



MEETING AGENDA

TALCB Education Committee
4th Floor, Stephen F. Austin Building
1700 North Congress, Austin, Texas 78701

Wednesday, October 19, 2016, 2:00 p.m.
Via Teleconference

1. Call to order
2. Discussion and possible action regarding development of rules for approval of continuing education providers and courses
3. Discussion and possible action regarding amendments to 22 TAC §153.18, Appraiser Continuing Education, for awarding ACE credit for Board/Staff presentations
4. Review of action items
5. Discussion regarding agenda items for future meetings
6. Discussion regarding future meeting dates
7. Adjourn

Education Rules – Proposed Structure (Phase I)

- Phase I: Appraiser Continuing Education
- Approval of Continuing Education Providers and Courses
- Approval of Providers:
 - For ability to offer courses in Texas
 - Recommended Fee \$200 for 2-year approval period
 - Must ensure courses taught by qualified instructors
- Approval of Courses:
 - Courses approved elsewhere:
 - Continue existing process of accepting courses approved elsewhere
 - Recommended Filing/Processing Fee \$50 per course for 2-yr approval
 - Providers must ensure that course is updated if required by changes in law or regulations
 - Courses approved by TALCB, not previously approved elsewhere:
 - Internal TALCB review of course content for CE approval
 - Recommended Fee: \$50 Base fee, plus the following fees per classroom hour approved:
 - \$5 for Content and exam review
 - \$5 for classroom delivery design and presentation review; and
 - \$10 for distance education delivery design and presentation review.
 - Approval of full credit hours only; AQB required minimum of 2-hours for CE
 - Providers must ensure that course is updated if required by changes in law or regulations

Draft Rules for CE Providers and Courses

153.XX. Approval of Continuing Education Providers and Courses

(a) Approval of continuing education providers.

(1) Application for approval.

(A) Unless otherwise exempt under this subsection (b), a person seeking Board approval to offer appraiser continuing education courses shall:

- (i) file an application on the appropriate form approved by the Board, with all required documentation;
- (ii) submit the required fee under §153.5 of this title; and
- (iii) maintain a fixed office in the state of Texas or designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas which the continuing education provider is required to maintain by this subchapter.

(B) The Board may:

- (i) request additional information be provided to the Board relating to an application; and
- (ii) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Board mails the request.

(C) A CE provider is permitted to offer appraiser continuing education courses that have been approved by the Board.

(2) Exempt Providers. A unit of federal, state or local government may offer appraiser continuing education courses without being approved by the Board as a course provider.

(3) Standards for approval. To be approved by the Board to offer appraiser continuing education courses, the applicant must satisfy the Board as to the applicant's ability to administer courses with competency, honesty, trustworthiness and integrity. If the applicant proposes to employ another person to manage the operation of the applicant, that person must meet this standard as if that person were the applicant.

(4) Approval notice. An applicant shall not act as or represent itself to be an approved CE provider until the applicant has received written notice of the approval from the Board.

(5) Period of initial approval. The initial approval of a CE provider is valid for two years.

(6) Disapproval.

(A) If the Board determines that an applicant does not meet the standards for approval, the Board will provide written notice of disapproval to the applicant.

(B) The disapproval notice, applicant's request for a hearing on the disapproval, and any hearing are governed by the Administrative Procedure Act, Texas Government Code, Chapter 2001, and Chapter 157 of this title. Venue for any hearing conducted under this section shall be in Travis County.

(7) Renewal for continuing education providers.

(A) Not earlier than 90 days before the expiration of its current approval, an approved provider may apply for renewal for another two-year period.

(B) Approval or disapproval of a renewal application shall be subject to the standards for initial applications for approval set out in this section.

(b) Approval of continuing education courses.

(1) General requirements. This subsection applies to continuing education providers seeking to offer:

- (A) an appraiser CE course approved by the Board.
- (B) an appraiser CE course currently approved by the AQB or another state appraiser regulatory entity.

(2) Application for Board approval of an appraiser CE course.

(A) For each appraiser CE course an applicant intends to offer, the applicant must:

- (i) submit the appropriate CE Course Application form;
- (ii) pay the fees required by §153.5 of this title.

(B) The Board may:

- (i) request additional information be provided to the Board relating to an application; and
- (ii) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Board mails the request.

(3) Application for Board approval of appraiser CE courses currently approved by the AQB or another state appraiser regulatory entity.

