



# A Regulatory Guide to Maintaining the Integrity of Continuing Education Programs

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## Preface

This report paints with a broad brush. Trends and issues identified herein may not correspond to every regulatory agency across the globe. Regulatory agencies are notoriously different between jurisdictions and often have special processes for addressing unique issues. It is, however, the goal of this report to provide a general overview of major issues regulators face in administering a professional continuing education regimen for their industry. While some issues identified herein may have almost certainly been addressed by their agency, this report should also provide new insights for regulators. In addition, professional education regimens normally include: pre-license education (courses required prior to licensure and testing), post-license education (focused education required within some period after licensing), and continuing education (education required periodically after licensure). While references may be made to these three categories of professional education, the focus of the report is on continuing education.

Finally, the terms *occupation* and *profession* shall be combined into a single term called *industry*. For example, architecture is considered a *profession* while construction work may be classified as an *occupation*. Continuing education can be applied to both professions and occupations so we shall equate both with the term *industry*.

## Introduction

The goal of this report is to provide regulatory staff and agents with an introduction to the issues inherent in regulating continuing education programs. A cornerstone of regulating any profession is ensuring licensees meet minimum standards for earning and maintaining their professional license. Minimum standards are usually met by completing an education and testing regimen. After licensure, professionals usually embark into a process of career-long learning with mandatory continuing education programs. The integrity of these education programs are vital to maintaining a well-trained licensee base and protecting public interest.

Almost every profession changes. Laws, regulations, technology, competition, and globalization are all major drivers of 21<sup>st</sup> century advancements. Change affects all industries and one way regulatory agents protect the public is to ensure their licensees keep up with evolution through mandatory continuing education (CE).

## Philosophy of Regulating Continuing Education

When patients go to a doctor, how do they know the doctor is competent to practice medicine? When consumers purchase a home, often the biggest purchase of a lifetime, how do they know the real estate agents are competent and won't violate the trust placed in them? When a group of construction workers install scaffolding above a busy walkway, how is the public assured those individuals are competent to take on such a risky task?

Licensure and mandatory professional education is the answer to those questions. Almost every major trade group from accountants, doctors, lawyers, real estate agents, engineers, etc. have some type of regulatory framework governing them. A part of that framework involves mandatory pre-license education and requires periodic mandatory CE to ensure licensees meet minimal standards to practice their profession. Those individuals charged with establishing and/or enforcing those education standards we shall call *regulators*. It is understood that many industries have their education standards set by legislators. Regulators then extrapolate and administer policy that best implements the desire of the legislature. However, legislators often have limited experience in the industries they are affecting and depend on practitioners to guide and counsel them in decision making. For purposes of this paper, we will define *regulators* has a group that may operate separately and under the authority of a federal, state or provincial legislature. Regulatory groups manifest themselves in different jurisdictions as professional boards, councils, and/or commissions.

Regulators are hired, elected, and/or appointed to serve in a regulatory capacity for an industry. Typically, highly qualified industry practitioners are chosen for esteemed positions on regulatory boards, councils, and commissions. With the honor of holding a position on a regulatory body also comes great responsibility. The task of protecting an industry or profession is no small task. Regulators define minimum standards for their profession and grant or deny individuals the ability to practice their trade.

Regulators normally require licensees to complete a certain amount of education each licensing period to meet minimum standards. For example, across the United States, on average, real estate licensees have to complete 12 hours of CE annually to maintain their professional license. Some jurisdictions require more, while others less. The amount of CE also varies from industry to industry. Industries like accounting, on average, require more CE of their licensees when compared with others.

