

**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)~~ ~~(52)~~, FAC., 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 (3)(g) of this rule. 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), Florida Statutes 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), Florida Statutes 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.

*Specific 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,*