**Title 6. Education**

**Chapter IV. Division of Higher Education, Department of Education**

**Subchapter A. Generally**

**Part 364. Rules Governing Activities in Private Career Schools in Arkansas**

**Subpart 1. Generally**

### 6 CAR § 364-101. Definitions – General.

As used in this part:

(1) "APBBLB" means the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board;

(2) "ASBPCE", "board", or "SBPCE" means the State Board of Private Career Education;

(3) "Authorized representative of the board" means a member of the board, board staff, or an individual designated by the Director of the Division of Higher Education;

(4) "Bail bondsman classroom hour" means a period of fifty (50) minutes of actual classroom instruction with a registered instructor present;

(5) "Bail bondsman continuing education" means not less than six (6) classroom hours of postlicensure education, required as a condition of renewing his or her license, in subjects related to the authority and responsibilities of a bail bondsman;

(6) "Bail bondsman prelicense education" means an eight-classroom-hour course covering Arkansas Code and rules related to the bail bond industry taken prior to sitting for the licensure exam;

(7)(A) "Bail Bondsmen Review Committee" means a group of three (3) persons to review proposed course outlines.

(B) The committee shall consist of:

(i) One (1) staff member of the State Board of Private Career Education;

(ii) One (1) staff member of the Professional Bail Bond Company and Professional Bail Bondsmen Licensing Board; and

(iii) One (1) person with knowledge of the bail bondsmen business but not associated with an organization providing education;

(8) "Board staff" means an employee of the State Board of Private Career Education;

(9)(A) "Change of ownership" means a change in the control of the school.

(B) Any agreement to transfer the control of a school is considered to be a change of ownership.

(C) The control of a school is considered to have changed:

(i) In the case of ownership by an individual, when more than fifty percent (50%) of the school has been sold or transferred;

(ii) In the case of ownership by a partnership or a corporation, when fifty percent (50%) or more of the school or of the owning partnership or corporation has been sold or transferred; or

(iii) 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;

(10) "Continuing education unit" means the standard measure of one (1) unit for every ten (10) contact hours of successful participation in an organized continuing educational experience;

(11) “Continuing professional education” means a measure of one (1) unit for each contact hour of successful participation in an organized continuing educational experience;

(12) “In the State of Arkansas” means you have a physical presence through direct recruitment in any form such as but not limited to mail, email, phone, advertising through local media, or have in Arkansas:

(A) A post office box;

(B) An office; or

(C) A classroom;

(13)(A) "Independent testing agent" means a person employed to administer an entrance examination to a potential student.

(B) The person cannot be otherwise associated with the school;

(14) "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.

**Example 1:** Legal secretary to paralegal.

**Example 2:** Dental technician to medical technician.

**Example 3:** Computer operator to computer programmer

; and/or

(C) The content, or courses, and/or total number of hours in the program of study change twenty-five percent (25%) or more.

**Example 1:** One hundred (100) hours of content changes in a four hundred-hour program of study.

**Example 2:** Two hundred fifty (250) hours of content are deleted from a one thousand-hour program of study.

**Example 3:** One hundred fifty (150) hours of content are added to a six hundred-hour program of study;

(15)(A) "Notice of hearing" means an order to appear before the State Board of Private Career Education with not less than ten (10) days' notice except in the case of an emergency.

(B) The order shall be mailed certified or delivered in person and include, but not be limited to, the names of the parties involved, time, location, and purpose of the hearing;

(16) "Occupational instruction" means training which leads to or enhances a career;

(17)(A) "Program of study" means an organized unit of courses or an individual course in which instruction is offered.

(B) Each entrance or exit point constitutes a new program of study.

(C) Hereafter referred to as "program" or "programs" unless otherwise indicated;

(18) "Real estate classroom hour" means a period of at least fifty (50) minutes, but not more than sixty (60) minutes, of actual classroom instruction with an instructor present or by distance education courses that have ARELLO approval;

(19) "Real estate continuing education" means education derived from participation in courses in real estate-related subjects as required by the Arkansas Real Estate Commission, which have been approved by the State Board of Private Career Education;

(20) "Real estate continuing education approval" means approval granted to organizations which have properly submitted and have received approval for their outlines to meet the six-classroom-hour continuing education requirement for real estate brokers and sales persons as set forth in Arkansas Code § 17- 42-501 et seq.;

(21) "Sponsor" means, in the rules related to exemptions, a person or organization that plans and implements a project or activity; and

(22)(A) "Total cost of program" means tuition plus the registration fees.

(B) The total cost may or may not include books, supplies, lab fees, etc. for the program.

**6 CAR § 364-102. Definitions – License types.**

As used in this part:

(1)(A) "Career seminar school license" means a license granted to those organizations desiring to offer training that leads to or enhances occupational qualifications.

(B) Career seminar training shall be presented in twenty-four (24) clock hours or less and student tuition plus registration fees shall be less than one thousand dollars ($1,000).

(C) Hereafter referred to as "school" unless otherwise indicated;

(2)(A) "Extension course site school license" means a license granted for a period of not more than six (6) months to allow a licensed school to temporarily hold a course or courses of an approved program at a site other than the currently licensed school location.

(B) If the course or courses will require more than six (6) months to complete an application for the appropriate license will be required;

(3)(A) "Real estate continuing education school licensee" means a license granted to currently licensed real estate schools to offer programs approved to meet the six (6) classroom hour continuing education or postlicensure requirement for real estate brokers and sales persons as set forth in Arkansas Code § 17-42-501 et seq.

(B) Hereafter referred to as "school" or unless otherwise indicated;

(4)(A) "Satellite school license" means a license granted to those organizations located in Arkansas that have a "school license" and desire to offer identical programs away from the school where programs of study are offered on a regular continuing basis by Arkansas schools.

(B) The contact person between the school and the State Board of Private Career Education will be the same person for the satellite school.

(C) Hereafter referred to as "school" or unless otherwise indicated;

(5)(A) "School license" means a license granted to any person, firm, partnership, association, corporation, or other form of business organization seeking to do business or offering in the State of Arkansas resident or correspondent training or instruction:

(i) That leads to or enhances occupational qualifications;

(ii) In airframe or power plant mechanics;

(iii) As preparation for passing exams which may lead to employment; or

(iv) In driver education, excluding those courses taught to motor vehicle violators pursuant to court order.

(B) Hereafter referred to as "school" unless otherwise indicated; and

(6)(A) "Traveling school license" means a license granted to those organizations that desire to offer programs where the total length of the program is less than or equal to one hundred (100) clock hours, in various Arkansas towns.

(B) All moves shall be reported to the State Board of Private Career Education not less than twenty-four (24) clock hours before training is offered.

(C) This license allows that training shall only be offered in one (1) location at a time.

(D) A school can hold multiple traveling school licenses.

(E) Hereafter referred to as "school" unless otherwise indicated.

**6 CAR § 364-103. Admissions 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 shall adhere to the following guidelines:

(A)(i) Assess the skills of these students by administering an entrance examination that is approved by the United States Department of Education.

(ii) This examination shall be administered by an independent testing agent, using original copyrighted materials for each student.

(iii) Test results shall be placed in the student's academic file; and

(B)(i) The school shall maintain a periodic tracking system to monitor the progress of each of these students.

(ii) The tracking system shall include, but not be limited to, name of student, student progress, and documentation of a minimum of two (2) counseling sessions.

(iii) All documentation shall be maintained in the student's academic file.

(iv) The documentation shall be signed and dated by the student and school official;

(3) New students shall not begin training except at preestablished and announced intervals; and

(4)(A) Students under eighteen (18) years of age shall sign any school-student agreement jointly with a:

(i) Parent;

(ii) Guardian; or

(iii) Guarantor.

(B) A copy of this agreement shall be placed in the student's file and a copy shall be provided to the student after all parties have signed the forms.

**6 CAR § 364-104. Admissions representatives.**

(a) **Admissions representative license – Original.** An original application form shall have the following documentation attached:

(1) A copy of the applicant's:

(A) High school transcript;

(B) Diploma;

(C) Proof of GED;

(D) DD214; or

(E) Other document that can serve as proof of not less than high school graduation;

(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 identification such as a driver's license;

(5) One (1) passport sized two inches by two inches (2" x 2") photograph of the applicant; and

(6) The Division of Arkansas State Police and Federal Bureau of Investigation background application forms and fingerprint cards with the appropriate attachments and fees.

(b) **Admissions representatives license — Renewal.** A renewal application shall have one (1) passport sized two inch by two inch (2" x 2") photograph of the applicant and the Division of Arkansas State Police and Federal Bureau of Investigation background application forms and fingerprint cards with the appropriate attachments and fees.

(c) **Admissions representatives — General policies.**

(1) When seeking an admissions representative's license original or renewal the applicant shall submit the Division of Arkansas State Police and Federal Bureau of Investigation background application forms with the appropriate attachments and fees to the State Board of Private Career Education staff.

(2) After the cleared Federal Bureau of Investigation background check is received for an admissions representative seeking an original license, the expiration date shall be three (3) years after the last day of the month during which the license is issued.

(3) After the cleared Federal Bureau of Investigation background check is received for an admissions representative seeking a renewal license, the expiration date shall be three (3) years after the last day of the month during which the original license was issued.

(4)(A)(i) Upon receipt of information from the Identification Bureau of the Division of Arkansas State Police that the applicant has been convicted of a felony, theft of property, or a crime involving an act of violence for which a pardon has not been granted, the board shall deny the request for a license.

(ii) The board staff will request from the applicant additional information needed to determine how the findings affect the applicant for licensure.

(iii) The information may be sent to the board from the law enforcement agency.

(B) The provisions of Arkansas Code § 6-51-609(d)(3) may be waived by the board upon the request of:

(i) An affected applicant for licensure; or

(ii) The person holding a license subject to revocation.

(C) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(i) The age at which the crime was committed;

(ii) The circumstances surrounding the crime;

(iii) The length of time since the crime;

(iv) Subsequent work history;

(v) Employment references;

(vi) Character references; and

(vii) Other evidence demonstrating that the applicant does not pose a threat.

(5) The admissions representative shall carry the pocket card license at all times the school is being represented.

(6) The pocket card license shall bear not less than:

(A) A recent photograph of the admissions representative;

(B) Their name;

(C) The name and location of the licensed school to be represented; and

(D) The valid period of the license.

