

TITLE 571 BOARD FOR PROPRIETARY EDUCATION**Notice of Public Comment Period for Interim Rule**

LSA Document #25-277

BPE FEE SCHEDULE**PURPOSE OF NOTICE**

The Board for Proprietary Education (BPE) is soliciting public comment on rules to be temporarily added to incorporate BPE's current fee schedule. BPE seeks comment on the affected citations listed and any other provisions of Title 571 that may be affected by this rulemaking.

ADDITIONAL DOCUMENTSGovernor's Approval: [20250514-IR-571250277GAA](#)Regulatory Analysis: [20250514-IR-571250277RAA](#)**CITATIONS AFFECTED:** [571 IAC 1](#)**AUTHORITY:** [IC 21-18.5-6-27](#)**OVERVIEW****Basic Purpose and Background**

The proposed interim rule will incorporate BPE's current fee schedule into the Indiana Administrative Code (IAC), in compliance with [IC 4-22-2-19.6](#), to maintain current administrative operations. The statutory purpose of BPE, as outlined in [IC 21-18.5-6-1](#), is to protect students, educational institutions, the general public, and honest and ethical operators of institutions from dishonest and unethical practices. Before doing business in Indiana, a postsecondary credit bearing proprietary educational institution (institution), as defined at [IC 21-18.5-2-12](#), is required to obtain authorization from BPE. Under [IC 21-18.5-6-3](#) and [IC 21-18.5-6-12\(f\)](#), BPE is required to assess an authorization fee and renewal fee, each with a specified statutory minimum dollar amount.

In March 2022, BPE adopted the current fee schedule through board action with an effective date of May 2022. Currently, the mandatory application for authorization fee is two thousand five hundred dollars (\$2,500), regardless of physical presence in Indiana, plus three hundred dollars (\$300) per program for initial authorization from an institution with a physical presence, or twenty-five dollars (\$25) per program for initial authorization from an institution with no physical presence. Currently, the mandatory annual renewal fee is one thousand dollars (\$1,000), regardless of physical presence in Indiana, plus twenty-five dollars (\$25) per program for institutional authorization renewal, regardless of physical presence in Indiana.

BPE charges fees to cover the cost of processing applications and evaluating institutions at initial application and renewal. This process includes: (1) a review of annual financial statement data; (2) the development of a scorecard summarizing an institution's components of its financial composite score; (3) the latest financial information data, trends, and annual revenues; and (4) the preparation of recommendations for further detailed analysis for

institutions that merit further investigation. Institutions appearing on the watch list described in [IC 20-19-7](#) have further detailed analysis, and institutional financial executives are interviewed.

The proposed interim rule will apply to all institutions operating in Indiana, regardless of physical presence. This interim rulemaking will not have a fiscal impact on state and local government because the interim rule is incorporating the current fee structure into the IAC.

Statement Justifying Requirement or Cost

The statutory purpose of BPE, as outlined in [IC 21-18.5-6-1](#), is to protect students, educational institutions, the general public, and honest and ethical operators of institutions from dishonest and unethical practices. BPE charges fees to cover the cost of processing applications and evaluating the institutions at initial application and renewal. This interim rule ensures BPE has the resources to ensure institutions operating in Indiana are monitored for fiscal stability with more warning of possible sudden unannounced closure.

This interim rulemaking is not changing any of the current fee amounts. There will be no administrative expenses imposed by this rule as the rule incorporates the current practice and fee structure. The interim rule is not creating any new, nor increasing any existing, civil penalties.

This interim rulemaking will not require any additional expenditures, nor will it collect any additional revenue, as the rule is incorporating the current fee structure into the Indiana Administrative Code. The annual average of the total fees collected between FY 2019 and FY 2023 is \$503,729. This money is deposited into the postsecondary credit bearing proprietary educational institution authorization fund under [IC 21.18.5-6-26\(c\)](#).

This interim rule ensures BPE's current fee schedule complies with new statutory requirements found at [IC 4-22-2-19.6](#). The application and renewal fees satisfy [IC 4-22-2-19.6\(2\)](#) as the fee is a based price plus an additional amount based on the number of programs offered by the institution. The specific dollar amount can be reasonably calculated by institutions by multiplying the amount by the number of programs offered plus the base fee. The authorization fee is a set amount satisfying the requirement of [IC 4-22-2-19.6\(a\)](#).

REQUEST FOR PUBLIC COMMENT

BPE is soliciting public comment on the proposed rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #25-277 BPE Fee Schedule
Ross Miller, Director of State Authorization and Reciprocity
Board for Proprietary Education
101 West Ohio Street, Suite 300
Indianapolis, IN 46204
(317) 232-1033

- (2) By email to rmiller@che.in.gov. PLEASE NOTE: Email comments will not be considered part of the official written comment period unless they are sent to the address indicated in this notice.

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than June 13, 2025.

The rule, Regulatory Analysis, appendices referenced in the Regulatory Analysis and Statement Justifying Requirement or Cost, and materials incorporated by reference (if applicable) are on file at the Board for Proprietary Education, 101 West Ohio Street, Suite 300, Indianapolis, Indiana and are available for public inspection. Copies of the rule, Regulatory Analysis, and appendices referenced in the Regulatory Analysis Statement Justifying Requirement or Cost are available at the Board for Proprietary Education office.

PROPOSED INTERIM RULE

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](#))

SECTION 2. This document expires 425 days after the publisher accepts the Interim Final Rule for filing.

Posted: 05/14/2025 by Legislative Services Agency