

# **COMMISSION FOR INDEPENDENT EDUCATION**

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### **6E-1.003 Definition of Terms.**

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of the Commission, unless the context clearly indicates otherwise:

(1) “Accredited Foreign Medical Schools” means institutions chartered outside the United States, in a nation whose accreditation standards have been determined by the United States Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been inspected and evaluated by the nation’s recognized agent and approved or accredited by its home nation using those comparable standards.

(2) “Additional Locations” means any locations other than auxiliary classroom space that supports a licensed institution.

(3) “Address of Record” means the current mailing address and location of the institution in Florida.

(4) Adequate Clinical Clerkship Library Facilities – Comprehensive resource and information facility sufficient in size, current breadth of holdings and information technology to support its medical education.

(5) Adequate Laboratory Facilities – Industry standard facilities that allow students to engage in scientific research, testing and diagnostic evaluation.

(6) “Advertising” includes any form of public notice, however disseminated or utilized, offering training or education to the public or recruiting students to enroll in a school or college program. The term includes publications and promotional items which may be seen or encountered by prospective students, including catalogs and other institutional publications which contain institutional policies or disclosures; mailing pieces, such as bulletins, brochures, or flyers; classified advertisements; news releases; posters; electronic notices provided through Internet, radio or television; or any other form of public notice resulting from the institution’s recruiting and promotional efforts.

(7) “Applied General Education” means courses directly related and applicable to a specific occupation, fulfilling the general education requirements for an occupational associate degree as described in subparagraph 6E-2.004(4)(n)1., F.A.C., in natural and physical sciences, social and behavioral sciences, language, composition, and humanities and the arts.

(8) “Asynchronous” means that students may access a prepared educational program electronically or by other means, at a time of their own choosing rather than at a specified time.

(9) “Auxiliary Classroom Space” means a location within 10 miles of a licensed school or college, and under its administrative and academic control and included in its licensure; where classes are held as needed to supplement the physical capacity of the licensed institution; and where the licensed institution is not required to maintain ongoing administrative or faculty offices, but has the responsibility of providing all administrative, academic, and student services.

(10) “Board-Certified,” “Board-Eligible,” and “Board Licensed” refer to the appropriate recognition by the State Board of Medicine or other recognized agency which regulates the practice of medicine in the jurisdiction where the foreign medical school operates and where clerkships are offered.

(11) “Change in Control” means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner’s family or to a person with a pre-existing ownership interest in the institution.

(12) “Chartered” means incorporated according to the requirements of the Florida Department of State, Division of Corporations or similar authority in another jurisdiction.

(13) “Citation” means an instrument which meets the requirements set forth in Section 1005.385, F.S., and which is served upon a licensee, an applicant, or any other subject within the jurisdiction of this Commission, for the purpose of assessing a penalty in an amount established by this rule.

(14) “Clinical Clerkship” means supervised instruction in medical disciplines with an opportunity to observe and to participate in the theory and practice of expert care of patients with a broad spectrum of traumatic conditions, psychiatric disorders, disease, or other human ailments, in order for the students to achieve comprehensive knowledge in medical diagnosis and treatment as part of a course of instruction leading to an M.D. or D.O. degree or the equivalent.

(15) “Clock Hour” means a period of 60 minutes with a minimum of 50 minutes of instruction in the presence of an instructor.

(16) “Collegiate” describes a college or university which is licensed by the Commission to offer degrees as defined in Section

1005.02(7), F.S., or the degree programs offered by such an institution.

(17) “Complete Application” means an application which the Commission staff has reviewed and found to contain all required forms, supporting documentation addressing each standard, all required signatures, and evidence that all appropriate fees have been paid.

(18) “Compressed Time Period” means delivery of required contact clock hours or credit hours in a significantly shorter period than those described in the definitions of “Semester” and “Quarter”.

(19) “Contract Training” means providing a program to a particular employer or entity for a specific length of time, in a specific place, to a specific cohort of students, when all appropriate academic and student services are provided to the cohort, an agreement (memorandum of understanding or contract) is signed with the employer or entity, and the program is not advertised to the general public.

(20) “Core Clinical Clerkship” means initial clinical training required of every medical student, generally taken in the third year of medical school, in such fields as internal medicine, pediatrics, surgery, obstetrics and gynecology, psychiatry, and family medicine.

(21) “Correspondence Learning” means instruction through mail or e-mail requiring the institution to mail a syllabus, texts, lessons, and other materials to the student and to provide adequate educational services, responses, comments, and evaluations in a timely manner to the student.

(22) “Costs” means the amount of money directly related to the investigation and prosecution as determined by the Commission.

(23) “Course” means one organized unit of study focusing on one subject or skill for a specified period of time; for example, English 101, College Math, or Introduction to Computers.

(24) “Credit By Examination” means credit awarded upon determining the level of students’ competencies in a specific subject area through standardized tests or institutionally developed examinations.

(25) “Credit for Prior Learning” means credit for learning acquired outside the licensed institution, that has resulted in a level of knowledge and skills appropriate and comparable to the level and content of the program or credential offered. Such learning must be validated and documented by qualified instructors using consistent, educationally defensible procedures and standards.

(26) “Direct Contact Instruction” means the physical presence of one or more students and one or more instructors at the same physical location. Direct contact instruction includes instruction and learning that takes place in a seminar, workshop, lecture, colloquium, laboratory, or tutorial, in a setting consistent with the stated mission, purposes, and objectives of the institution and the specific program or course. A learning agreement or learning contract should be a central feature of direct contact instruction.

(27) “Distance Education” means planned learning that normally occurs in a different place from teaching and as a result requires special techniques in course design, special instructional techniques, special methods of communication by electronic and other technology, and special organizational and administrative arrangements.

(28) “Distance Learning” is a general term used to cover the broad range of teaching and learning events in which the student is separated (at a distance) from the instructor, or other fellow learners.

(29) “Elective Clinical Clerkship” means additional specialized clinical training, chosen by the medical student from an approved list of electives published by the medical school, generally taken in the fourth year of medical school.

(30) “Emerging Field of Study” means a subject area not yet offered by traditional institutions as a discipline for study leading to a particular credential, but that is deemed worthy of exploration and development.

(31) “Enrollment” means registering a student to take programs or courses at an institution, when such registration obligates the student to pay tuition to the institution and obligates the institution to provide instruction to the student.

(32) “Executive Director” means the chief administrative officer of the Commission.

(33) “Fair consumer practices” means the honest, accurate and equitable conduct of business and academic relations between institutions and their students or prospective students.

(34) “First Professional Degree” means the first degree signifying completion of the minimum academic requirements for practice of a profession. The degree may require four, five, or more academic years, depending on the profession and the particular institution. A first professional degree is most commonly a bachelor’s degree, but may be a master’s or doctoral degree.

(35) “Florida Student” means any student enrolled at a Florida campus of a licensed institution and for distance education, a student whose mailing address for purposes of receiving distance education lessons and materials from the school, is a Florida address.

(36) Foreign Medical School Affiliation Agreement – A signed statement between a teaching hospital and a foreign medical school in which the teaching hospital agrees to make its resources available to a foreign medical school in order for the foreign medical school to offer its educational program at the hospital.

(37) Generally Accepted Accounting Principles (GAAP), effective September 30, 2002, is defined in the Board of Accountancy Rule 61H1-20.007, F.A.C.

(38) “General Education Courses” are those college-level courses designed to place emphasis on principles and theory rather than on practical applications associated with a vocational, occupational, or professional objective. General education courses may include, but are not limited to, English, history, philosophy, literature, religion, art, music, sociology, foreign languages, humanities, mathematics, chemistry, biology, and psychology, when such courses are not within the area of concentration of a vocational, occupational, or professional program. For example, English Composition is considered a general education course, but Business English is not. Courses designated as “applied,” “specialized,” “technical,” or similar designation do not meet this definition.

(39) “Indirect Contact Instruction” means a delivery method which does not require the physical presence of students and instructors at the same location, but provides for interaction between students and instructors by such means as telecommunications, electronic and computer-augmented educational services, correspondence, postal service, and facsimile transmission. Detailed course outlines or comprehensive syllabi are central to indirect contact instruction and learning, along with specified competencies to be mastered, details of interaction and feedback from the instructor, and specified procedures and timetables for evaluation.

(40) “Innovative Method of Instruction” means a new method of instruction not in use by traditional institutions, but one that provides effective and appropriate instruction in a way that ensures delivery, learning, evaluation, and timely communication with students.

(41) “Institution” means any college, university or postsecondary career school under the jurisdiction of the Commission as provided in Chapter 1005, F.S.

(42) “Learning Agreement or Learning Contract” means a document drawn up between the instructor or the institution and the student(s), describing in detail the planned learning experiences that must be completed, the specific competencies to be mastered, and the evaluation methods to be used. An important characteristic of a learning agreement or learning contract is that it may be individualized to fit the needs of the student.

(43) “Main Florida Headquarters” means the location designated by an out-of-state institution as its main administrative and academic center in Florida.

(44) “Media and Computer Assisted Learning” means instruction through electronic information transfer, data processing, facsimile transmission, or through other technology.

(45) “Minor Modification” means a change to programs and curricula intended to keep educational material up to date and relevant to the changing needs of employers, when such modifications affect less than 20 percent of the program or curriculum and do not change the purpose or direction of the program; or providing a previously approved program as contract training.

(46) “Noncollegiate” or “Nondegree” describes a nonpublic career school licensed by the Commission to offer certificate or diploma programs as defined in Section 1005.02(16), F.S., or the certificate or diploma programs below the degree level offered by any institution under the jurisdiction of the Commission.

(47) “Nontraditional Education” means any positive progress toward a credential that is earned through experiential means or distance education and approved by the faculty of the institution granting the credential, or other sources verified by the American Council on Education, or testing from recognized sources such as but not limited to the Defense Activity for Non-traditional Education Support (DANTES), Servicemembers Opportunity Colleges (SOC), or other sources deemed by the Commission to have similar quality controls.

(48) “Occasional Elective Clinical Clerkship” means an elective course which does not exceed 6 weeks in length during the fourth year of medical school. “Occasional” in this context means no more than 3 students from any one unlicensed foreign medical school in any calendar year, with each of the 3 students doing no more than 3 elective clerkships in Florida in any calendar year.

(49) “On-line Courses” means courses taken by electronic means through the Internet or other similar delivery system.

(50) Parent Medical Schools – The licensed foreign medical institution that is offering a clinical clerkship program at the Florida teaching hospital.

(51) “Program” means a prescribed group of courses, taken in the proper sequence to attain mastery of a body of knowledge or set of skills, and leading to a certificate, diploma, or degree.

(52) “Quarter” means at least ten weeks of instruction and learning, or its equivalent as described below.

(53) “Quarter Credit Hour” means either:

(a) A unit consisting of a minimum of ten hours of instruction appropriate to the level of credential sought, during a quarter, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(44)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(54) “Semester” means at least fifteen weeks of instruction and learning, or its equivalent as described below.

(55) “Semester Credit Hour” means either:

(a) A unit consisting of a minimum of fifteen hours of instruction appropriate to the level of credential sought, during a semester, plus a reasonable period of time outside of instruction which the institution requires a student to devote to preparation for learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(b) Planned learning experiences equivalent to the learning and preparation described in paragraph 6E-1.003(44)(a), F.A.C., above, as determined by duly qualified instructors responsible for evaluating learning outcomes for the award of credits.

(56) “Scholarship – a grant-in aid to a student.” The offer of a grant-in-aid to an enrolled student to offset partial or complete costs of a course, program, certificate or degree.

(57) “Substantive Change” means any change of control, level of credentials offered, location, a change in the purpose of the institution that exceeds minor corrections or alterations, financial soundness, or accreditation. A change of location includes any change of location that exceeds 45 miles. A change of accreditation includes change of accrediting agency, lowering the level of accreditation, exceeding the scope of the grant of accreditation or recognition of the agency, or any final action taken by the accrediting agency which places the accreditation of the institution in jeopardy. A substantive change also includes any change which the Commission determines is serious enough to affect the continued operation or stability of the institution, or the quality of the educational programs offered.

(58) “Synchronous” means that students must participate, electronically or by other means, in a distance educational program simultaneously, regardless of time zones.

(59) “Teaching Hospital” means a hospital having a residency program in a medical discipline accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which is part of such a program through an affiliation approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or which has a written affiliation with an accredited United States Medical School to provide clinical training to its students; or an ambulatory care setting which is affiliated with a teaching hospital or an accredited United States Medical School for clinical teaching purposes.

(60) “Transcript” means the form maintained by an institution on student academic information which minimally shall include the following:

(a) Student name, street address, telephone number, date of birth;

(b) Enrollment date(s);

(c) Graduation date(s);

(d) Required hours for completion;

(e) Grade scale;

(f) Courses taken;

1. Attempted credit or clock hours;

2. Scheduled start date;

3. Dates of course completion;

4. Grades.

(g) Total hours attended; and

(h) Credit given for courses transferred in from other institutions.

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**6E-1.0032 Fair Consumer Practices.**

(1) This rule implements the provisions of Sections 1005.04 and 1005.34, F.S., and establishes the regulations and standards of the Commission relative to fair consumer practices and the operation of independent postsecondary education institutions in Florida.

(2) This rule applies to those institutions as specified in Section 1005.04(1), F.S. All such institutions and locations shall demonstrate compliance with fair consumer practices.

(3) The definitions contained in Section 1005.02, F.S., and Rule 6E-1.003, F.A.C., apply equally herein unless expressly indicated otherwise.

(4) All advertising and promotional literature shall be accurate and not misleading to the public. A copy of each advertisement shall be available to the Commission upon request for inspection at each location providing administrative services. The level of educational programs provided shall be disclosed. Compliance with subsection 6E-2.004(5) and paragraph 6E-2.004(11)(c), F.A.C., regarding recruitment, admissions, and advertising, is required of all institutions operating or soliciting students in Florida. See paragraph (6)(j) of this rule for requirements for statements regarding job opportunities. If any information is provided to students regarding salaries, such information shall be limited to accurate and unexaggerated representations of entry level salaries reflective of employees having the same skills, education, and experience as the students will have upon graduation. If advertising violations occur, the Commission shall require an institution to receive prior approval of future advertising copy before publication or broadcasting. Continued advertising violations shall result in probation with conditions and fines, or revocation of licensure pursuant to Sections 1005.34 and 1005.38, F.S. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

(5) Any licensed institution offering a program which does not make the graduate eligible to take required professional examinations in that field or to practice regulated professions in that field in Florida must publish a disclosure statement to inform prospective students clearly and unambiguously of this fact.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution's catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) Purpose of the institution: The purpose of the institution must be disclosed, and must be consistent with Section 1005.01, F.S.

(b) Educational programs and curricula: The curricula shall be published in the catalog and shall state objectives specific to each curriculum and the requirements to be met for successful completion of each curriculum or program. Information relating to course availability and prerequisites shall be available for students. The catalog shall also contain brief course descriptions for each course offered.

(c) Description of physical facilities: All licensed institutions must describe their physical facilities in Florida, which must meet the requirements as set forth in subsection 6E-2.004(9), F.A.C. Information showing compliance with relevant local safety and health standards, such as fire, building, and sanitation shall be available to students.