(7) 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.

(8) An admissions representative shall be licensed for each school to be represented to Arkansas residents.

(9) The admissions representative shall not discuss programs other than those licensed by the board.

(10) The admissions representative shall conduct business affairs in such a manner as to reflect:

(A) Honesty;

(B) Integrity; and

(C) A sense of fair play.

(11) 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:

(A) The student's parent, guardian, or guarantor; and

(B) By an authorized official of the school.

(12)(A) The admissions representative shall discuss only the school they are licensed to represent.

(B) If the representative is questioned about another school the only response given shall be to contact the other school directly or the board.

(13) The admissions representative shall not attempt in any manner to persuade a prospective student to cancel an enrollment contract with any other school.

(14) 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.

(15) 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.

(16) When an admissions representative is no longer employed, the school authority shall notify the board staff in writing within thirty (30) calendar days including not less than the date of and reason for the representative's termination.

(17) Schools shall train their admissions representatives so as to be knowledgeable of school policies and procedures, as well as the law and rules of the board.

(18) Schools shall be responsible for any statements or commitments made by its admissions representatives to students or prospective students.

(19) The admissions representative shall not:

(A) Solicit in public places other than an educational setting, at job fairs, a facility or location which has been established to be in place for a minimum of thirty (30) calendar days, or other organized meetings;

(B) Offer as an inducement or enticement, any consideration with a value of more than fifty dollars ($50.00) to a prospective student prior to enrollment, such as:

(i) Cash;

(ii) Food;

(iii) Housing; or

(iv) 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.

**6 CAR § 364-105. Arbitration panel.**

(a) If a complaint or 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.

(b) The request for arbitration shall be made in writing and filed with the State Board of Private Career Education within one (1) year of completion or withdrawal of the student from the school.

(c) Both parties shall comply with the decision of the arbitration panel.

(d) If multiple requests for hearings against one (1) school are received the board staff shall determine the number to be heard in one (1) day.

**6 CAR § 364-106. Bankruptcy.**

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

(1)(A) Notify the State Board of Private Career Education staff within twenty-four (24) hours of the filing, excluding Saturdays, Sundays, and legal holidays.

(B) The information should be provided by completing and submitting the bankruptcy notification form as found on the board website;

(2) Provide monthly bankruptcy updates to the board staff;

(3) Submit the:

(A) Name, address, and phone number of the bankruptcy lawyer; and

(B) Case number;

(4) Submit information on where the action was filed such as the:

(A) State;

(B) County; and

(C) Court; and

(5) One (1) copy of all information filed with the bankruptcy court shall be submitted to the board staff.

**6 CAR § 364-107. Bond — Surety.**

(a) The State Board of Private Career Education shall determine the sum of each surety bond based upon the following guidelines:

(1) Except as provided in Arkansas Code § 6-51-620 (a)(6)(B) and (C), 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 ten thousand dollars ($10,000); and

(3) If at any time a schools has any program with a total cost per program of three thousand dollars ($3,000) or more they shall be required to secure a bond.

(b) A surety bond is not required for schools that were licensed on April 10, 1995, by the board and have maintained continuous licensure.

(c)(1) Each school licensed under this part shall maintain a continuous surety bond.

(2) Proof of continued coverage by a surety bond shall be submitted to the board on an annual basis.

(d) 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 part or any rule of this board by the school or its officers, admissions representatives, or employees;

(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.

(e) When it has been determined that a school is in violation of law or rules covered by the surety bond, the board staff shall issue a letter to the appropriate bond company requesting payment from the bond.

(f) The proceeds of a called bond shall be deposited into a board account and payment made to the appropriate individual or individuals or entities.

(g)(1) 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.

(2) However, a surety may not be released from the bond unless all sureties on the bond are released.

(h)(1) The license shall be suspended when that school is no longer covered by a surety bond meeting the required amount.

(2) 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 part.

(i)(1) The bond shall be based on gross tuition meaning the total amount collected by a school during the most recently completed twelve-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 rules of the board, provided however, that for a school located outside of Arkansas 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.

(2) The information regarding gross tuition shall be submitted to the board on the
forms provided.

(j)(1) The bond shall be a surety bond issued by a company authorized to do business in the state.

(2) The bond shall be to the State to be used for payment of a tuition refund owed to a student or enrollee.

**6 CAR § 364-108. Cancellation and refund policy.**

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

(1) 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 executed;

(2) 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 ($25.00);

(3) If the student has contracted with a school to pursue a distance education 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 or has attended one (1) regular class period of instruction whichever comes first;

(4) 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 (1) regular class period of instruction at the resident school;

(5)(A) All refunds shall be made by the school to the student or lender no later than thirty (30) calendar days after the student withdraws, is terminated from, or completes the program.

(B) Proof of refund or refunds shall be placed in the student's file.

(C) If refunds are made by check, proof shall be a photocopy of the refund check and proof that it has cleared the bank such as the bank statement.

(D) 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 the State Board of Private Career Education staff upon request.

(E) If refunds are made to a credit card the credit receipt shall serve as proof of the refund;

(6) At the time of completion of home solicitation sale:

(A) The seller shall furnish the buyer with a fully completed receipt;

(B) A copy of any contract or agreement pertaining to such sale at the time of its execution which shall:

(i) Show the name and address of the seller;

(ii) Show the date of transaction; and

(iii)*(a)* 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."

*(b)* This statement shall be in immediate proximity to the space reserved for the signature of the buyer, in the contract, agreement, or receipt; and

(C)(i) The buyer may cancel by written notice mailed to the seller, preferably by certified or registered letter.

(ii) If in the event the buyer cancels, the seller shall return to the buyer within thirty (30) calendar days of the cancellation:

*(a)* Any payments made;

*(b)* Any goods or other property, received as a trade-in, or a sum equal the trade-in allowance given therefore; and

*(c)* Any note or other evidence of indebtedness given by the buyer to the seller pursuant to or in connection with the sale.

(iii) After cancellation the seller shall have thirty (30) calendar days to take possession of any property left with the buyer;

(7) The effective date of the termination, for refund purposes, shall be the last day of attendance;

(8) The student shall not be required to purchase instructional supplies, books, pay fees, etc. until such time as these materials are needed;

(9)(A) In the event a school discontinues a program in which students are enrolled, a full refund of all tuition, tools, textbooks, etc. and fees is due.

(B) Refunds shall be made within fifteen (15) days of the last class meeting date.

(C) This statement does not apply to a closed school.

(D) However, it does apply to a school that closes only one (1) location;

(10)(A) Schools shall publish and adhere to a refund policy.

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

(C) All tuition paid in excess of the registration fee of not more than one hundred dollars ($100) shall be refundable.

(D)(i) The refund shall be based on the cost and length of the program.

(ii) All tuition beyond the current enrollment period shall be refunded when a student terminates.

(iii) At completion of:

*(a)* Less than twenty five percent (25%) of the program, the refunds shall be made on a pro rata basis;

*(b)* Twenty-five percent (25%) but less than fifty percent (50%) of the program, the student shall be refunded not less than fifty percent (50%) of the tuition;

*(c)* Fifty percent (50%) but less than seventy-five percent (75%) of the program, the student shall be refunded not less than twenty-five percent (25%) of the tuition; and

*(d)* Seventy-five percent (75%) or more of the program, no refund is due the student; and

(11) Students shall be refunded immediately when a course is cancelled and there is not a course required for their program of study available.

**6 CAR § 364-109. Closing of schools.**

Schools shall provide the State Board of Private Career Education staff not less than the following when closing:

(1) Immediate notification of the action;

(2) The name, address, and telephone number of the person who will be responsible for closing arrangements;

(3)(A) Complete the appropriate form located on the board website for each student that has been in attendance within the previous ninety (90) calendar days of the date of the school closing.

(B) The report shall include not less than the name, mailing address, and phone number for each student, as well as the:

(i) Name of the program in which enrolled;

(ii) Amount of class time required for each student to complete the program; and

(iii) Amount of refund, if any, for which each student is eligible;

(4)(A) Within fifteen (15) calendar days of closing, the school shall deliver all transcripts from the time the school was licensed.

(B) Student academic and financial aid records for the previous three (3) years of the school's operation shall also be delivered to the Director of the Division of Higher Education.

(C) The records delivered to the director shall be arranged in alphabetical order and stored in standard record storage boxes.

(D) If the school has been using an electronic format for storage of records the board shall be provided with a legal copy of the software so that records can be reproduced as needed.

(E) If a legal copy of the software is not provided to the board, the school shall submit the documents in printed format;

(5) When there is a change in ownership of a school, it shall become the responsibility of the new owner to maintain the student records from the previous ownership, however, the new ownership shall not be held responsible for noncompliance found in records of the previous ownership;

(6) When a school with multiple locations closes one location it shall be the responsibility of the school to move and maintain all student records from the closed location to one of the remaining locations and notify the board of the location of the records; and

(7)(A) When the school is located in Arkansas all student records shall be delivered to the board.

(B) Schools located out of Arkansas shall submit records for Arkansas students only.

**6 CAR § 364-110. Complaints.**

Schools shall provide not less than the following:

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

(B) This procedure shall include use of written documentation that contains signatures of the appropriate school officials and the student as well as the date that each step of the complaint process was completed;

(2)(A) Schools shall post State Board of Private Career Education-provided information (Form 8000) so that students will be aware of the complaint process available to them through the board.

(B) This information shall be posted in locations used and/or seen by all students on a regular basis;

(3) The complaint shall be submitted in writing, on the forms provided by the board;

(4) The complaint shall be filed within three hundred sixty-five (365) days of the alleged incident;

(5) If a student filing a complaint has filed legal action against the school, the board staff shall wait until legal options have been exhausted before beginning the board-approved complaint process;

(6) If the school is currently licensed:

(A) The board staff shall mail all correspondence to the school and the student by certified mail;

(B) All responses from the school and student shall be due within ten (10) days of receipt of correspondence from the board staff;

(C) At any time during the complaint process the board staff may attempt to seek an informal resolution of the complaint;

(D) At any point during the complaint process, failure by the school to respond to the complaint will result in the issuance of a notice of hearing to appear before the board;

(E) At any point during the complaint process if the board staff has not received additional correspondence from the student by the tenth (10th) calendar day after receipt of the response from the school, the school's response shall be considered accepted by the student and the complaint will be closed;

(F)(i)*(a)* The complaint shall be forwarded to the administrator of the school to submit a written response to the board staff.

