

Commission for Independent Education

Strategy for Meeting the Requirements set forth in Section 22900074(3)(4), Florida Statutes

MEETING AGENDA	DATE	PRESENT	AGREEMENTS	FUTURE PLANS
General	6/13/01	Ferguson Knight	Consensus that merging the two boards into one can be done effectively and efficiently	Continue discussions regularly
General	7/12/01	Ferguson Knight	Sharing ideas for working together	Continue discussions regularly Goals: meet with legislative staff; invite John Winn
General Statutory Suggestions	7/12/01	B. Tilton B. White Ferguson Knight	Sharing ideas for merging statutes	Ferguson & Knight set up regular meetings with Maggi Parker to discuss recommendations for merging statutory language
Agent's Licensure	7/13/01	Muldrow-Brooks Cook	Shared current practices	Continue meetings to determine if procedures can be combined
General Statutory Suggestions	7/17/01	Ferguson Parker Knight	Identified areas conducive to merging, and those that would be more difficult	Continue regular discussions; identify more areas that could easily be merged, those that could be merged with some changes, and those that should not be made identical
Agent's Licensure	7/25/01	Muldrow-Brooks Cook	Discussed procedures	Identified areas for further study; will continue meetings
General Statutory Ideas	7/30/01	Hood Parker Knight	Discussed ideas for merging	Continue to meet regularly and suggest more ways to combine the two parts of 246 into one
Licensure, Data, Terminology, Procedures	8/14/01	Freeberg Knight Hood Ketterman	Identified several common areas of concern, suggested ways to address them	Continue to meet and address specific issues and make specific recommendations for actions
Agents, Licensure, Procedures, Consumer Protection	8/24/01	Hood Ketterman Cook Bellia Knight, Hamm	Discussed new structure for institutional licensure, common for both schools and colleges; discussed specific compliance measures; compared procedures to identify which could be made identical	Set up two additional meeting to discuss specific issues

Commission for Independent Education

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MEETING AGENDA	DATE	PRESENT	AGREEMENTS	FUTURE PLANS
Agent Licenses	8/28/01	Hood Ketterman Muldrow-Brooks Cook Hamm	Discussed specific ways to combine agent's licensure procedures into one primary; reviewed matrix of proposals	Review matrix and suggest changes; prepare for meeting with John Winn
DBPR and the Indept Massage Board Concerning Standards	8/28/01	K. Eaton K. Harrison Barton G. Davis Hamm	Discussed issues regarding independent massage schools: adding credit hours in specific courses, certification of teaching staff	CIE to produce power point presentation for the independent massage board meeting regarding standards of the CIE-to be presented at massage board meeting in October
Overview of Task Descriptions Needed For J. Winn Meet	8/30/01	Ferguson Hood Ketterman Freeberg Knight Hamm	Overview of Wayne and Sam's weekly meeting with J. Winn and what they needed to take to him for the next weekly meeting. Need an overview description of the tasks listed on the task sheet: definition, current operation, budgetary impact of each – no longer than 1 page each	Meet on 9/4/01 to discuss and bring together overviews from the staff in order to produce one combined document for the 9/5/01 J. Winn meeting

**COMMISSION FOR INDEPENDENT EDUCATION
COLLEGES AND SCHOOLS**

**CURRENT FUNCTIONS OF THE ICU/NCE
SEPTEMBER 2001**

COMMISSION FOR INDEPENDENT EDUCATION
COLLEGES AND SCHOOLS

FUNCTIONS OF THE ICU/NCE

SEPTEMBER 2001

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DEFINITIONS FOR THE COMMISSION FOR INDEPENDENT EDUCATION

CIE – Commission for Independent Education, a merging of the SBICU and the SBNCE Board.

ICU – Independent Colleges and Universities, formally the SBICU, licenses, exempts, and authorizes degree-granting institutions.

NCE – Nonpublic Career Education, formally the SBNCE, over sees the licensing and exemption of non-degree institutions.

