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**TEMPORARY ADMINISTRATIVE ORDER**  
INCLUDING STATEMENT OF NEED & JUSTIFICATION

**ACLB 2-2020**

CHAPTER 161

APPRAISER CERTIFICATION AND LICENSURE BOARD

**FILED**

07/29/2020 9:52 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Classroom Continuing Education Presented via Live, Distance Learning Platform

EFFECTIVE DATE: 07/29/2020 THROUGH 01/24/2021

AGENCY APPROVED DATE: 07/27/2020

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Filed By:  
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**NEED FOR THE RULE(S):**

Conditions and requirements set forth in Oregon Governor's Executive Order 20-27 which must be met in order for classroom instruction to take place create barriers which are difficult for education providers to meet while simultaneously ensuring continued operations. Due to the impact on the revenues and continued operations of education providers and the availability of education course options for appraisers, the Appraisal Subcommittee (ASC) is permitting states to allow approved classroom Continuing Education Courses to be provided via distance learning without first obtaining approval from the International Distance Education Certification Center. The Appraiser Certification and Licensure Board concurs with the impacts recognized by the ASC and, as such, will allow the exemption being made available by the ASC to offset those impacts.

**JUSTIFICATION OF TEMPORARY FILING:**

(1) Education providers which rely on revenue from classroom courses will suffer a reduction in revenue, possibly impacting the provider's ability to continue operations; (2) Education providers and appraisers; (3) Delay in making this rule will result in continued loss of revenue for the education providers; (4) The rule will allow education providers to offer their approved courses via an alternate format.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:**

Appraisal Subcommittee memo of June 22, 2020, available at the following URL:

<https://www.asc.gov/Documents/GeneralCorrespondence/2020.06.22-%20MEM%20to%20States%20-%20COVID-19%20Outbreak%20%20Additional%20Guidance%20for%20continuing%20education%20delivery.pdf>

ADOPT: 161-020-0146

**RULE SUMMARY:** Allow Continuing Education Course approved as a classroom course to be provided via distance learning.

**CHANGES TO RULE:**

161-020-0146

Classroom Continuing Education Presented via Live Distance Learning Platform

(1) Notwithstanding OAR 161-020-0140(1), a Continuing Education Course approved by the ACLB for presentation in a traditional classroom setting may be offered by the approved Course Owner or approved Course Provider via distance education if all of the following requirements are met:¶

(a) The Continuing Education Course was approved as a "multiple offering" course and the fee set forth in OAR 161-003-0020(18) was paid by the approved Course Owner or approved Course Provider;¶

(b) The Course Length and Content, Course Description, Summary Outline, Learning Objectives, Instructional Materials, and Instructor(s) as approved by the ACLB for the Continuing Education Course are not changed;¶

(c) A request from the approved Course Owner or approved Course Provider is received by the ACLB no later than December 15, 2020;¶

(d) The Continuing Education Course is not expired on the date the request submitted in accordance with paragraph (c) is received by the ACLB;¶

(e) The platform utilized for distance education is live and interactive;¶

(f) The instructor verifies photo identification of the students; and¶

(g) The instructor maintains an attendance roster, which includes verifying 100% classroom attendance by taking attendance at various established times during the course.¶

(2) If all of the preceding requirements in subsection (1) hereof are met and the request is approved by the ACLB, the approved Course Owner or approved Course Provider may offer the Continuing Education Course via a live, distance learning platform through December 31, 2020 or the date the Continuing Education Course expires, whichever is earlier.

Statutory/Other Authority: ORS 674.305, ORS 674.310

Statutes/Other Implemented: ORS 674.305, ORS 674.310