*(b)* The school shall include a copy of the student's contract, transcript, and any other relevant materials with their response to the complaint.

(ii)*(a)* The board staff shall forward the school's response to the student for review.

*(b)* The student shall, if appropriate, provide a response to the information received from the school.

(iii) The student's response shall be forwarded to the administrator of the school to submit a final written response to the board staff.

(iv)*(a)* The school's response shall be forwarded to the student for review.

*(b)* The student shall notify the board in writing of acceptance of the response or to request arbitration if applicable.

(v)*(a)* In some cases, the student or school can request the Arbitration Panel be convened.

*(b)* See 6 CAR § 364-105 for additional information;

(7) If the school is located out of state and not currently licensed, every effort shall be made to have the complaint answered by school officials; and

(8) If the school is closed, complaints shall not be accepted.

**6 CAR § 364-111. Exemptions.**

(a)(1) Arkansas Code § 6-51-601 et seq. requires that most persons or organizations offering training that leads to or enhances occupational qualifications be licensed by the State Board of Private Career Education.

(2) There are twelve (12) specific exemptions listed in Arkansas Code § 6-51-603.

(3) The exemption form shall be submitted to the State Board of Private Career Education with the appropriate attachments.

(4) Additional information may be requested by the State Board of Private Career Education staff as deemed necessary.

(b)(1) In order for a school to be granted an exemption, it must be shown that the school clearly and completely meets the provisions of one (1) or more of the specific exemptions.

(2) When an exemption is granted, the organization shall not refer to the State Board of Private Career Education in any material or manner.

(3) The following criteria shall be used to determine whether these provisions are clearly and completely met and thus the training is exempt from licensure under Arkansas Code § 6-51-603:

(A)(i) Private institutions exclusively offering instruction at any or all levels from preschool through twelfth grade.

(ii) **Proof.** To establish exemption under this section, a notarized affidavit and documentation showing that the school offers only a curriculum that is typical of that taught in an Arkansas public school for preschool through twelfth grade;

(B)(i) Schools established by laws of Arkansas, governed by Arkansas boards and permitted to operate for the sole purpose of providing specific training normally required to qualify persons for occupational licensure by state boards or commissions, which determine education and other standards for licensure and operation of such schools.

(ii) **Proof.** To establish exemption under this section, the following evidence shall be submitted:

*(a)* Name of school;

*(b)* Names of programs;

*(c)* A copy of certificate, license, letter, or other document showing approval of the school under another law of the state;

*(d)* A copy of regulations from another law of the state establishing requirements for operation; and

*(e)* Name, address, and phone number of the office enforcing the state law by which the school is regulated and approved;

(C)(i) State colleges and universities coordinated by the Arkansas Higher Education Coordinating Board.

(ii)*(a)* **Proof.** The website for the Division of Higher Education will be checked by State Board of Private Career Education staff.

*(b)* The State Board of Private Career Education staff will request from the college or university any additional information needed;

(D)(i) 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.

(ii) **Proof.** To establish exemption under this section, the following evidence shall be submitted:

*(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)(1)* Types of students.

*(2)* Examples: children ages seven through twelve (7-12), homemakers, general public, etc.; and

*(d)(1)* Copies of advertisements including yellow page ads.

*(2)* If there will be no advertising, so state;

(E)(i) Schools operated solely to provide programs of study in:

*(a)* Theology;

*(b)* Divinity;

*(c)* Religious education; and

*(d)* Ministerial training.

(ii) **Proof.** To establish exemption under this section, the following evidence shall be submitted:

*(a)(1)* A notarized affidavit stating the name of the organization, religion or denomination, and explain how it owns, controls, operates, and conducts the school.

*(2)* Submit the bylaws and articles of incorporation if the institution is incorporated; and

*(b)* A copy of the current school catalog that includes not less than:

*(1)* A list of the programs of study to be offered including length in clock or credit hours, cost, and program objective; and

*(2)* A description for each course in each program;

(F)(i) 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.

(ii) **Proof.** To establish exemption under this section, the following evidence shall be submitted:

*(a)* Name of program;

*(b)(1)* A notarized affidavit from the organization stating that no students other than employees will be solicited or enrolled.

*(2)* 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; and

*(c)(1)* Include samples of advertising that will be used by the employer inside the business to recruit participants.

*(2)* If there will be no advertising, so state;

(G)(i) 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.

(ii) **Proof.** To establish exemption under this section, the following evidence shall be submitted:

*(a)* Name of program;

*(b)(1)* A letter shall be submitted that includes an explanation as to how the membership is closed.

*(2)* Membership is not closed if any member of the public can join.

*(3)* Such organizations must provide other services and benefits to their members in addition to the educational instruction they offer.

*(4)* In addition, the organizations may be asked to furnish the charter and bylaws;

*(c)* A notarized affidavit from the organization stating that no students other than members of the organization mentioned in subdivision (b)(3)(G)(ii)*(b)* of this section will be solicited or enrolled; and

*(d)(1)* Samples of newspaper and yellow page ads, brochures, and any other means of soliciting or advertising.

*(2)* If there will be no advertising, so state;

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

(ii)*(a)* **Proof.** To establish exemption under this section, submit evidence that the school is supported by taxation.

*(b)* More than fifty percent (50%) of the school funds must be tax dollars from either a state or local source;

(I)(i) Flight instructors licensed under appropriate Federal Aviation Administration regulations.

(ii) **Proof.** To establish exemption under this section, submit proof of Federal Aviation Administration approval;

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

(ii)*(a)* **Proof.** To establish exemption under this section, the college or university shall be one of the following:

*(1)* Arkansas Baptist College;

*(2)* Central Baptist College;

*(3)* Crowley's Ridge College;

*(4)* Harding University;

*(5)* Hendrix College;

*(6)* John Brown University;

*(7)* Lyon College;

*(8)* Ouachita Baptist University;

*(9)* Philander Smith College;

*(10)* Shorter College;

*(11)* University of the Ozarks; or

*(12)* Williams Baptist College.

*(b)* The State Board of Private Career Education staff will request from the college or university any additional information needed;

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

(ii) **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;

(L)(i) Training offered on military bases where a majority of the students enrolled are:

*(a)* Active duty personnel or their adult family members;

*(b)* United States Department of Defense civilian employees or their adult family members;

*(c)* Members of the United States Armed Forces reserve components; and

*(d)* Retirees.

(ii) These organizations shall remain exempt from the requirement for licensure if required to move off the military installation for a period of not more than

ninety (90) days because of a change in security level which would not allow civilian students on the installation.

(iii) The State Board of Private Career Education shall have the authority to review any situations that extend past the ninety-day period and determine whether the exemption status should remain for the school.

(iv) **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:

*(1)* Active duty personnel;

*(2)* Active duty personnel adult family member;

*(3)* United States Department of Defense civilian employee;

*(4)* United States Department of Defense civilian employee adult family member; or

*(5)* A member of the United States Armed Forces reserve components or retiree.

**6 CAR § 364-112. Fees.**

(a) **Fees and general information.**

(1) Fees shall be nonrefundable in accordance with Arkansas Code § 6-51-610(a).

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

(A) Career seminar school license; and

(B) Real estate continuing education license.

(3)(A) For organizations seeking an original license, the licensing fee shall be prorated.

(B) Prorated license fees shall be figured based on the following chart:

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

(b) **License fees.**

(1) Career seminar school license (The fee for this license shall not be prorated).

Nine hundred seventy-five dollars ($975) to offer seminars of twenty-four (24) clock hours or less in various locations in the state during the licensure year where student tuition plus registration fees shall be less than one thousand dollars ($1,000).

Or

| HIGHEST TUITION (TOTAL COST OF PROGRAM) GREATER THAN OR EQUAL TO | BUT LESS THAN | LICENSE FEE |
|---|---|---|
| $0 | $500 | $455 |
| $500 | $1,000 | $680 |

to offer seminars of twenty-four (24) clock hours or less in one (1) location (city or town) in the state during the licensure year where students tuition plus registration fees shall be less than one thousand dollars ($1,000).

(2) Real estate continuing education license (The fee for this license shall not be prorated).

Seven hundred dollars ($700) to offer real estate continuing education in designated sites other than the school location. These programs shall be used to meet the six-classroom-hour continuing education and postlicensure requirement for real estate brokers and sales personnel as set forth in Arkansas Code § 17-42-501 et seq.

(3) School, satellite, and traveling school - Original.

School and traveling school fees are found using the chart below. If you have a school license and are applying for a satellite license, after you determine the fee for the school license subtract one hundred dollars ($100).

| SCHOOLS & TRAVELING SCHOOLS HIGHEST TUITION Greater But Less Than | ORIGINAL FEES FEB - APR 15 MONTHS INCLUDES ONE PROGRAM | ORIGINAL FEES APR - APR 13 MONTHS INCLUDES ONE | ORIGINAL FEES JUN - APR 11 MONTHS INCLUDES ONE PROGRAM | ORIGINAL FEES AUG - APR 9 MONTHS INCLUDES ONE PROGRAM | ORIGINAL FEES OCT - APR 7 MONTHS INCLUDES ONE PROGRAM | ORIGINAL FEES DEC - APR 5 MONTHS INCLUDES ONE PROGRAM | ORIGINAL FEE FOR EACH PROGRAM OF STUDY IN ADDITION |
|---|---|---|---|---|---|---|---|

| Than | OF STUDY | PROGRAM OF STUDY | OF STUDY | OF STUDY | OF STUDY | OF STUDY | TO THE ONE INCLUDED IN ORIGINAL FEE |
|---|---|---|---|---|---|---|---|
| $ 0 $ 500 | $ 1,000 | $ 900 | $ 800 | $ 700 | $ 600 | $ 500 | $ 50 |
| $ 500 $ 1,000 | $ 1,375 | $1,225 | $ 1,075 | $ 925 | $ 775 | $ 625 | $ 75 |
| $ 1,000 $ 2,000 | $ 1,750 | $ 1,550 | $ 1,350 | $ 1,150 | $ 950 | $ 750 | $ 100 |
| $ 2,000 $ 4,000 | $ 2,125 | $ 1,875 | $ 1,625 | $ 1,375 | $ 1,125 | $ 875 | $ 150 |
| $ 4,000 $ 6,000 | $ 2,500 | $ 2,200 | $ 1,900 | $ 1,600 | $ 1,300 | $ 1,000 | $ 175 |
| $ 6,000 $ 8,000 | $ 2,875 | $ 2,525 | $ 2,175 | $ 1,825 | $ 1,475 | $ 1,125 | $ 200 |
| $ 8,000 $10,000 | $ 3,250 | $ 2,850 | $ 2,450 | $ 2,050 | $ 1,650 | $ 1,250 | $ 225 |
| $10,000 $15,000 | $ 3,625 | $ 3,175 | $ 2,725 | $ 2,275 | $ 1,825 | $ 1,375 | $ 250 |
| $15,000 $20,000 | $ 4,000 | $ 3,500 | $ 3,000 | $ 2,500 | $ 2,000 | $ 1,500 | $ 250 |
| $20,000 + | $ 4,375 | $ 3,825 | $ 3,275 | $ 2,725 | $ 2,175 | $ 1,625 | $ 250 |

(4) School, satellite, and traveling school – Renewal.