Agent – An individual who recruits and/or enrolls students at a location beyond the institution’s campus.

Budget – Proposals are sent to the DOE requesting allocation (ability to spend revenue for the Institutional Assessment Trust Fund) for a given fiscal year. No General Revenue funds are used.

Data Management – The process of collecting information, organizing the information through the use of various software applications and producing reports for management, users, and other organizations/individuals. This data may also be delivered to clients via hard copy, electronic files, or web based management.

Degree – Any credential that is an Associate of Science or higher (i.e. Associate of Science or Arts, Bachelor, Masters, Doctoral, or Professional degree.)

Fee Collection – Fees paid by institutions for licenses, programs, and agents. These fees are deposited into the ICU/NCE Institutional Assessment Trust Fund.

Meetings – Regularly scheduled assemblies of the appropriate licensing authority to review and confer licenses, exemption, and authorization to candidate and existing schools.

Non-degree – Any credential, statutorily defined as a diploma, that is less than an Associate’s degree (i.e. diploma, certificate, or Occupational Associate Degree.)

Staff - Personnel employed by the ICU and NCE.

ICU SYNOPSIS

Description of Current Major Tasks

- Collect and distribute information (data) regarding colleges and universities;
- Ensure Fair Consumer Practices: collect information on advertising, placement claims, etc.; advertise the ICU toll-free number and provide for download a consumer complaint form (see below for more); Cooperate with other state and federal agencies; share information;
- Institutional Licensure: identify colleges needing licensure; meet with prospective applicants to explain process and requirements; evaluate applications; prepare reports and recommendations for Commission; follow up with letters to the colleges explaining actions and conditions, if any; the same process is provided as well for moving up through stages of licensure and for annual review;
- Authorization: ensure that religious colleges, not required to be licensed due to accreditation status, meet minimum consumer protection standards;
- Exemption: monitor accredited exempt colleges annually for fair consumer practices;
- Agents: license recruiting agents for colleges to ensure proper training and accurate representation of the college to prospective students;
- Permission to Operate: evaluate institutions desiring to maintain an office in Florida, but not providing educational programs;
- Foreign Medical Schools: license those desiring to operate here; approve individual student clerkships for those not licensed
- Compliance/Enforcement: monitor internet and publications for advertising by unlicensed institutions; respond to complaints; ensure that proper procedures are taken to protect students when colleges close; investigate reports of unlicensed operations; and
- Approve use of the terms “college” and “university”.

Services to Customers

- Have set up a toll-free number for consumers to call;
- Have set up web site containing varied information and links to our staff and to other agencies and institutions;
- Have set up ListServes for several sets of customers, to communicate easily;
- Monitor advertisements, etc. for accuracy;
- Set and enforce standards for refund policy and other student-related interfaces;
Example: recently responded quickly to help students of a closed college, even though outside our jurisdiction because of exempt status.

Annual Budget: (FY 2000-2001) \$709,090

Employees: 9 ft., 2 pt.

NCE SYNOPSIS

INSTITUTIONAL LICENSURE -Nonpublic postsecondary career education schools, required to be licensed pursuant to Sections 246.201 – 246.31, Florida Statutes, shall be operated or established in the state until such school makes application and obtains a license or authorization from NCE. Each nonpublic school that seeks licensure shall first submit articles of incorporation to the Department of State. Schools under the jurisdiction of NCE offer credentials that are less than an Associate of Science (certificate, diploma, and occupational associate degree).

Stage 1 – Temporary License – School has appeared before the Board but has deficiencies to be corrected. School can not recruit, enroll or advertise.

Stage 2 – Provisional License – First license granted to schools after Provisional. Valid for one year. Also, issued to school as a result of disciplinary actions.

Stage 3 – Regular License – Valid for one year. Issued to schools that meet conditions for license renewal after provisional license.

Stage 4 – Biennial License – Optional license issued every two years to schools who choose this license status and meet the requirements. Criteria for Biennial License are five years of licensure; maintenance of good standing; and no findings of probable cause.