(d) Licensure and accreditation status: The institution shall disclose its status regarding licensure by the Commission and its status as an accredited institution or program, as applicable. The level and scope of licensure or accreditation shall be disclosed, and any ramifications of accreditation or lack of accreditation on the ability to sit for professional examinations and eligibility for financial aid shall be disclosed. If the institution makes claims that it is accredited by an accrediting agency that is not recognized by the United States Department of Education, the following disclosure statement must be made in large bold type, all capital letters, and is to be inserted in the publications or advertising, as defined in subsection 6E-1.003(5), F.A.C., prior to identification of or mention of any accrediting association or agency. The required statement is:

**THE ACCREDITING AGENCY(S) OR ASSOCIATION(S) LISTED BELOW IS/ARE NOT RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION AS AN APPROVED ACCREDITING AGENCY. THEREFORE, IF YOU ENROLL IN THIS INSTITUTION, YOU MAY NOT BE ELIGIBLE FOR TITLE IV FEDERAL FINANCIAL ASSISTANCE, STATE STUDENT FINANCIAL ASSISTANCE, OR PROFESSIONAL CERTIFICATION. IN ADDITION,**

CREDITS EARNED AT THIS INSTITUTION MAY NOT BE ACCEPTED FOR TRANSFER TO ANOTHER INSTITUTION, AND MAY NOT BE RECOGNIZED BY EMPLOYERS.

This disclosure statement shall be inserted in all advertisements or publications wherever accreditation by an unrecognized accrediting agency is mentioned.

(e) Fee schedule: The institution shall disclose all fees required to be paid by students (including tuition, laboratory fees, graduation fees, other required fees), and any nonrefundable fees must be so identified.

(f) Transferability of credits: The institution shall disclose information to the student regarding transferability of credits to other institutions and from other institutions. The institution shall disclose that transferability of credit is at the discretion of the accepting institution, and that it is the student's responsibility to confirm whether or not credits will be accepted by another institution of the student's choice. If a licensed institution has entered into written articulation agreements with other institutions, a list of those other institutions may be provided to students, along with any conditions or limitations on the amount or kinds of credit that will be accepted. Such written agreements with other institutions must be valid and in effect at the time the information is disclosed to the student. The agreements shall be kept on file at all times and available for inspection by Commission representatives or students. Any change or termination of the agreements shall be disclosed promptly to all affected students. No representation shall be made by a licensed institution that its credits can be transferred to another specific institution, unless the institution has a current, valid articulation agreement on file. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(g) Admissions: The institution shall disclose its method of assessing a student's ability to successfully complete the course of study for which he or she has applied. The requirements for admission and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or language capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) Student financial assistance: Information about the availability of financial assistance shall be disclosed to prospective students. In addition, each institution shall make such disclosure in writing, to be signed and dated by each student applying for and receiving a student loan, to the effect that the student understands that he or she is obligated to repay the loan, the terms and amounts of repayments, and when repayments will begin. References to financial assistance availability in any school catalogs or advertising shall include the phrase, "for those who qualify."

(i) Student refund policies: This rule establishes the Commission's minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans' benefits shall be in compliance with applicable federal regulations.

1. All institutions shall have an equitable prorated refund policy for all students, which shall be disclosed in the catalog and enrollment agreement or similar documents, and must be uniformly administered. Any nonrefundable fees or charges shall also be disclosed.

2. The institution's refund policy shall provide a formula for proration of refunds based upon the length of time the student remains enrolled, up to a minimum of 40 percent of a program, if the student is charged tuition for an entire program; or 20 percent, if the institution charges the student for a term, quarter, semester, or other time period that is less than the duration of the entire program.

3. As an alternative, an institution that charges tuition for a term, quarter, semester or other time period that is less than the duration of the entire program may establish a drop/add period which shall be no less than 10 percent of the period for which the student is financially committed, or one week, whichever is less. If the student withdraws before the end of the drop/add period, the student will be refunded all tuition and fees, as well as any funds paid for supplies, books, or equipment which can be and are returned to the institution.

4. The refund policy shall not consider that all or substantially all tuition for an entire program or term is earned when a student has been enrolled for only a minimal percentage of the program or term. The refund policy shall provide for cancellation of any obligation, other than a book and supply assessment for supplies, materials and kits which are not returnable because of use, within 3

working days from the student's signing an enrollment agreement or contract. Refunds shall be made within 30 days of the date that the institution determines that the student has withdrawn.

5. Institutions need not keep attendance, but must adopt and publish an equitable policy by which withdrawal dates will be determined, which may include notification by the student or reports from faculty. This policy shall be submitted to the Commission before publication.

6. Nonrefundable fees regarding admission and registration of Florida students shall not exceed \$150. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) Employment placement services: The extent of placement services shall be specifically described. No guarantee of placement shall be made or implied. The institution may disclose information relating to market and job availability, if verified through statistical research; however, the institution shall not promise or imply any specific market or job availability amounts.

(k) A statement that additional information regarding the institution, if licensed, may be obtained by contacting the Commission for Independent Education, Department of Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400, toll-free telephone number (888)224-6684.

(7) Reduction of tuition or fees: A reduction in tuition, fees, or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within a policy at the institution. All students within the enrollment period that the reduction is offered must be eligible to apply for this reduction under the same circumstance; however there shall be no reduction based upon the timing or method of payment. The institution must maintain verifiable records including detailed and complete data when students are granted a bona fide reduction in tuition or fees. This must include copies of all application records, notes of selection committee meetings, and copies of notices to the student who received the reduction. This information shall be kept on file at the institution for on site review by CIE.

(8) A licensed institution which is not accredited by a United States Department of Education recognized institutional accrediting agency shall use an enrollment agreement or application for admission which, in addition to the catalog, shall be the binding contract between the institution and the student. The binding document shall include, but not be limited to, the following:

(a) Title. The binding document shall be identified by title as a "Contract", "Agreement", "Application" or similar title and clearly indicate that it will constitute a binding agreement upon acceptance by the institution and the student;

(b) Name of the institution. Name, phone number, and physical address of the institution;

(c) Title of Program. Program title as licensed and identified in the catalog;

(d) Time Required. Number of clock hours or credit units, including the number of weeks or months, or credit hours required for completion;

(e) Credential for Satisfactory Completion;

(f) Costs. All costs shall be clearly stated;

1. Tuition. The total tuition for the program must be listed by the total length of the program, the tuition cost per credit hour, clock hour, term or academic year.

2. Fees. All refundable and nonrefundable fees payable by the student.

3. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the binding document states that the costs for books and supplies are included in the tuition charges as stated in the document.

4. Any other costs. Any other costs required to be paid by the student, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition.

(g) Terms of payment. The method of payment of all costs shall be clearly stated in the binding document and shall comply with federal and state laws.

(h) Class Start.

(i) Anticipated Program Completion Date (for Institutions that are not Colleges or Universities).

(j) Class Schedule. The day, evening or other schedule of class attendance must be clearly stated (if known at the time of signature by student).

(k) Termination or Cancellation by the Institution or Student. Grounds or procedures for cancellation of a binding document by an institution or student shall be clearly stated.

(l) Refund Policy. Institutions shall comply with refund policy as provided in subsection 6E-1.0032(6), F.A.C.

(m) Employment Guarantee Disclaimer. Institutions shall publish the disclaimer as provided in paragraph 6E-1.0032(6)(j),

F.A.C.

(n) Statement that all signers have received and read a copy of the binding document and catalog.

(o) Signatures and Acceptance. The binding document shall contain the date and signature of the applicant and parent or guardian, if the applicant is under eighteen (18) years of age and the acceptance date and signature of the appropriate official at the institution.

(p) Format. If the binding document is not completed on one (1) side of a single sheet of paper, each side must clearly and conspicuously refer to the conditions on the other side as being part of the document. If more than one (1) page is used, each page must be numbered page 1 of pages, page 2 of pages, etc.

(9) If the Commission determines that ongoing complaints show a pattern of misinformation, lack of disclosure, or discrepancies between printed, electronic, and verbal information being given to prospective students, the Commission shall require that institutions prepare additional documents, to be individually signed and dated by students, to address the problem. Significant deviations from fair consumer practices shall be grounds for probation, denial or revocation of licensure pursuant to Sections 1005.32(7), 1005.34(3), and 1005.38(1), F.S., and Rule 6E-2.0061, F.A.C.

(10) The institution shall develop, publish, and follow a procedure for handling complaints, disciplinary actions and appeals. The procedure shall ensure that complaints and disciplinary actions are not handled in a capricious or arbitrary manner, but are given careful consideration by appropriate levels of administration. It is understood that the health and safety of students and staff are the institution's primary concern. In the event of extreme cases, it may be necessary for the institution to take immediate disciplinary action. If the institution has an emergency disciplinary procedure, this procedure shall be disclosed to prospective students, and grounds for such action shall be specified in as much detail as possible.

(11) Prior to the initial enrollment or reentry of students into programs for the prelicensure education of professional or practical nurses, certified nursing assistant training programs, or any combination of such programs, an institution shall provide to each student each applicable disclosure form completed by the institution. The disclosure must be signed and dated by the prospective student and a school official, with a copy to be maintained in the student's file. Passage rates for first time test takers and probationary status of the program shall be provided for the most recent calendar year published by the Board of Nursing. Each institution must update the disclosures within thirty (30) days of the date when the information is published on the Board of Nursing's website. Institutions shall use the following forms which are incorporated by reference and may be obtained without cost from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400:

(a) Professional Nursing Student Disclosure, Form number 609a, effective August 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08561>).

(b) Practical Nursing Student Disclosure, Form number 609b, effective August 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08562>).

(c) Certified Nursing Assistant Student Disclosure, Form number 609c, effective August 2017 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08563>).

(12) An institution is responsible for ensuring compliance with this rule by any person or company contracted with or employed by the institution to act on its behalf in matters of advertising, recruiting, or otherwise making representations which may be accessed by prospective students, whether verbally, electronically, or by other means of communication.

(13) It shall be the responsibility of an institution to require a training program for all staff who recruit prospective students or who participate in the admission of prospective students, at the institution. The training program shall be submitted to the Commission for approval with each application for a provisional license, an annual license or a license by means of accreditation, and with each annual review of a license by means of accreditation. Institutions that choose to employ a training provider for its training program may, if the program provided by the contractor has been approved by the Commission, provide the program without additional approval. Training shall include information to familiarize staff who recruit prospective students, or who participate in the admission of prospective students, with Chapter 1005, F.S., and with the institution's programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, F.S., and this rule.

(14) Institutions shall maintain a file or keep a record for each student at each location, translated into English and conforming to the requirements of Rule 6E-2.004, F.A.C., and containing the following at a minimum:

- (a) Academic transcript;
- (b) All documents evidencing a student's eligibility for enrolled programs;
- (c) Any certificates or diplomas earned;
- (d) Copies of applications or contractual agreements;
- (e) Financial records;
- (f) Student counseling or advising records; and
- (g) Records of progress.
- (h) Nursing Student Disclosure (if applicable).

*Rulemaking Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, 5-18-05, 6-13-05, 7-23-07, 2-1-11.*

#### **6E-1.0041 Honorary Degrees.**

(1) Among nonpublic postsecondary institutions operating in Florida, only those which operate under Section 1005.06(1)(b), (c), (e), or (f), F.S., or which are licensed by the Commission as a college or university, may award honorary degrees.

(2) No honorary degree given by a nonpublic college subject to the jurisdiction of the Commission may have substantially the same name as any earned degree given by any institution in Florida authorized to grant degrees.

(3) Each honorary degree shall prominently bear on its face the words, "honorary degree" or "honoris causa."

*Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.02(7), 1005.21(1) FS. History—New 10-13-83, Formerly 6E-1.041, Amended 11-27-88, 10-19-93, 1-7-03.*

#### **6E-2.001 Approved Applicant Status.**

All new or out-of-state institutions applying for initial licensure to operate in Florida, whether planning to offer degrees or nondegree programs, must file an application for a Provisional License. When the application is deemed complete, as defined in subsection 6E-1.003(14), F.A.C., the institution will be placed on Approved Applicant status while final preparations are made.

(1) Before filing-time frame. Before preparing and filing a formal application, representatives of a new institution seeking licensure in Florida for the first time should confer with Commission staff a minimum of six months prior to the desired opening date of the institution.

(2) Review and recommendation. Upon receipt of the initial application, Commission staff will examine the application and provide applicant in writing any omissions or errors in the application and request all omitted materials within 30 days.

(3) When the application for a Provisional License is deemed complete by Commission staff, and the background checks required by law for appropriate personnel have been completed and grounds for ineligibility for licensure have not been found, the applicant school shall be granted Approved Applicant status.

(4) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status. A listing of deficiencies to be corrected and conditions to be met shall be attached to the confirmation letter. No certificate or license will be provided. Any agency or member of the public requesting information from the applicant shall be provided a copy of the confirmation letter.

(5) Recommendation for Provisional License. Once an institution receives Approved Applicant status, the application will be set before the Commission for consideration of Provisional Licensure.

(6) Prohibited activities. During the period of Approved Applicant status, a new institution shall not advertise, share information with the news media implying future operations, solicit or recruit students, collect fees or tuition from or on behalf of students, offer programs of study, or engage in any activity not specifically approved by the Commission and noted in the confirmation letter. The applicant shall not use the terms "licensed" or "authorized" or in any way indicate to the public or to other agencies that it has approval to operate from the Commission or the State of Florida. Any questions from the public or the news media shall be directed to the Commission staff. Any prohibited activities by or on behalf of the institution, including misrepresentation of the Approved Applicant status, shall result in suspension or termination of the status for a length of time prescribed by the Commission.

*Specific Authority 1005.31(2), (3) FS. Law Implemented 1005.31(2), (3), (4) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(a)-(e), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.01, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 3-29-04, 2-20-06.*

### **6E-2.002 Institutional Licensure.**

#### (1) Provisional license.

(a) A new applicant for initial licensure who has received Approved Applicant status shall be granted a Provisional License for a period not to exceed one year when the Commission determines that the applicant is in substantial compliance with the standards for Annual Licensure and the appropriate fees have been paid.

(b) Although an application may be complete, containing material addressing each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. The Commission reviews all applications for Provisional License and shall impose any conditions it deems appropriate in order to comply with the standards of Rule 6E-2.004, F.A.C. Deficiencies and conditions will be itemized in the recommendation for Provisional Licensure presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall, if necessary, attach conditions which must be met before a Provisional License is granted as required by Rules 6E-2.004 and 6E-1.0032, F.A.C.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(55), F.A.C., while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission, except as provided in paragraph 6E-2.002(3)(g), F.A.C. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) Time allowed for compliance. A Provisional License shall be granted for a period up to one year, during which time the institution shall meet all conditions and demonstrate that it meets the standards for an Annual License or a License by Means of Accreditation. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances caused by considerations such as requirements of an accrediting agency or of other governmental agencies, the Commission shall grant an extension of the Provisional License up to one additional year and require payment of the appropriate fee. If the institution has not complied with all necessary standards and conditions within the period specified, including any authorized extension, a new application for licensure reflecting the current situation must be submitted and all required fees paid to start the application process again. Progress reports shall be required by the Commission during the period of provisional licensure as necessary to inform the Commission of the institution's progress toward reaching a higher level of licensure.

(e) Probable cause. An institution for which probable cause has been found pursuant to Rule 6E-2.0061, F.A.C., shall be issued a Provisional License until the conditions leading to the finding of probable cause have been corrected. Because of the need for increased monitoring during this time, additional fees shall be assessed on a quarterly basis pursuant to Rule 6E-4.001, F.A.C.

(f) Permissible activities. While holding a Provisional License, an institution may advertise, recruit students, accept fees and tuition from or on behalf of students, and hold classes. A new institution seeking to offer degrees, a nondegree-granting institution seeking to add degree programs, or a new nondegree-granting institution whose credential requires one year or more to earn, shall not award the new degree or credential during provisional licensure. The Commission shall note in the granting of the Provisional License whether any short-term credentials can be awarded during that status, and what specific activities may occur. No programs may be advertised or offered which do not appear on the Provisional License. Fair consumer practices, as provided in Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(g) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, F.S., and in Rule 6E-2.0061, F.A.C.

