

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

RULE NO.:

Approved Applicant Status

6E-2.001

PURPOSE AND EFFECT: This rule is being amended to clarify the criteria and process for approved applicant status.

SUMMARY: The Commission proposes the amendment to clarify the criteria and process for approved applicant status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1005.31(2),(3), Florida Statutes

LAW IMPLEMENTED: 1005.31(2),(3),(4), Florida Statutes

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING

WILL BE ANNOUNCED IN THE NEXT AVAILABLE ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel

L. Ferguson, Executive Director, Commission for Independent Education, 325 W.

Gaines St., Suite #1414, Tallahassee, Florida 32399-0400.

THE PRELIMINARY TEXT FOR THE PROPOSED RULE IS:

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 (12), 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. ~~If the initial application has omissions, staff shall contact the applicant and request all omitted materials. 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 application shall be presented to the Commission.~~

(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. ~~Deficiencies and~~

~~conditions. 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. Deficiencies will be itemized in the recommendation for Approved Applicant status presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall also, if necessary, attach conditions which must be met before a Provisional License is granted, one of which shall be that a professionally printed and bound catalog will be prepared and submitted, containing all information required by Rule 6E-1.0032, F.A.C.~~

~~(4) Confirmation letter. An applicant granted Approved Applicant status will receive a letter confirming and explaining the status, noting what specific activities can be done during Approved Applicant status, and stating the length of time for which the status was granted. 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. Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the confirmation letter are routine and easily corrected or fulfilled, the Commission shall direct its Executive Director to determine when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that a site visit~~

~~has occurred if required, that all deficiencies have been corrected, and that all requirements for a Provisional License have been met. However, if the Commission considers that the deficiencies and conditions are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved.~~

~~(6) Time allowed for compliance. Approved Applicant status shall be granted for a period of up to six months, during which time the applicant institution shall correct any remaining deficiencies, meet all conditions, and demonstrate that it is in substantial compliance with the standards for licensure. If the Commission determines that the applicant is making a good faith effort to comply, but a delay occurs due to extraordinary circumstances, the Commission shall grant one additional six-month extension of Approved Applicant status, for a maximum total of one year in this status. If the applicant has not reached substantial compliance with the standards for licensure during the period specified, including any authorized extension, a new application reflecting the current situation must be submitted and all required fees paid to start the application process again.~~

~~(6) (7) no change~~

~~(8) Misrepresentation of status. The granting of Approved Applicant status is not a guarantee that a Provisional License or higher status will be attained, and shall not be represented as such. An Approved Applicant status is a recognition that the proposed institution has submitted a complete application for a Provisional License, and does not imply that any current or future operation is or will be approved 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent
Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:
Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:
December 9, 2005