EXEMPTIONS - Granted to institutions that offer training activities that are deemed beyond the scope of NCE’s statutory authority.

1. Avocational – non-vocational training.
2. Regulated by Another Agency – institutions under the jurisdiction of another state/federal agency.
3. Continuing Education – used to maintain student’s license as a professional.
4. Independent Contractor – training employees of a corporation/organization.

FEE COLLECTION –

Temporary License	\$2,000.00	Provisional License-Contained in Cost of Temporary	
Regular License	\$1500.00	Biennial License	\$2500.00
Program Modification/Addition	\$300.00	Statement of Exemptions	\$500.00
Student Protection Fees	\$1.00 to \$5.00 per student/fiscal year (depending on the length of the program)		

AGENTS - Section 246.203(5) defines agent as “a person employed by or representing a school within or outside the state to procure Florida students, enrollees, or subscribers by solicitation in any form, made at a place or places other than an office or legal place of business or a school.” Fees - \$100/new -\$50/renewal

BUDGET -

Budget allocation for 2000 – 2001	\$1, 030,230.00
Revenue collected in 2000-2001	\$ 826,093.00
Actual expenditures for 2000-2001	\$ 824,137.00

INFORMATION SERVICES - Extensive data collection is conducted with licensed schools. Information is contained in a relational database. Data is then shared with other offices and agencies, used to produce management reports, respond to consumer inquiries, and to produce licensure documents.

CONSUMER SERVICES - “Fair Consumer Practices” are outlined in Rule and Statute. The Board’s web-site (www.firn.edu/webfiles/others/sbne/) contains general information and a listing of all schools and programs that can be searched alphabetically or by county. Unlicensed institutions are sent Cease and Desist Orders and are required to come into compliance. Student protection fees are collected annually from licensed schools, deposited into the Student Protection Fund, and used to train-out students from schools that have closed in a manner that is not in compliance with Florida Statutes.

ADDITIONAL FUNCTIONS–

Information Sharing –cooperation with all applicable state, federal and accrediting agencies to share data.

Data Management – provide private pre-K-12 sector with access to a relational database that allows for consumer reports, ease of data entry, and a simple production of management reports. This process or any process of pre-K-12 is not to be regulated by the Commission.

Meetings – meetings held by “Board” every two months to address licensure issues.

Staff – There are currently 14 full-time positions and 3 part-time positions at the NCE.

INSTITUTIONAL LICENSURE

ICU

- Before operating a degree-granting college in Florida, whether the college is in state or out-of-state, licensure must be obtained. The standards for licensure include purpose, administrative organization, admissions and recruitment, educational program and curricula, finances, faculty, library, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of the college in relation to professional certification and licensure. Special standards are in place for distance education and foreign medical schools. ICU licenses colleges granting Associate of Science, Associate of Arts, Bachelor, Master, or Doctoral degrees.

- Each license is subject to an annual review and renewal to determine if the licensee remains in compliance with laws and rules. There are currently 4 stages of licensure, and special conditions may be attached to any stage:
 - Stage 1 - Temporary License (no operations take place; plans are finalized)
 - Stage 2 - Level I Provisional License (advertising, recruitment, and operation allowed, but degrees cannot be approved)
 - Stage 3 - Level II Provisional License (degrees may be awarded, but no new programs or locations can be approved)
 - Stage 4 - Regular License (annual license)

NCE

- No nonpublic postsecondary career education school, required to be licensed pursuant to Sections 246.201 – 246.31, Florida Statutes, shall be operated or established in the state until such school makes application and obtains a license or authorization from the Board. Each nonpublic school that seeks licensure shall first submit articles of incorporation to the Department of State. Schools under the jurisdiction of the Board offer credentials that are less than an Associate of Science (i.e. certificate, diploma, or occupational associate degree).

