, the Board will officially change the school title to include the word "University"
14 at no cost to the school.
15
16 (Q) A notice of hearing to come before the Board may be issued at any time the Board Staff has to
17 request additional information to complete applications or other forms and the information is not
18 received by the date stated in the request.
19
20 (R) Each school facility shall have an operating business telephone.
21
22 (S) No school shall require a student to sign a blank form of any kind.
23
24 (T) The Board Staff shall request additional information as needed when incomplete applications of any
25 type are submitted. Failure to provide information to complete the application shall result in an
26 application being held no longer than sixty (60) calendar days. Failure to complete the licensing
27 procedure shall result in a new application packet and fees being required.
28
29 (U) Equipment requirements.
30 (1) The equipment required for instruction shall be determined by the program objective. The
31 equipment shall be comparable to that commonly found in business and industry offering
32 employment in the occupation for which the instruction is being offered.
33 (2) The school shall provide adequate equipment in good working order for the intended
34 instructional purpose. Equipment not in working order shall be removed from the instructional
35 area, marked as out-of-order, or properly identified as awaiting repair.
36 (3) The school equipment shall be of sufficient quality and quantity to meet the maximum use
37 requirements of the current students, as demanded by the activity patterns of the training
38 program.
39
40 (V) A copy of the program outline, schedule of tuition, fees and other charges, and the policies
41 pertaining to absences, conduct, grading, satisfactory progress, refund policy, and rules of
42 operation, as well as a copy of the complaint procedure, shall be provided to the student upon
43 attendance of class in the program.
44
45 (W) All student conference forms must be signed by the student, school official and dated or indicate
46 why the student did not sign the form and maintain proof of attempted delivery.
47
48
49
50

1
2
3
4 **XXIII. SCHOOL - VISIT**

- 5
6 (A) Licensed schools and schools seeking approval may be visited by an authorized representative of
7 the Board. The visit may be made with or without prior notification. The representative may
8 inspect the premises, curriculum, teaching materials, faculty performance, sales literature, or any
9 other matters, which are relevant to the education procedures, or business activities of a licensed
10 school or admissions representative.
11
12 (B) The cost for each on-site visit shall be paid by the school (see Fee Section for explanation).
13
14

15 **XXIV. STUDENT PROTECTION FUND (SPF)**

- 16
17 (A) Fees for the SPF shall be collected annually for a period of time commensurate with the licensing
18 year.
19
20 (B) SPF assessment shall be paid within thirty (30) calendar days of billing.
21
22 (C) Schools seeking original licensure after September 1, 1989 shall make payments to the SPF equal to
23 the number of payments made by those schools licensed on September 1, 1989.
24

- 25 (D) The fees for the SPF shall be:

26
27 (1) ORIGINAL

28
29 SPF Fee at the time of application for an original license shall be determined by adding
30 together the tuition charged by the organization for each program offered. This total is
31 multiplied by 5% to determine the amount due, but shall not be less than fifty dollars (\$50).
32

33 TOTAL TUITION FOR EACH PROGRAM * .05 = AMOUNT DUE

34
35 (2) RENEWAL

36
37 SPF Fee at the time of application for a renewal license shall be determined by considering the
38 following factors, but shall not be less than twenty five dollars (\$25):

39 (i) number of students enrolled from July 1 through June 30 as reported annually;

40 (ii) current tuition of the program; and

41 (iii) length of the program.

42 (a) IF THE PROGRAM IS LESS than or equal to 30 clock hours then:

43 ENROLLMENT * TUITION = TOTAL * .0001 = AMOUNT DUE

44 (b) IF THE PROGRAM IS GREATER THAN 30 CLOCK HOURS AND LESS than or
45 equal to 60 credit hours or 1200 clock hours then:

46 ENROLLMENT * TUITION = TOTAL * .001 = AMOUNT DUE

47 (c) IF THE PROGRAM IS GREATER than 60 credit hours or 1200 clock hours then:

48 ENROLLMENT * TUITION = TOTAL * .0005 = AMOUNT DUE
49

1
2
3
4 **XXV. BAIL BONDSMEN BEGINNING AND CONTINUING EDUCATION**

5
6 (A) CONTENT APPROVAL

7
8 The following procedure shall be followed in the review of Beginning and Continuing Education
9 course outlines:

- 10
11 (1) All outlines for beginning and continuing education shall be submitted to SBPCE for review
12 and recommendation to APBBLB.
13 (2) Properly completed course outlines for currently approved schools must be received by the
14 first working day in September by SBPCE for consideration by the APBBLB no later than
15 December.
16 (3) Schools seeking first time approval for course outlines shall submit the appropriate forms for
17 committee review, SBPCE and APBBLB approval prior to offering the class.
18 (4) Revisions to currently approved outlines will be considered as needed.
19 (5) The committee will review the proposed course outlines and revisions and will rate them as
20 recommend for:
21 Approval, Conditional Approval, or Disapproval.
22 (a) Approval - Outlines receiving committee recommendation will be forwarded to the
23 APBBLB for consideration.
24 (b) Conditional Approval - Providers submitting outlines, which receive a rating of conditional
25 approval by the committee will be given an opportunity to correct
26 the deficiencies cited. Failure to correct the deficiencies, or to
27 meet the deadline for correcting the deficiencies, will result in the
28 outline being recommended to the APBBLB for disapproval.
29 (c) Disapproval - Those outlines receiving committee recommendation for disapproval will be
30 forwarded to the APBBLB for consideration.
31 (6) SBPCE will issue providers a beginning and/or continuing education number upon approval of
32 the course outline by the APBBLB.

33
34 (B) REPORTING REQUIREMENTS

35
36 Attendance list shall be submitted to the APBBLB within two weeks of course completion.

- 37 (2) Students who have satisfactorily completed a course shall be awarded a certificate of
38 attendance. The following information must be on the certificate:
39 (a) Name of school or sponsor,
40 (b) Course outline approval number (as assigned by SBPCE),
41 (c) Name of student (as licensed with APBBLB),
42 (d) License number (use Social Security number if license number is unknown),
43 (e) Course title,
44 (f) Course location,
45 (g) Course date(s),
46 (h) Number of classroom hours of instruction (as approved by APBBLB),
47 (i) Instructor's signature, and
48 (j) Size of certificate shall be 8 1/2" x 11".
49 (3) Approval for course outlines will expire on December 31 following the year in which issued.
50

XXV. BAIL BONDSMEN BEGINNING AND CONTINUING EDUCATION - CONTINUED

(C) BAIL BONDSMEN GENERAL REQUIREMENTS

No more than 25% or 100 minutes of an eight (8) classroom hour course can be devoted to the use of a video. An approved instructor shall be present in the classroom during the playing of the video.

Time devoted to breakfasts, luncheons, and/or dinners offered during a class cannot be counted as continuing education.

No more than 120 continuous minutes of education may be offered without a minimum ten (10) minute break.

No more than 25% or 100 minutes of an eight (8) classroom hour course may be presented by a panel discussion or an individual guest speaker. An approved instructor shall be present in the classroom during the panel and/or guest speaker presentation.

Videos to be presented during a class shall be submitted for review by the committee and/or APBBLB.

A bail company shall not be allowed to offer qualifying beginning or continuing education.

An approved instructor shall determine satisfactory completion of a course.

The instructor has the authority to set classroom procedures regarding phones, pagers, smoking, etc.

Credit shall not be granted for lifetime experiences.

According to ARKANSAS CODE 17-19-402 (b)(1) "The Professional Bail Bond Company and Professional Bail Bondsman Licensing Board or its designee shall establish a schedule of fees to be paid by each bail bondman for the educational training. (2) Such schedule of fees shall be subject to approval of the board."

The instructor has the authority to ask for photo identification of any person to determine that the correct person is in attendance.