## Factors Influencing CE Requirements

The amount of CE required in an industry is based upon a number of factors including:

- **Political influence of trade groups.** Trade groups want to defend the integrity and reputation of its members. In industries like law, and real estate, a few bad actors can tarnish the industry as a whole. Trade groups, in turn, defend and promote their professional brand among consumers. Promoting a professional brand increases consumer confidence, commerce and opportunity for the whole. However, it can also be in a trade group's interest to limit the number of people entering their profession. Anti-trust laws are in place to address issues of trade groups who inappropriately leverage their power to limit the number of practitioners in an industry. Another way trade groups, through their associations, often wield their power is through the use of political action committees (PACs). PACs are used to collect and donate money to political candidates that support the association's causes. PACs are used strategically to help ensure policy is implemented that is favorable to the trade group. It is no coincidence the most effective trade groups in establishing policy are often the ones that have the most robust PAC. This is not to say politicians or trade groups are all corrupt. Numerous interest groups, often with the best of intentions, compete for policy makers' attention and money is one way to get it. Politicians only have so much time to spend with constituents. Out of necessity for time management, politicians will often choose to focus his or her time on the most organized and/or the most significant financial contributors.

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Interestingly, to get more CE implemented in a jurisdiction, some trade groups will insist on "grandfathering" existing licensees from having to do additional CE while requiring only new licensees to bear the extra burden. On occasion, there is no other political avenue than to pass legislation requiring more CE with a grandfather clause because the long time industry practitioners do not believe they need the education. Often, industry veterans have close relationships with key policy makers who can kill policy proposals that may inconvenience them.

- **Public complaints and violations of license law.** Public outcry of sub-standard professional practice and/or misconduct can also affect regulatory policy and the education that is required in an industry. For example, in 2002 the owner of a crematory in Georgia was found to have been disposing of bodies inappropriately on the grounds of his facility. The news of the horror went national and numerous groups regulating crematories reassessed their license laws and how compliance could better be assured in light of such a tragedy. The best regulatory agencies have mandatory CE courses that proactively cover the most frequent violations of license

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law that affect public trust.

- **Cost.** Regulatory agencies should evaluate the costs of mandatory education. The evaluation of expense should include costs for the education itself and opportunity costs for the time the practitioner is away from their trade. Opponents of additional CE requirements may suggest that increasing the amount of education required for a profession may drive some practitioners out of business. From the author's experience, a moderate increase in educational requirements

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does not result in an immediate mass exodus of practitioners from the industry, although there may be some limited instances of it happening. Most ethical regulators and industry practitioners want high yet reasonable standards. One of the best ways to determine what is a reasonable education regimen is to examine the requirements of neighboring jurisdictions. If the national average is sixteen hours of CE for a particular industry and the regulatory agency in question requires six, chances are that the regulatory agency may want to consider raising their requirements. Often trade groups balk at the notion of doing something because another jurisdiction is doing it, but comparative analysis should not be

overlooked as a component of decision making. Another excellent way to ensure a jurisdiction is requiring the appropriate amount of CE is to do a job analysis and develop the education regimen around the needs identified. This can often be expensive but very worthwhile. The alternative is to gather a group of practitioners and/or regulators and make antidotal decisions about what should be required based on the group's collective recommendation. Regulators should be cautious about imposing requirements on the mass based upon the limited experience of a few.

Regulators should also understand the big financial picture of the education market in their jurisdiction. For example, regulators can sample the cost of CE offerings from various education providers and calculate the average price per clock hour of instruction for the continuing education. Then multiply the average cost per clock hour by the number of mandatory hours per licensee. After that, multiply the cost per licensee by the total number of number of active licensees. Using analysis like this can help frame and determine costs associated with continuing education changes. Prior to changing any continuing education requirement, regulators and legislators will always want to know the financial impact.

- **Perception of need.** While far from a scientific approach, many regulatory education regimens are based upon an arbitrary amount of hours set by industry regulators and practitioners. Exceptional regulatory agencies will form taskforces and/or other workgroups to examine curricular needs to maintain a healthy industry. After the needs are identified, the recommendations will be placed into a curriculum and recommended for approval. It is important for regulators to ask, if our agency is going to require X hours of CE every year, how did we arrive at X hours? In the course of advocating for new laws regarding continuing

education, the author has been asked this question by numerous legislators trying to decide how to vote for whether CE hours in an industry should be raised.