#### (2) Annual License.

(a) Granting. An institution that holds a Provisional License, or seeks renewal of an Annual License, shall be granted an Annual License for a period not to exceed one year when the Commission determines that the institution has demonstrated full compliance with all licensure standards and that all appropriate fees have been paid. A satisfactory on-site visit must occur prior to the granting of an initial Annual License. An accredited institution may submit a report of a satisfactory visit by its accrediting agency to satisfy this requirement.

#### (b) Extensions.

1. An annual license shall be extended for up to one year if the institution meets the following requirements:

- a. The institution has held Annual Licensure for a minimum of five consecutive years, and
- b. The institution has no complaints pending whereupon probable cause has been found, and
- c. The institution has complied with all appropriate rules and statutes, and
- d. The institution has paid all appropriate fees.

e. Prior to the beginning of the extended year of the license, the institution shall submit reports to the Commission. The reports shall include the name, location, and license number of the institution; the name of the chief administrative officer; the number of students enrolled, withdrawn, and graduated; the percentage of placement of graduates; a copy of the institution's catalog and enrollment agreement or application for admission; evidence of the institution's accreditation status if any; and reports fulfilling the Commission's financial reporting requirements. If the Commission has reason to believe that a problem may exist which could affect students, additional reports shall be requested.

2. An institution which holds an Annual License or an extension thereof shall revert to a Provisional License if the institution undergoes a substantive change or if probable cause is found.

(c) Permissible Activities.

1. Annual licensure shall permit full operation of an institution, including, if applicable, application to the Commission to add new programs or majors, or new locations, pursuant to Rule 6E-2.008, F.A.C.

2. Fair consumer practices, as provided in Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

(d) Disciplinary actions. Grounds and procedures for disciplinary actions against a licensee are provided in Chapter 1005, F.S., and in Rule 6E-2.0061, F.A.C.

(3) License by Means of Accreditation.

(a) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on recommendation of that accrediting agency.

1. The committee shall evaluate applications of accrediting agencies recognized by the U.S. Department of Education to provide institutional accreditation for institutions offering primarily residential programs.

2. In evaluating accrediting agencies for recommendation to the Commission, the committee shall:

- a. Determine the level and scope at which the agency is recognized by the U.S. Department of Education;
- b. Identify the accreditation standards of each agency. An accrediting agency shall be determined to have standards that are substantially equivalent to the standards of the Commission if they include policies and procedures in the following areas: protection of student rights and consumer protection; admission procedures; faculty credentials at various levels; curriculum and educational delivery; student services; library and media resources; outcomes assessment; evaluation of substantive changes; fiscal and administrative capabilities; and educational facilities;
- c. Identify the procedures and processes of the accreditation agency to determine sufficient oversight and enforcement of its standards, and to ensure that the agency has effective mechanisms for evaluating an institution's compliance with its standards;
- d. Determine the willingness of the accrediting agency to share information in a timely manner about an institution being evaluated or visited by the accrediting agency;
- e. Make a recommendation to the Commission whether an accrediting agency meets the above requirements;
- f. Review the standards of recognized accrediting agencies periodically as needed to ensure continuing substantial equivalence to Commission standards.

(b) Requirements. An institution may apply for a License by Means of Accreditation if appropriate fees have been paid and if the following materials have been presented to the Commission:

1. Evidence that the institution has been licensed or exempt from licensure under Section 246.085(1)(a), F.S. 2001, in the state of Florida for the past five consecutive years; and

2. Evidence that the institution is a Florida corporation; and

3. Evidence that the institution holds institutional accreditation granted by an accrediting agency as defined by Section 1005.02(1), F.S., which has been evaluated by the accreditation review committee and approved by the Commission as having reporting, organizational, and operating standards substantially equivalent to the Commission's licensure standards; and

4. Evidence that the institution meets minimum requirements for financial responsibility. The institution shall demonstrate compliance with this requirement by filing the institution's most recent annual independently audited financial statement, pursuant to subsection 6E-2.004(6), F.A.C. This audit shall cover a fiscal year which ended no earlier than twelve months prior to the application for licensure by means of accreditation.

(c) Evaluation. When the Commission has received the required documents and appropriate fees, the Commission shall evaluate the eligibility of the institution for Licensure by Means of Accreditation by determining, in addition, whether.

1. The institution has consistently followed fair consumer practices, as provided in Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., in all aspects of its operations; and

2. The institution has no unresolved complaints or other actions in the past twelve months; and

(d) Continued Exemption. An institution that was exempt from licensure under Section 246.085(1)(a), F.S. 2001, may retain an exemption until the Commission issues it a License by Means of Accreditation as provided in this rule.

(e) Annual review. At the time of annual review of a License by Means of Accreditation, the institution shall submit: a current institutional catalog; a copy of materials provided to its accrediting agency since the last license review, except in the case of a self-study, a copy of the executive summary thereof will suffice; a copy of any correspondence, including letters, motions, records of actions taken, and other similar documents provided by the accrediting agency to the institution since the last review, and the institution's response; a copy of the annual independent institutional audit, pursuant to subsection 6E-2.004(6), F.A.C.; materials documenting that fair consumer practices are followed by the institution; and, if requested by the Commission, materials documenting that the institution has in place procedures for following the Commission's requirements for orderly closing.

(f) Duration.

1. A License by Means of Accreditation is valid for the same period as the grant of accreditation, except as noted in subparagraph 2. of this paragraph.

2. At the conclusion of the period of the grant of accreditation for which the licensure was granted, the license will expire unless the institution has paid appropriate fees and submitted evidence that the institution continues to be eligible for a License by Means of Accreditation. In the event that the accrediting agency has deferred consideration of a renewal of the institution's accreditation, the Commission shall consider the circumstances in making a decision whether to extend the license.

(g) Before offering a program that exceeds the scope or level of its grant of accreditation, an institution holding a License by Means of Accreditation must apply for and receive an Annual License, pursuant to Section 1005.32(4), F.S. Upon inclusion of the new program in the full grant of accreditation, the institution may apply to reinstate its License by Means of Accreditation.

(h) Disciplinary actions. Pursuant to Section 1005.32(7), F.S., repeated failure to comply with the statutory requirements for this status shall lead to denial, probation, or revocation of the status as outlined in Rule 6E-2.0061, F.A.C. If the License by Means of Accreditation is revoked or denied, the institution must immediately obtain an Annual License.

(4) Application deadlines.

(a) At least annually, the Commission shall establish specific deadline dates for the filing of licensure applications. Applicants shall be afforded a minimum of thirty (30) days notice prior to the deadline to submit an application. The Commission shall provide notice of these deadlines on its website at [www.fldoe.org/cie](http://www.fldoe.org/cie) and by electronic mail.

(b) It is the obligation of the applicant to submit an application by the deadline and to provide the Commission with an electronic address where notice of the deadline can be provided. Unless a request for an extension of time is received on or before the deadline, the provisions of subsection 6E-4.001(8), F.A.C. shall apply when an applicant fails to meet an application deadline established by the Commission under this subsection.

*Rulemaking Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03, 7-10-06, 1-30-08, 10-22-13.*

#### **6E-2.004 Standards and Procedures for Licensure.**

Institutions applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) Standard 1: Name.

(a) An institution's name must clearly indicate that the primary purpose of the institution is education, and must not be misleading to the public. Noncollegiate schools shall not use the words "college" or "university" in their names. No institution shall use a name that may lead the student to believe that the institution is a public institution, unless it is an institution provided, operated, or supported by the State of Florida or its political subdivisions, another state, or the federal government. The license will be issued in the official corporate name, or an official fictitious name if the institution provides documentation that such name is registered with the Florida Secretary of State, or comparable official in the appropriate jurisdiction. If using a fictitious name, the institution must disclose its official corporate name in its catalog.

(b) Use of the Term "College":

1. An institution may use the term "college" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree.

2. If an out-of-state institution whose official name includes the term "college" seeks to operate in Florida and use the term "college" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, an academic associate degree, a baccalaureate degree, or a graduate or professional degree. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the college level.

(c) Use of the Term "University":

1. An institution may use the term "university" in its name if it offers, or if a new applicant for licensure proposes to offer, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs.

2. If an out-of-state institution whose official name includes the term "university" seeks to operate in Florida and use the term "university" in its name in this state, it must minimally offer in its home state, as the majority of its total offerings and student enrollments, a range of undergraduate degree programs and multiple graduate degree programs; or if only graduate degrees are offered, a minimum of three graduate degree programs. If the institution does not meet these criteria in its home state, the Commission shall require the institution to use an appropriate modifying phrase in conjunction with its name in Florida.

3. The institution must lease, contract for, or own facilities in Florida which meet or exceed the minimum standards specified in subsection 6E-2.004(9), F.A.C.

4. The institution must show evidence of continued operations as an educational institution at the university level.

(d) Change of Name: All institutions must notify the Commission at least 30 days prior to the institution's change of name. All institutions must demonstrate to the Commission that the new name will meet the standards given in this rule prior to using the new name, including advertisements or promotions. Accredited institutions must document to the Commission that the accrediting agency has been notified of the change of name.

(2) Standard 2: Purpose.

(a) An institution must adopt a clearly defined purpose or mission statement appropriate to the offerings of the institution, as well as to its specific educational objectives. This statement must describe clearly the characteristics and components of the institution and its operations. The statement of purpose must be accurately stated in the institution's current catalog.

(b) The statement of purpose serves as a foundation for the institution's programs and activities. The practice and scope of the institution must be consistent with its statement of purpose. The statement of purpose must be approved by the governing body of the institution and reviewed periodically.

(3) Standard 3: Administrative Organization.

(a) Each institution shall provide a qualified administrative staff and such policies and procedures as are necessary to ensure the accomplishment of its purpose.

(b) Each institution and additional location shall have as its designated administrator a person who has at least two years of supervisory experience in an executive or managerial position in a similar institution or related business.

(c) Each owner (in a privately held corporation or limited liability partnership), director, and administrator of the institution in a management or supervisory position is subject to a criminal justice information investigation pursuant to Section 1005.38, F.S.

(d) Each institution shall have as its chief education/academic officer a person who has attained a minimum of an academic

credential or recognition equivalent to the institution's highest offering, or, in a school, who has a minimum of two years of practical experience in a supervisory, administrative, or teaching position related to the programs offered by the institution.

(e) Pursuant to Section 1005.39, F.S., individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. If an individual holds more than one of these positions, the documentation shall indicate for which position the training was appropriate. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition of licensure or renewal of licensure.

(f) Each institution shall be a Florida corporation or limited liability partnership, or be registered as a foreign corporation, pursuant to the requirements of the Florida Secretary of State, or be a public institution in another state. Upon initial licensure and subsequent renewal, the institution must provide proof of active corporate status.

(g) The organizational structure shall reflect the provisions contained in the articles of incorporation, bylaws, and other governing documents, and shall provide a clearly delineated chain of authority and responsibility.

(h) Administrative and academic policies shall be officially adopted and communicated to all appropriate personnel. These policies shall include such matters as responsibilities of administrative officers, faculty qualifications and responsibilities, evaluation and improvement of institutional effectiveness, and other such policies and regulations affecting the members of the institution's faculty, staff, and students.

(4) Standard 4: Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) Programs shall be related to the institution's purpose and organized to provide a sequence which leads to the attaining of competence in the respective area or field of study. Each program name shall not be misleading and shall accurately depict the primary purpose of the program.

(b) Programs preparing the student for an occupation or professional certification shall conform to the standards and training practices generally acceptable by the occupational or professional fields for which students are being prepared. If the practice of the occupation or profession is regulated, licensed, or certified by a state or national agency, unless the institution provides the disclosure provided in subsection 6E-1.0032(5), F.A.C., the institution must document to the Commission that successful completion of the program will make the graduate eligible to take the licensing examination or to receive the appropriate certification or practice the profession.

(c) The amount of time scheduled for a program shall be appropriate to enable the student to acquire marketable and other skills to the extent claimed in the institution's published documents, including the defined objectives and performance outcomes.

(d) Among the policies to be officially adopted by the administration and governing board of an institution offering programs 600 clock hours in length or longer shall be a policy giving faculty a role in the development and continual reassessment of all curricula. The policy shall be published in a faculty handbook, and shall be implemented as published.

(e) For each course to be offered, a syllabus or course outline, required equipment and supplies, and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) Qualified faculty shall evaluate the competencies of students in each subject or course included in each curriculum, including independent study courses.

(g) It is the responsibility of the institution to demonstrate, upon request of the Commission, that the scope and sequence of a proposed or operating curriculum are consistent with appropriate criteria or standards in the subject matter involved, and of an appropriate level of difficulty for the program to be offered. The Commission shall request assistance from other appropriate regulatory agencies as provided in Section 1005.22(2)(d), F.S., or appoint committees to review curricula, when necessary to ensure that specialized programs contain the appropriate material to prepare students to enter those fields.

(h) Faculty, advisory committees, or other qualified individuals must be involved in the development and ongoing review of curricula.

(i) Educational programs of 600 clock hours in length or longer shall be periodically reviewed by a committee of faculty, administrators, employers, and advisors drawn from relevant community and alumni groups, in an ongoing formalized process of evaluation and revision.

(j) Transferability of credits. At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized

accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), F.S., while the student was a member of the U.S. armed services. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience prior to obtaining program approval, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) Policies regarding course or program cancellations shall be adopted, published, and followed by the institution.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma or certificate. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. Each program must have clearly defined and published objectives and occupational performance outcomes, which shall conform with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System, these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(n) The following instructional program standards apply to occupational associate degrees:

1. Program specifications: The credential offered shall be the Associate of Applied Science, Occupational Associate, Associate of Specialized Business, or similar title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 1,200 clock hours of instruction, 60 semester credit hours, or 90 quarter credit hours pursuant to subsections 6E-1.003(15), (53) and (55), F.A.C. The required general education component shall be at least 9 semester credit hours or 14 quarter credit hours, or the recognized clock hour equivalent. General education courses shall meet either of the definitions given in subsection 6E-1.003(6) or (33), F.A.C.

2. Programs must have clearly defined and published objectives and occupational performance outcomes, which shall conform

with accepted standards set by the Florida Department of Education or other appropriate recognized governmental or professional agencies. Institutions using occupational outcomes different from those set by recognized agencies shall document their justification for using the outcomes selected. For institutions participating in the Statewide Course Numbering System these objectives and outcomes must conform to the requirements of that system.

3. Basic Skills. An institution offering a program of four hundred fifty (450) or more clock hours or the credit hour equivalent shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(o) The following instructional program standards apply to academic associate degrees:

1. Program specifications: The credential offered shall be the Associate in Science Degree, Associate of Arts Degree, or an associate degree of a different name that is considered by the Commission to be appropriate for an academic associate degree. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate in Science degree shall be a minimum of 15 semester credit hours, 22.5 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Associate of Arts degree shall be a minimum of 36 semester credit hours, 54 quarter credit hours, or the recognized clock hour equivalent. General education requirements for other academic associate degrees shall be individually reviewed by the Commission to determine whether they are appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(38), F.A.C.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering academic associate degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the basic skills instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(p) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general

education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(38), F.A.C. Unless otherwise required by the accrediting agency, a minimum of 15 of the required general education credit hours or the recognized clock hour equivalents must be obtained at the bachelor's level.