XXVI. REAL ESTATE

1 (A) CONTENT APPROVAL CONTINUING EDUCATION

- 2
- 3 (1) From the list of topics identified by the Arkansas Real Estate Commission (AREC), one or
- 4 more topics must be selected for inclusion in the outline. Outlines approved for six (6) hours
- 5 SHALL include the required topic of not less than one (1) hour (60 minutes) unless waived by
- 6 AREC and approved by SBPCE. Outlines approved for three (3) hours MAY include the
- 7 required topic of not less than one (1) hour (60 minutes). Certificates of one (1) hour may be
- 8 issued for the required topic by schools with ARELLO certification of three (3) hour courses.
- 9 (2) The proposed course outline must be submitted on the forms and with the appropriate fee, as
- 10 prescribed by the SBPCE.
- 11 (3) Properly completed course outlines must be received by the first working day of the month
- 12 prior to the month the Board meets.
- 13 (4) A committee will review the proposed course outline. This Review Committee will
- 14 recommend Approval, Pending Approval or Disapproval of outlines.
- 15 Approval - Those outlines receiving committee recommendation for approval will be
- 16 forwarded to the SBPCE for consideration at the regular Board meeting for that month.
- 17 Pending Approval - Providers submitting outlines which receive Pending Approval by the
- 18 committee will be given an opportunity to correct the deficiencies cited. The request for
- 19 additional information/clarification will be faxed to the provider. A copy of the request
- 20 will also be mailed. The provider will have three (3) days to provide the requested
- 21 information. Failure to meet this deadline shall result in the Review Committee
- 22 recommending the outline for disapproval.
- 23 (c) Disapproval - Any outlines that have been disapproved shall be resubmitted as new
- 24 outlines with the appropriate fees and forms.
- 25 (5) Final approval by the SBPCE will be reported to providers as soon as possible after
- 26 consideration by the Board.
- 27 (6) Approval for course outlines will be valid until December 31 of the current real estate licensing
- 28 year for classroom continuing education.
- 29 (7) Approval for course outlines that have ARELLO approval will be valid until the expiration of
- 30 the certification.
- 31 (8) Outlines shall be submitted requesting approval of not less than three (3) hours or more than six
- 32 (6) hours of education.
- 33

34 (B) DISTANCE EDUCATION INSTRUCTION

- 35
- 36 (1) Only courses that have the appropriate ARELLO certification will be accepted for real estate
- 37 education in Arkansas.
- 38 (2) A final examination shall be completed by the student.
- 39 (3) The final examination shall be completed without the assistance of, or collaboration with,
- 40 another person or any source other than the approved continuing education instructor or the
- 41 material provided with the course.
- 42 (4) The final examination shall be developed as directed by the Board. The student shall send to the
- 43 school with the appropriate documentation a copy of photo identification such as a driver's
- 44 license.
- 45 (5) The student shall complete a notarized affidavit that they completed the final exam without
- 46 assistance, as supplied by the school, and return it with their completed examination to the
- 47 organization offering the correspondence course.
- 48

49 **XXVI. REAL ESTATE - CONTINUED**

- 50
- 51 (6) Organizations receiving approval to offer courses in real estate continuing education through

1 correspondence study will be required to:

- 2 (a) Certify to the AREC, on the forms and in the manner prescribed, that each licensee
3 receiving credit for the course, has taken and satisfactorily passed an examination on the
4 correspondence study material.
5 (b) Indicate on licensee's certificate of completion that the course was completed by
6 correspondence study.
7 (7) Each student that takes a correspondence course that is offered by use of a textbook shall
8 receive a book to keep.
9

10 C. REAL ESTATE GENERAL REQUIREMENTS
11

- 12 (1) Time devoted to breakfasts, luncheons, and/or dinners offered during a class shall not be
13 counted as continuing education.
14 (2) No more than 120 continuous minutes of education may be offered without a minimum ten
15 (10) minute break.
16 (3) No more than 50% or 150 minutes of a six (6) classroom hour course may be presented by a
17 panel discussion or by a guest speaker(s). An approved instructor shall be present in the
18 classroom during the panel and/or guest speaker(s) presentation. Panel members and/or guest
19 speakers are not allowed to participate in the Broker course.
20 (4) An approved instructor shall determine satisfactory completion of a course.
21 (5) Prior to each class the following statement shall be read: NO BEEPERS, PHONES, OUTSIDE
22 READING MATERIALS, OR ANYTHING OTHER THAN COURSE MATERIALS WILL
23 BE ALLOWED IN ANY REAL ESTATE CONTINUING EDUCATION CLASS. REAL
24 ESTATE CONTINUING EDUCATION CERTIFICATES SHALL NOT BE AWARDED TO
25 ANY ATTENDEE WHO DOES NOT COMPLY WITH COMMISSION REGULATIONS
26 REQUIRING ATTENDANCE AND PARTICIPATION.
27 (6) Not less than 300 minutes of instruction shall be conducted or supervised by an approved
28 instructor(s) for a course to be counted for continuing education. An individual student shall
29 not receive credit if they miss more than 10% of the approved classroom hours.
30 (7) The instructor or sponsor shall provide a copy of the Real Estate Continuing Education course
31 outline as approved by SBPCE to each student taking the course.
32 (8) The instructor has the authority to ask for photo identification of any person to determine that
33 the correct person is in attendance.
34 (9) Post-licensure education shall only be presented by classroom instruction.
35 (10) Any real estate class that is offered and has an attendance of over forty (40) participants shall
36 have on file an approved monitoring plan with the Arkansas Real Estate Commission. The
37 plan shall be filed not less than fourteen (14) days prior to the course offering,
38 (11) Not less than 48 hours prior to offering a real estate continuing education or post-licensure
39 class the Board Staff shall be notified, on the form and in the manner prescribed, of not less
40 than the location and start time of the course.
41 (12) No more than six (6) classroom hours of post-licensure education shall be offered in one (1)
42 day without a minimum of a thirty (30) minute break between modules.
43 (13) No more than one and a-half (1 ½) modules of post-licensure education shall be offered in one
44 day.
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49 **XXVI. REAL ESTATE - CONTINUED**