### Why the Marketplace Does Not Always Promote the Best Education

Some assume that CE and training markets work the same way as other free markets in that learners will seek the highest quality for the lowest dollar. Poor quality providers will then, as a matter of course, be driven out of business because learners will not take courses that are weak or low quality. If the free market will regulate the quality of the CE provider, why is government needed at all?

That approach seems logical, but the premise is flawed for one major reason. Education is one of the only things people are willing to pay for and not receive. If the government dictated that each person would have to buy a certain number of groceries every week, regardless of whether he or she needed them, where would the consumer go for their groceries? The answer is the place that cost them the

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least time and money. Quality is secondary or forsaken altogether. Professional education is not much different. Professionals are often busy and the opportunity costs of taking CE they do not believe they need are high. Learners therefore often opt for the easiest way to comply. The commodity becomes compliance, not education. If not regulated, education providers have a commercial interest in making their education as fast and easy to complete as

possible. The best education providers typically struggle with the unlevelled playing field. Quality providers want to offer great education that has integrity, but are undercut by competitors who offer a faster, cheaper, lower quality, and less rigorous alternative while still providing the most coveted commodity which is compliance. If not wisely regulated, the quality of CE programs can spiral toward the lowest common quality denominator.

### What is Professional Education's Lowest Common Denominator?

One of the frustrating facets of being an education provider is that quality and rigor are not always appreciated or marketable. Often simple and fast courses requiring little of the learner are the most marketable. If regulation is not in place to ensure a minimal standard for quality and rigor, a jurisdiction's required CE regimen will degrade toward the lowest standard. For example, one regulatory agency allows its licensees to complete their mandatory CE by ordering a small workbook that contains a ten question quiz on the rear cover. Learners receive the book, complete an over simplified quiz, and send it back to the provider for three hours of CE. In reality, most learners spent less far less than three hours working in the course. Essentially, the course was designed for compliance, not quality education. If learners can buy and obtain compliance that easy, what about the course developer that spent tens of thousands of dollars developing a rigorous quality program that actually requires three hours to finish? The author has interviewed numerous major professional education providers who intentionally reduce the rigor of their courses in order to compete with other providers doing the same. The result is that education markets resort to the lowest common denominator for quality and rigor unless regulation is in place to level the playing field and keep the standard meaningful.

Imposing meaningful education standards can help ensure CE regimens do not degrade to the lowest common denominator. For our purposes, education standards have three components:

- 1.) **Content standards** ensure the course content aligns with the relevance to industry. Quality content standards also align the rigor of the course with the appropriate audience. In other words, gauging whether content is too easy for experienced professionals is also a component of content evaluation.
- 2.) **Instructional design standards** ensure courses are designed to meet the objectives. While instructional design is a topic unto itself, it involves things like, objective writing, assessment design, remediation strategies and course evaluation.
- 3.) **Delivery standards** encompass how the course is delivered to the learner. Delivery standards can encompass things like technical requirements for the course, facility requirements, differentiated instructional methods, cognitive challenge, learner engagement strategies, ensuring relevance to the audience, and strategies for teaching to preexisting knowledge. Obviously some of these items may also coincide with instructional design standards.

Regulatory imposition of instructional design and delivery standards can be onerous for a regulatory agency with limited resources. This is why organizations like the International Association for Continuing Education and Training (IACET) exists. Regulators can impose a well-researched education standard for instructional design and delivery through a third party like IACET and then focus their regulatory review on the course content. Essentially, a provider earns an accreditation for instructional design and delivery before ever submitting a course to a regulatory agency. Once the course arrives at the regulatory agency, regulators can have confidence the course already meets a minimum standard for instructional design and delivery. Course content is where the regulator has unique expertise. No one is as qualified to review course content as the regulator. Regulators should approve courses that have the appropriate content and the rigor necessary to fulfill objectives. Ensuring appropriate rigor in CE courses means being able to distinguish between basic, intermediate and advanced content levels and prescribing the appropriate level for its practitioners. When addressing the difficulty level of content that is contained within a CE course, the “competency vs. seat time” debate will inevitably arise and is a topic for which the regulators should be prepared to address.

