

REGULATION EXCERPTS (*PRIVATE VOCATIONAL SCHOOLS*)

RE 307 (Rev. 7/18)

Article 24 Private Vocational School Approvals

3000. Equivalent Courses of Study at Private Vocational Schools.

(a) In making a determination under authority of section 10153.5 of the Code as to whether a course of study at a private vocational school is equivalent in quality to real estate courses offered by colleges and universities accredited by the Western Association of Schools and Colleges, the commissioner shall consider, but shall not be limited to the following criteria:

- (1) An attended course must provide at least 45 periods of classroom instruction, each of which shall be not less than 50 minutes duration. A correspondence course shall consist of not less than 15 separate lesson assignments.
- (2) (A) An attended course must provide for a final examination administered and supervised by the school in a classroom setting.
(B) A correspondence course must provide for a final examination administered and supervised by a person designated by the school for that purpose. The school shall send the final examination materials to the person so designated and the completed final examination shall be returned to the school by the person so designated.
- (3) The school must provide instructors, instructional material and classroom facilities adequate to achieve the objective of the course offered.
- (4) The school shall maintain records for each student sufficient to allow for the preparation of a duplicate certificate upon request by a student.
- (5) The school shall not use advertising or other promotional devices that are deceptive or misleading.
- (6) The school shall, within 15 days of a student's successful completion of the course, deliver a document to the student evidencing such completion. The documents shall contain the following information:
 - (A) Department of Real Estate course approval number.
 - (B) Name of student.
 - (C) Course title.
 - (D) Dates of course completion.
 - (E) Name and address of school. The school may include such additional information in this

document as it deems necessary.

- (7) The school shall have an appropriate method of assessing student knowledge of the subject, such as, but not limited to, multiple choice, essay or oral examinations.
- (8) Instructors must have credentials issued by the Board of Governors of the California Community Colleges or by a comparable California teacher-credentialing agency or meet the qualifications established in Sections 53400 et seq. of Title 5. The commissioner may approve instructors who in his or her judgment meet the qualifications, or who otherwise evidence their teaching qualifications by education or experience or a combination of the two. An instructor shall not teach a course if the instructor:
 - (A) Does not satisfy the criteria in this subdivision.
 - (B) Has engaged in any violation of Article 24 (commencing with Section 3000) of these regulations or has engaged in conduct which would have warranted the denial of an application for approval or withdrawal of approval of an equivalent course of study.
 - (C) As a real estate licensee has had that license suspended, revoked or restricted as a result of disciplinary action.
 - (D) Acted or conducted himself or herself in a manner which would have warranted the denial of his or her application for a real estate license.
- (9) Beginning on January 1, 2004, the school shall notify each student that an evaluation form is available on the Department's Internet Web site for on-line evaluation of courses and instructors.
- (b) The simultaneous instruction of two or more students in one of the courses enumerated in Sections 10153.2, 10153.3 or 10153.4 of the Code constitutes a "private vocational school" as that term is used in Section 10153.5.

3002. Application and Fee.

- (a) A person making application for approval by the commissioner of an equivalent course of study within the meaning of Sections 10153.2, 10153.4 or 10153.5 of the Code shall make application on a form prescribed by the Department and shall include therein such relevant information as the commissioner may require. The application shall be accompanied by the appropriate fee

as provided in subdivision (c) hereof and include at least the following:

- (1) The name, address and telephone number of the applicant.
- (2) Summary of the course including:
 - (A) Type of course (resident lecture or correspondence/independent study).
 - (B) Course title.
 - (C) Complete course outline or syllabus with time schedule indicating total number of hours for course.
 - (D) Textbook(s) and student materials prescribed.
 - (E) Evidence of Private Vocational School approval or registration by the Department for Private Postsecondary and Vocational Education of the California Department of Consumer Affairs if the sponsor is not otherwise exempt from the requirement for such approval or registration or by the appropriate approval authority of the state in which the school is located shall be included with the course application.

- (b) Any material change to an approved equivalent course of study shall be submitted by the school to the Department for approval prior to use.

A material change for purposes of this section is a deviation from an equivalent course of study approved by the Department, including a change in curriculum, course length, workbooks, texts or syllabi, but not including changes designed exclusively to reflect recent changes in statutes, regulations or decisional law.

- (c) The fees for applications for approval of equivalent courses of study under Sections 10153.2, 10153.3 and 10153.4 of the Code and for material changes to previously approved courses shall be the fees prescribed in Section 10209 of the Code.

3003. Course Disapproval.

If the commissioner determines that a course of study previously approved as equivalent is no longer equivalent in quality to courses offered by colleges and universities accredited by the Western Association of Schools and Colleges, or if the commissioner determines that an instructor or lecturer for the course is no longer qualified, or that the course sponsor has engaged in activity violating the provisions of Section 3004, the commissioner shall give written notice of withdrawal of approval setting forth the reasons for the determination. If the commissioner determines, following an application for course approval, that the course will not provide applicants for real estate broker or real estate salesperson licenses with knowledge and understanding equivalent to that provided through courses offered by colleges and universities accredited by the Western Association of Schools and Colleges or if the commissioner

determines that the instructor for the course is unqualified, the commissioner shall give written notice of denial of approval setting forth the reasons for the determination. Withdrawal or denial of approval will be effective 30 days after the notice of withdrawal or denial is received by the sponsor unless the sponsor earlier files a written request for hearing on the withdrawal or denial action. If the request for hearing is received by the commissioner before 30 days after the date of receipt of notice of withdrawal by the sponsor, the withdrawal or denial of approval shall not be effective unless and until ordered by the commissioner pursuant to findings and conclusions reached after hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The hearing shall be commenced within 30 days after receipt of the request for hearing unless continued to a later date by order of the commissioner or by agreement of the parties. In a hearing on an order of withdrawal issued by the commissioner, the burden of proving that the course is no longer equivalent in quality shall be on the commissioner. In any hearing on an order of denial issued by the commissioner, the burden of proving the equivalency of the proposed course of study shall be on the applicant.

3004. Advertising and Promotion of Equivalent Courses of Study.

The use of advertising or promotional material by or on behalf of the private vocational school or other sponsor of an equivalent course of study will be considered by the commissioner to be deceptive or misleading if it does not comply with the following standards:

- (a) An advertisement shall clearly and conspicuously identify the entity offering an equivalent course of study as a private vocational school or the sponsor of a supervised course of study or other approved equivalent course of study and shall include the name of the entity.
- (b) Advertising which makes reference to courses of study approved by the commissioner shall identify the specific course or courses that have been approved by listing the Department's course approval number.
- (c) No advertising or materials, including oral representations, promoting approved equivalent courses shall contain language which implies or states, directly or indirectly, that a course can be completed in less time than the number of hours for which it is approved.
- (d) No advertising or materials, including oral representations, shall include false or misleading statements or representations.