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51 D. REPORTING REQUIREMENTS

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(1) Attendance list shall be submitted to AREC within two (2) weeks of course completion and contain the original signature of the instructor or sponsor of the course.

(2) Students who have satisfactorily completed a course shall be awarded a certificate of attendance. The following information must be on the certificate:

(a) Name of school or sponsor,

(b) Course outline approval number (as assigned by SBPCE),

(c) Name of student (as licensed with AREC),

(d) Real Estate License number (use Social Security number if license number is unknown),

(e) Course title (as approved by SBPCE - if offered by correspondence, title must include "Correspondence Course"),

(f) Course location,

(g) Course dates (for correspondence courses this shall be the date the course was completed),

(h) Number of classroom hours of instruction (as approved by SBPCE),

(i) Instructor's or sponsor's signature (does not have to be original signature),

(j) The CLASSROOM CERTIFICATES shall have the following statement and provide a place for the licensee's signature: "This is to certify that I attended and completed the course identified above which included a minimum of 6 classroom hours of instruction."

(k) The CORRESPONDENCE CERTIFICATES shall have the following statement and provide a place for the licensee's signature: "This is to certify that I personally completed the correspondence course identified above. I also certify that I answered all examination questions without the assistance of or collaboration with another person or any source other than the approved continuing education instructor or the material provided with the course."

(l) Size of certificate shall be 8 1/2 x 11 inches.

XXVII. DRIVER EDUCATION

A. TRAINING – STUDENTS UNDER THE AGE OF 18

- (1) Students must be at least fourteen (14) chronological years of age.
- (2) Students shall obtain and have in their possession a valid learner's permit when receiving behind-the-wheel instruction on public streets and highways.
- (3) Students taking drivers education under the age of eighteen (18) shall receive a minimum of forty (40) hours of class room and behind-the-wheel instruction. The program shall consist of
 - (a) Thirty (30) hours or more of classroom instruction on driving techniques and rules of the road in Arkansas. Six (6) of the thirty hours shall include instruction on traffic law changes that have occurred within the last ten (10) years;
 - (b) The program shall include a minimum of six (6) hours of actual driving in the vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor; and
 - (c) The program shall include a minimum of four (4) hours of actual driving in the vehicle, while accompanied by a parent or legal guardian. Two (2) of the four (4) hours shall be nighttime driving.
- (4) The classroom hours may be offered by correspondence and shall consist of:
 - (a) A maximum of twenty-eight (28) hours of correspondence work; and
 - (b) A minimum of two (2) hours or more of classroom instruction on driving techniques and rules of the road in Arkansas.

B. DRIVER EDUCATION TRAINING - GENERAL

- (1) Students taking drivers education as beginning drivers and are eighteen (18) years of age or older shall receive a minimum of thirty (30) hours of classroom instruction and/or a minimum of six (6) hours of actual driving in the vehicle, while accompanied by and under the supervision of a qualified Driver Education instructor.
- (2) Persons taking defensive driving courses shall receive a minimum of eight (8) hours of classroom instruction or a minimum of four (4) hours of classroom instruction and a minimum of one (1) hour of actual driving in the vehicle and one (1) hour of observation, while accompanied by and under the supervision of a qualified Driver Education instructor. The course shall include coverage of Arkansas Vehicle Code and other laws of this state relating to the operation of motor vehicles.