2. Each program must have clearly defined and published objectives and performance outcomes.

3. Basic Skills. An institution offering bachelor's degrees shall administer a basic skills examination to each student who enrolls, unless the student has provided evidence of a high school graduation diploma, general equivalency diploma, or its equivalent. Institutions must maintain copies of students' high school graduation diplomas, general equivalency diplomas, official high school transcripts, or equivalent documentation or procedures, to qualify for this exception. Institutions must utilize a test approved by the United States Department of Education to determine if a student has the ability to benefit from a program of instruction, or obtain written approval from the Commission for a different basic skills test. If the test is not approved by the United States Department of Education and is submitted to the Commission for approval, the submission must include documentation that the test is nationally normed and validated and assesses a student's mastery of basic skills. The test must be administered by an independent tester. Students deemed to lack the required minimal level of basic skills as measured by an approved examination shall, if admitted, be provided with instruction specifically designed to correct the deficiencies. Upon completion of the instruction, these students shall be retested by using an alternative form of the same examination that was used for initial testing, or another approved examination. Work intended to bring students' basic skills up to a postsecondary level of proficiency shall not be counted toward the completion of a course or program.

4. Acceptable admission scores must be in accordance with the standards of the individual examination as it relates to the student program. These minimum test scores must be published in the current school catalog.

(q) The following instructional program standards apply to master's degrees:

1. Program specifications: The credential offered shall be the Master of Arts degree, Master of Science degree, or other master's degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 24 semester credit hours or 36 quarter credit hours, or recognized clock hour equivalent, beyond the bachelor's degree.

2. A bachelor's degree will normally be a prerequisite to formal entrance to a master's degree program, unless the master's degree is a first professional degree as defined in subsection 6E-1.003(33), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(r) The following instructional program standards apply to doctoral degrees:

1. Program specifications: The credential offered shall be the Doctor of Philosophy, Doctor of Medicine, Doctor of Osteopathy, or other doctoral degree term considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 60 semester credit hours, 90 quarter credit hours, or the recognized clock hour equivalent beyond the bachelor's degree. The degree Doctor of Philosophy shall require a stringent research component and a dissertation for completion, and shall require appropriate accreditation by a recognized accrediting agency within three years of initiating the program, to retain licensure of the program.

2. A master's degree will normally be a prerequisite to formal entrance to a doctoral degree program, unless the doctoral degree is a first professional degree as defined in subsection 6E-1.003(34), F.A.C.

3. Programs must have clearly defined and published objectives and performance outcomes.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

(a) An institution's recruitment efforts shall be designed to target students who are qualified and likely to complete and benefit from the training provided by the institution.

(b) Recruiting Practices. Each institution must observe ethical practices and procedures in the recruitment of its students. Ethical practices and procedures include, at a minimum, the following:

1. An institution shall use only individuals, whether its own employees or agents, who are trained and licensed as agents pursuant to Rule 6E-2.010, F.A.C., to enroll students off-campus. Outside the United States, its territories, or its possessions, the

institution may use third-party agents for recruiting; however, the institution remains responsible for the accuracy of advertising and of representations made to prospective students regarding the institution, its programs and policies, financial aid eligibility, availability and procedures, and other pertinent information. Other institutional officials who are not licensed agents may participate in occasional College Week or Career Week programs at area high schools or community centers, or give speeches regarding the institution to groups when invited; but no misleading information shall be communicated, no students shall be enrolled, and no tuition or fees shall be collected.

2. An institution shall not use employment agencies to recruit prospective students, or place advertisements in help-wanted sections of classified advertisements, or otherwise lead prospective students to believe they are responding to a job opportunity.

3. An institution shall ensure that its recruiting agents and other personnel do not make false or misleading statements about the institution, its personnel, its programs, its services, its licensure status, its accreditation, or any other pertinent information.

4. An institution shall not permit its recruiting agents or other personnel to recruit prospective students in or near welfare offices, unemployment lines, food stamp centers, homeless shelters, nursing homes, or other circumstances or settings where such persons cannot reasonably be expected to make informed and considered enrollment decisions. Institutions may, however, recruit and enroll prospective students at one-stop centers operated under government auspices, provided that all other recruitment and admissions requirements are met.

5. An institution shall inform each student accurately about financial assistance and obligations for repayment of loans.

6. An institution shall not make explicit or implicit promises of employment or salary expectations to prospective students.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any prospective student as an inducement to enroll or visit the institution. An institution shall not use the word "free" or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising. Any reduction of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. An institution must provide the applicant with a copy of the completed enrollment agreement, signed by both parties.

9. Ethical practices shall be followed in all aspects of the recruiting process. An institution shall ensure that its personnel do not discredit other institutions by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or similar negative characteristics; making other false representations; disparaging the character, nature, quality, value or scope of their program of instruction or services; or demeaning their students. An institution shall also ensure that its personnel do not knowingly influence any student to leave another institution or encourage a student to change plans after signing an enrollment application and paying a registration fee to another institution.

(c) Admissions Acceptance Policies. The purpose of this section is to ensure that institutions admit only those students who are capable of successfully completing the training offered. Admission decisions shall be based on fair, effective, and consistently applied criteria that enable the institution to make an informed judgment as to an applicant's ability to achieve the program's objectives.

1. An institution shall determine with reasonable certainty that each applicant for enrollment is fully informed as to the nature of the training provided. The institution shall advise each applicant prior to admission to ensure that the applicant understands the program's responsibilities and demands.

2. An institution shall consistently and fairly apply its admission standards as published. It shall determine that applicants admitted meet such standards and are capable of benefitting from the training offered, and that applicants rejected did not meet such standards. The institution shall ensure that each applicant admitted has the proper qualifications, abilities, and skills necessary to complete the training, and shall secure and maintain documentation to demonstrate that each applicant meets all admissions requirements.

3. If an institution enrolls a person who does not have a high school diploma or recognized equivalency certificate, the determination of the applicant's ability to benefit from the training offered must be confirmed as provided in subparagraph (4)(o)3. of this rule.

4. An institution shall not deny admission or discriminate against students enrolled at the institution on the basis of race, creed, color, sex, age, disability or national origin. Institutions must reasonably accommodate applicants and students with disabilities to the extent required by applicable law.

5. An institution shall not accept enrollment from a person of compulsory school age, or one attending a school at the secondary level, unless the institution has established through contact with properly responsible parties that pursuit of the training will not be detrimental to the student's regular schoolwork.

6. The institution shall document its reasons for denying admission to any prospective student. Records of denied applicants must be kept on file for at least one year.

(6) Standard 6: Finances. All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a) Initial Provisional License, Extension of Initial Provisional License or Provisional License Due to Change in Ownership:

1. A business plan setting forth the sources, kinds and amounts of both current and anticipated financial resources. The plan shall include a budget for the institution's operation, clearly identifying sources of revenue to ensure effective operations. Institutions shall submit information relating to their business plans on Form CIE 605, Business Plan, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02649>), effective July 2013. Institutions shall submit information relating to their budgets on Form CIE 606, Projected or Actual Budget, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02650>), effective July 2013. These forms are incorporated by reference and may be obtained without cost from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

2. A pro forma balance sheet prepared for the type of institution making application.

3. A financial statement of the parent corporation that controls the institution compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant. This statement must demonstrate sufficient resources to ensure institutional development.

4. Institutions that are new and do not have a history of educational operations shall provide financial statements of the controlling principals, compiled, reviewed, or audited by an independent certified public accountant.

(b) Annual License, Extension of Annual License, or Annual Review:

1. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. Licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a financial statement of the institution and of the controlling principals. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

3. Non-Florida corporations having one or more Florida location shall provide a profit and loss statement for each location in order to assess the financial stability of each individual location.

(c) License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(d) In addition to the financial information required above, institutions shall submit CIE Form 604, entitled Selected Financial Data (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03092>), effective October 2013. This form is incorporated by reference and may be obtained without cost from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(7) Standard 7: Faculty.

(a) Nondegree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their

assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty.

a. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

b. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught. Instructors shall have completed postsecondary training in either a state licensed school or a college accredited by an accrediting agency recognized by the United States Department of Education plus one year of job experience related to the subjects taught; or have completed a minimum of three years of successful job experience directly related to the subjects taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All general education and academic courses shall be taught by instructors who possess, at a minimum, a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.

b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school with training in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

c. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold bachelor's degrees, at a minimum.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the bachelor's degree requirement for instructors teaching technical or vocational subjects in fields in which bachelor's degrees are not generally available, if the institution demonstrates that the

instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the bachelor's degree level, professional certification, or significant related work experience. For all faculty not holding a bachelor's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation taught.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(d) Bachelor's Degrees:

1. Verification of Credentials. Institutions shall follow the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold master's degrees, at a minimum, except as provided in sub-subparagraph c. below.

b. Instructors teaching general education and other academic courses shall be assigned based on their major and minor academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the master's degree requirement for instructors teaching technical or specialized subjects in fields in which master's degrees are not generally available, if the institution demonstrates that those instructors have documented alternative expertise in the field or subject area to be taught, such as educational preparation at other than the master's degree level, professional certification, or significant related work experience. For all faculty not holding a master's degree, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of the lower division courses and all upper division courses, including any courses common to nonacademic degree or nondegree programs, shall be taught by faculty members holding graduate degrees, professional degrees such as Juris Doctor (J.D.) or Doctor of Medicine (M.D.), or bachelor's degrees plus professional certification.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(e) Master's Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold graduate degrees, at a minimum.

b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.

c. Institutions shall justify to the Commission exceptions to the graduate degree requirement for instructors if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field or if the assigned field is one in which graduate degrees are not widely available. For all faculty not holding graduate degrees, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught.

d. At least one-half of all graduate-level courses shall be taught by faculty possessing terminal degrees. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not an acceptable substitute for the terminal degree requirement.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(f) Doctoral Degrees:

1. Verification of Credentials. Institutions shall comply with the provisions of subparagraph (7)(c)1. of this rule.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty:

a. All instructors shall hold terminal degrees, at a minimum. A J.D. degree shall be considered a terminal degree for all law-related courses. Professional certification is not a substitute for a terminal degree.

- b. All instructors shall be assigned based on their major and minor areas of academic preparation and related experience.
- c. Institutions shall justify to the Commission occasional exceptions to the terminal degree requirement for instructors, if the institution demonstrates that the instructors have documented exceptional practical or professional experience in the assigned field, or that the assigned field is one in which terminal degrees are not widely available.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for renewal of licensure.

4. Faculty Staffing. The number of faculty shall be sufficient to serve properly the number of students enrolled.

(8) Standard 8: Library, Learning Resources and Information Services.

(a) Nondegree Diplomas:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution shall:

- a. Develop an appropriate base of learning resources and information services;
- b. Ensure access to resources and services for all students;
- c. Develop a continuous assessment and improvement strategy for learning resources and information services;
- d. Provide adequate staff to support the learning resources and information services function; and
- e. Ensure that students and instructors utilize the learning resources and information services as an integral part of the learning process.

2. Required learning resources. Learning resources, including on-line resources, shall include current titles, periodicals, and professional journals appropriate for the educational programs. At a minimum, noncollegiate institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(b) Occupational Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Required learning resources. The institution shall provide access to learning resources supervised by a staff member who demonstrates competence to provide oversight. Learning resources shall include holdings appropriate to the educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. At a minimum, institutions shall have available and easily accessible standard reference works such as a current unabridged dictionary, a thesaurus, and recent editions of handbooks appropriate to the curriculum.

3. Inventory. A current inventory of learning resources shall be maintained.

(c) Academic Associate Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a bachelor's or master's degree in library or information sciences/studies or a comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian, where applicable. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals,

and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. A current inventory of learning resources shall be maintained.

(d) Bachelor's Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association, state certification, or other equivalent qualification to work as a librarian. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. A collegiate library shall provide access to holdings appropriate to the size of the institution and the breadth of its educational programs, including current titles, relevant current periodicals, relevant reference materials and professional journals, and electronic resources in sufficient titles and numbers to adequately serve the students. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Institutions shall comply with the provisions of subparagraph (8)(c)5. of this rule.

6. Inventory. A current inventory of learning resources shall be maintained.

(e) Master's and Doctoral Degrees:

1. General standard. Learning resources and information services shall be appropriate to the level and scope of program offerings. In providing learning resources, at a minimum, an institution must comply with the provisions of subparagraph (8)(a)1. of this rule.

2. Staff. The institution shall provide access to learning resources. A full-time professionally trained librarian shall supervise and manage the learning resources and information services, facilitate their integration into all phases of the institution's curricular and educational offerings, and assist students in their use. A professionally trained librarian is one who holds a master's degree in library or information sciences/studies or comparable program accredited by the American Library Association or state certification or other equivalent qualification to work as a librarian, where applicable. A librarian with special qualifications to aid in research shall be available. During scheduled library hours, there shall be a trained individual on duty to supervise the learning resource center/library and to assist students with library functions. This person shall be competent both to use and to aid in the use of the technologies and resources available in the library.

3. Budget. An annual library budget shall be developed by the institution with allocations expended appropriate to the size and scope of the institution and its program offerings.

4. Holdings. Institutions offering master's or doctoral degree programs shall provide access to substantially different library resources in terms of their depth and breadth from those required for baccalaureate degree programs. These resources shall include bibliographic and monographic references, major professional journals and reference services, research and methodology materials and, as appropriate, information technologies. The depth and breadth of the accessible library holdings shall be such as to exceed the requirements of the average student in order to encourage the intellectual development of superior students and to enrich the professional development of the faculty. On-site resources shall be classified using a recognized classification system such as the Dewey Decimal System or Library of Congress system. Records of circulation and inventory shall be current and accurate and must be maintained to assist in evaluating the adequacy and utilization of the holdings.

5. Use and accessibility. Learning resources and information services must be available at times consistent with the typical student's schedule. In the case of electronic resources, a sufficient number of terminals shall be provided for student use. If interlibrary agreements are utilized, provisions for such use must be practical and accessible and use must be documented.

6. Inventory. Access to a current inventory of learning resources shall be maintained.

(9) Standard 9: Physical Facilities. All institutions and physical facilities, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall provide an environment that is conducive to good instruction and learning and that supports the educational programs offered by the institution. The adequacy of the environment is assessed against the demands made upon it by the curricula, faculty and students.

(b) Each institution shall provide and maintain a physical plant with academic classrooms, laboratories, administrative offices, and service areas adequate for the educational programs and the anticipated number of faculty and students. Documentation for this shall include a site plan, annotated floor plan and a narrative description which describes completely the institution's physical plant.

(c) Each institution, including all physical facilities, shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(d) Each institution shall maintain the necessary supplies and equipment for the students enrolled and programs conducted.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) Each institution shall designate a properly trained individual to provide each of the following student services: academic advisement, financial aid advisement, personal advisement, and placement services. The extent of these services and the personnel assigned to them shall be determined by the size of the institution and the type of program offerings.

(b) Placement services. Placement services shall be provided to all graduates without additional charge. No guarantee of placement shall be directly or indirectly implied. Records of initial employment of all graduates shall be maintained. Exceptions to this requirement shall be made for those graduates who attended the institution on a student visa or other temporary immigration status, and who do not seek employment in this country.