School and traveling school fees are found using the chart below. If you have a school license and are applying for a satellite license subtract one hundred dollars ($100) from the chart below for the fee.

| SCHOOLS & TRAVELING SCHOOLS HIGHEST TUITION Greater than or = | but Less than | RENEWAL FEE MAY 1ST THROUGH APRIL 30TH OF EACH YEAR |
|---|---|---|
| $0 | $500 | $ 500.00 |
| $500 | $1,000 | $ 750.00 |
| $1,000 | $2,000 | $ 1,000.00 |
| $2,000 | $4,000 | $ 1,500.00 |
| $4,000 | $6,000 | $ 1,750.00 |
| $6,000 | $8,000 | $ 2,000.00 |
| $8,000 | $10,000 | $ 2,250.00 |
| $10,000 | $15,000 | $ 2,500.00 |
| $15,000 | $20,000 | $ 2,750.00 |
| $20,000 + | | $ 3,000.00 |

Extension course site license one hundred fifty dollars ($150).

(c) **Operational fees.**

(1) Administrative late fee.

Fifty dollars ($50.00) shall be charged a licensed school for items not returned or submitted by 4:30 p.m. on the due date. Information is considered late if incomplete.

Arrangements for additional time shall be made not less than twenty-four (24) hours prior to the due date.

One hundred dollars ($100) additional shall be charged, if requested information is not received after the first request and the same information has to be requested the second time.

(2) Administrative late fee — Renewal license.

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

(3) Admissions representatives.

Three hundred seventy-five dollars ($375) for a license at a given school. The license will be for three (3) years.

(4) Amendments to license.

Highest tuition
(Total cost of program)

| **Greater than or equal to** | **But less than** | **Fee** |
|---|---|---|
| $0 | $500 | $ 60 |

| | | |
|---|---|---|
| $500 | $1,000 | $ 90 |
| $1,000+ | | $115 |

Change in clock or credit hours;

Change in cost of program;

Change in name of program;

Change in location of school;

Change in mailing address of school; and/or

Deletion of a program.

(5) Change in name of school.

Highest tuition

(Total cost of program)

| **Greater than or equal to** | **But less than** | **Fee** |
|---|---|---|
| $0 | $500 | $250 |
| $500 | $1,000 | $500 |
| $1,000+ | | $750 |

(6) Arbitration panel fee.

Highest tuition

(Total cost of program)

| **Greater than or equal to** | **But Less Than** | **Fee** |
|---|---|---|
| $0 | $1,000 | $250* for the first hearing of the day<br>$125 for each additional |

| | |
|---|---|
| $1,000+ | $500* for the first hearing of the day<br>$250 for each additional |

*Plus appearance fee for the court reporter shall be charged to a school involved in an arbitration panel hearing.
Any party requesting a transcript of oral proceedings shall bear the cost of such transcript.

(7) Compliant processing fee.

Seventy-five dollars ($75.00) shall be submitted to the State Board of Private Career Education by the school with their response to the student complaint.

(8) Instructor registration fee.

$50.00 per instructor.

(9) New programs of study-based on highest tuition of currently licensed programs.

| **Highest tuition (Total cost of program) Greater than or equal to** | **But less than** | **Fee per 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.

$50.00 per six (6) hour outline submitted.
$25.00 per three (3) hour outline submitted.

(11) Replacement of license.

$25.00 for each replacement license of an admissions representative.
$25.00 for each replacement license of a school.

(12) Returned checks.

$25.00 per check.

(13) School visit fee.

In-state. This fee will be charged to in-state schools after the second 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.

Ten dollars ($10.00) shall be assessed when the appropriate fee is not submitted at the time forms are received by the State Board of Private Career Education and an invoice has to be issued.

(15) Document replacement fee.

Twenty-five dollars ($25.00) shall be assessed to provide a replacement for a form sent to the school for completion, i.e. four thousand five hundred ($4,500), renewal application, etc.

(16) Traveling school move.

Twenty-five dollars ($25.00) per location change. Notification of change in location of this license shall be made not less than twenty-four (24) hours prior to the move. The notification shall be considered made upon receipt by the State Board of Private Career Education staff of the forms and appropriate fee.

(d) **Miscellaneous fees.**

(1) Student fee — Records from closed schools.

Five dollars ($5.00) per student transcript request.

Twenty-five cents (25¢) per page for each additional page of information copied.

(2) Copy fee.

Twenty-five cents (25¢) per page for copies of information in a school file that is open to the public under Freedom of Information.

**6 CAR § 364-113. Financial information.**

(a)(1) Schools shall have finances to establish and carry out a program of education on a continuing basis.

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

(b) The school shall maintain satisfactory credit ratings.

(c) When requested, an annual report shall be submitted to the State Board of Private Career Education staff providing, but not limited to:

(1) Total tuition contracted for;

(2) Total number of employees, including staff and faculty;

(3) Approximate market value of real estate, equipment, and inventory; and

(4) Total annual wages, salaries, and commissions.

(d) Financial information shall be provided to board representatives upon request.

(e) Schools, which participate in federal financial aid programs, shall have on file with the board the most recent copy of the audit of such programs as submitted to the United States Department of Education, Office of Inspector General.

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

(g) Schools seeking license renewal shall provide:

(1) Hospital-based schools shall submit copies of the departmental budgets;

(2) Schools with tuition in excess of one-thousand dollars ($1,000) shall annually provide not less than a copy of the most recent financial statement that was prepared by a certified public accountant or public accountant registered with the appropriate board of public accountancy and includes:

(A) A balance sheet;

(B) A statement of income and retained earnings;

(C) Statement of cash flows;

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

(E) Accountant notes to the financial statement;

(3) Schools with tuition equal to or less than one thousand dollars ($1,000) shall submit annual financial information to include a balance sheet and an income statement.

(h) Schools seeking original licensure shall provide not less than:

(1) Hospital-based schools shall submit copies of the departmental budgets;

(2)(A) Schools with tuition in excess of one thousand dollars ($1,000) shall provide not less than a financial statement that was prepared by a certified public accountant or public accountant registered with the appropriate board of public accountancy and includes not less than a balance sheet.

(B) In addition to the balance sheet, the following shall be included for any school that is licensed in other states:

(i) A statement of income and retained earnings;

(ii) Statement of cash flows;

(iii) Gross amount of annual student tuition and fees for each school; and

(iv) Accountant notes to the financial statement;

(3)(A) Schools with tuition equal to or less than one thousand dollars ($1,000) shall submit a balance sheet.

(B) In addition to the balance sheet, the following shall be included for any school that is licensed in other states:

(i) A statement of income and retained earnings;

(ii) Statement of cash flows;

(iii) Gross amount of annual student tuition and fees for each school; and

(vi) If the financials were completed by an accountant, include accountant notes to the financial statement.

**6 CAR § 364-114. Hearings.**

(a) Hearings shall be conducted in accordance with State Board of Private Career Education-approved policy.

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

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

(d) All hearings shall be held at the regularly scheduled board meetings, unless an emergency exist that would require immediate attention.

**6 CAR § 364-115. Instructor — General requirements.**

Schools shall provide not less than the following:

(1) The name and proof of qualifications of each instructor employed by the school shall be submitted in the manner and on the forms prescribed by the State Board of Private Career Education;

(2) **Original school applications.**

(A) The forms shall be submitted to the board staff at such time as the school applies for approval and licensing or no later than thirty (30) calendar days after the first day the instructor is in the classroom.

(B) After initial licensure of the school the name and qualifications of each additional instructor shall be supplied to the board staff within thirty (30) calendar days after the first day the instructor is in the classroom;

(3)(A) Career seminar schools shall be exempt from registration and fees for instructors.

(B) Except for schools also holding a school license, then they shall be required to register all instructors.

(C) Bail bondsmen instructors are required to be registered;

(4)(A) When completing the work experience section of an instructor registration form, be aware that teaching is not work experience directly related to the program in which the person is teaching.

(B) Internships and/or externships, that are part of a training program, etc., shall not count as work experience;

(5) The instructor shall not be a current student of the licensed school in the same or a similar program;

(6) The school shall ensure continuity of instruction through the reasonable retention of the instructional staff;

(7) An approved instructor shall be present in the classroom during any panel and/or guest speaker or speakers presentation; and

(8) Persons classified as teachers aids, assistants, etc. shall have an approved instructor present in the classroom at all times.

**6 CAR § 364-116. Instructors — Specific.**

(a)(1)(A) Instructors of real estate shall be qualified by meeting either subsections (c), (d), or (e) of this section.

(B) In addition, instructors of prelicensure, postlicensure, or Arkansas-specific continuing education shall, within thirteen (13) months of approval, complete the Instructor Training Institute (ITI) sponsored by the Arkansas Real Estate Commission.

(2)(A) After attending the initial ITI, all instructors shall complete an additional ITI at least once every forty-eight (48) months.

(B) Failure to comply will result in expiration of instructor approval.

(3)(A) All instructors shall demonstrate a thorough, accurate, and current knowledge of the subject matter being taught.

(B) The knowledge shall be demonstrated as directed by the board.

(4)(A) Postlicensure and Arkansas-specific real estate continuing education shall expire December 31 of each year.