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### Competency Verses Seat-Time

Measuring the competency of a practitioner to perform a task is the ideal way to assess learning in CE programs. If the objective is to weld in a straight line, the learner should be able to demonstrate welding in a straight line. However, proving competency in dynamic topics like contract negotiation, ethics or financial investment instruments can be difficult and costly.

To better assess competency, almost all industry regulators require “pre-license” education and testing so the candidate for licensure can demonstrate a minimal level of competency through high stakes testing and in some cases some experiential requirements. Pre-license is the initial hurdle a licensee has to overcome in order to earn a license. Often the pre-license test and experiential requirements are designed by professional testing companies that perform a work analysis within the profession and design tasks that are meant to assess competency. In order to provide a greater emphasis on measuring

competency, some regulators and testing companies have moved away from instruments like multiple choice tests and are using more practical competency-based testing instruments such as simulation-based tests. Unfortunately, pre-license education only helps ensure competency of the practitioners on the front-end of licensure and affects a minority of current licensees.

After a practitioner receives a license, all too often the jurisdiction's CE regimen reverts to seat-time requirements. Accountants may take 80 hours of CE cycle while real estate agents have to take 12. A worthwhile question to ask is how are these hours justified? The answer varies between regulatory agencies and jurisdictions. As a result, legislatures pass laws requiring "hours of CE" for licensees. In turn, regulatory agencies enforce the statute using clock hours and competency becomes secondary. Realistically, a person can be incompetent in the topic but pass the open book exam at the end of a course. This is perhaps one of the biggest weaknesses of any CE regimen based on seat time.

So why wouldn't regulatory agencies simply measure competency for CE programs? That is easier said than done, and here are a few reasons why. First, what is competency? Regulators would have to define competency for what are often numerous and complex industry issues. Defining competency would be expensive and impractical. Second, regulators often do not have the resources to develop a competency-based education system. Expertise beyond that of typical regulatory staff is required and along with that comes extra expense. Third, regulators will often leave it to the education providers to measure competency with the topics they teach. However, when an education provider decides what competency is, the bar can fall far below what is needed. Education providers are all too often pressured to sell compliance which means allowing learners to complete objectives that are far less rigorous than what should be expected from an experienced practitioner.

Regardless, measuring competency when possible is still ideal. Some academic environments are rethinking the competency versus seat time debate.

"A recent policy scan from the Carnegie Foundation explored the course credit policies for all 50 states and the District of Columbia in an effort to understand the distribution of seat-time requirement versus credit flexibility. The report notes a shift in policy away from the historically preferred Carnegie Unit and toward a broader definition of what may constitute course credit. While 10 states (Arkansas, California, Illinois, Massachusetts, Nebraska, Nevada, North Dakota, Texas, Virginia, and Wyoming) and the District of Columbia were still requiring the use of seat-time as the only definition of credit, the remaining 40 states allowed for some degree of flexibility. The report finds 29 of these states define credit by a combination of seat-time and/or additional measures such as competency-based education" (Pate, 2013)

Making strides toward a greater competency-based education regimen is an uphill climb in most regulatory circles. Countless statutes governing numerous industries specify clock hours of education for CE. In a need to enforce the law, regulators will continue to require clock hours of CE regardless of how practical competency sounds.

## Classroom and Distance Learning

### Classroom Education

Regulators generally tend to let their guard down when it comes to classroom education. When in a classroom, learners sit with an instructor for a specific time period which seems to make regulators more comfortable with the learning environment. Occasionally, regulatory agencies will require exams at the end of a classroom course but not always. There are often assumptions about classroom education that regulators generally make like:



**The best regulatory agencies audit classroom courses.**

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1. instructors will engage the learner with the appropriate course content.
2. instructors will assess learners periodically to ensure concepts connect and are clarified.
3. meaningful interaction in the course will be facilitated.
4. good instructional practice will be used by teaching to different learning styles, teaching to preexisting knowledge, and incorporating [Bloom's taxonomy](#) into the course objectives and assessments to ensure learners are engaged at the appropriate cognitive level.
5. Regarding learner identity, learners are who they say they are. If the "learner" is physically in the class, they must be the licensee.