(c) Placement Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its placement rate as defined by the Commission with each license review. If the placement rate falls below 60%, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license. An institution accredited by an agency recognized by the United States Department of Education shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans. A nonaccredited institution holding provisional or annual licensure shall report its retention rate as defined by the Commission with each license review. If the rate falls below 50%, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report is not accepted by the Commission, the Commission shall take actions up to and including revocation of license. An institution accredited by an agency recognized by United States Department of Education shall report its retention rate, as required by its respective accrediting agency, with each annual review. If the retention rate does not meet the accrediting agency's requirements the Commission shall place the institution on a retention improvement plan. This plan shall be developed by the

institution and include actions to be taken to improve the retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the retention rate. If the progress report does not show an improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(e) Institutions shall submit placement and retention information on CIE Form 801, Annual Student Data Collection for Non-Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00667>), effective January 11, 2012, CIE Form 802, Annual Student Data Collection for Institutionally Accredited Institutions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00843>), effective January 11, 2012, CIE Form 803, Placement and Retention Reporting for Institutionally Accredited Institutions – Institutional Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00844>), effective January 11, 2012, and CIE Form 804, Placement and Retention Reporting for Institutionally Accredited Institutions – Programmatic Reporting (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03093>), effective October 2013, as applicable. These forms are incorporated by reference and may be obtained without cost from the Commission’s website [www.fl DOE.org/cie](http://www.fl DOE.org/cie) or by writing to the Commission for Independent Education at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(11) Standard 11: Publications and Advertising.

(a) General Standard. Each institution shall comply with these provisions, regardless of the level of credentials offered. Publications must be presented in a professional manner. Information published must be accurate and factual and reflect the current status of the institution.

(b) Catalog.

1. Pursuant to Section 1005.04(1)(a), F.S., certain disclosures are required to be made in writing to prospective students one week prior to enrollment or collection of tuition. If the institution uses its catalog as the sole source of those required disclosures, the institution shall ensure that each prospective student is provided a written copy, or has access to an electronic copy, of the catalog one week prior to enrollment or collection of tuition.

2. Each institution shall publish and provide to each enrolled student a catalog in written or electronic form. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school’s policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

- a. Name, address and telephone number of the institution;
- b. Identifying data such as volume number and effective dates of the catalog;
- c. Table of contents or index. Pages of the catalog shall be numbered and included in the table of contents or index;
- d. A statement of legal control which includes the names of the trustees, directors, and officers of the corporation;
- e. If the institution is accredited as defined in Section 1005.02(1), F.S., a statement of accreditation. If an institution claims accreditation by an accrediting agency that is not recognized by the United States Department of Education, the disclosure required in paragraph 6E-1.0032(6)(d), F.A.C., is to be inserted in the catalog and in all publications or advertising, as defined in subsection 6E-1.003(6), F.A.C., wherever the unrecognized accrediting association or agency is mentioned;
- f. The following statement: “Licensed by the Commission for Independent Education, Florida Department of Education. Additional information regarding this institution may be obtained by contacting the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 323099-0400, toll-free telephone number (888)224-6684;”
- g. The names and titles of all full-time and part-time administrators;
- h. A listing of all faculty indicating degrees held and institutions or agencies awarding the credentials;
- i. A statement of the purpose of the institution;
- j. An academic calendar showing beginning and ending dates of enrollment periods, programs, terms, quarters, or semesters; holidays; registration dates; and other significant dates and deadlines;
- k. The institution’s admission requirements, policies, and procedures, including the basis for admissions, and test requirements, if applicable, for each program offered. Admissions requirements shall be in compliance with the provisions of paragraph 6E-1.0032(6)(g), F.A.C.;
- l. Specific procedures for the granting of credit for prior learning or by examination, if offered, including the maximum amount of credit which can be obtained in this manner, pursuant to Rule 6E-2.0041, F.A.C.;

m. A statement regarding the transfer of credit both to and from the institution, in compliance with the provisions of paragraph 6E-1.0032(6)(f), F.A.C.;

n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each course; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;

p. A description of the course numbering system, in compliance with Section 1007.24(7), F.S., and applicable State Board of Education rule(s).

q. An explanation of the grading or marking system, which is consistent with that appearing on the transcript;

r. A definition of the unit of credit. If credit hours, the institution shall clearly specify whether quarter or semester credit hours, as defined in Rule 6E-1.003, F.A.C.;

s. A complete explanation of the standards of satisfactory academic progress. This policy shall include, at a minimum: Minimum grades and standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. A description of all diplomas or degrees awarded, together with a statement of the requirements to be met for satisfactory completion of each;

u. A detailed description of the charges for tuition, fees, books, supplies, tools, equipment, student activities, service charges, rentals, deposits and any other applicable charges. All nonrefundable charges shall be clearly indicated as such;

v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for each type of financial aid offered. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts;

w. A statement of the refund policy and procedures for the refund of the unused portion of tuition, fees and other charges in the event the student does not enter the program, withdraws from the program, or is discharged from the program. The refund policy shall comply with the provisions of paragraph 6E-1.0032(6)(i), F.A.C., and other applicable federal and state requirements;

x. A complete description of the institution's physical facilities and equipment;

y. A description of the nature and extent of student services offered;

z. The institution's policy on student conduct and conditions of dismissal for unsatisfactory conduct;

aa. The institution's procedures for students to appeal academic or disciplinary actions;

bb. If required by law, the institution's anti-hazing policy;

cc. The procedures by which complaints will be considered and addressed by the institution;

dd. If the institution offers courses through distance education or other alternative means, the catalog shall include the information specified in subsection 6E-2.0041(10), F.A.C.;

ee. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

**COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY  
REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.**

3. Catalogs for Multiple Institutions. All institutions utilizing a common catalog must be of common ownership. Photographs of the physical facilities of any of the institutions must be captioned to identify the particular institution or campus depicted. The faculty and staff of each institution and the members of the administration for the group of institutions shall be clearly identified with respect to each institution and to the overall administration. Any information contained in the catalog that is not common to all institutions in the group shall be clearly disclosed.

(c) Advertising.

1. An institution shall not advertise until a license has been issued.

2. For initial applicants and renewal of licensure, the institution shall submit a copy of all proposed or actual advertising publications.

3. All advertising by an institution shall be factual and not misleading to the public. All illustrations in published materials must specifically and accurately represent the institution. If any other illustrations are used, they must be clearly and accurately captioned.

4. An institution shall use its correct name as approved by the Commission in all advertising; no blind advertisements are permitted.

5. An institution shall not offer the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, as an inducement to visit the campus or to enroll in a course or program.

6. All advertising shall clearly state that training and education, not employment, are being offered. All print advertising in classified sections, such as newspapers, telephone directories, periodicals, etc. must appear under a heading that identifies its category as education and training, not employment opportunities.

7. No institution, in its advertising or through activities of its owners, officers, or representatives shall guarantee or imply the guarantee of employment or of any certain wage or salary either before enrollment, during the program(s), or after the completion thereof. Guarantee of acceptance into any union, organization, or achievement of a recognition, certification, or qualification for licensure examination is not permitted. The term "lifetime placement" shall not be used.

8. Any placement claims, employment predictions, or salary projections used by the institution in its recruiting efforts shall be accurate, and based upon reliable statistical data which shall be provided to all prospective students and to the Commission upon request. It is the responsibility of the institution to ensure that all such claims are kept up to date and reflect actual current conditions and job market projections, taking into account the anticipated needs in the local community. Advertisements shall contain citations of the source of such claims. The institution shall maintain backup documentation to support the citations.

9. The level of educational programs provided shall be clearly defined if used for advertising. No institution shall refer to itself as a "college" or "university" unless authorized to do so by the Commission.

10. No institution shall use the term "accredited" unless fully authorized to do so by an accrediting agency recognized by the United States Department of Education.

11. References to financial assistance availability shall include the phrase, "for those who qualify," or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

12. Overstatements and exclusives shall not be used in any advertising. The word "free" shall only be used when there is unconditional access to the item or service for all students, without cost or obligation of any type, and if refunds or loan repayments do not include consideration of the item or service.

13. A new or modified program shall not be advertised until the Commission approves the program.

14. If endorsements are used, they must be factual and reflect present conditions, and must be uncompensated; and the institution must maintain documentation of prior consent by the participant. If an employee of the institution or a person otherwise affiliated with the institution, other than a student or graduate, makes an endorsement, the relationship or affiliation shall be fully disclosed in the advertising.

15. Institutions shall comply with advertising regulations pertaining to the training of individuals who are sponsored by a state or federal agency.

16. A licensed institution shall use only the following phrase to identify its licensure status in any advertising: "Licensed by the Florida Commission for Independent Education, License No. \_\_\_\_\_." The use of any other phrase or form shall be considered a violation of this rule.

(12) Standard 12: Disclosures. Each institution, regardless of the level of credentials offered, shall comply with the applicable provisions of Rule 6E-1.0032, F.A.C. Any additional disclosures required by the Commission or by other governmental agencies or accrediting agencies shall be made using the form and text required by the agency.

*Rulemaking Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-07, 1-11-12, 7-11-13, 10-22-13.*

#### **6E-2.0041 Delivery of Programs Through Nontraditional Assessments, Modes and Methods.**

(1) Introduction. In addition to its responsibility for the maintenance of high standards of quality, the Commission also serves to

encourage responsible innovation in postsecondary education to meet societal needs for creatively designed programs delivered in nontraditional ways. It is the intention of the Commission that its standards and procedures shall foster the development of quality innovative programs and emerging new fields of study, and shall not unreasonably hinder educational innovation and competition.

(a) Institutions offering nontraditional programs of study shall document that the instructional methods used will lead to the achievement of stated learning objectives, and that all nontraditional instruction shall be consistent with the abilities, educational skills, experience, and needs of the students enrolled in the programs.

(b) Institutions offering nontraditional programs of study that employ innovative delivery systems or innovative methods, or that carry on research and teaching in emerging fields of study, shall demonstrate that they will achieve the intent of each of the standards contained in Rule 6E-2.004, F.A.C., for the appropriate level of licensure and for annual reviews.

(c) In addition to providing to the Commission the documentation required for each standard contained in Rule 6E-2.004, F.A.C., showing how the intent of each standard will be met in the nontraditional program or delivery system, the institution shall also furnish for each course to be offered:

1. A detailed inventory of equipment and supplies to be provided to each student;
2. A detailed description of how each program will be conducted, including submission of detailed course outlines, procedures for distribution of materials, examination and evaluation of student work, timely response to students' questions and comments, record keeping, appropriate student services, and technical support.

(d) Institutions holding license by means of accreditation as defined in subsection 6E-2.002(3), F.A.C., may substitute proof of such accreditation, in good standing, for the requirements of Rule 6E-2.0041, F.A.C.

(2) Awarding of credit.

(a) Units or credits applied toward the award of a credential in nontraditional programs may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.
2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.
3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(b) Graduation requirements for nontraditional degree programs shall include provisions for general education appropriate to the type of degree, as specified in Rule 6E-2.004, F.A.C. The Doctor of Philosophy degree, commonly abbreviated Ph.D., shall not be offered or awarded through distance or nontraditional learning without appropriate accreditation by an accrediting agency recognized by the U.S. Department of Education.

(c) At least 25 percent of the units required in a nontraditional degree program shall be given by the institution awarding the degree, and shall not be derived from any combination of transfer, examination, or experiential learning; however, credits earned by active U.S. military members are excluded from this requirement due to the transient nature of the service. Credit awarded for prior experiential learning shall follow the requirements of subsection (5) of this rule, and shall not exceed 25 percent of the units required for completion of the program.

(3) Direct contact instruction. Institutions licensed to operate in Florida and wishing to offer programs or courses through directed individual and group study using direct contact instruction shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines and competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews.

(4) Indirect contact instruction.

(a) Institutions licensed to operate in Florida and wishing to offer programs or courses through individual and group study mediated and assisted by telecommunications, computer augmented educational services, facsimile transmission, the postal service, or another technological method, shall describe the teaching-learning methodology to be used, and shall submit illustrative course outlines, competencies and all other documentation as required in Rule 6E-2.004, F.A.C., for the appropriate level of licensure or for subsequent annual reviews.

(b) In addition to the other requirements of Rule 6E-2.004, F.A.C., an institution offering instruction by correspondence shall employ a sufficient number of qualified instructors to assure that:

1. The academic content is designed by qualified faculty; and
2. Each student lesson, project, examination, or paper is evaluated by qualified instructors, and the instructor's response to or

evaluation of each is sent to the student within a reasonable time as disclosed to the student.

(c) For programs that require the development of a manual or technical skill, such as the use of equipment or tools, the institution must ensure that the student has the opportunity to gain practical hands-on experience appropriate to master the skill. This experience, wherever gained, shall be documented in the student's file and shall be done under proper supervision and with meaningful evaluation of the competency outcomes. The technical aspects must be designed by qualified technicians.

(5) Credit for prior learning. An institution may grant credit to a student for prior experiential learning only if all of the following apply:

(a) The prior learning is equivalent to the level of learning in which the student is enrolling.

(b) The prior learning is demonstrated to provide a balance between theory and practice, for academic programs; or a verifiable mastery of appropriate skills, for vocational courses or programs. For courses or programs requiring a combination of theory and skills, the prior learning is demonstrated to provide the appropriate combination.

(c) The credit awarded for the prior learning directly relates to the student's course or program and is applied in satisfaction of some of the credential requirements.

(d) College and university level learning for which credit is sought shall be documented by the student in writing, and validated, confirmed, and evaluated by faculty qualified in that specific subject area, who shall ascertain to what college or university level learning the student's prior learning is equivalent, and how many credits toward a degree may be granted for that prior learning. The faculty evaluating the prior learning shall prepare a written report indicating all of the following, which report shall be retained by the college or university for review by visiting Commission representatives upon request:

1. The documents in the student's file on which the faculty relied in determining and confirming the nature of the student's prior learning;

2. The basis for determining that the prior learning is equivalent to college or university level learning, and demonstrates a balance between theory and practice; and

3. The basis for determining to what college or university level the prior learning is equivalent, and the proper number of credits to be awarded toward the degree, based upon that prior learning.

(e) No more than 25 percent of the units required and validated through the institution's internal review process for a degree shall be awarded for prior experiential learning.

(6) Credits earned in a compressed time period. Institutions licensed in Florida and wishing to offer courses or programs in a compressed time period shall show evidence to the Commission that the intent of all standards for licensure, as set forth in Rule 6E-2.004, F.A.C., shall be met.

(7) Instructors. Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall employ or contract with appropriately qualified instructors sufficient in number to provide the instruction, student interaction, and learning outcomes evaluation necessary for the institution to document achievement of its stated purpose, and for students to achieve the specific learning objectives and competencies required for each program so offered. It shall be the responsibility of the licensed institution to validate each instructor's competence to use the interactive electronic media program or distance learning program effectively, and to provide training in the use of the delivery system if needed.

(8) Library and other learning resources.

(a) Institutions licensed to operate in Florida and wishing to offer nontraditional programs or courses shall document to the Commission how they provide, ensure, and maintain access for all students to the information resources and services appropriate to support each program or course.

(b) Institutions shall document how they provide, ensure, and maintain security of examinations and papers.

(c) Institutions shall collect and use student evaluations of content, delivery, and services.

(9) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer nontraditional programs shall document to the Commission prior to program approval; that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student's file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(10) Catalog. Each institution licensed in Florida and wishing to offer nontraditional programs or courses shall comply with all requirements of Rules 6E-1.0032 and 6E-2.004, F.A.C., and in addition shall publish information in the catalog, whether printed or electronic, pertaining to each of the following:

(a) The institution's policies and procedures for the award of credit for prior learning, including confirmation and validation, assessment policies and procedures, provisions for appeal of decisions, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(b) The institution's policies regarding the acceptance of credits earned by the student through successful completion of challenge examinations or standardized tests, acceptable scores for each, whether and how many times examinations may be repeated to achieve an acceptable score, limitations on the number of credits that may be awarded in this manner, and all fees that a student may be required to pay.