(B) The approval will automatically be renewed if the instructor attended two (2) of the quarterly meetings that year.

(b) Prelicensure instructors:

(1) 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;

(2) Have not less than a high school diploma or GED;

(3) Have in real estate five (5) continuous years of work experience within the past five (5) years; and

(4) Hold and maintain a current active Arkansas real estate broker license.

(c) Postlicensure:

(1) 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;

(2) Have not less than a high school diploma or GED;

(3) Have in real estate five (5) continuous years of work experience and licensure within the past five (5) years;

(4) Hold and maintain a current active Arkansas real estate broker license;

(5) Have completed the postlicensure course for salespersons and brokers at a recognized school; and

(6) Annually attend not less than two (2) of the quarterly real estate instructor workshops held jointly by the Arkansas Real Estate Commission and the board.

(d) **Continuing education instructors.**

(1) 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 not less than a high school diploma or GED;

(C) Have in real estate five (5) continuous years of work experience and licensure within the past five (5) years;

(D) Annually attend not less than two (2) of the quarterly real estate instructor workshops held jointly by the Arkansas Real Estate Commission and the board; and

(E) Hold:

(i) And maintain a current active Arkansas real estate broker license; or

(ii) A license to practice law in Arkansas and be engaged in full-time practice with a substantial emphasis in real estate as demonstrated by appropriate documentation.

(2) For topics that are real estate general 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 not less than 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) Either:

(i) Hold and maintain a current active Arkansas real estate broker license;

(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;

(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;

(iv)*(a)* Is an approved instructor of courses in real estate-related subjects offered by:

*(1)* The National Association of Realtors;

*(2)* The National Association of Real Estate Brokers; or

*(3)* Their societies, institutes, or councils; or

*(b)* Have a Distinguished Real Estate Instructor Designation from the Real Estate Educators Association; or

(v) Hold a license to practice law in Arkansas and be engaged in full-time practice with a substantial emphasis in real estate as demonstrated by appropriate documentation.

(e) **Real estate panel discussions and guest speakers.**

(1) Panel members and/or guest speakers shall be qualified by work experience.

(2) Panel members and guest speakers shall have a minimum of five (5) years of on-the-job training in the subject matter being presented.

(3) Panel members and/or guest speakers must be registered with the board on the form and in the manner prescribed.

(4) Panel members and/or guest speakers are not allowed to participate in the postlicensure course.

(f) Instructors for driver education training shall:

(1) Possess a valid Arkansas driver's license;

(2) Have not less than a high school diploma or a GED;

(3) Have completed a recognized first aid class within the past three (3) years;

(4) Be at least twenty-one (21) years of age;

(5) Not have a suspended, canceled, revoked, or denied driver's license within the past thirty-six (36) months;

(6) Not reflect more than eight (8) point violations on driving record; and

(7) Have a minimum of:

(A) Six (6) semester hours of driver education;

(B) Seventy-two (72) clock hours of documented driver education training; or

(C) 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.

(g) **Instructors for tattooing, body piercing, and/or permanent cosmetics.**

(1) Failure to maintain a current artist license with Department of Health will result in a notice of hearing to be issued.

(2) Artist trainers that were certified by the Department of Health, on or before April 16, 2006, shall be registered as an instructor by:

(A) Providing proof of licensure three (3) of the last three (3) years;

(B) Providing proof of completion of the blood borne pathogens course;

(C) Having performed not less than one hundred fifty (150) procedures in the area in which seeking instructor registration i.e. tattooing and/or body piercing and/or permanent cosmetics; and

(D) Maintaining a current artist license and be operating in compliance with applicable laws and rules of Department of Health.

(3) Artist trainers seeking registration with the board who were not approved as artist trainers on or before April 16, 2006, shall be qualified by:

(A) Having not less than a high school diploma or GED;

(B) Having not less than six (6) months apprenticeship that includes a minimum of three hundred seventy-five (375) clock hours at a shop licensed by the Department of Health;

(C) Having completed the required blood borne pathogens course;

(D) Having maintained licensure three (3) of the last three (3) years;

(E) Having performed not less than one hundred fifty hours (150) procedures in the area in which seeking instructor registration i.e. tattooing and/or body piercing and/or permanent cosmetics; and

(F) Maintain a current artist license and be operating in compliance with applicable laws and rules of the Department of Health.

(h)(1) Instructors for certified nursing assistant training shall hold the appropriate instructor approval to teach in certified nursing assistant programs from the Office of Long-Term Care within the Department of Human Services.

(2) Proof of approval shall be submitted on the forms and in the manner prescribed by the board.

(i) Instructors for bail bondsmen education:

(1) Shall hold not less than a baccalaureate degree in a field directly related to the subject they are teaching;

(2) Shall:

(A) Hold not less than an associate degree in a field directly related to the subject they are teaching; and

(B) Have one (1) year of on-the-job training directly related to the subject they are teaching;

(3) Shall:

(A) Hold not less than a high school diploma or certificate of equivalency;

(B) Have completed a program of instruction at a recognized school in a field directly related to the subject they are teaching; and

(C) Have three (3) years of on-the-job training directly related to the subject they are teaching; or

(4) Shall:

(A) Hold not less than a high school diploma or certificate of equivalency;

(B) Have seven (7) years of on-the-job training directly related to the subject they are teaching; and

(C) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating.

(j) **Bail bondsman panel discussions and guest speakers.**

(1) Panel members and/or guest speakers shall be qualified by work experience.

(2) Panel members and guest speakers shall have a minimum of five (5) years of on-the-job training in the subject matter being presented.

(3) Panel members and/or guest speakers shall be listed on Form 3090B and the list shall be maintained at the school.

(k) **Instructors — Other:**

(1) Shall:

(A) Hold not less than a baccalaureate degree in a field directly related to the;

(B) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating;

(2) Shall:

(A) Hold not less than a baccalaureate degree in a field not directly related to the program in which they are teaching;

(B) Have not less than fifteen (15) semester hours or equivalent directly related to the program in which they are teaching; and

(C) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating;

(3) Shall:

(A) Hold not less than a baccalaureate degree in a field not directly related to the program in which they are teaching;

(B) Have one (1) year of on-the-job training directly related to the program in which they are teaching; and

(C) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating;

(4) Shall:

(A) Hold not less than 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; and

(B) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating;

(5) Shall:

(A) Hold not less than 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; and

(B) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating;

(6) Shall:

(A) Hold not less than a high school diploma or GED;

(B) Have completed a program of instruction at a recognized school in a field directly related to the program in which they are teaching;

(C) Have three (3) years of on-the-job training directly related to the program in which they are teaching; and

(D) Hold the appropriate certificate, license, or rating if the occupation is one (1) requiring certificate, license, or rating; or

(7) Shall:

(A) Hold not less than a high school diploma or GED;

(B) Have seven (7) years of on-the-job training directly related to the program in which they are teaching; and

(C) Hold the appropriate certificate, license, or rating if the occupation is one requiring certificate, license, or rating.

**6 CAR § 364-117. Legal filings.**

(a) Schools shall report all legal action filed against them or initiated by them, to the State Board of Private Career Education staff within twenty-four (24) hours of notification of the filing, excluding Saturdays, Sundays, and legal holidays.

(b) Updated information may be required to be submitted.

(c) The information shall be submitted on the forms and manner prescribed by the board.

**6 CAR § 364-118. Records.**

Schools shall provide not less than the following:

(1) **Attendance records.**

(A) Schools shall have and adhere to a published attendance policy.

(B)(i) Attendance shall be recorded in no more than four-hour increments.

(ii) This requirement does not apply to real estate continuing education classes and career seminar licenses.

(C)(i) As a minimum, the policy shall provide that a student not be absent more than fifteen percent (15%) of any module, quarter, or semester.

(ii) This fifteen percent (15%) policy shall not apply to continuing education programs where a specific number of hours are required.

(D) Before implementing any changes in the attendance policy the students and the State Board of Private Career Education shall be notified in writing.

(E) Tardiness shall be defined as to:

(i) How much time equals a tardy;

(ii) When it becomes an absent; and

(iii) How many tardies equal an absence.

(F) If an absence can be offset by makeup work, the policy shall be in writing and require work equivalent to the class work missed;

(2) **Completion certificates/diploma.**

(A) Schools may award a completion certificate or diploma.

(B) If a certificate or diploma is issued a copy shall be placed in the student's file;

(3) **Financial records — Student.**

(A) Any funds received from, or on behalf of, a student shall be recorded in a format that is readily accessible to representatives of the board.

(B) The funding source and the reason for the charges shall be clearly identified.

(C) The records shall be posted and kept current;

(4) **Maintenance of records.**

(A)(i) All schools shall provide for a method of maintenance of, and access to, the student transcripts indefinitely.

(ii) Contracts, financial aid applications, etc. shall be maintained for a period of not less than three (3) years after graduation, termination, or withdrawal of the student.

(B) Records shall be maintained in a fireproof 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.

(C) Student records shall be open for inspection by authorized representatives of the board.

(D) The school may retain academic transcript, diploma, or any pertinent record if a student's financial obligations are not paid in full.

(E) After graduation, termination, or withdrawal of the student, the academic and financial aid records shall be combined into one file.

(F) Schools offering truck driver training shall maintain records in accordance with the rules of the Arkansas Department of Transportation;

(5) **Placement records.**

(A) Schools offering job placement assistance shall maintain a record of efforts of the school to place the student.

(B) If a student chooses not to participate in placement assistance, a statement stating this shall be signed by the student and appropriate school official.

(C) The document shall be maintained in student’s academic record.

(D) For students accepting placement assistance their record shall include not less than the:

(i) Name of student;

(ii) Name of program completed;

(iii) Names and addresses of potential employers to which the student was referred;

(iv) Names and addresses of places the student was interviewed; and

(v) The position in which the student was ultimately employed or indication that the student was not employed.

(6) **Transcripts.**

(A)(i) Transcripts shall be typed and clearly labeled with the following information:

*(a)* Student name;

*(b)* Address;

*(c)* The last four (4) digits of the student's social security number; and

*(d)* Program of study or appropriate courses.

(ii) The transcript shall also contain the name and address of the school.

(B) The grading system shall be fully explained on the transcript form when appropriate the GPA for the program will be listed.

(C) When appropriate the transcript shall indicate the degree of skill, speed, or accuracy for programs, which are measurable in a productive effort.