C. PRESCRIBED COURSE OF STUDY FOR BEGINNERS

A prescribed course of study of Driver Education shall be designed to develop knowledge of those provisions of the Arkansas Vehicle Code and other laws of this state relating to the operation of motor vehicles, acceptance of personal responsibility in traffic, appreciation of the causes, seriousness, and consequences of traffic accidents, and to develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

Using an appropriate textbook and/or other material, instruction shall include, but not be limited to, the following:

- (a) Signs, signals, highway markings, and highway design;
- Rules of the road, state laws, and local ordinances;
- Driving attitude toward motorcyclists, bicyclists, and pedestrians;

1 **XXVII. DRIVER EDUCATION - CONTINUED**

- 2
3 (d) Basic driving maneuvers;
4 (e) Operation of motor vehicle on streets and highways;
5 (f) Familiarity with the Arkansas Driver's Manual;
6 (g) Insurance law of the State;
7 (h) Financial responsibility;
8 (i) Seat belt use and laws;
9 (j) Effect of natural laws on driving;
10 (k) Alcohol and drug substance abuse and the effect on driving;
11 (l) Basic vehicle maintenance including fluid levels, tire pressure, and lighting systems;
12 (m) Skills:
13 (i) Starting;
14 (ii) Backing;
15 (iii) Parallel parking;
16 (iv) Hill parking;
17 (v) Starting on a hill;
18 (vi) Intersection movement and observance;
19 (vii) Lane observance and changing;
20 (viii) left and right turns;
21 (ix) Pedestrian and vehicle right-of-way;
22 (x) Proper use of automatic and/or standard transmission;
23 (xi) Use of brake and accelerator; **AND**
24 (xii) Traffic lights or signals.

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26 **D. VEHICLE INSURANCE**

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28 (1) Each training vehicle shall have proof of a motor vehicle liability insurance policy with the
29 following minimum limits:
30 Bodily injury and death benefits of \$100,000 for any one person and \$200,000 for two or
31 more person in any one accident;
32 (b) Property damage coverage of \$100,000; **AND**
33 (c) Medical, hospital, and disability benefits (economic loss coverage) of \$100,000 per
34 person,
35 \$300,000 aggregate.
36 (2) Each policy shall be for a minimum of six (6) months. Proof of renewal of each policy shall be
37 submitted to the Board.
38 (3) In the event the insurance coverage is cancelled, a copy of the written notice of cancellation
39 must be furnished forthwith to the Board by registered or certified mail. Behind-the-wheel
40 instruction will be immediately suspended until proper verification of insurance is provided to
41 the Board Staff.
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1 **XXVII. DRIVER EDUCATION - CONTINUED**

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3 E. VEHICLE SPECIFICATIONS

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5 (1) Each vehicle used for training shall have a current registration with the state in which it is
6 licensed.
- 7 (2) Each vehicle used for training shall be maintained in a safe operating condition at all times.
8 Tires and brakes shall be in good working order at all times. A maintenance log must be
9 maintained and up-to-date for each vehicle.
- 10 (3) Each driver-training vehicle used by a school shall be equipped with the following operational
11 equipment:
- 12 (a) One extra foot brake;
 - 13 (b) One extra rearview mirror placed on the inside of the windshield on the right side;
 - 14 (c) Two outside rear/side view mirrors one on each side of the vehicle mounted on each front
15 door;
 - 16 (d) One extra clutch, if the vehicle is equipped with a clutch and manual transmission;
 - 17 (e) Seat belts with shoulder restraints for all seating positions in the vehicle;
 - 18 (f) Cushions for the proper seating of students when necessary;
 - 19 (g) Heater and defroster in working condition;
 - 20 (h) Seat adjustments that move easily and smoothly and secure after moving;
 - 21 (i) Door locks; **AND**
 - 22 (j) Bear a conspicuously displayed sign containing the words "STUDENT DRIVER".
- 23 (4) Each vehicle shall be equipped with signs containing the name of the school and telephone
24 number which may be affixed to either side of the vehicle or the rear deck lid or rear panel of
25 the vehicle, provided the sign does not interfere with or detract from the required STUDENT
26 DRIVER sign.
- 27 (5) No more than three (3) students may be in the vehicle during behind-the-wheel instruction.
- 28 (6) Vehicles when used in defensive driving classes are not required to have the signs as required
29 in (3)(j) or (4).
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