(c) If the institution offers instruction by correspondence, schedules for normal progress or completion of the course or program, and all fees that a student may be required to pay.

(11) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student and shall be available to the Commission upon request at each location and translated into English and; conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. All documents evidencing a student's prior learning upon which the instructors and the institution base the award of any credit or credential.

2. For directed individual or group contact instruction, copies of the learning agreements or learning contracts signed by the instructors and administrators who evaluated the agreements and contracts.

(b) An academic transcript shall be maintained, kept current, and retained permanently for each student. Institutions offering nontraditional courses and programs shall adopt a policy requiring that credits awarded for prior learning, including internal credit by challenging examination, shall be so identified on the student's academic transcript. Institutions shall adopt a policy regarding the length of time for retention of records documenting evaluation, assessment and awarding of nontraditional credit. Retention time shall be sufficient for reasonable future review and confirmation of student work.

(12) Fair consumer practices, as described by Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., shall be followed by the institution in all aspects of its operation.

*Specific Authority 1005.22(1)(e)1., 1005.31(2), (3) FS. Law Implemented 1005.31 FS. History—New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95, 5-25-03, 7-23-07.*

#### **6E-2.0042 Medical Clinical Clerkship Programs.**

(1) Purpose. The purpose of this rule is to establish criteria for licensure by the Commission of qualified, accredited foreign medical schools to provide clinical clerkship training in Florida teaching hospitals. Clinical clerkships are a required part of the foreign medical school's education programs, which are not wholly located in Florida. This rule also establishes criteria for students of foreign medical schools who apply for individual approval for an occasional elective clerkship in Florida. This rule is intended to protect the health and welfare of citizens of Florida by limiting participation in such clinical clerkships to students of qualified, accredited foreign medical institutions who demonstrate the capacity to profit from such clinical instruction; to benefit the medical students by establishing standards which will promote the acquisition of a medical education equivalent to a U.S. medical school education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) An applicant for initial licensure of a foreign medical school including its clinical clerkship programs shall submit all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with Rule 6E-2.004, F.A.C. Additionally, for the applicant foreign medical school to be found qualified for licensure it must comply with the following:

(a) Document to the Commission that it has been determined by the United States Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational clinical clerkship program

contains faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school.

(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital.

(f) Provide the Foreign Medical School parent hospital affiliation agreement that includes the following elements:

1. A statement of the purposes and objectives of the clerkship program.
2. A statement on the desired outcomes or what the foreign medical school expects its students to learn in each clerkship. This may be specified in the foreign medical school's manual or clerkship course syllabi;
3. The clerkships that will be conducted at the teaching hospital and the length of each clerkship;
4. The maximum number of students who will be engaged in clerkship training per year;
5. The titles and academic rank of the individuals appointed by the foreign medical school who will be responsible for supervising and monitoring the educational program;
6. A statement describing the administration and supervision of the clerkship program by the foreign medical school;
7. The responsibility of the teaching hospital in the administration of the clerkship program;
8. The process by which the students will be selected to perform clerkships at the teaching hospital;
9. The support services that will be available for students, including housing, health care, guidance, insurance, and adequate clinical clerkship library facilities;
10. A statement specifying the responsibility for health care, medical insurance and the treatment and follow-up when students are exposed to infectious or environmental hazards or other occupational injuries;
11. The financial arrangement between the foreign medical school and the teaching hospital.

(g) The application for licensure shall document that all students participating in core clerkship programs meet the following standards:

1. Completed at least three (3) years of undergraduate education at a college or university.
2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.
3. Obtained a passing score on Step 1 of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(h) Demonstrate that the hospital provides access to adequate clinical clerkship library facilities and resources available to the students to support the medical clerkship.

(i) Affirm that the medical school will conduct clinical clerkships only in a teaching hospital as defined in this rule.

(j) Institutions shall document policies addressing student exposure to infectious and environmental hazards including: education of the students about methods of prevention; the procedures for care and treatment after exposure, including definition of financial responsibility; and the effects of infectious and environmental disease or disability on student learning activities.

(3) An application for initial licensure of a foreign medical school shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall include individuals who have expertise and degrees in medical education, institutional governance and evaluation experience in clinical clerkships for medical students. The review committee shall prepare a report that addresses whether or not the applicant for licensure of the foreign medical school has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(4) The Commission shall require an independent review or audit of any applicant medical school's submission from the school's original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(5) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical

programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(52), F.A.C., shall result in the medical school receiving a Provisional License pursuant to the provisions of Section 1005.31(5), F.S., and subsection 6E-2.002(1), F.A.C.

(6) Licensed foreign medical schools may provide additional clinical clerkships other than the approved programs for their students at Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the foreign medical school and the teaching hospital that meets the criteria or paragraph 6E-2.0042(2)(f), F.A.C.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U.S. medical schools' students taking clinical training programs in the hospital.

(d) The licensed foreign medical school's appointed faculty will be responsible for providing the same quality in the educational program to the licensed foreign medical school's students as is provided to the students of a United States medical school.

(7) Application for individual approval of an occasional clerkship elective for a student of an unlicensed foreign medical school can obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(43), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (g), and (h) of this rule. In addition to the requirements set forth in paragraph (2)(g), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a written affiliation agreement that meets the criteria of paragraph 6E-2.0042(2)(f), F.A.C.

(8) If an application for an individual occasional clerkship occurs in between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, interim executive approval shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(9) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedure provisions of Rule 6E-2.0061, F.A.C.

(10) Penalties. See Section 1005.38, F.S., and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

*Specific Authority 1005.22(1)(e)1., 1005.31(2), (3), (11) FS. Law Implemented 1005.31(11) FS. History—New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, 1-7-03, 10-20-03, 5-18-05.*

#### **6E-2.0061 Actions Against a Licensee; Penalties.**

(1) Denial. Any Provisional License, Annual License, License by Means of Accreditation, agent's license, approval to use the terms "college" or "university," approval of modifications, approval of occasional elective clinical clerkships, or other authorization under the Commission's jurisdiction shall be denied upon a determination by the Commission that the applicant does not meet the requirements of Chapter 1005, F.S., or the applicable standards in Chapters 6E-1 and 6E-2, F.A.C., or for specific grounds as stated in Sections 1005.32(7), 1005.34(3), and 1005.38, F.S.

(2) Probation.

(a) A Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be placed on probation when the Commission finds an infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment threatens the efficient operation of the institution or the quality of the educational programs or services offered, damages the reputation of another institution, or deceives the public.

(b) The Commission shall impose conditions designed to correct the infractions identified or to overcome the effects of such infractions, and shall require submission of periodic progress reports on the steps being taken to comply with the conditions and to correct the situation. Unannounced staff visits shall be made to the institution as necessary to monitor its activities. An institution or agent placed on probation shall provide satisfactory documentation to the Commission that remedial action has been taken to correct the situation or activities leading to probation. When it is documented to the Commission that the situation or activities have been corrected, and policies have been adopted by the institution to prevent the recurrence of the infractions, the Commission shall

remove the probation. If competent evidence is not presented showing that the situation or activities leading to probation have been corrected within the period of time specified by the Commission, or if similar infractions recur, procedures shall be initiated to revoke the license or other authorization.

(c) If the conditions set by the Commission in conjunction with the probation require oversight and monitoring by the Commission or its staff, the Commission shall impose an administrative fine in an amount reflective of the administrative time required for the specific case, up to \$5,000, as provided in Section 1005.38(1), F.S.

(3) Revocation. Any Provisional License, Annual License, or License by Means of Accreditation, agent's license, or other authorization under the Commission's jurisdiction shall be revoked when the Commission finds:

(a) An infraction of any of the grounds enumerated in subsection (4) of this rule, which in the Commission's judgment is so serious as to threaten the continued operation of the institution, or the health, safety and welfare of its students or staff or of the general public; or

(b) That the institution or agent continues to engage in activities in noncompliance with applicable laws after directed by the Commission to cease and desist; or

(c) That the institution or agent has failed to correct, within the allotted period, the situation or activities for which probation has been imposed.

If a license is revoked, the college or agent affected shall cease operations in Florida. Any new application for licensure shall follow the procedures and requirements of the applicable statute and rules.

(4) Grounds for Imposing Disciplinary Actions.

(a) Attempting to obtain action from the Commission by fraudulent misrepresentation, bribery, or through an error of the Commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

(f) Failure to maintain the licensure standards as set forth in Sections 1005.31 and 1005.32, F.S., and applicable rules.

(g) Failure to comply with fair consumer practices as set forth in Sections 1005.04 and 1005.34, F.S., and applicable rules.

(h) Previously operating an institution in a manner contrary to the health, education, or welfare of the public, as described in Section 1005.38(4), F.S.

(i) Failure of the licensee to comply with any conditions or limitations placed by the Commission upon its licensure or operation.

(j) Failure to notify the Commission of a change of address.

(k) Violating or repeatedly violating any provision of Chapter 1005, F.S., or any rule adopted pursuant thereto.

(l) Operating with a revoked, suspended, or inactive license.

(m) Violating any lawful order of the Commission previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena.

(n) Failure of licensee to notify the Commission of closing of an institution or campus.

(5) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Commission may deviate from the recommended penalties. The Commission shall consider as aggravating or mitigating factors the following:

(a) The danger to the public;

(b) The length of time since the violation;

(c) The number of times the licensee has been previously disciplined by the Commission;

(d) The length of time institution has been a licensed school;

(e) The actual damage, monetary or otherwise, caused by the violation;

(f) The deterrent effect of the penalty imposed;

(g) The effect of the penalty upon the institutions' ability to stay open;

(h) Any effort of rehabilitation by the institution;

(i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by institution to correct or stop violation or refusal by institution to correct or stop violation;

(k) Related violations against the licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses;

(n) Pecuniary gain to the institution;

(o) The number of complaints filed against the institution; and

(p) Any other relevant mitigating or aggravating factors under the circumstances.

(6) Investigations. Investigations on behalf of the Commission shall be carried out as provided in Section 1005.38, F.S.

(7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) The chair of the Commission shall appoint three people to a probable cause panel, and shall designate its chair. At least one panel member shall be a current member of the Commission. Other members may be current Commission members or previous members of the Commission for Independent Education, State Board of Independent Colleges and Universities, or State Board of Nonpublic Career Education. Each probable cause panel shall serve on an ad hoc basis to review specific cases referred to it by the Commission.

(b) Current commission members who serve on a probable cause panel cannot vote for final agency action on institutions whose current cases they have reviewed while serving on the panel.

(c) Reconsideration of probable cause in any given case shall be performed by the members of the panel who initially found probable cause in that case. Whenever an original panel member is not available, current member(s) shall hear the reconsideration.

(d) All investigatory records including the findings of an exempt probable cause panel meeting are exempt from Section 119.07(1), F.S., and Section 24(a), Art. 1 of the State Constitution for a period not to exceed 10 days after the panel makes a determination regarding probable cause.

(e) The Commission will review the recommendation of the Probable Cause Panel. If probable cause is found, the Commission will issue an Administrative Complaint. The Commission also has the authority to issue an administrative fine from \$100-\$5000 per count. The Commission also has the authority to issue Cease and Desist orders as provided in Section 1005.38, F.S., if necessary to stop a violation.

(f) The Commission shall determine the amount of costs to be assessed after its consideration of an affidavit of itemized costs and any written objections thereto submitted to the Commission for Independent Education.

(g) In cases where the Commission imposes an administrative fine and an assessment of costs, each shall be paid within thirty (30) days from the date the final order of the Commission is filed with the Clerk of the Commission unless a different time frame is set forth in the final order.

(8) Issuance of Citations.

(a) All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense.

(b) The Commission shall be entitled to recover the cost of investigation and prosecution in addition to the fine levied pursuant to the citation.

(c) The citation becomes a final order of the Commission if the subject fails to dispute the issuance of the citation within 30 days of service. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. Failure to pay the fine and costs within the prescribed time period constitutes a violation of Section 1005.385, F.S., which will result in further disciplinary action. All fines and costs are to be made payable to "Office of the Comptroller, Department of Education."

(d) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provision of Chapter 119, F.S.

(e) The Executive Director will report to the Commission the number of citations issued and the nature of the offenses for which they were issued.

(f) Violations and Penalties for Citations. Citations shall be issued by the Executive Director for failure to meet procedural requirements of the Commission. For the purposes of this rule, the Commission designates as offenses for citations only the

following violations with accompanying penalty:

1. Issuance of a worthless bank check to the Commission.	\$100.00
2. Failure to notify the Commission of a change of address within time in violation of paragraph 6E-2.0061(4)(j), F.A.C.	\$500.00
3. Failure to notify the Commission of a minor modification of a program pursuant to Rule 6E-2.008, F.A.C.	\$250.00
4. Failure to meet the Commission deadlines within thirty (30) days of the second request.	\$100.00
5. Failure to report data to the Commission on a second request within thirty (30) days of the second request.	\$100.00
6. Failure to submit the substantive change notification to the Commission as required by subsection 6E-1.003(52), F.A.C.	\$500.00
7. Failure to provide access to employees of the Commission or a designee to inspect the institution for an on site visit.	\$500.00

(9) Cease and desist orders. Cease and desist orders shall be issued by the Commission upon finding probable cause or in conjunction with a notice of denial of licensure, and shall comply with Section 1005.38, F.S., and other applicable laws.

(10) Injunctions. The Commission shall seek injunctive relief and other applicable civil penalties as provided by Section 1005.38, F.S., and other applicable laws, after conducting an investigation and confirming that a violation of Chapter 1005, F.S., has occurred which the Commission deems is serious enough that other available remedies are not sufficient to stop the potential damage to the public.

(11) Due process procedures. The Commission shall notify the institution or agent by certified mail of any disciplinary action, giving the grounds for the action and an explanation of the institution's or agent's right to a hearing. The institution or agent shall have twenty (20) days to respond, by certified mail, indicating any request for a formal or informal hearing or concurring with the Commission's action.

(a) Failure on the part of the institution or agent to respond by certified mail within twenty (20) days shall constitute default. At its next regular or special meeting, the Commission shall then receive evidence in the case and enter its Final Order.

(b) The institution or agent may request an informal hearing by the Commission if no material facts are disputed, or if the institution or agent and the Commission agree to hold an informal hearing in lieu of a formal hearing. Procedures for informal hearings shall be in accordance with Section 120.57(2), F.S. After hearing the presentations of the representatives of the Commission and of the institution or agent, the Commission shall enter its Final Order.

(c) The institution or agent may request a formal hearing by an administrative judge of the Division of Administrative Hearings if material facts are in dispute. Procedures for formal hearings shall be in accordance with Section 120.57(1), F.S. After receiving a Recommended Order from the hearing officer, the Commission shall enter its Final Order.

(d) An affected party who has been served with a cease and desist order by the Commission may request a formal or informal review of the order as set forth in this subsection above, and may request the Commission or the Division of Administrative Hearings to modify or abate the cease and desist order. If the affected party is aggrieved by the decision produced by this review, the party may seek interlocutory judicial review by the appropriate district court of appeal, as provided in Section 1005.38(7), F.S.

*Specific Authority 1005.22(1)(e)1., 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38, 1005.385 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04, 5-18-05, 6-13-05, 2-20-06, 7-10-06.*

**6E-2.008 Approval of Modifications.**

(1) No licensed institution shall add new degrees, programs or majors to its offerings or alter any licensed program by more than 20 percent since its last review, change the title of a program or the credential awarded, or discontinue a program, while under a Provisional License. Modifications contemplated by institutions holding an Annual License shall receive approval from the Commission before implementation. Such approval is contingent upon:

(a) A finding by the Commission that the licensee meets the standards contained in Rule 6E-2.004, F.A.C., and if applicable, Rule 6E-2.0041 or 6E-2.0042, F.A.C., for each proposed new degree, program, or major;

(b) Documentation that the modifications are congruent with the guidelines of state or national professional licensing boards;

(c) The licensee's filing the required documentation; and

(d) The licensee's paying the fee required by rule.