- Stage 1 - Temporary License – School has appeared before the Board but still has deficiencies to be corrected. Does not allow a school to recruit, enroll or advertise.
 - Stage 2 - Provisional License – First license granted to schools that have met all conditions for licensure. Valid for one year. Also, issued to school as a result of disciplinary actions.
 - Stage 3 - Regular License – Valid for one year. Issued to schools that meet conditions for license renewal after Provisional License.
 - Stage 4 - Biennial License – Optional license issued every two years to schools who choose this license status and meet the requirements. The criteria for Biennial License are five years of licensure, maintenance of good standing, and no findings of probable cause.

EXEMPTIONS

ICU

A college may become exempt from licensure by virtue of accreditation by:

1. The Commission on Colleges of the Southern Association of Colleges and Schools;
2. The Accrediting Council for Independent Colleges and Schools;
3. The Accrediting Association of Bible Colleges;
4. The Transnational Association of Christian Colleges and Schools; or
5. An agency recognized by the U. S. Department of Education to accredit professional degree programs above the baccalaureate level when such agency has been evaluated and determined by ICU to have standards at least comparable to our licensure standards.

Review of exemption status is performed annually to ensure that each exempt institution complies with fair consumer practices; ICU investigates student complaints against these colleges.

NCE

Granted to institutions that offer training activities that are deemed beyond the scope of NCE's statutory authority. Some examples of exemptions are:

1. Avocational – non-vocational training that is offered for the personal enrichment of the student;
2. Continuing Education – training required by individuals to maintain their credential as a licensed professional;
3. Independent Contractor – training offered to the employees of a corporation or members of an organization. The corporation/organization pays for the training and chooses who participates in the training; or
4. Regulated by Another Agency – institutions under the jurisdiction of another state/federal agency because this agency monitors the institution's educational standards.

AUTHORIZATION TO OPERATE – RELIGIOUS INSTITUTIONS

ICU

Authorization of Religious Colleges and Universities, Section 246.084, Florida Statutes, affirms the following institutions may apply for Authorization status. Applicant institutions:

1. Do not receive state or federal student financial assistance;
2. Only offer educational programs that prepare student for religious vocation;
3. Must place religious vocation on the face of degree and transcript;
4. Titles of degree issued by institution must include a religious modifier, which must immediately precede or be included within the title of the degree; and
5. Academic hours required by level of degree.

Staff submits written reports and recommendations to the commission based on the application and annual review status.

Administrators receive, review, and affirm that the institution has a Florida location and members of the institution have received appropriate training and comply with the requirements for review teams. A list is compiled of the religious colleges and universities and is updated monthly, using the data collected.

NCE

NCE does not have these types of schools.

AGENT LICENSURE PROCEDURE

ICU

The commission, in its consumer protection role, conducts a licensing procedure for those persons who recruit college students in Florida, and who recruit at locations other than the campus. An agent is a person who is employed by a college and is subject to the licensing requirements provided in Section 246.081, or an out-of-state college who recruits students.

Fees are:

Initial/Renewal License \$325

New application and renewal is assessed annually. Agent fees collected on an annual basis are approximately \$65,325.

NCE

Section 246.203(5) defines agent, "A person employed by or representing a school within or outside the state to procure Florida students, enrollees, or subscribers by solicitation in any form, made at a place or places other than an office or legal place of business or a school." It is further stated in 246.215(2), Florida Statutes, "no agent shall solicit any prospective student for enrollment in a nonpublic school until both the agent and the school are appropriately licensed or otherwise authorized by the Board."

Fees are:

Initial Agent License \$100

Renewal of Agent License \$50

Criminal Justice \$25

Background Check

(NOTE – all new agents and renewing agents must undergo a criminal justice background check)

During the 2000–2001, fiscal year, \$11,950 have been received for agent fees.

