

**STATE UNIVERSITY SYSTEM OF FLORIDA  
BOARD OF GOVERNORS  
August 31, 2017**

**SUBJECT:** Amendments to Board of Governors Regulation 8.002, Self-Supporting and Market Tuition Rate Program and Course Offerings

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**PROPOSED BOARD ACTION**

Consider approval of amendments to Board of Governors Regulation 8.002, Self-Supporting and Market Tuition Rate Program and Course Offerings

**AUTHORITY FOR BOARD OF GOVERNORS ACTION**

Article IX, Section 7, Florida Constitution; Board of Governors Regulation Development Procedure

**BACKGROUND INFORMATION**

During the 2016 Florida legislative session, Section 1009.24, Florida Statutes was amended to remove the ability of the Board of Governors to authorize the university boards to set tuition and fees for graduate and professional programs, and out-of-state fees for all programs. Because this particular section of Florida Statutes applies to all college credit programs, it was determined that the universities no longer had authority to set tuition and fees for cost-recovery college-credit course and programs offered through continuing education units. During the same period of time, the Board of Governors completed its review of the Market Tuition Rate pilot program and instructed staff to work with the universities to amend Regulation 8.002, Continuing Education, in a manner that would better align with market tuition rate and provide more flexibility to the universities with regard to determining what constituted cost recovery.

In order to update Board of Governors Regulation 8.002, Continuing Education, a strike-all of existing language is necessary and the creation of a substantially new regulation needs to occur that addresses continuing education (college credit and non-credit), sponsored credit courses and programs, and market tuition rate courses and programs. The title of Regulation 8.002 is also changed to "Self-Supporting and Market Tuition Rate Program and Course Offerings" to reflect the broader scope. In addition, Regulation subsections 7.001 (13) and 7.008 (3) will be amended to align with and reference the revised regulation 8.002. The new language has been developed in consultation with members of the Council of Academic Vice Presidents.

The substantially new regulation:

1. Defines continuing education as an Auxiliary Enterprise of the university, differentiates between non-credit and college credit offerings and provides a process for setting tuition and fees for each, and establishes certain criteria and limitations on the offering of college credit continuing education courses and programs.
2. Defines sponsored credit courses and programs, provides authority for university boards to waive any tuition or fees not paid by the sponsoring entity, and requires that sponsored credit courses and programs be budgeted in the auxiliary enterprise accounts or contract and grants accounts as appropriate.
3. Defines market tuition rate courses and programs, provides a process for approval of new graduate degree programs established only as market tuition rate programs, provides a process of approval for majors and certificates under existing graduate degree programs to be approved as market tuition rate, provides certain criteria and limitations for programs and certificates offered as market tuition rate, provides for an appeal process of any adverse Board of Governors decision, and provides a process for changing the approved tuition for market tuition rate programs, majors, and certificates.
4. Requires that credit hours generated and degrees granted be reported in the State University Data System for college credit continuing education, sponsored credit courses and programs, and market tuition rate courses and programs separate from those funded through the E&G budget entity.

Preliminary regulation amendments were reviewed by the university general counsels, Council of Academic Vice Presidents, and other state university staff. The regulation amendment was approved for noticing on June 22, 2017. No concerns were expressed about the language during this notice period.