(e) Submission of proposed catalog revisions.

(2) In the event that it is deemed necessary by the Commission, a representative of the Commission or a visiting committee shall

visit the institution prior to consideration of the modification and shall provide a written report to the Commission of its findings, to be used as one of the bases upon which the Commission will make a determination regarding modification.

(3) Any other significant change in the information provided in the initial application for, or last review of, licensure, or in subsequent modifications approved by the Commission, including but not limited to change in corporate charter, purpose, administrative structure, finance, or physical facilities, shall be filed with the Commission at least 30 days prior to implementation.

(4) Additional locations, including auxiliary classroom space, shall not be added while under a Provisional License. Institutions holding an Annual License shall receive prior approval of additional locations by the Commission before implementation. For colleges and universities, if the new additional location is more than 10 miles distant from the main Florida headquarters, the college or university shall submit information to the Commission showing that the requirements of Rule 6E-2.004, F.A.C., are met for the additional location. For nondegree schools, each location except an auxiliary classroom space shall be licensed separately. Licensed institutions shall provide to the Commission prior notification of auxiliary classroom space, as defined in subsection 6E-1.003(8), F.A.C. Such notification shall include the address and description of the facilities. The description shall include information regarding student capacity, the purpose of the facility, the impact on existing students, and the scope of the operation.

(5) The Commission shall be notified in writing of minor modifications of programs, fees, or tuition. The Commission shall not be required to review or approve such modifications.

(6) Institutions Licensed by Means of Accreditation shall file a copy of all correspondence with accrediting agencies regarding modifications.

*Specific Authority 1005.33(2) FS. Law Implemented 1005.33(2) FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(2)(c), Readopted 11-11-75, Amended 5-7-79, 10-13-83, Formerly 6E-2.08, Amended 5-13-87, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 4-2-03, 5-24-04. Cf. SBICU 250, Supplementary Application for Approval of Additional Programs.*

#### **6E-2.0081 Change of Ownership or Control.**

(1) Pursuant to Section 1005.31(8), F.S., a licensed institution shall notify the Commission prior to a change of ownership or control. The notification shall be made in writing no less than 30 days prior to the change. The Commission shall review each case and, if the standards for licensure are met, take affirmative action to issue a new license after receipt and evaluation of the appropriate documentation and payment of the required fee. The Commission shall make the final determination as to whether a change of ownership or control has occurred.

(2) Change of ownership means a transfer, assignment, or conveyance of issued or outstanding stock or other instrument of ownership which results in a change in control of the institution.

(a) For a privately held corporation, a change of ownership occurs:

1. When a majority of stock or other instrument of ownership is conveyed; or
2. When an amount of stock or other instrument of ownership sufficient to increase an individual's holdings to 50 percent or above is conveyed; or
3. When the majority of the institution's governing board changes within a calendar year.

(b) For a publicly held corporation, a change of ownership occurs:

1. When there is a change of 50 percent or more of the voting members of the board of directors in any 12-month period; or
2. When there is a change in the number of voting members of the board of directors in any 12-month period that will allow a group of directors to exercise control who could not exercise control before the change; or
3. When there is an acquisition of outstanding voting shares by any entity or group whereby that entity or group owns 50 percent or more of the total outstanding voting shares; or
4. When any other transaction occurs that is deemed by an appropriate governmental agency to constitute a change of control, including but not limited to a transaction that requires the corporation to file a notice of change of ownership with the Securities and Exchange Commission of the United States.

(c) For a not-for-profit corporation, a change of ownership occurs:

1. When there is a change of 50 percent or more of the voting members of the controlling board in any 12-month period; or
2. When there is a change in the number of voting members of the controlling board in any 12-month period that will allow a group of members to exercise control who could not exercise control before the change.

(d) For a limited liability company, a change of ownership occurs:

1. When the transfer of 50 percent or more of the direct or beneficial ownership interest is conveyed from one member or members to another member or members; or

2. When there is a transfer of direct or beneficial ownership interest that results in the holding of 50 percent or more of the total direct or beneficial ownership interest by any member other than any previous member who owned 50 percent or more of the total direct or beneficial ownership interest; or

3. When there is a transfer of direct or beneficial ownership interest whereby a member's direct or beneficial ownership interest decreases from more than 50 percent to less than 50 percent; or

4. When there is any other transaction whereby a member or group of members who previously could not exercise control of the company as described in this rule now can exercise control.

(e) For purposes of determining ownership, married couples shall be considered a single entity, and closely related family groups shall be considered a single entity when all of the present and future relevant stockholders actively participate in the management of the corporation. No change of ownership occurs when stock is transferred to a close family member by operation of law or inheritance upon the death of one of the stockholders.

(3) A change in control means any change in the organization of an institution which affects the authority to establish or modify institutional policies, standards, and procedures. A change in control occurs when a person acquires or loses control of an institution or of the parent corporation that owns the institution, whether by means of the sale of the institution, sale of the assets, transfer of the controlling interest of stock, conversion of the institution from nonprofit to for-profit or vice versa, or similar transaction. A change in control does not occur upon the retirement or death of the owner of an institution, if ownership and control passes to a member of the owner's family or to a person with a pre-existing ownership interest in the institution.

(4) With the written notification provided to the Commission as required in subsection (1) of this rule, the institution shall provide:

(a) A written statement of the anticipated effects of such change upon the name, purpose, programs, personnel, administrative organization, finances, and other standards for licensure, and upon its accredited status, if accredited.

(b) A copy of the institution's last application for licensure, or licensure review, annotated to disclose all changes to the materials previously submitted.

(c) The new owners, in the case of a change of ownership, shall provide a written sworn statement attesting to:

1. The accuracy and completeness of the materials presented to the Commission;

2. A guarantee that the new ownership will comply with the requirements of Chapter 1005, F.S., and these rules;

3. Confirmation that the new owner(s), chief administrative officers, directors, or registered agents are not ineligible to hold such positions in a licensed institution, pursuant to Section 1005.38(2), (3) and (4), F.S.

(d) Information and fee required for the criminal justice information investigation authorized by Section 1005.38(4), F.S.

(5) If a change of ownership or control occurs in the period between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, and if it appears to be in the best interest of the students, interim executive approval of the change and interim Provisional Licensure shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(6) The currently licensed institution shall be responsible for arranging and conducting a change in ownership or control in a manner and at a time so that there is no adverse impact on the opportunity of currently enrolled students to complete their training and receive student services. In addition, the institution shall remain responsible for properly completing the training of the enrolled students and for providing the student services, and shall be subject to disciplinary action for any violations of statutes and rules which may occur in that regard during the transition. A change of ownership or control of a institution, or the issuance of a new license, shall not in any manner release the institution from its legal obligations to enrolled students to provide education and services required under the student's enrollment agreement, Chapter 1005, F.S., or the rules of the Commission. The new licensee shall be under a continuing obligation to fulfill the terms of all contracts with the enrolled students.

*Specific Authority 1005.31(8)(b) FS. Law Implemented 1005.31(5), (8) FS. History--New 4-2-03.*

#### **6E-2.009 Closing an Institution.**

At least 30 days prior to closing an institution, its owners, directors or administrators shall notify the Commission in writing, and follow the provisions of Section 1005.36, F.S. Failure to comply with the statute shall be grounds for civil and criminal penalties as

provided therein.

*Specific Authority 1005.22(1)(e)1. FS. Law Implemented 1005.36 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(5), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.09, Amended 11-29-89, 12-10-90, 10-19-93, 4-11-00, 1-7-03.*

### **6E-2.010 Agents.**

The following provisions shall apply to persons meeting the statutory definition of “agent” found in Section 1005.02(2), F.S.

(1) No agent shall recruit for an institution required to be licensed under Section 1005.31(1), F.S., unless the institution is so licensed.

(2) It shall be the responsibility of each institution to require a specific training program for its admissions director, who shall supervise and train all agents and admissions staff employed by the institution. The agent training program shall be submitted to the Commission for review, initially and upon changing the program. Institutions that choose to employ a training provider for their training program may, if the program provided by the contractor has been approved by the commission, provide the program without additional approval. Training of agents shall include information to familiarize agents with the Florida Statutes and applicable rules regarding agents, and with the institution’s programs, services, costs, terms of payment, financial aid available for qualified students, refund policy, transferability of credits to other institutions, reasonable employment projections and accurate placement data, status of the institution regarding licensure and accreditation, facts regarding the eligibility of graduates to sit for licensure examinations or fulfill other requirements to practice in Florida the career or profession for which the prospective student wishes to be trained, and other relevant facts. The training program shall reflect the fair consumer practices outlined in Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C. The training program shall be updated as necessary to reflect changes in applicable laws, rules, and institutional policies; and all agents and admissions staff shall be provided with updated training as necessary.

(3) Each agent applying for initial licensure with an institution shall file with the Commission the required documentation and the appropriate application fee, as well as a fee for the cost of an investigation of criminal justice information as provided in Section 1005.22(1)(h), F.S., and defined in Section 943.045(3), F.S. Agents applying for renewal of their existing license with an institution shall submit, with the application for renewal, updated information regarding training taken during the preceding year, contact information, required fees, and a certification signed by the director or chief administrative officer of the institution stating that the information provided is true and correct.

(4) Persons seeking licensure as recruiting agents for institutions shall submit the following materials in conjunction with the application fee:

(a) Confirmation by the chief executive officer or president of the institution that the individual has been appointed as a recruiting agent for the institution;

(b) Documentation that the institution is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;

(c) A statement of the institution’s status regarding accreditation;

(d) A copy of the institution’s current catalog; and

(e) An affirmation signed by the chief executive officer or president of the institution, stating that the agent has received all required training and that the institution shall be responsible for the correct and accurate representation of the institution by the agent in Florida; and that all printed materials, advertisements, and verbal information disseminated in Florida by the agent regarding the institution shall conform to the applicable requirements of Florida law and rules, including: Chapter 501, Florida Statutes; Chapter 1005, Florida Statutes; and Chapters 6E-1 through 6E-4, F.A.C.

(5) Upon receipt of the required materials and results of the criminal justice information investigation required for new applicants by Section 1005.22(1)(h), F.S., showing that the applicant has not been found in violation of laws or rules governing recruiting practices or other relevant matters, the staff of the Commission shall review the materials and make a recommendation to the Executive Director regarding licensure of the applicant. The staff shall request additional information regarding the applicant or the institution to be represented, if the materials submitted do not contain the information necessary to determine eligibility. If the Executive Director finds that the applicant and the institution to be represented meet the standards set forth in this rule and in Chapter 1005, F.S., the agent’s license shall be issued or extended for one year. A report of agents issued licenses or extensions shall be provided to the Commission on a quarterly basis. If the criminal background investigation reveals relevant convictions or pleas, the application will be denied.

- (6) The criteria for nontransferable licensure of a recruiting agent are:
- (a) Evidence of appointment by the institution to be a recruiting agent for the institution;
  - (b) Evidence that the institution to be represented is authorized to operate by the appropriate state or other agency of jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located, if out of state;
  - (c) Evidence that the agent has satisfactorily completed an approved training program and has demonstrated competent knowledge and mastery of the content;
  - (d) Affirmation that the agent has not had an agent's license or similar authorization revoked in Florida or in another state or other jurisdiction, and has not been found in violation of laws or rules governing recruiting practices; and
  - (e) Affirmation that the agent will represent the institution correctly and accurately and will comply with all applicable laws and rules.

(7) Each agent's license shall be effective for a period of one year from the date of issuance, and is not transferable to another agent or to another institution to be represented. If an individual recruits students for more than one institution, that individual must receive a separate agent's license and receive and document separate agent's training for each institution represented.

(8) Each initial agent's license shall be issued for a maximum period of one year from the date of issuance. After receiving initial licensure, an agent shall apply annually for licensure by submitting the documentation and fee set forth in this rule.

(9) Each institution employing recruiting agents shall notify the Commission in writing within ten days after the resignation or dismissal of an agent. Agents shall be required to return their agent's license within 10 days of resignation or dismissal.

(10) An agent's license is subject to denial, probation, or revocation for cause as set forth in Section 1005.38, F.S., and Rule 6E-2.0061, F.A.C. Grounds shall include violation of applicable Florida law; misrepresentation of the institution, its programs, or other pertinent facts; obtaining an agent's license by fraudulent misrepresentation, bribery, or through an error of the Commission; failure to follow fair consumer practices; failure to comply with the provisions of Chapter 1005, Florida Statutes; prior revocation or disciplinary action against the agent for violation of these or similar standards; revocation of the represented institution's license in Florida or of its authorization to operate in the state or other jurisdiction where the main campus, corporate headquarters, and all other operations of the institution are located; or, in the case of an out-of-state institution not licensed by the Commission, any activity by or on behalf of the institution which would be grounds for denial or revocation of its licensure under the provisions of Rule 6E-2.0061, F.A.C., if it were subject to licensure in Florida. A person whose agent's application has been denied or revoked shall not solicit students, nor shall a person solicit students while his or her agent's license is under probation.

(11) Revocation of an agent's license shall lead to an investigation of the licensed institution to determine whether the institution's license should be placed on probation or revoked for failing to train or supervise its agents adequately, or for allowing or encouraging its agents to violate the provisions of Florida Statutes and rules, if the activities leading to the disciplinary action appear to be related to such circumstances.

(12) All monies collected by an agent from or on behalf of students recruited shall be turned over to the institution represented. All checks received shall be made payable to the institution represented, and receipts for cash shall be given to the student in the name of the institution.

(13) All licensed agents representing an institution shall be called agent, admissions representative, sales representative, or field representative. The terms counselor or advisor, or modifications thereof, shall not be used by agents.

(14) Agents shall not have the authority to accept an applicant for admission on behalf of the institution. If an applicant is determined by the institution not to be eligible for admission, or not to possess the ability to complete the program successfully, all monies paid shall be refunded in accordance with the institution's refund policy.

(15) An agent shall not offer a bonus or discount to the prospective student, and shall not make statements indicating that the prospective student must make a decision immediately or within a short period of time. No reference shall be made, either verbally or in writing, that other inducements, including but not limited to travel, equipment or textbooks, will be provided free to the prospective student for signing up during a specific period of time or for bringing in other new students.

*Specific Authority 1005.31(10) FS. Law Implemented 1005.04, 1005.22(1)(h), 1005.31(10), 1005.33, 1005.38(1), 1005.39 FS. History—  
Repromulgated 12-5-74, Formerly 6E-4.01(4), Readopted 11-11-75, Amended 2-6-78, Formerly 6E-2.10, 6E-2.11, Amended 5-13-87, 11-27-88,  
11-29-89, 12-10-90, 10-19-93, 4-11-00, 4-2-03.  
Cf. SBICU 301, Application for Agent's License.*

**6E-4.001 Fees and Expenses.**

(1) The Base Fee and the Workload Fee shall be assessed at one of six levels based upon the Florida student enrollment (per license issued) for the last reported fiscal year ending on June 30th. For each licensed institution, Florida student enrollment consists of all students enrolled at a Florida campus of a licensed institution and for distance education, a student whose mailing address for purposes of receiving distance education lessons and materials from the school, is a Florida address. If an institution that holds a license has not submitted enrollment data to the Commission (using the CIE Annual Data Collection) they shall be assessed at the highest level.