CURRENT CONSUMER SERVICES

ICU

“Fair Consumer Practices” are specifically detailed in law and rule. Penalties are provided for noncompliance, and can include fines or injunctions, s.246.051 (3). Staff investigates complaints from students and other consumers, with the aid of a Fair Consumer Practices Committee, as needed. If necessary, staff conducts visits to the college to meet with students and college officials to resolve complaints.

The web page, <http://www.firn.edu/doe/cie>, is updated frequently to provide information to consumers, and consumers can file complaints directly from this site. Staff email addresses are provided on this web site if consumers wish to use that medium. The agency maintains a toll-free number, 1-888-224-6684, to make it convenient for consumers to contact staff. This toll-free number is located on the web site as well as in all publications.

Staff searches out unauthorized college operations through Internet searches and other means, and requires them to receive licensure or other status, or to cease operating. The Office of the General Counsel works with the board as needed to bring about compliance.

Certain terms, “College” and “University” are protected and violations investigated. The Secretary of State’s Office forwards to the agency the names and addresses of all new corporations using either of these terms.

NCE

“Fair Consumer Practices” are outlined in Rule and Statute. Penalties can include fines and revocation of licensure. The Board’s web site also contains general information, updated monthly, about the organization and a listing of all schools and programs that can be searched alphabetically or by county.

Unlicensed institutions are sent a Cease and Desist order and are required to become licensed, receive a statement of exemption, or cease operations.

Revenue, in the form of student protection fees, is collected annually from licensed schools. The fee ranges from \$1-5 per student, depending on the number of clock hours contained in the program of study in which the student is enrolled. This revenue is deposited directly into the Student Protection Fund and is available to train-out students from schools that have closed in a manner that is not in compliance with the Florida Statutes.

INFORMATION SERVICES

ICU

Data is collected and stored in a relational database and is shared either electronically or by reports, with the Governor, Legislature, various offices within the Department of Education, other state agencies, and to the general public upon request. Among the data stored in the database is a complete listing of all degree programs along with the appropriate Classification Codes, whether the programs are offered by Distance Learning, degree levels, and titles of the programs. The number of annual enrollments and completions at each institution by race/ethnicity and gender is another example of the types of the data collected and maintained in the database.

Information collected from colleges and universities is used to respond to consumer inquiries, such as, accreditation, consumer protection questions, licensure, and programs offered. ICU also collects information on crime statistics and campus safety reports and forwards it to the legislature via The Office of K-16 Articulation. A portion of ICU's data appears on our web site, www.firn.edu/doe/cie, which is available to the public at any time.

NCE

Extensive data collection is conducted with licensed schools. Data is contained in a relational database that is used to produce management reports, respond to consumer inquiries, and produce licensure documents such as correspondence and licenses.

Data is also shared with other offices of the DOE and other Florida agencies. Some information is contained on our web site, www.firn.edu/webfiles/others/sbne/. The database also contains all program of study information, categorized by the Classification of Instructional Program codes, and data on student complaints. All information on the Board's Cease and Desist for unlicensed schools is also contained in this database.

FINANCIAL AID

ICU & NCE

Provide to the Office of Student Financial Assistance, Policy Unit, institutional financial assistance eligibility data.

ADDITIONAL FUNCTIONS

ICU

- **Cooperate with other state and federal agencies:** share information (other DOE agencies; Legislature; former PEPC; other states; U.S. Department of Education; accrediting agencies; DBPS; FDLE; etc.)
- **Permission to Operate:** for institutions wishing to maintain offices in Florida, but not to offer continuous education programs. ICU ensures that the institutions are financially stable, legitimate, and meet standards comparable to Florida's licensure standards.
- **Foreign Medical Schools:** license (using specialized standards in rules) those institutions wishing to have ongoing programs in Florida; ICU also approves individual students from non-licensed foreign medical schools to do specific clinical clerkships under proper supervision at Florida hospitals.
- **College and University:** use of the title "college" or "university" in combination with any series of letters, numbers, or words is restricted in this state as defined in s.246.021. Entities shall not use the terms in its name in Florida without approval by the board.