(A) If a CE provider wants to offer an appraiser CE course currently approved by the AQB or another state appraiser regulatory entity, that CE provider must:

- (i) submit the applicable CE course approval form(s);
- (ii) submit written documentation to the Board demonstrating that the appraiser CE course is currently approved by the AQB or another state appraiser regulatory entity; and
- (iii) pay the fee required by §153.5 of this title.

(B) If approved to offer the currently approved course, the CE provider must offer the course as approved by the AQB or other state appraiser regulatory entity, using all materials required for the course.

(4) Standards for course approval of an appraiser CE course.

(A) To be approved by the Board as an appraiser CE course, the course must be:

- (i) consistent with the purpose of continuing education and cover real estate property related appraisal topics approved by the AQB or other subject matter appropriate for a CE course for appraiser license holders; and
- (ii) current and accurate.

(B) A provider can demonstrate that a course meets the requirements under paragraph (A) of this subsection by submitting a statement describing the objective of the course and how the subject matter is related to approved AQB topics or other activities for which an appraiser license is required, including but not limited to relevant issues in the real estate appraisal market or topics that maintain or increase the license holder's skill, knowledge, and competency in real property appraising.

(C) Each appraiser CE course must be:

- (i) a minimum of 2 hours long;
- (ii) presented in full hourly units
- (iii) offered in accordance with AQB course delivery requirements; and
- (iv) taught by a qualified instructor.

(5) Approval notice.

(A) A CE provider shall not offer an appraiser CE course until the provider has received written notice of the course approval from the Board.

(B) Period of approval.

- (i) An appraiser CE course approved under subsection (b)(2) expires two years from the date of approval; and
- (ii) An appraiser CE course approved under subsection (b)(3) is valid for the shorter of two years from the date of Board approval or the remaining term of approval granted by the AQB or another state appraiser regulatory entity.

(6) Renewal for appraiser CE courses. On or before the date an appraiser CE course approval expires, the course provider must reapply and meet all current requirements of this section to renew the approval of an appraiser CE course.

153.5. Fees

() a fee of \$200 for filing an application for accreditation as a continuing education provider for a period of two years;

() a fee of \$50 for filing and processing for applications to approve a continuing education course currently approved by another regulatory entity

() a fee of \$50 plus the following fees per classroom hour approved by the Board for each continuing education course for a period of two years:

(A) \$5 for content and examination review;

(B) \$5 for classroom delivery design and presentation review; and

(C) \$10 for distance education delivery design and presentation review.

DRAFT

Continuing Education Credit for Board Member/Employee Presentations

SB 1007 amended Chapter 1103, Texas Occupations Code as follows:

§1103.060. EDUCATIONAL PRESENTATIONS.

- (a) A member of the board or a board employee may make a presentation to a group of certificate or license holders for which the certificate or license holders may receive continuing education credit for the renewal of a certificate or license under Section [1103.211](#). The board member or employee may not receive compensation for the presentation.
- (b) Notwithstanding Subsection (a), the board member or employee may receive reimbursement for reasonable travel expenses.

Texas Administrative Code

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TITLE 22	EXAMINING BOARDS
PART 8	TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD
CHAPTER 153	RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT
RULE §153.18	Appraiser Continuing Education (ACE)

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- (a) The purpose of ACE is to ensure that license holders participate in programs that maintain and increase their skill, knowledge, and competency in real estate appraising.
- (b) To renew a license, a license holder must successfully complete the equivalent of at least 28 classroom hours of ACE courses approved by the Board, including the 7-hour National USPAP Update course during the two-year period before a license expires. The courses must comply with the requirements set out in subsection (d) of this section.
- (c) The Board will base its review and approval of ACE courses upon the appraiser qualifications criteria of the AQB.
- (d) The following types of courses may be accepted for ACE:
- (1) A course that meets the requirements for licensing also may be accepted for ACE if:
 - (A) The course is devoted to one or more of the appraisal related topics of the appraiser qualifications criteria of the AQB for continuing education;
 - (B) the course was not repeated within a three year period; and
 - (C) the course is at least two hours in length.
 - (2) The Board will accept as ACE any continuing education course that has been approved by the AQB course approval process or by another state appraiser licensing and certification board.
 - (A) Course providers may obtain prior approval of ACE courses by filing forms approved by the Board and submitting a letter indicating that the course has been approved by the AQB under its course approval process or by another state appraiser licensing and certification board.
 - (B) Approval of a course based on AQB approval expires on the date the AQB approval expires and is automatically revoked upon revocation of the AQB approval.
 - (C) Approval of a course based on another state licensing and certification board shall expire on the earlier of the expiration date in the other state, if applicable, or two years from Board approval and is automatically revoked upon revocation of the other state board's approval.
 - (3) Distance education courses may be accepted as ACE if:
 - (A) The course is:
 - (i) Approved by the Board;
 - (ii) Presented by an accredited college or university that offers distance education programs in other disciplines; or
 - (iii) Approved by the AQB under its course approval process; and
 - (B) The student successfully completes a written examination proctored by an official approved by the presenting college, university, or sponsoring organization consistent with the requirements of the course accreditation; and
 - (C) A minimum number of hours equal to the hours of course credit have elapsed between the time of course enrollment and completion.
- (e) To satisfy the USPAP ACE requirement, a course must:

- (1) be the 7-hour National USPAP Update Course or its equivalent, as determined by the AQB;
 - (2) use the current edition of the USPAP;
 - (3) provide each student with his or her own permanent copy of the current USPAP; and
 - (4) be taught by at least one instructor who is an AQB-certified USPAP instructor and also licensed as a certified general or certified residential appraiser.
- (f) Providers of USPAP ACE courses may include up to one additional hour of supplemental Texas specific information. This may include topics such as the Act, Board Rules, processes and procedures, enforcement issues, or other topics deemed appropriate by the Board.
- (g) Up to one half of a license holder's ACE requirements may be satisfied through participation other than as a student, in real estate appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching an ACE course, educational program development, authorship of real estate appraisal textbooks, or similar activities that are determined by the Board to be equivalent to obtaining ACE.
- (h) The following types of courses or activities may not be counted toward ACE requirements:
- (1) Teaching the same ACE course more than once per license renewal cycle;
 - (2) "In house" education or training; or
 - (3) Appraisal experience.
- (i) ACE credit for attending a Board meeting.
- (1) The Board may award a minimum of two hours and up to a maximum of 4 hours of ACE credit to a current license holder for attending the Board meeting held in February of an even numbered year.
 - (2) The hours of ACE credit to be awarded will depend on the actual length of the Board meeting.
 - (3) ACE credit will only be awarded in whole hour increments. For example, if the Board meeting is 2 and one half hours long, only 2 hours of ACE credit will be awarded.
 - (4) To be eligible for ACE credit for attending a Board meeting, a license holder must:
 - (A) Attend the meeting in person;
 - (B) Attend the entire meeting, excluding breaks;
 - (C) Provide photo identification; and
 - (D) Sign in and out on the class attendance roster for the meeting.
 - (5) No ACE credit will be awarded to a license holder for partial attendance.
- (j) ACE credit for attending presentations by current Board members or staff. As authorized by law, current members of the Board and Board staff may teach or guest lecture as part of an approved ACE course. To obtain ACE credit for attending a presentation by a current Board member or Board staff, the course provider must:
- (1) submit the applicable [request](#) form;**
 - (2) [pay the fee required in §153.5 of this title](#); and**
 - (3) satisfy the [AOB](#) requirements for [continuing education](#) [~~ACE~~]course approval [~~in this section~~].**
- (k) If the Board determines that an ACE course no longer complies with the requirements for approval, it may suspend or revoke the approval. Proceedings to suspend or revoke approval of a course shall be conducted in accordance with the Board's disciplinary provisions for licenses.

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CHAPTER 153	RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT
RULE §153.5	Fees

(a) The Board shall charge and the Commissioner shall collect the following fees:

(1)-(23) No change.

(24) **a fee of \$50 for an application for ACE course approval of presentation by current Board member or staff;**

(25) a fee of \$20 for filing any application, renewal, change request, or other record on paper when the person may otherwise file electronically by accessing the Board's website and entering the required information online; and

(26)~~(25)~~ any fee required by the Department of Information Resources for establishing and maintaining online applications.

TALCB Education Committee

Action Item List

Date Requested	Item Description	Person/Division Assigned	Status	Remarks	Date Completed
07/14/14	Appraiser trainee review program	Committee/SES	Completed	Develop voluntary program to review trainee logs/experience at regular intervals prior to license application; SES to bring draft rules for consideration at next meeting	10/08/15
07/14/14	ACE credit for attending Board meeting	Staff	Completed	Staff to bring outline to next committee meeting for consideration	10/08/15
07/14/14	ACE credit for Board/Staff presentations	AMS	In progress	Legislative authority granted; need rules for course/provider approval.	
07/17/15	TALCB Approval of Continuing Education Providers & Courses	Committee/ELS	In progress	Committee approved Phase I outline; Committee considering rules presented by Staff	

Last modified: 9/6/2016