

NOTICE OF PROPOSED RULEMAKING

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE:

RULE NO.:

Institutional License

6E-2.002

PURPOSE AND EFFECT: The Commission proposes the amendment to the rule to clarify the criteria and process for Institutional Licensure.

SUMMARY: This rule is being amended to clarify the criteria and process for Institutional Licensure.

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: 1005.22(1)(e), 1005.31(2),(3), Florida Statutes

LAW IMPLEMENTED: 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33, Florida Statutes

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA 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 MAKING IS:

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) no change

(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. 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 Rule 2.004 and 1.0032, F.A.C.- (c) Delegation to staff. If the Commission determines that the deficiencies and conditions noted in the staff recommendation 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 an on 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 institution report back and the application shall be reviewed by the full Commission before a Provisional License is approved. Delegation to staff. In granting initial Approved Applicant status to

~~a new or out-of-state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved. Otherwise, the Commission shall delegate to its Executive Director the responsibility for determining 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 all deficiencies have been corrected and that all conditions and all requirements for Provisional Licensure have been met, including an on-site visit if necessary.~~

(1)(c) through (g) renumbered (1)(d) through (h)

(2) through (3) no change.

Specific Authority: 1005.22(1)(e), 1005.31(2),(3), Florida Statutes

Law Implemented: 1005.22(1)(o),(2)(d), 1005.31, 1005.32, 1005.33, Florida Statutes

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,

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