The best regulatory agencies audit classroom courses to ensure the assumptions listed above are happening. Feedback is then given from the regulators to the education provider and, if necessary, improvements made or approval to teach is revoked for non-compliance. Unfortunately, a majority of regulatory agencies do not have the time, money or professional resources to audit education.

### Distance Learning

Distance education has been around for centuries via mail correspondence. However, a 21<sup>st</sup> century definition usually involves online learning using the Internet. Perhaps no other medium in the world, beside Gutenberg's printing press, has generated so much potential for learning and yet so much concern for integrity.



In the late 1990's as distance learning used for CE programs started to more heavily leverage technology, regulators were faced with an increasing number of decisions about ensuring educational standards were maintained without the benefit of the learner appearing before a live instructor. During this period, numerous industries reacted by limiting distance learning, or banning it altogether for the purposes of

continuing education. In many cases, there were huge gaps between what learners experienced in a classroom and what they experienced through their computer. As regulators considered distance learning courses for CE they had to wrestle with the following distance education issues:

- Limited or no access to an instructor.
- The learner primarily accountable for their own learning with little or substandard accountability provided by the learning systems.
- How is seat time maintained and subsequently a statute enforced?
- What would prevent a learner from clicking through a 3-hour online course in 10 minutes?
- How do regulators know the person taking the course is the licensee getting credit?

**Asynchronous distance learning courses** can be the most problematic distance learning format for regulators trying to uphold quality. Asynchronous courses can be taken at any time from any location offering busy learners an attractive convenience for meeting their education requirements. Often asynchronous courses seek to minimize or eliminate the role of the instructor in the educational process. This leaves the weight of ensuring quality education on the instructional design process. Consider the things an instructor typically does in a classroom course: presents content, responds dynamically to learners' questions, provides remediation, reassesses as necessary, teaches to different learning styles, and modifies the objectives and/or assessments via Bloom's Taxonomy to ensure maximum learning occurs. To remove or minimize the roll of the instructor is to potentially leave a major gap in the educational process that technology and instructional design will have to fill. One major gap that asynchronous courses can have when compared to classroom courses is how course time is mandated to ensure compliance with statute.

The two biggest concerns regulators have with distance education courses are typically: 1.) learner identity 2.) ensuring clock hours in the course. Other issues certainly exist, but these most frequently top of the list.

### **Learner Identity**

Technology is rapidly solving the learner identity issue but regulators in many industries are still not persuaded to mandate learner identification procedures due to cost. Usually, regulatory agencies at minimum will require some type of affirmation to an identity statement. For example, a learner may be asked to check a box in a course that says they hereby affirm they are the person getting credit for the course. It is understood that this procedure does not verify learner identity but gives some legal basis to the regulator to take action should they find out the learner did not perform the work as stated. Regulators should also ask not only what are learner identification procedures in the online environment but for the classroom as well. Often regulators will have big concerns over what happens online but not in a classroom.



Essentially, when it comes to verification of learner identity, regulators do not desire to inconvenience the masses for the impropriety of a few learners who would cheat. However, as technology improves, learner identity is, in general, becoming more cost effective and easier to accomplish.

### **Methods for Establishing Course Completion Time**

The second issue, involving how regulators ensure seat time in a distance learning course, is another major regulatory concern. Consider *Figure 1* below listing the methods for establishing time spent in an

asynchronous (anytime, anyplace) distance learning course along with the advantages and disadvantages.

