

TITLE 571 BOARD FOR PROPRIETARY EDUCATION

Final Rule LSA Document #25-2

DIGEST

BPE Fee Schedule

Adding rules to the Indiana Administrative Code at 571 IAC complies with IC 4-22-2-19.6. This rule will incorporate the Board's current fee structure into the Indiana Administrative Code. Continued compliance with the aforementioned statutes and the continuance of current administrative operations necessitate the Board exercise its formal rulemaking authority under IC 21-18.5-6-27 to incorporate a fee structure into the Indiana Administrative Code pursuant to IC 4-22-2-19.6.

HISTORY

State Budget Committee review of fee schedule for Board for Proprietary Education
Authorized Institutions: June 11, 2024.

Proposed Rule and Regulatory Analysis submitted with Notice of First Public Comment
Period: January 8, 2025 [20250122-IR-571250002FNA]

Notice of First Public Comment Period and Proposed Rule Publication: January 22, 2025

Notice of First Public Hearing Published: January 22, 2025: [20250122-IR-571250002PHA]

Date of First Public Hearing: February 24, 2025

Final Rule Submission: April 4, 2025

SUMMARY/RESPONSE TO COMMENTS

The Indiana Commission for Higher Education (ICHE) requested public comment from January 22, 2025, through February 21, 2025, and during the public hearing on February 24, 2025. The ICHE received no comments in response to the Notice of First Public Comment Period; there were no public comments submitted during the comment period and no public comments presented during the public hearing.

FINAL RULE

SECTION 1. 571 IAC 1 IS ADDED TO READ AS FOLLOWS:

ARTICLE 1. BOARD FOR PROPRIETARY EDUCATION

Rule 1. Board for Proprietary Education

571 IAC 1-1-1 Applicability

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 1. The definitions in this rule apply throughout this article. (*Board for Proprietary Education; 571 IAC 1-1-1*)

571 IAC 1-1-2 "Board for proprietary education" defined

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-5-1; IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 2. "Board for proprietary education" has the meaning set forth in IC 21-18.5-5-1. (*Board for Proprietary Education; 571 IAC 1-1-2*)

571 IAC 1-1-3 "Institution" defined

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-2-12; IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 3. "Institution" has the meaning set forth in IC 21-18.5-2-12. (*Board for Proprietary Education; 571 IAC 1-1-3*)

571 IAC 1-1-4 "Institution with a physical presence" defined

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 4. "Institution with a physical presence" means an institution that currently occupies a physical location for student instruction or an administrative office to facilitate student instruction. (*Board for Proprietary Education; 571 IAC 1-1-4*)

571 IAC 1-1-5 "Institution with no physical presence" defined

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 5. "Institution with no physical presence" means an institution that does not currently occupy a physical location for student instruction or an administrative office to facilitate student instruction. (*Board for Proprietary Education; 571 IAC 1-1-5*)

571 IAC 1-1-6 "Program" defined

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 6. "Program" means each diploma, certificate, or degree program offered by an institution. (*Board for Proprietary Education; 571 IAC 1-1-6*)

571 IAC 1-1-7 Application cycle

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-4; IC 21-18.5-6-12

Sec. 7. Institutions seeking initial authorization to operate in Indiana shall submit an application containing the requirements of IC 21-18.5-6-4 to the board for proprietary

education with the fee outlined in section 9 of this rule. (*Board for Proprietary Education; 571 IAC 1-1-7*)

571 IAC 1-1-8 Renewal cycle

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-4; IC 21-18.5-6-12

Sec. 8. Institutions shall renew authorization annually by submitting an application containing the requirements of IC 21-18.5-6-4 and the renewal fee outlined in section 9 of this rule. (*Board for Proprietary Education; 571 IAC 1-1-8*)

571 IAC 1-1-9 Fee schedule

Authority: IC 21-18.5-6-27

Affected: IC 21-18.5-6-3; IC 21-18.5-6-12

Sec. 9. (a) The fees set by the board for proprietary education are as follows:

(1) Two thousand five hundred dollars (\$2,500) per application for initial institutional authorization from an institution with a physical presence plus three hundred dollars (\$300) per degree program for initial degree program authorization.

(2) Two thousand five hundred dollars (\$2,500) per application for initial institutional authorization from an institution with no physical presence plus twenty-five dollars (\$25) per program for initial program authorization.

(3) One thousand dollars (\$1,000) per application for institutional authorization renewal from an institution with a physical presence plus twenty-five dollars (\$25) per program for program renewal and three hundred dollars (\$300) per degree program for initial degree program authorization.

(4) One thousand dollars (\$1,000) per application for institutional authorization renewal from an institution with no physical presence plus twenty-five dollars (\$25) per program for program renewal.

(b) Fees must be paid not later than thirty (30) days after the application has been submitted.

(c) Nonpayment will result in the denial of the institutional authorization or renewal and program authorization or renewal.

(d) Failure to pay in accordance with the fee payment schedule, which results in the substantial nonpayment of the fee, may result in the revocation of the institutional authorization or renewal and program authorization or renewal.

(e) Fees are nonrefundable and may not be refunded or applied to a subsequent application or renewal if the:

(1) institutional authorization or renewal, or program authorization or renewal, is denied or revoked; or

(2) application is withdrawn after the payment is deposited. (*Board for Proprietary Education; 571 IAC 1-1-9*)