(D) Grades shall be posted to transcripts within thirty (30) calendar days of the end of each term or upon withdrawal or completion of a student, an updated transcript shall be available upon request after that time.

(E) The transcripts shall indicate the month or months and year that each course was taken.

(F) Courses appearing on the transcript shall be numbered or otherwise designated to indicate the exact course.

(G) The transcript shall indicate the length of each course in the program in clock or credit hours.

(H) The transcript shall contain the student's start and end date, as well as status (withdrawn, graduated, etc.).

(I) Schools shall publish and adhere to a policy related to the release of a student's transcript.

**6 CAR § 364-119. Recruitment**.

(a) The school shall not advertise programs other than those licensed by the State Board of Private Career Education.

(b) All business shall be conducted in such a manner as to reflect:

(1) Honesty;

(2) Integrity; and

(3) 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, or 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, a facility or location which has been established to be in place for a minimum of thirty (30) calendar days, or other organized meetings;

(2) Offer as an inducement or enticement, any consideration with a value of more than fifty dollars ($50.00) to a prospective or current student; and

(3) Engage in acts or practices, which have a tendency to intimidate, coerce, or mislead a prospective student into accepting an enrollment.

**6 CAR § 364-120. School — Application for extension course site.**

Schools shall provide not less than the following:

(1) Name of school and location where the course is being offered;

(2) Name of course to be offered away from the licensed school or satellite; and

(3) Name of program to which the course is a part.

**6 CAR § 364-121. School — Application for original license.**

(a) Schools shall provide not less than the following.

(b) The application shall set forth and be accompanied by the appropriate documentation and fees:

(1) The name and location of the school;

(2) Information on the type of ownership;

(3) Parent company information;

(4) Completed forms for all partners or shareholders with ten percent (10%) or more interest in the school;

(5) Copy of enrollment application and/or student-school contract forms;

(6) Details on each proposed program to include, but not be limited to, such information as occupational demand, course titles, length, cost, and equipment available;

(7) A copy of a fire inspection report that has been completed within the past twelve (12) months;

(8)(A) One (1) copy of the current school catalog/bulletin, in printed form.

(B) Determination or interpretation of school policy shall be based on the most recent catalog/bulletin on file with the State Board of Private Career Education;

(9) If applicable a sample copy of the completion certificate that will be awarded to students; and

(10) A copy of a student transcript.

**6 CAR § 364-122. School — Application for renewal license.**

Schools shall provide not less than the renewal application accompanied by the appropriate attachments and fees.

**6 CAR § 364-123. School — Catalog/bulletin.**

Schools catalog/bulletin shall contain not less than the following:

(1) Name and address of the school;

(2) Publication date of catalog/bulletin;

(3) A calendar of the school showing beginning and ending dates for each:

(A) School year;

(B) Semester;

(C) Quarter;

(D) Term and/or session;

(E) Vacation periods; and

(F) Holidays observed by the school;

(4)(A) School policies covering:

(i) Leave;

(ii) Excused and unexcused absences;

(iii) Make-up work;

(iv) Tardiness;

(v) Satisfactory progress; and

(vi) Grading system.

(B) Each policy shall have specified limits concerning probation and termination of enrollment;

(5) Enrollment prerequisites for each program offered and the policy of the school relative to the granting of credit for previous education, training, and/or work experience;

(6) Cost of each program offered and what is covered in the cost;

(7) The school refund policy;

(8) An outline of each program offered showing courses and the number of clock or credit hours to be earned by the student in each course of the program;

(9) The school complaint process to include information on how to contact the board;

(10) When a program is no longer offered on a permanent basis the program shall be removed from the catalog/bulletin or stamped "Not Offered";

(11) A description of scholarships if any are offered; and

(12) A description of financial aid if available.

**6 CAR § 364-124. School — License — General requirements.**

Schools shall provide not less than the following:

(1)(A) Schools desiring to offer training shall file the appropriate application for licensure with the State Board of Private Career Education staff in the manner and on the forms prescribed.

(B) Incomplete applications may cause a delay in the licensing process;

(2) All school licenses issued shall expire annually;

(3) Schools shall have facilities, equipment, instructional materials, instructional staff, and other personnel to provide educational services necessary to meet the stated objectives for which the educational services are offered;

(4) Schools shall designate an authorized school official to be the contact for all correspondence and will be the person working with the board;

(5) Requirements set by the board to address specific minimum standards for programs shall be met;

(6)(A) Schools located outside of Arkansas shall be currently approved and/or recognized by the appropriate approving agency of the state wherein the school is located.

(B) The school shall submit a copy of the approval with their initial application;

(7) Schools shall place the board on the school's mailing list;

(8) Applications should be received in the board office the first working day of the month prior to the month the board meets;

(9) Any license issued shall be restricted to the programs submitted on the application;

(10)(A) Schools shall offer only those programs and special courses, which it has been licensed to offer.

(B) Each school shall post at the beginning of any term the schedule of courses being offered during the term and each student enrolled therein shall be furnished with a list of the courses they are expected to attend in order to meet program requirements;

(11)(A) After a license is issued to a school by the board on the basis of its application, it shall be the responsibility of the school to notify the board staff of any changes in the current license.

(B) The following items shall be reported and approval granted prior to the effective date of such change:

(i) New program of study;

(ii) In clock/credit hours;

(iii) In cost of program;

(iv) In name of program;

(v) In name of school;

(vi) In location of school;

(vii) In mailing address of school;

(viii) Deletion of program or programs;

(ix) In phone, fax, or toll-free numbers;

(x) Name of the school director;

(xi) E-mail address;

(xii) Website address; and/or

(xiii) School official to be the contact for all correspondence and will be the person working with the board;

(12)(A)(i) A license is not transferable to a new owner.

(ii) Anyone purchasing a licensed school shall make application for an original license.

(B) In addition to the original application the following information shall be provided:

(i) A copy of the sales contract or agreement, which includes:

*(a)* 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;

*(b)* A statement to the effect that the sale is subject to approval by the board; and

*(c)* 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;

(ii) 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;

(iii) Any bills of sales or promissory notes associated with the contract; and

(iv) If the closing date for the transaction has passed, evidence that each party has complied or is presently complying with the contract;

(13)(A) Programs shall be reported in clock or credit hours.

(B) Documentation supporting conversion of credit hours shall be on file at the school and open for inspection by authorized representatives of the board.

(C) Clock hour shall be a period of sixty (60) minutes with a minimum of fifty (50) minutes of instruction.

(D) The board shall accept the school's stated clock/credit hour conversion as equitable and as meeting minimum requirements if such policy does not provide less than the following:

(i) Semester credit hours:

*(a)* One (1) semester credit hour for each fifteen (15) hours of classroom contact plus appropriate outside preparation or the equivalent;

*(b)* One (1) semester credit hour for each thirty (30) hours of laboratory work plus appropriate outside preparation; or

*(c)* One (1) semester credit hour for not fewer than forty-five (45) hours of externship/shop instruction (contact hours) or the equivalent; or

(ii) Quarter credit hours:

*(a)* One (1) quarter credit hour for each ten (10) hours of classroom contact plus appropriate outside preparation or the equivalent;

*(b)* One (1) quarter credit hour for each twenty (20) hours of laboratory work plus appropriate outside preparation; or

*(c)* One (1) quarter credit hour for not fewer than thirty (30) hours of externship/shop instruction (contact hours) or the equivalent;

(14)(A) 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.

(B) Schools located in Arkansas shall report total number of students, including out-of-state students.

(C) Schools located out of Arkansas shall report only the number of students from Arkansas;

(15) A notice of hearing to come before the board may be issued at any time the board staff has to request additional information to complete applications or other forms and the information is not received by the date stated in the request;

(16) Each school facility shall have an operating business telephone and an active email address;

(17) No school shall require a student to sign a blank form of any kind;

(18)(A) The board staff shall request additional information as needed when incomplete applications of any type are submitted.

(B) Failure to provide information to complete the application shall result in an application being held no longer than sixty (60) calendar days.

(C) Failure to complete the licensing procedure shall result in a new application packet and fees being required;

(19) **Equipment requirements.**

(A)(i) The equipment required for instruction shall be determined by the program objective.

(ii) The equipment shall be comparable to that commonly found in business and industry offering employment in the occupation for which the instruction is being offered.

(B)(i) The school shall provide adequate equipment in good working order for the intended instructional purpose.

(ii) Equipment not in working order shall be removed from the instructional area, marked as out-of-order, or properly identified as awaiting repair.

(C) The school equipment shall be of sufficient quality and quantity to meet the maximum use requirements of the current students, as demanded by the activity patterns of the training program;

(20)(A) A copy of the program outline, schedule of tuition, fees and other charges, and the policies pertaining to absences, conduct, grading, satisfactory progress, and refund policy, as well as a copy of the complaint procedure, shall be provided to the student upon attendance of class in the program.

(B) In distance education programs this information shall be provided not later than receipt of the first lesson submitted by the student;

(21) All student conference and/or counseling forms must be signed by the student and school official and dated or indicate why the student did not sign the form and maintain proof of attempted delivery;

(22) Schools shall not use program titles that are misleading as to what the training provides;

(23)(A) Schools that offer programs where all or part of the program is overseen by another state agency shall maintain compliance with the other state agency's law and regulations.

(B) If any sanctions are issued by another state agency the school shall notify the board of the actions within five (5) working days of receipt of official notification;

(24) Determination or interpretation of school policy shall be based on the most recent catalog/bulletin on file with the board;

(25) Schools shall maintain facilities and equipment so that students are provided a safe learning environment;

(26) Failure of a school to sign for registered or certified mail shall result in the issuance of a notice of hearing to appear before the board;

(27) The school name shall not be misleading as to what the student outcomes will be;

(28)(A) A file shall be maintained at the school with copies of all advertising and promotional literature.

(B) Printed copy and dates for radio and television advertising shall be maintained in this file;

(29) The student shall not be required to purchase instructional supplies, books, pay fees, etc. until such time as these materials are needed;

(30) A file shall be maintained at the school with information on all financial inducements for student referrals to currently enrolled students;

(31)(A) A file shall be maintained at the school explaining all premiums and/or special inducements offered to prospective students or enrollees.