<b>Figure 1.</b> <b>Asynchronous Course Time Evaluation Mechanisms</b>	<b>Advantages</b>	<b>Disadvantages</b>
<b>Mandatory time requirement for each page of instruction enforced by technology.</b>	<ul style="list-style-type: none"> <li>- The course mandates a certain amount of time on every page of instruction and the seat time will be enforced.</li> </ul>	<ul style="list-style-type: none"> <li>- How is it known if whether the learner has walked away from the computer?</li> <li>- Learners with higher reading rates and better comprehension are punished by not being able to move through the course at their most effective rate.</li> <li>- Does not consider the competency of the learner.</li> </ul>
<b>Mandatory time requirement enforced with technology at the course level (not page-by-page).</b>	<ul style="list-style-type: none"> <li>- Time is mandated and learners are forced to be engaged until time expires.</li> <li>- Allows learners to navigate freely until the end of the course.</li> </ul>	<ul style="list-style-type: none"> <li>- When the learner reaches the end of the course additional instructional design is required to inform the learner of how they must fulfill the remaining time if necessary.</li> <li>- Does not consider the competency of the learner.</li> </ul>
<b>Course time studies by third party analysts.</b>	<ul style="list-style-type: none"> <li>- Time studies by a third party are a great way to road test a course and get a sample for how learners may perform from a professional capable of making such an estimate.</li> </ul>	<ul style="list-style-type: none"> <li>- Time study participants must be of the appropriate sample audience and experience level.</li> <li>- Time studies do not mandate seat time. They suggest to the regulator how long the course might take the typical learner.</li> <li>- Time study analysts have to be experts within the field or risk over or under estimating the difficulty of content.</li> </ul>
<b>Course time analysis by sample learners</b>	<ul style="list-style-type: none"> <li>- Time studies are a great way to road test a course and get a sample of how learners will perform based upon actual</li> </ul>	<ul style="list-style-type: none"> <li>- More than one learner needs to complete the course and, therefore, cannot be included in the sample as every learner is different.</li> </ul>

<b>Figure 1. Asynchronous Course Time Evaluation Mechanisms</b>	<b>Advantages</b>	<b>Disadvantages</b>
	results from learners from the appropriate sample audience.	
<b>Word count</b>	-Provides an equitable and quantitative benchmark for establishing the amount of content needed. The average adult reads at 250-300 words per minute. (Ziefle, 1998)	<ul style="list-style-type: none"> <li>-Disregards consideration for difficulty of the content.</li> <li>-Does not consider non-prose content such as math problems.</li> <li>-Encourages instructional designers to use superfluous language to meet word count requirements.</li> </ul>
<b>Playing audio recorded reading of written content to ensure an appropriate time.</b>	-Provides some objective measure and enforcement of course time.	<ul style="list-style-type: none"> <li>-Educational research suggests reading written content to a learner while that same written prose appears on the page in front of them is counterproductive to learning (Clark &amp; Mayer, 2008).</li> <li>-Learners cannot read at their own rate but must listen at the speed of the narrator.</li> </ul>
<b>Audit time logs in learning management system.</b>	<ul style="list-style-type: none"> <li>-Provides a quantitative and unambiguous report of the time learners spend in a course.</li> <li>-if not required for every course and every learner, the time logs can be examined on an as needed or audit basis.</li> </ul>	<ul style="list-style-type: none"> <li>-reports can be manipulated by unscrupulous providers.</li> <li>-the methodology is based upon hindsight. If courses are short in time, some learners will get credit and not spend the time necessary.</li> <li>-Learning management systems must be properly equipped and programmed to track the time a learner spends in the class.</li> <li>- course providers must agree to provide the time reports.</li> </ul>

There is no perfect way to evaluate the time learners spend in a course when they can complete it at their own pace. Perhaps the best method for enforcing time is requiring a strategic combination of these

methods. The methods required for evaluating course time will depend on the philosophy of the regulatory agency in fulfilling their statutes. For example, in a three-hour CE course, some regulators are comfortable verifying time with a sample of learners, who may be academically exceptional, finishing the course in faster time than the allotted time. These learners may have experience with the content and/or a faster reading rate than other average learners. However, providers can still make the case that the “average learner” takes three hours to complete the course. Some learners will take longer than three hours and some will take less, but the average is three.

