

FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION

DATE: March 29, 2023

REGULATION NUMBER AND TITLE: 8.002, Self -supporting and Market Tuition Rate Program and Course Offerings

SUMMARY: Board of Governors Regulation 8.002, Self-supporting and Market Tuition Rate Program and Course Offerings, outlines the requirements and process for universities to offer courses and programs as self-supporting and/or charge market tuition rates.

The proposed amendment aligns Regulation 8.002 to section 1009.24, Florida Statutes. The amendment clarifies that university boards of trustees may submit a proposal for market tuition rates for graduate-level courses offered online or through the university's continuing education program. The amendment also makes a series of technical revisions to the minimum required information that must be included in a market tuition rate program proposal.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Dr. Christy England, Vice Chancellor , Academic and Student Affairs

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 200 W. College Avenue, Suite 216, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

8.002 Self-supporting and Market Tuition Rate Program and Course Offerings

(1) Educational Programs and Courses – All of the educational programs and courses described in this regulation are conducted through the auxiliary enterprise of the university and provide non-state-fundable training, courses, and programs. The two categories of education programs described are self-supporting courses and programs and market tuition rate programs. The three sub-categories of self-supporting education programs and courses are college-credit, non-credit, and sponsored-credit.

(a) The administrative unit(s) under which all self-supporting and market tuition rate education programs are managed shall be determined by the university.

(b) All activity for self-supporting and market tuition rate education programs shall be reflected in the auxiliary budget entity, except that activity related to self-supporting sponsored credit courses and programs may be reflected in

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does not apply to self-supporting college-credit certificate programs.

- b. Supporting documentation must include evidence that the new program will not supplant any existing E&G degree offering.
2. If the self-supporting program is a track under an existing E&G program or has a similar existing E&G program, universities must provide students with a side-by-side tuition and fee comparison and maintain this information on their website. This information shall be publicized in catalogs and all other sections of the university's public-facing website that provide information about the program, and any non-public websites or applications that provide information about the program. Universities must also provide students with information about financial assistance and obligations for repayment of loans for these programs.
3. Self-supporting graduate-level college-credit degree programs shall not supplant similar existing university offerings funded by the E&G budget entity. To guarantee access to E&G programs, self-supporting programs will not replace existing E&G programming; thus, a similar E&G program cannot be suspended or terminated in favor of a self-supporting program. Similar E&G programs may only be suspended in extraordinary circumstances per Board of Governors Regulation 8.012. Universities proposing new self-supporting college-credit programs must attest that the similar E&G program will not be closed as a result of the new offering unless prior approval is obtained from the Board of Governors. Enrollment between E&G and self-supporting education offerings may fluctuate over time, depending on demand. However, universities have the responsibility to ensure that the existing E&G offering remains viable in meeting traditional student needs.
4. Self-supporting graduate-level college-credit degree programs shall not include those which lead to initial licensing or certification for occupational areas identified as a state critical workforce need by the Board of Governors unless it can be demonstrated to be the best strategy to increase the number of graduates in the state and has been approved for market tuition rate in accordance with paragraph (3) of this regulation.
5. Tuition and fees charged for all self-supporting college-credit programs must be sufficient to offset the full instructional cost of serving the student and shall not exceed the existing approved tuition and out-of-state fees for similar level courses.
 - a. Tuition for self-supporting graduate-level college-credit degree programs must be approved according to the process outlined in Board of Governors Regulation 7.001(4).
 - b. Fees for self-supporting graduate-level college-credit degree programs must be established according to the requirements

outlined in Section 1009.24, Florida Statutes, and Board of Governors Regulation 7.001. Universities may collect and expend revenues collected above the level needed for cost-recovery of college-credit self-supporting activity when such revenues are used to provide enhanced support for the academic units associated with the courses or programs or to provide financial support to students.

public or private institutions located both in-state and out-of-state. Market tuition rate programs must be offered at the graduate-level only. Market tuition rate will go into effect the next academic year following approval by the Board of Governors.

(a) A university board of trustees may approve a new graduate-level degree or certificate program for market tuition rate at the time it approves the new degree or certificate for implementation pursuant to Board of Governors Regulation 8.011. The new program proposal must provide a convincing rationale for seeking a market tuition rate, and the proposed budget must clearly indicate that the revenue generated will be sufficient to operate the program without E&G funding. New programs approved for market tuition rate must be submitted to the Board of Governors for consideration and approval of the tuition and any associated fees before enrollment of any students.

(b) A university board of trustees may submit a proposal for market tuition rates for graduate-level ~~programs~~ courses offered online or through the university's continuing education program when such ~~programs~~ courses are included as a major of an existing approved degree program or as a college-credit certificate program. Proposals to charge market tuition rates for majors of existing degree programs and college-credit certificate programs shall be considered by the Board ~~during a November meeting~~ if documentation is provided that demonstrates that the following criteria are met.

1. The existing degree program majors and college-credit certificates have been approved in accordance with Regulation 8.011, and the university has established one or more separate market tuition rate student cohorts, each of which can be tracked for administrative and reporting purposes.

2. The program does not lead to initial licensing or certification for occupational areas

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provide students with information about financial assistance and obligations for repayment of loans for these programs on their websites. This information shall be publicized in catalogs and all other sections of the university's public-facing website that provide information about the program and any non-public websites or applications that provide information about the program.

- (c) E&G graduate-level programs should not be suspended or terminated in favor of offering a similar market tuition rate education program.
- (d) The Board shall approve no more than five new graduate-level degree programs or college-credit certificate program proposals per university per academic year.
- (e) The proposal for market tuition rate programs shall be submitted in a format designated by the Chancellor and include, at a minimum, the following information.
 - 1. A description of the program and its compliance with the requirements outlined in Board of Governors Regulation 8.011 (3)(b)1.
 - 2. An explanation of the process used to determine the market tuition rate and the tuition at similar programs from at least five other institutions, including both private and public.
 - 3. A list description of similar programs offered by other state university system institutions.
 - 4. ~~An estimate of the market tuition rate to be charged over the next three years.~~
 - 5. A description of how offering the proposed program at a market tuition rate is aligned with the mission of the university.
 - 6. ~~An explanation and a declaratory statement that offering the proposed program at the market tuition rate does not increase the state's fiscal liability or obligation.~~
 - 7. ~~An explanation of any differentiation in rate between resident and non-resident students paying market tuition rate~~ The proposed rates for resident and non-resident students in the program. If the proposed rates are different, a description of the rationale shall also

resident and non-resident enrollment, in similar courses funded by the E&G budget entity.

c. An estimation of the

college-credit self-supporting or market tuition rate education program.

5. Other documentation to demonstrate compliance with this regulation as required.

(d) Board staff may verify compliance with paragraph (2)(b), self-supporting non-credit courses or programs, as needed.

Authority: Section 7(d), Art. IX, Fla. Const.; Section 1009.24, Florida Statutes.

History: New 09-15-11; Amended 08-31-17, 11-10-22, XX-XX-XX.