(B) The file shall list the type, purpose, and monetary value of these inducements;

(32) 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, that is not part of the training program;

(33) A file shall be maintained at the school with information on all scholarships available to students; and

(34) Schools shall not require no compete agreements of any kind with students.

**6 CAR § 364-125. School — Visit.**

(a)(1) Licensed schools and schools seeking approval may be visited by an authorized representative of the State Board of Private Career Education.

(2) The visit may be made with or without prior notification.

(3) The representative may inspect the premises, curriculum, teaching materials, faculty performance, sales literature or any other matters which are relevant to the education procedures or business activities of a licensed school or admissions representative and interview students, staff, and/or faculty.

(b) See 6 CAR § 364-112 for cost related to school visits.

**6 CAR § 364-126. Student protection fund (SPF).**

(a) Fees for the SPF shall be collected annually for a period of time commensurate with the licensing year.

(b) Schools seeking original licensure after September 1, 1989, shall make payments to the SPF for fifteen (15) years.

(c) The fees for the SPF shall be:

(1) **Original.**

(A) SPF fee at the time of application for an original license shall be determined by adding together the tuition charged by the organization for each program offered.

(B) This total is multiplied by five percent (5%) to determine the amount due, but shall not be less than one hundred dollars ($100).

**Total tuition for each program * .05 = Amount due**

(2) **Renewal.** SPF fee at the time of application for a renewal license shall be determined by considering the following factors, but shall not be less than fifty dollars ($50.00):

(A) Number of students enrolled from July 1 through June 30 as reported annually;

(B) Current tuition of the program; and

(C)(i) Length of the program.

(ii)*(a)* If the program is less than or equal to sixty (60) credit hours or one thousand two hundred (1200) clock hours, then:

*(b)* Enrollment * tuition = total * .001 = Amount due.

(iii)*(a)* If the program is greater than sixty (60) credit hours or twelve hundred (1200) clock hours, then:

*(b)* Enrollment * tuition = total * .0005 = Amount due.

**6 CAR § 364-127. School/student — Enrollment agreement and/or contract.**

(a) Enrollment agreements or contracts shall not be written for more than one (1) program of study.

(b) When items are marked through so that changes can be made, each change shall be initialed by all parties.

(c) Schools shall provide and maintain enrollment agreements and/or contracts that contain not less than the following for three (3) years from the student's last date of attendance:

(1) The name of the school as licensed;

(2)(A) The location address of the school where the training is to be offered.

(B) In the case of a traveling school, the certificate shall indicate the location of the school and that this is a traveling school license;

(3) The name and address of the student;

(4) The program title, tuition, and registration fee as approved by the State Board of Private Career Education;

(5) The program length in clock or credit hours;

(6) The student's signature and date the document was signed;

(7) The school official's signature, title, and date the document was signed;

(8) The start date and projected end date; and

(9) If the student is a minor, the parent or guardian's signature and date the document was signed.

(d) Blanks are not allowed on enrollment agreements, complete with N/A, etc.

**6 CAR § 364-128. Real estate.**

(a) **Content approval — Continuing education.**

(1)(A) From the list of topics identified by the Arkansas Real Estate Commission one (1) or more topics must be selected for inclusion in the outline.

(B) Outlines approved for six (6) hours shall include the required topic of not less than one (1) hour (sixty (60) minutes) unless waived by the commission and approved by the State Board for Private Career Education.

(C) Outlines approved for three (3) hours may include the required topic of not less than one (1) hour (sixty (60) minutes).

(D) Certificates of one (1) hour may be issued for the required topic by schools with ARELLO certification of three (3) hour courses.

(2) The proposed course outline must be submitted on the forms and with the appropriate fee, as prescribed by the board.

(3) Properly completed course outlines must be received by the first working day of the month prior to the month the board meets.

(4)(A)(i) A committee will review the proposed course outline.

(ii) This review committee will recommend approval, pending approval, or disapproval of outlines.

(B) **Approval**. Those outlines receiving committee recommendation for approval will be forwarded to the board for consideration at the next regular board meeting.

(C) **Pending – approval.**

(i) Providers submitting outlines which receive pending approval by the committee will be given an opportunity to correct the deficiencies cited.

(ii) The request for additional information/clarification will be faxed or emailed to the provider.

(iii) The provider will be given a deadline to provide the requested information.

(iv) Failure to meet this deadline shall result in the review committee recommending the outline for disapproval.

(D) **Disapproval.** Any outlines that have been disapproved may be resubmitted with appropriate corrections as new outlines with the appropriate fees and forms.

(5) Final approval by the board will be reported to providers as soon as possible after consideration by the board.

(6) Approval for course outlines will be valid until December 31 of the current real estate licensing year.

(7) Approval for course outlines that have ARELLO approval will be valid until the expiration of the certification or that of the primary provider whichever is first.

(8) Outlines shall be submitted requesting approval of not less than three (3) hours or more than six (6) hours of education except in the case of the one (1) hour required topic when used with the ARELLO certification.

(b) **Distance education instruction.**

(1) Only courses that have the appropriate ARELLO certification will be accepted for real estate education in Arkansas.

(2) A final examination shall be completed by the student.

(3) The final examination shall be completed 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.

(4)(A) The student shall send to the school with the appropriate documentation a copy of photo identification such as a driver's license.

(B) Based on the type of training offered the final examination shall be:

(i)*(a)* Computer–based training (CBT) or online courses for six (6) hours of credit shall have a test consisting of the CBT or online course questions plus the twenty (20) questions covering the required topic.

*(b)* The required topic questions shall be essay or fill in the blank questions with hand written answers;

(ii) CBT or online courses for three (3) hours of credit shall have a test consisting of CBT or online course questions;

(iii)*(a)* The required topic offered for one (1) hour credit by schools with ARELLO certification of three-hour courses shall consist of twenty (20) questions covering the required topic.

*(b)* The questions shall be essay or fill in the blank questions with hand written answers; and

(iv)*(a)* Textbook courses offered for six (6) hours of credit shall have a test consisting of a minimum of sixty (60) questions including the twenty (20) questions on the required topic.

*(b)* The test questions shall be essay or fill in the blank questions with hand written answers.

(5) The student shall complete a notarized affidavit that they completed the final exam without assistance, as supplied by the school, and return it with their completed examination to the organization offering the distance education course.

(6) Organizations receiving approval to offer courses in real estate continuing education through distance education study will be required to:

(A) Certify to the Arkansas Real Estate Commission, on the forms and in the manner prescribed, that each licensee receiving credit for the course, has taken and satisfactorily passed an examination on the distance education study material; and

(B) Indicate on licensee's certificate of completion that the course was completed by distance education study.

(7) Each student that takes a distance education course that is offered by use of a textbook shall receive a book to keep.

(c) **Real estate general requirements.**

(1) Time devoted to breakfasts, luncheons, and/or dinners offered during a class shall not be counted as continuing education.

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

(3)(A) No more than fifty percent (50%) or one hundred fifty (150) minutes of a six (6) classroom or seventy-five (75) minutes of a three (3) classroom hour course may be presented by a panel discussion and/or by a guest speaker or speakers.

(B) An approved instructor shall be present in the classroom during the panel and/or guest speaker or speakers presentation.

(C) Panel members and/or guest speakers are not allowed to participate in any postlicensure approved modules.

(4) An approved instructor shall determine satisfactory completion of a course.

(5) Prior to each class the following statement shall be read:

"NO BEEPERS, PHONES, OUTSIDE READING MATERIALS, OR ANYTHING OTHER THAN COURSE MATERIALS WILL BE ALLOWED IN ANY REAL ESTATE CONTINUING EDUCATION CLASS. REAL ESTATE CONTINUING EDUCATION CERTIFICATES SHALL NOT BE AWARDED TO ANY ATTENDEE WHO DOES NOT COMPLY WITH COMMISSION REGULATIONS REQUIRING ATTENDANCE AND PARTICIPATION."

(6)(A) Not less than three hundred (300) minutes of instruction shall be conducted or supervised by an approved instructor or instructors for a course to be counted for six (6) hours of continuing education.

(B) Not less than one hundred and fifty (150) minutes of instruction shall be conducted or supervised by an approved instructor or instructors for a course to be counted for three (3) hours of continuing education.

(C) An individual student shall not receive credit if they miss more than ten percent (10%) of the approved classroom hours.

(7) The instructor or sponsor shall provide a copy of the real estate continuing education course outline as approved by the board to each student taking the course.

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

(9) Postlicensure education shall only be presented by classroom instruction.

(10)(A) Any real estate class that is offered and has an attendance of over forty (40) participants shall have on file an approved monitoring plan with the commission.

(B) The plan shall be filed not less than fourteen (14) days prior to the course offering.

(11) No more than six (6) classroom hours of postlicensure education shall be offered in one (1) day without a minimum of a thirty-minute break between modules.

(12) No more than one and one-half (1 1/2) modules of postlicensure education shall be offered in one (1) day.

(d) **Reporting requirements.**

(1) Continuing education attendance shall be reported to the commission in electronic format within ten (10) business days of course completion and indicate the name of the approved instructor.

(2)(A) Students who have satisfactorily completed a continuing education or postlicensure course shall be awarded a certificate of attendance.

(B) The following information must be on the certificate:

(i) Name of school or sponsor;

(ii) Course outline approval number as assigned by the board;

(iii) Name of student as licensed with the commission;

(iv) Real estate license number;

(v) Course title as approved by the board (if offered by distance education, title must include "Distance Education Course");

(vi) Course location;

(vii) Course dates (for distance education courses this shall be the date the course was completed);

(viii) Number of classroom hours of instruction as approved by the board;

(ix) Instructor's or sponsor’s signature (does not have to be original signature);

(x) 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 (insert three (3) or six (6) whichever is appropriate for the program offered) classroom hours of instruction.”;

(xi) The distance education certificates shall have the following statement and provide a place for the licensee’s signature:

> “This is to certify that I personally completed the distance education 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.”; and

(xii) Size of certificate shall be eight and one-half by eleven inches (8 1/2" x 11”) .

**6 CAR § 364-129. Driver education.**

(a) **Training — Students seventeen (17) years of age or younger.**

(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)(A) Students taking driver education seventeen (17) years of age or younger shall receive a minimum of forty (40) hours of classroom and behind-the-wheel instruction.