In a more conservative regulatory agency, basing hours on how the average learner performs may not work. Statutes will mandate learners’ complete x hours in a course regardless of individual competency. If this regulatory philosophy is in place, the regulatory agency must implement a delivery policy that mandates seat-time regardless of performance or competency.

**Synchronous online courses** are held at a certain time and can be taken any place with the technology. Synchronous courses make it for regulators to establish time since the course is designed to mirror the classroom experience. Learners login at a specific time and interact with an instructor and/or classmates in a cohort. Course time is mandated and engagement can be tracked using a variety of technologies on the market today. Perhaps the biggest regulatory concern regarding synchronous courses is ensuring instructors include enough interaction to ensure learners do not walk away from the course for an extended time and still get credit.

Education providers and learners are usually less excited about synchronous courses because the design mandates learners appear at a certain time online. Another disadvantage of synchronous courses is that instructors can only facilitate a maximum number of learners in one teaching session. Inevitably the loss of flexibility leaves a lot to be desired for the busy learner and makes other asynchronous online learning alternatives more attractive.

**Online academic cohort based online courses** are held asynchronously and over a period of weeks or months. Periodically, an instructor leading the course opens new content modules, makes assignments and gives feedback. This methodology represents a small minority of CE programs for professional licensure as it is not practical to have a cohort for a class that spans a few hours or less. In addition, the cost of having an instructor facilitate the education process (making assignments, monitoring progress, giving feedback etc.) is an expensive proposition. Education providers usually prefer to build their CE courses, and then offer them at any time with minimal human involvement.

## Summary on distance education

As time has passed and concerns have been addressed with quality standards and instructional design, restrictions on distance education have been eased. Distance learning opens numerous opportunities for professional education. However, the online environment is still ripe for abuse if not carefully and thoughtfully regulated. Regulatory strategies intended to address concerns with online courses include:

- Limiting the number of hours of CE a learner can earn via online education.
- Imposing a strong audit system for ensuring courses are taught as approved.
- Require formative assessment in the instructional design. Incremental learning quizzes help ensure mastery of content on a unit by unit basis.
- Require summative assessments including but not limited to final exams for online courses.
- Require or recognize a third party accreditation process like IACET for education providers that help ensure integrity of providers and courses before they ever get to the regulators desk for approval. Requiring an accreditation helps ensure courses meet a high standard prior to submission to the regulator for approval.

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The world doesn't stop changing after professionals obtain a license nor should the education they receive.

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## Summary

Regulating professional education is a necessary part of ensuring professionalism and protecting the public. Standards exist that help regulators navigate the educational research and implement a fair and attainable standard that benefit all the industry stakeholders. Organizations like IACET help ensure regulators do not have to recreate the wheel of education standards for professional education. The need to implement high standards seems obvious but in doing so, as with almost any worthwhile endeavor, will not come without opposition. In every industry, there are licensees and educators who are satisfied with the status quo. Licensees and educators will often adopt paradigms about education that are below what should be required to maintain a competent licensee base. The regulators job is to parse the difference between paradigms and implement research based standards that serve to improve their industry. Finally, there is one component of a CE regimen that is almost universal in its application across industries. In a society that is growing in complexity, regulators should advocate for policy that encourages, if not mandates, a lifelong approach learning. The world doesn't stop changing after professionals obtain a license nor should the education they receive.

## Checklist to Avoid Pitfalls in CE Regulation

Regulating a professional education program is no easy task. However, here are some good ways to avoid common pitfalls regulator face:

- ❑ **Never treat one education provider different from another.** This should go without saying but it is one of the most common pitfalls regulators can unintentionally make. Often, education standards can be interpreted in different ways. If one provider interprets a standard different from another and it causes one provider to have a competitive disadvantage, providers will often appeal to the regulator for an equitable interpretation. Such exercises raise stress and could affect the reputation of the regulatory agency.
- ❑ **Know the scope of what the agency regulates and stick to it.** Statutes and regulations will specify what is to be regulated. Lean on those policies and do not vary from them. Any requirement placed on a CE provider should unambiguously be associated with the policy.
- ❑ **Focus on quality content review.** No one else can do as good of a job evaluating course content as a regulator. Regulators should require sufficient course material to ensure the quality of the content. Regulators should also evaluate whether a course is too easy for typical practitioners.
- ❑ **Leverage instructional design and delivery accreditations to take a load off of the regulatory staff.** Many regulators get tied up in instructional design and delivery standards and are often not qualified to determine such policy. For example, one regulator decided that since he used a particular common web browser that all providers should create courses that could be taken through that web browser. A provider that had a custom web browser build into their custom software was not eligible for approval. The provider appealed the case to the full regulatory body and won. Instructional design and delivery standards should be based upon research and developed by qualified people. Staff should never be able to arbitrarily impose standards in a manner that are not consistent with agency's policies and/or education research. It is very easy for a regulator to be placed in a position to approve course designs that he or she likes. However, this is not a good way to regulate as quality course design is driven by research, not someone's feeling about a delivery strategy.
- ❑ **Consider requiring or recognizing an instructional design and delivery accreditation, like IACET's, as a prerequisite to the provider submitting the course to the regulator for approval.** This allows the regulator to know that the course they are receiving has already met rigorous standards without the burden of developing and maintaining those standards themselves. In a day when regulators are always expected to do more with less, having a third party vet incoming providers and courses can be a substantial time and money saver.
- ❑ **Evaluate content rigor to assure applicability to the appropriate audience.** This is one of the most frequent pitfalls. Regulators approve courses that are far too easy for experienced professionals and word quickly spreads of the lack of rigor in the mandatory education process. The usefulness and relevance of the CE programs are then called into question.
- ❑ **Base the number of CE hours on a defensible curricular requirement developed along with industry stakeholders.** There is nothing worse that regulators appearing to develop policy arbitrarily. Include stakeholders in the decision making process and document clearly who was involved.
- ❑ **Have at least a portion of the required CE hours cover mandatory topics that includes common license law violations.** This strategy will increase relevancy of the education and theoretically reduce violations.

- ❑ **Audit courses for compliance.** Classroom as well as distance learning courses should be occasionally audited for compliance with content, instructional design and delivery standards. If the regulatory agency has limited staff for auditing providers, consider a third party accreditation, like IACETs, that audits providers for compliance at no cost to the regulatory agency.
- ❑ **Provide periodic training for education providers on the expectations and developments in your industry.** The best regulatory agencies develop a community of educators that compete and hold each other accountable. These communities can also be very useful in fostering expectations for quality and professionalism.

## About the Author

Joe McClary, Ed.S, CAE, is the Chief Executive Officer of the International Association of Continuing Education and Training (IACET). Prior to his work with IACET McClary was the CEO of the Kentucky Association of Realtors, Kentucky's largest trade association. He was influential in writing and passing some of the most important professional education legislation in the past two decades that expanded and improved mandatory continuing education requirements for the state's real estate licensees. From 2001 to 2012, McClary served as the first Executive Director of the International Distance Education Certification Center (IDECC) which is an organization that develops internationally recognized distance learning standards. In his role with IDECC, McClary worked with more than 400 professional education providers and numerous regulatory agencies located across the globe. McClary has earned the Certified Association Executive designation from the American Society of Association Executives and is experienced as a college instructor, high school teacher, and adult educator. He has earned multiple graduate level degrees in the field of education. Within his role at IACET, Joe is available for speaking engagements on educational best practices, distance education, accreditation and other topics related to professional education. He can be reached at [jmccclary@iacet.org](mailto:jmccclary@iacet.org).

## About IACET

IACET's mission is to advance the global workforce by providing the standard framework for quality learning and development through accreditation. IACET's history includes development of the original Continuing Education Unit (CEU) as well as the creation and maintenance of the ANSI/IACET Standard for Continuing Education and Training. More about IACET can be found at [www.IACET.org](http://www.IACET.org).

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