NCE

- **Cooperate with other state and federal agencies:** share information (other DOE agencies; Legislature; former PEPC; other states; U.S. Department of Education; accrediting agencies; DBPS; FDLE; etc.)

➤ K-12 DATA MANAGEMENT

ICU & NCE

Provide private pre-K-12 sector with access to a relational database that allows for ease of data entry, consumer reports, and a simple production of management reports. This process or any process of pre-K-12 is not to be regulated by the Commission.

➤ STAFF

ICU

All staff are DOE employees under the supervision of an Executive Director.

9 full-time

2 part-time

NCE

Staff are DOE employees and project positions (TCC employees) under the supervision of an Executive Director.

14 full-time

3 part-time

➤ MEETINGS

ICU

BOARD MEETINGS WERE HELD EVERY THREE MONTHS FOR ISSUES AND LICENSURE.

NCE

BOARD MEETINGS WERE HELD EVERY TWO MONTHS FOR ISSUES AND LICENSURE.

BUDGET

Both the ICU and NCE budgets are constrained by the spending authority given to their respective divisions. **Current revenue is from fee collection only – No General Revenue is utilized.** The present budget is based on projected revenue.

ICU

Proposes an annual budget and currently submits that proposal to the Division of Public Schools.

Budget Allocation for 2000-2001	\$709,090
Revenue Collected in 2000-2001	\$476,037*
Actual Expenditures for 2000-2001	\$642,107*

*Information on Revenue and Expenditures for the fiscal year 2000-2001, ending June 30, 2001.

NCE

Proposes an annual budget and currently submits that proposal to the Division of Workforce Development.

Budget Allocation for 2000–2001	\$1, 030,230
Revenue Collected in 2000-2001	\$826,093*
Actual Expenditures for 2000-2001	\$824,137*

*Information on Revenue and Expenditures for fiscal year 2000-2001, are only available through May 2001, at this time.

CURRENT FEE COLLECTION

ICU

Fees sent to comptroller for deposit into the Institutional Assessment Trust Fund.

Fees are: Temporary License	\$5000	
Level I Provisional License	\$2200	
Level II Provisional License	\$2200	
Regular License	\$2200	
	ANNUAL RENEWAL LICENSE	\$2500
	PROGRAM MODIFICATION/ADDITION	\$2200
New Location/Branch	\$1000	
Exemption (< 100)	\$400	
(>100)	\$1200	
Authorization (<100)	\$400	
(>100)	\$1200	
Agents (New & Renewal)	\$325	

NCE

Fees sent to comptroller for deposit into the Institutional Assessment Trust Fund.

Fees are: Temporary License	\$2000	
Provisional License	Contained in the Cost of Temporary	
Regular License	\$1500	
Biennial License	\$2500	
Program Modification/Addition	\$300	
Exemption	\$500	
Agents (New)	\$150	
Agents (Renewal)	\$50	
Student Protection Fees	\$1-5 per student/fiscal year	(dependent on the length of program)

FLORIDA BOARD OF EDUCATION

September 20-21, 2001

SUBJECT: Major Functions of the Commission for Independent Education

PROPOSED BOARD ACTION

No action necessary.