(B) The program shall consist of:

(i)*(a)* Not less than thirty (30) hours of classroom instruction on driving techniques and rules of the road in Arkansas.

*(b)* Six (6) of the thirty (30) hours shall include instruction on traffic law changes that have occurred within the last ten (10) years;

(ii) 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

(iii)*(a)* The program shall include a minimum of four (4) hours of actual driving in the vehicle, while accompanied by a parent, legal guardian, or a qualified driver education instructor.

*(b)* 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 driver 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)(A) 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.

(B) 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.**

(1) 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.

(2) 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;

(B) Rules of the road, state laws, and local ordinances;

(C) Driving attitude toward motorcyclists, bicyclists, and pedestrians;

(D) Basic driving maneuvers;

(E) Operation of motor vehicle on streets and highways;

(F) Familiarity with the Arkansas Driver's Manual;

(G) Insurance law of the state;

(H) Financial responsibility;

(I) Seat belt use and laws;

(J) Effect of natural laws on driving;

(K) Alcohol and drug substance abuse and the effect on driving;

(L) Basic vehicle maintenance including fluid levels, tire pressure, and lighting systems; and

(M) Skills:

(i) Starting;

(ii) Backing;

(iii) Parallel parking;

(iv) Hill parking;

(v) Starting on a hill;

(vi) Intersection movement and observance;

(vii) Lane observance and changing;

(viii) Left and right turns;

(ix) Pedestrian and vehicle right-of-way;

(x) Proper use of automatic and/or standard transmission;

(xi) Use of brake and accelerator; and

(xii) Traffic lights or signals.

(d) **Vehicle insurance.**

(1) Each training vehicle shall have proof of a motor vehicle liability insurance policy with the following minimum limits:

(A) Bodily injury and death benefits of one hundred and fifty thousand dollars ($150,000) for each person in any one (1) accident; and

(B) Property damage coverage of one hundred thousand dollars ($100,000).

(2)(A) Each policy shall be for a minimum of six (6) months.

(B) Current proof of insurance shall be on file with the State Board of Private Career Education.

(3)(A) In the event the insurance coverage is cancelled, a copy of the written notice of cancellation must be furnished to the board within twenty-four (24) hours of receipt.

(B) Behind-the-wheel instruction will be immediately suspended until proper verification of insurance is provided to the board staff.

(e) **Vehicle specifications.**

(1) Each vehicle used for training shall have a current registration with the state in which it is licensed.

(2)(A) Each vehicle used for training shall be maintained in a safe operating condition at all times.

(B) Tires and brakes shall be in good working order at all times.

(C) A maintenance log must be maintained and up-to-date for each vehicle.

(3) Each driver-training vehicle used by a school shall be equipped with the following operational equipment:

(A) One (1) extra foot brake;

(B) One (1) extra rearview mirror placed on the inside of the windshield on the right side;

(C) Two (2) outside rear/side view mirrors one (1) on each side of the vehicle mounted on each front door;

(D) One (1) extra clutch, if the vehicle is equipped with a clutch and manual transmission;

(E) Seat belts with shoulder restraints for all seating positions in the vehicle;

(F) Cushions for the proper seating of students when necessary;

(G) Heater and defroster in working condition;

(H) Seat adjustments that move easily and smoothly and secure after moving;

(I) Door locks; and

(J) Bear a conspicuously displayed sign containing the words "STUDENT DRIVER".

(4) Each vehicle shall be equipped with signs containing the name of the school and telephone number, which may be affixed to either side of the vehicle or the rear deck lid or rear panel of the vehicle, provided the sign does not interfere with or detract from the required student driver sign.

(5) No more than three (3) students may be in the vehicle during behind-the-wheel instruction.

(6) Vehicles when used in defensive driving classes are not required to have the signs as required in subdivisions (e)(3)(J) and (e)(4) of this section.

**6 CAR § 364-130. Background checks for partners or shareholders.**

(a) When seeking an original license, partners or shareholders with ten percent (10%) or more ownership interest in a school shall submit the Division of Arkansas

State Police and Federal Bureau of Investigation background application forms with the appropriate attachments and fees to the State Board of Private Career Education staff.

(b) When seeking a renewal license, the division and Federal Bureau of Investigation background checks will be required in 2010 and every five (5) years thereafter.

(c) The board may require random background checks as deemed necessary.

(d) The board shall revoke or deny the license of a school upon receipt of information from the Identification Bureau of the Division of Arkansas State Police that only one (1) of the partners or shareholders of the school holding the license has pleaded guilty, entered a plea of nolo contendere, or has been found guilty in a criminal proceeding, regardless of whether or not the adjudication of guilt or sentence is withheld, deferred, or suspended by a court of this state, another state, or the federal government of any:

(1) Felony; or

(2) Act involving moral turpitude, gross immorality, or which is related to the qualifications, functions, and duties of a licensee.

(e)(1) The revocation or denial of the school license may be waived by the board upon the request of:

(A) An affected applicant for licensure; or

(B) The partners or shareholders of a school holding a license subject to revocation.

(2) Circumstances for which a waiver may be granted shall include, but not be limited to, the following:

(A) The age at which the crime was committed;

(B) The circumstances surrounding the crime;

(C) The length of time since the crime;

(D) Subsequent work history;

(E) Employment references;

(F) Character references; and

(G) Other evidence demonstrating that the applicant does not pose a threat.

**6 CAR § 364-131. Externship — Internship.**

(a) When a school offers a program that has an internship, externship, etc. as a component of the training the school shall be responsible for finding the student a location to meet this requirement.

(b)(1) When a school offers a program that has an internship, externship, etc. as a component of the training that requires the student to complete this at a time different from the hours they normally attend class the student shall be notified in writing prior to enrollment.

(2) The student and appropriate school official shall sign the form.

(3) A signed copy shall be provided the student and the original shall become a part of the student record.

(c) A file containing copies of all agreements with business, clinics, etc. for externships shall be maintained at the school and available for review by the State Board of Private Career Education approved representatives.

**6 CAR § 364-132. Advertising.**

Schools shall provide not less than the following:

(1)(A) Any advertisement or promotional literature written or used by a school shall be completely truthful.

(B) 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.

(C) Television and radio advertisements shall disclose if a person portraying a student is an actor.

(D) This may be done by indicating in the advertisement that "This is a dramatization";

(2)(A) All advertising and promotional literature shall include the name of the school as licensed.

(B) 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;

(4)(A) 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.

(B) Consent agreements from students shall be kept on file and be subject to review.

(C) Testimonial material may be used only when it is strictly factual and portrays currently correct conditions or facts.

(D) Seventy five percent (75%) of the file shall contain letters five (5) years old or less;

(5) Schools shall be duly approved and licensed by the State Board of Private Career Education before they may promote or advertise through any media or form;

(6) Schools shall not advertise that they offer programs which have not been licensed;

(7)(A) All advertising and promotional literature used by a school shall clearly indicate that training or education, and not employment, is being offered.

(B) Job guarantees shall not be stated in any form;

(8)(A) Schools placing advertisements in classified columns of newspapers or other publications to attract students shall use classifications such as:

(i) "Education";

(ii) "Schools"; or

(iii) "Instruction".

(B) 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 and/or no references to potential earning shall be quoted in any advertisement as representative or indicative of the earning potential of graduates;

(13) Advertisements shall clearly identify the name and location of the school and the statement:

(A) "Licensed by the State Board of Private Career Education";

(B) "Licensed by the Arkansas State Board of Private Career Education";

(C) "Licensed by SBPCE"; or

(D) "Licensed by ASBPCE"; and

(14) No statement shall be made that the school or its programs of instruction have been accredited unless the accreditation is issued by an accrediting agency recognized by the United States Department of Education.

**6 CAR § 364-133. Bail bondsman prelicense and continuing education.**

(a) **Content approval.** The following procedure shall be followed in the review of beginning and continuing education course outlines:

(1) All outlines for beginning and continuing education shall be submitted to State Board of Private Career Education for review and recommendation to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board;

(2) Properly completed course outlines for currently approved schools must be received by the first working day in September by State Board of Private Career Education for consideration by the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board no later than December;

(3) Schools seeking first time approval for course outlines shall submit the appropriate forms for committee review, State Board of Private Career Education, and Professional Bail Bond Company and Professional Bail Bondsman Licensing Board approval prior to offering the class;

(4) Revisions to currently approved outlines will be considered as needed; and

(5) The committee will review the proposed course outlines and revisions and will rate them as recommend for:

(A) **Approval.** Outlines receiving committee recommendation will be forwarded to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for consideration;

(B) **Conditional approval.**

(i) Providers submitting outlines, which receive a rating of conditional approval by the committee will be given an opportunity to correct the deficiencies cited.

(ii) Failure to correct the deficiencies, or to meet the deadline for correcting the deficiencies, will result in the outline being recommended to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for disapproval;

(C) **Disapproval.** Those outlines receiving committee recommendation for disapproval will be forwarded to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board for consideration.

(b) **Reporting requirements.**

(1) Attendance list shall be submitted to the Professional Bail Bond Company and Professional Bail Bondsman Licensing Board within two (2) weeks of course completion.

(2)(A) Students who have satisfactorily completed a course shall be awarded a certificate of attendance.

(B) The following information must be on the certificate:

(i) Name of school;

(ii) Name of student;

(iii) License number, if licensed;

(iv) Course title;

(v) Course location;

(vi) Course date or dates;

(vii) Number of classroom hours of instruction;

(viii) Instructor's signature; and

(ix) Size of certificate shall be eight and one-half inches by eleven inches (8 1/2" x 11").

(3) Approval for course outlines will expire on December 31 following the year in which issued.

(c) **Bail bondsman general requirements.**

(1)(A) No more than twenty-five percent (25%) or one hundred (100) minutes of an eight (8) prelicense class can be presented by a panel discussion or by a guest speaker or speakers.

(B) An instructor registered with the State Board of Private Career Education shall be present in the classroom when education is being offered by panel discussion or guest speaker or speakers.

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

(3) No more than one hundred twenty (120) continuous minutes of education may be offered without a minimum ten-minute break.

(4) A registered instructor shall determine satisfactory completion of a program.

(5) The instructor or school official has the authority to set classroom procedures regarding phones, pagers, smoking, etc.

(6) 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."

(7) The instructor or school official has the authority to ask for photo identification of any person to determine that the correct person attends.