- (a) Level 1 = 0 to 100 students
- (b) Level 2 = 101-500 students
- (c) Level 3 = 501-1,000 students
- (d) Level 4 = 1,001 to 5,000 students
- (e) Level 5 = 5,001 to 10,000 students
- (f) Level 6 = over 10,000 students

If the total revenue collected by the Commission during a fiscal year is 12% or greater than the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to reduce the Base Fee and Workload Fee up to 3%. If the total revenue collected by the Commission during a fiscal year is less than the Commission’s budgeted expenditures for the same fiscal year, the Commission is authorized to increase the Base Fee and Workload Fee up to 3%.

(2) Base Fee. All nonpublic institutions and centers of out-of-state institutions under the jurisdiction of the Commission derive benefit from the services performed by the Commission. Such services include but are not limited to administration of the fair consumer practices program and the data collection and dissemination program. To defray the cost of such general services, each institution holding a provisional or annual license, or a license by means of accreditation, with an enrollment at Level 1 shall pay \$500, enrollment at Level 2 shall pay \$1,000, enrollment at Level 3 shall pay \$2,000, enrollment at Level 4 shall pay \$3,000, enrollment at Level 5 shall pay \$4,000 and enrollment at Level 6 shall pay \$5,000. Enrollment shall be determined by the institution’s data submission to the CIE Annual Data Collection during the previous fiscal year or for a new institution, by its anticipated enrollment in Florida during its first year of operation. The Base Fee shall be due and collected at the time of application for provisional licensure, annual review of licensure, or the annual Licensure by Means of Accreditation review.

(3) Workload Fees. Each licensed institution receives technical assistance from the Commission, along with help in developing and implementing institutional articulation agreements and achieving candidacy status with accrediting agencies; and significant amounts of staff and administrative time are spent on evaluating applications, traveling to institutions for onsite visits, assisting institutions which are experiencing problems with financial aid or financial stability, and other duties assigned by the Commission. The following workload fees are assessed in addition to the Base Fee, and must be received prior to Commission consideration of each action.

Initial Application for License, or Moving from Nondegree to Degree:

New Nondegree Institutions .....	\$2,000 + \$200 per program
New Degree-Granting Institutions.....	\$3,000 + \$200 per program

Annual Review of Licensure and License by Means of Accreditation Review:

- Level 1 = \$1,500
- Level 2 = \$2,000
- Level 3 = \$5,000
- Level 4 = \$7,000
- Level 5 = \$8,500
- Level 6 = \$10,000

Institutions not Licensed by Means of Accreditation shall pay \$50 per licensed program (not to exceed \$500) as part of the Annual Review of License.

Substantive Change Review.....	\$1,000
Provisional or Annual Licensure Extension (first) .....	\$500
Provisional or Annual Licensure Extension (second).....	\$750
Provisional or Annual Licensure Extension (third) .....	\$1,500

New Program or Program Modifications, Less than Substantive Change or More than One Minor Modification per Year:

Nondegree Programs for Annually Licensured Institutions .....	\$500
Degree Programs for Annually Licensured Institutions .....	\$1,000
Nondegree and Degree Programs for Institutions Licensured by Means of Accreditation:.....	\$ 250
Site Visits:	
One Visit per Year.....	Included in licensure fee
Subsequent Visits directed by Commission .....	\$300 per day
Approval to Use “College” or “University”, First Time or Special Review .....	\$500
Annual Licensure of Recruiting Agents (nontransferable).....	\$200
Criminal Justice Information Investigation .....	\$50
(4) Fines and disciplinary oversight:	
Fine for Probation Requiring Oversight.....	Up to \$5,000 depending on level and length of oversight required
Continuing Activity after Cease and Desist Letter, Per Day .....	\$1,000
Monitoring Institution under Probable Cause, Per Calendar Quarter.....	\$1,000

(5) Licensure application fees, base fees and program fees shall be paid annually.

(6) Student Protection Fund: Nondegree institutions will be charged a fee for the Student Protection Fund. The fees are specified in Rule 6E-4.005, F.A.C.

(7) Investigations and Resolution of Complaints. In cases where the Commission must investigate complaints pertaining to fair consumer practices, initiate Probable Cause proceedings, render findings of fact, and issue decisions, the institution shall be assessed a fee of no less than \$500 and no more than \$2,000, according to the administrative time required for the specific case, which is payable within 14 days of the official action being taken by the Commission.

(8) Failure to Submit Materials in a Timely Manner. In cases where the Commission has set a specific date for the filing of materials regarding licensure or other matters under its purview, and the institution has not filed said materials within 14 calendar days of the specified date, the Commission shall assess the institution \$100 per working day until the materials are received by the Commission. The postal date on the envelope or package containing the materials shall serve as the date of receipt.

(9) All fees, and any fines imposed for probation or other violations shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund as established in Section 1010.83, F.S., and identified as a separate revenue account for the authorized expenses of the Commission under the provisions of Section 1010.83, F.S.

*Rulemaking Authority 1005.22(1)(e), 1005.35, 1005.37, 1005.38 FS. Law Implemented 1005.22, 1005.35, 1005.37, 1005.38 FS. History—New 1-7-03, Amended 7-27-04, 1-30-08, 7-21-08, 1-11-12.*

**6E-4.003 Institutional Assessment Trust Fund.**

(1) To implement the Institutional Assessment Trust Fund as established by Section 1010.83, F.S., the Commission shall be responsible for authorizing the expenditure of funds consisting of the fees, fines, and other receipts of money collected from institutions under its jurisdiction. Such authorization shall be in the form of an operating budget establishing categories of expenditures consistent with the Department of Education accounting system. The operating budget shall be established by resolution of the Commission and enacted at its last regularly scheduled meeting of each fiscal year. The Commission may transfer funds among and within budget categories as necessary and desirable for the efficient and effective administration of Chapter 1005, F.S.

(2) The Commission shall establish a fee schedule to generate the funds to cover its operating budget each year. Fees and other charges may be adjusted as necessary to meet the operating expenses, pursuant to Section 1005.35(2), F.S.

*Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22(1)(e), 1005.35, 1010.83 FS. History—New 1-7-03.*

**6E-4.005 Student Protection Fund; Trainout Procedures for Closure.**

Subsections (1)-(4), paragraphs (6)(a) and (b) of this rule shall apply to all licensed nonpublic nondegree schools. Subsection (5) and

paragraph (6)(c) shall apply to all licensed institutions.

(1) Establishment of Fund. There is hereby established a fund to be known as the Student Protection Fund, pursuant to Section 1005.37, F.S.

(2) Payment into the Student Protection Fund shall be made by all licensed nonpublic nondegree schools.

(3) Assessment Paid by Licensed Nondegree Schools. Each licensed school shall pay annually to the fund a specified amount equal to .0005 of the annual tuition revenue generated in Florida.

(4) Computation and Payment of Assessment.

(a) The Commission shall require each school to make a \$500 payment to the Student Protection Fund before an initial Provisional License is issued. After the second year of operation, the \$500 may be used to offset future payments to the Student Protection Fund.

(b) The counting period shall be the institution's fiscal year.

(c) For programs offered by correspondence or distance education, only income from Florida students shall be counted for purposes of computing the assessment. For purposes of this rule, a Florida student is a student whose mailing address for purposes of receiving distance education lessons and materials from the school is a Florida address.

(d) The full and timely payment of the assessment is a condition of licensure. Failure to make such payment shall be grounds for disciplinary action against the school, or for changing the status of a school which is Licensed by Means of Accreditation to a Provisional License, or for denial of an application for license renewal.

(e) Licensed nondegree institutions shall report annual tuition revenue generated in Florida on CIE Form 604, entitled Selected Financial Data as incorporated by reference in Rule 6E-2.004, F.A.C. CIE Form 604 may be obtained without cost from the Commission's website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(5) Application for and Granting of Train-out Awards.

(a) Any institution that enrolls a student who was enrolled in a licensed school but who was unable to complete a program at such school because the school ceased operations or terminated the program in which the student was enrolled may qualify for payments from the Student Protection Fund for training out the student in the program in which the student was previously enrolled.

(b) A licensed institution offering to train out an affected student(s) may apply for an award by letter to the Commission requesting a train-out award and identifying the school which ceased operations; the last known date that the school was open, or the closing date, if known; the program in which the student was enrolled; the date that the student's program was terminated; the student's Social Security number; and the approximate date on which the student began the program. Train-out institutions must provide to the Commission an accurate itemization of actual costs incurred during the training. The institution must also provide to the Commission an accounting of other funds that will be provided for the student. These funds will be considered when the Commission determines the amount of an award. The Commission will base awards on the availability of funds, the actual costs incurred, and the amount of other funds received. The train-out award and the cost of completing the program shall not exceed the actual cost of training out the student, minus other payments made by or on behalf of a student, minus the amount of any remaining accounts receivable. The Commission shall pay the award to the train-out institution within 45 days of the date of approval by the Commission.

(6) Additional Provisions.

(a) Direct expenses for the administration of the fund shall be charged to the fund.

(b) Pursuant to Section 1005.37(3), F.S., the owners of a school that terminates a program before all students have completed it shall be assessed a fee by the Commission in an amount not to exceed the cost to the Student Protection Fund of implementing the trainout. Failure to pay the fee to the Commission shall be grounds for disciplinary or civil action against the school and its owners. Improper closing of a school without meeting the obligations required by Chapter 1005, F.S., and these rules, shall result in actions as provided in Sections 1005.36 and 1005.38, F.S.

(c) Before closing, a licensed institution shall:

1. Notify the Commission in writing at least 30 days prior to closing the institution, pursuant to Section 1005.36, F.S.;

2. Establish and submit to the Commission a written plan for the closure to include the following:

a. The method of training out students, including written agreements with other institutions which may provide part or all of the trainout;

b. The method by which all student academic records to the Commission or the Commission's designee;

- c. A time-line showing the steps to be taken for orderly closure of the institution;
  - d. A list of current mailing addresses and telephone numbers for all active students currently enrolled at the institution;
  - e. Copies of notices to the students that the institution will provide for the students' trainout or refunds; and
  - f. Evidence of refunds made to students not receiving trainout, repaying all outstanding student loans, or pro-rata refunds to students not having loans.
3. Notify the Commission, and provide documentation of meeting all student obligations, at the conclusion of the trainout.
4. When the Commission is notified that an institution is closing or has closed, the Commission shall:
- a. Have a representative of the Commission visit the institution as soon as practicable to review the current status of the institution and to provide a report to the Commission;
  - b. Review the trainout plan to determine compliance with this rule;
  - c. Assist in identifying and securing trainout at other institutions;
  - d. Ensure that students are notified of their rights and responsibilities; and
  - e. Share information regarding the closure with appropriate federal and state agencies and any other appropriate oversight bodies.
5. If the Commission is not notified, or if the institution has not provided for an orderly closing, the Commission shall:
- a. Organize a trainout committee composed of staff, Commission members, and other individuals to oversee an orderly trainout;
  - b. Notify all appropriate agencies to seek assistance in the institutional closure; and
  - c. Refer the matter to the Department of Legal Affairs or the State Attorney for investigation and prosecution.

*Rulemaking Authority 1005.37 FS. Law Implemented 1005.35(4)(g), 1005.36(3), 1005.37 FS. History—New 4-2-03, Amended 1-11-12.*

#### **6E-4.007 On Site Visits**

(1) Authority to inspect – Employees of the Commission or a designee shall have the power to inspect institutions in a lawful manner for a full or partial site visit at all reasonable hours under the following conditions:

- (a) Assisting an institution in complying with the rules and statutes;
- (b) As a criterion for annual licensure;
- (c) Determining if any of the provisions of this chapter or any rule thereunder is being violated;
- (d) For the purpose of securing such other evidence as may be needed for prosecution pursuant to Section 1005.38, F.S.;
- (e) By the order of the Commission; and
- (f) Upon receiving an application containing information that may cause an investigation to be made of the institution.

#### **(2) On Site Visit Process.**

(a) Employees or designees of the Commission shall have the authority to perform announced or unannounced on site visits and to inspect such files, facilities, and equipment as well as conduct interviews with such individuals as appropriate to determine whether the institution is in compliance with Chapter 1005, F.S., and the Commission rules.

(b) Failure to provide full access to the institution's files, facilities and equipment or prevention of interviews is grounds for disciplinary action.

(c) A detailed written report of findings shall be compiled by staff and made a part of the institution's file.

(d) The institution shall pay the required fees to cover the travel and per diem expenses of the Commission staff and committee members.

*Specific Authority 1005.22(1)(e), 1005.31(2), 1005.33(1), 1005.38(1) FS. Law Implemented 1005.31(2), 1005.33, 1005.38 FS. History—New 12-23-03.*

#### **6E-5.001 Religious Institution Letter of Exemption.**

(1) Definitions. As used in this rule, a "letter of exemption" means a letter issued by the Commission to a religious college providing that the institution has met the requirements of state law and is not subject to governmental oversight.

(2) The Commission shall issue a letter of exemption no more than once annually, after receipt of a properly completed application on CIE Form 113. CIE Form 113, Application for Religious Institution Letter of Exemption, is incorporated by reference to become effective upon the effective date of this rule. CIE Form 113 may be obtained without cost, from the Commission's

website at [www.fldoe.org/cie](http://www.fldoe.org/cie) or by writing to the Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(3) The sworn affidavit portion of CIE Form 113 shall be executed by an Officer, Director or person holding a similar office with the religious institution.

(4) The Commission shall not issue a letter of exemption where it has not received a properly completed CIE Form 113.

(5) Duration. A letter of exemption is valid for one year from the date reflected on the letter.

*Rulemaking Authority 1005.22(1)(d) FS. Law Implemented 1005.06(1)(f) FS. History—New 6-22-09.*

**6E-6.001 Failure of Nonpublic College, University or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect.**

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) The term “administrator” means the personnel who have been assigned the responsibilities of institution-wide or campus-wide academic or administrative functions.

(b) The term “Commission” means the Commission for Independent Education.

(c) The term “law enforcement agency” means any unit of the nonpublic college, university, or school, as defined in Section 1000.21 or Section 1005.02, F.S., which is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(2) Failure to Report.

(a) Any person who has knowledge that a nonpublic college, university or school administrator knowingly and willfully failed to report information of known or suspected child abuse, abandonment or neglect, or knowingly and willfully prevented another person from doing so, as required by Section 39.205, F.S., may file a complaint with the Commission at [www.fldoe.org/cie](http://www.fldoe.org/cie), by fax at (850) 245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(b) Any person who has knowledge that a law enforcement agency failed to report information of known or suspected child abuse, abandonment or neglect, as required by Section 39.205, F.S., may file a complaint with the Commission at [www.fldoe.org/cie](http://www.fldoe.org/cie), by fax at (850) 245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(c) Upon receipt of a complaint, the Commission shall investigate it within thirty (30) days.

(d) The institution shall be provided with the complaint, the Commission’s investigation, and a copy of Section 39.205, F.S., and shall have twenty (20) working days after receipt to submit a written response to the Commission.

(3) Action by the Commission. Prior to imposing a fine, the Commission shall consider the complaint, the investigation, and the institution’s response at a publically noticed meeting. Any order imposing a fine shall be reduced to writing and a copy provided to the institution or agency.

(4) Fines. Fines assessed under this section shall be paid to the Chief Financial Officer of the Department of Education for deposit into the Institutional Assessment Trust Fund in accordance with subsection 6E-4.001(9), F.A.C.

*Rulemaking Authority 39.205(10) FS. Law Implemented 39.205 FS. History—New 3-5-14.*