BACKGROUND INFORMATION

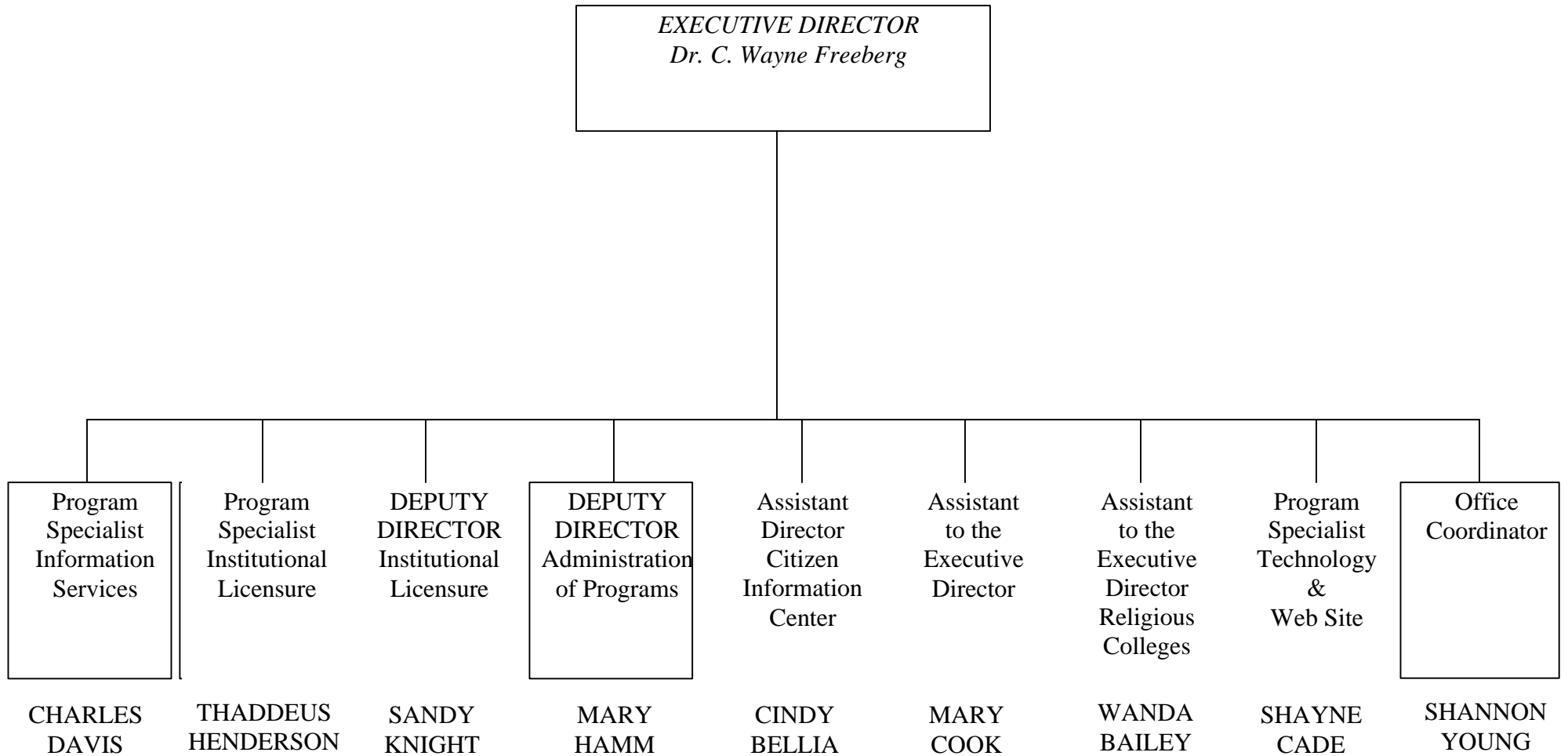
As a result of SB 1162, the Florida Legislature created the Commission for Independent Education (Commission) to merge the State Board of Independent Colleges and Universities (ICU) and the State Board of Nonpublic Career Education (NCE). In advance of the first meeting of the Commission on September 24-25, 2001, Mr. Samuel Ferguson will report on the major functional areas of the ICU and the NCE. This review will also serve to point out some of the similarities and differences that may exist in the regulation of degree granting institutions and non-degree granting schools.

Supporting Documentation Included: Current functions of the ICU/NCE

Facilitators/Presenters: Mr. Samuel L. Ferguson, Commission for Independent Education

ORGANIZATION

Commission for Independent Education – Colleges and Universities



**COMMISSIONER OF EDUCATION
DEPUTY COMMISSIONER FOR EDUCATIONAL
PROGRAMS
DIVISION OF WORKFORCE DEVELOPMENT**

