

INDIANA

FINAL GRADING ANALYSIS

OVERALL SCORE: **244/700 POINTS (35%)**
 LETTER GRADE: **F**

I. OVERSIGHT BODY: **49/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY THAT IS PUBLICLY ACCOUNTABLE? **42.5/60 POINTS**

Element	Points	Type 1	Type 2	Average
1. Oversight body is a multi-member board, commission, or panel created by statute	10	0	10	10
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	5	10	7.5
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	0	10	10
4. Oversight body can engage in rulemaking	10	10	10	10
5. Oversight body's meetings must be open to the public	5	5	5	5
6. Oversight body's meetings must allow public comment	5	0	0	0
7. Oversight body can initiate investigations	5	5	5	5
8. Oversight body can impose penalties for violations	5	5	5	5
Total Points	60	30	55	42.5

Explanation:

Indiana divides its private postsecondary educational institutions into two categories for the purposes of oversight and regulation. The first category (Type 1) includes non-credit-bearing, non-degree-granting institutions. As of July 1, 2016, the Department of Workforce Development (Department) is responsible for regulation and oversight of these institutions. (Ind. Code Ann. § 21-18.5-1-5; Ind. Code Ann. § 21-18.5-1-3; Ind. Code Ann. § 22-4.1-22-3.) The second category (Type 2) includes credit-bearing, degree-granting institutions. As of July 1, 2012, the Board for Proprietary Education (Board) is responsible for overseeing these institutions. (Ind. Code Ann. § 21-18.5-1-5; Ind. Code Ann. § 21-18.5-1-3; Ind. Code Ann. § 21-18.5-5-1.) Indiana requires meetings of both the Department and the Board to be open to the public pursuant to the Indiana Open Door Law. (Ind. Code Ann. § 5-14-1.5 *et seq*). However, Indiana law does not require meetings to include an opportunity for the public to comment.

Type 1: Non-credit-bearing, non-degree-granting institutions. While Indiana created the Department for broader purposes than the oversight of private non-credit-bearing, non-degree-granting institutions, it also

created the Office for Career and Technical Schools (OCTS) to carry out the responsibilities of the Department. (Ind. Code Ann. § 22-4.1-21-10.) Thus, the state receives partial credit here. The OCTS has the authority to initiate investigations and impose penalties. However, the OCTS is not a “multi-member board or commission.”

Type 2: Credit-bearing proprietary institutions. Indiana created the Board for the purposes of authorization and oversight of credit-bearing proprietary institutions. (Ind. Code Ann. 21-18.5-6-2.) The Board has the authority to engage in rulemaking (Ind. Code Ann. § 21-18.5-5-4; Ind. Code Ann. § 21-18.5-6-27) and has the right to impose penalties (revoke authorization, for example). (Ind. Code Ann. § 21-18.5-6-13.)

B. STATUTE-SPECIFIED MEMBERSHIP

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

5/25 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana law does not prohibit or discourage a for-profit majority on the OCTS, the office is part of the department of workforce development. Indiana law does not address for-profit participation on the OCTS.

Type 2: Credit-bearing proprietary institutions. Indiana law specifies that the Board must consist of seven members: the state superintendent or the superintendent’s designee; the executive officer of the Commission for Higher Education or the executive officer’s designee; five members appointed by the governor. Not more than three of the members appointed by the governor may be members of the same political party. Of the five members appointed by the governor, one must have been engaged for a period of at least five years immediately preceding appointment in an executive or a managerial position in a postsecondary proprietary educational institution; one must have been engaged in administering or managing an industrial employee training program for a period of at least five years immediately preceding appointment; and three must be representatives of the public at large who are not representatives of the types of postsecondary credit bearing proprietary educational institutions to be authorized. (Ind. Code Ann. § 21-18.5-5-2.) It is very unlikely that for-profits will comprise either a majority or a majority of the quorum on the board, but it is not explicitly prohibited. Because Indiana law effectively discourages a Board dominated by for-profit interest by virtue of the statutory structure, the state receives partial credit for this element.

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana law does not require the appointment of a consumer advocate to the Department or the OCTS.

Type 2: Credit-bearing proprietary institutions. Indiana law does not require the Board for proprietary education to include a consumer advocate.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

1.5/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. The OCTS is a division of the Department of Workforce Development. There are not appointees, there is a staff consisting of department employees.

Type 2: Credit-bearing proprietary institutions. The governor appoints five of the seven members of the Board. (Ind. Code Ann. § 21-18.5-5-2.)

II. STATE OVERSIGHT—EFFICACY:

43.5/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

2/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No onsite review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 Points

Type 2	10 Points	8 Points	5 Points	3 Points	0 1 Point
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Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. The OCTS conducts an initial onsite review to confirm physical location of an institution (not for purposes of a comprehensive review) and for institutions with temporary accreditation as a part of the final accreditation process. The OCTS also has discretion to conduct impromptu onsite reviews based on “right to premises” to investigate complaints / concerns. (Ind. Code Ann. § 22-4.1-21-21.) Thus, Indiana receives credit for giving discretion to the Department and OCTS to conduct onsite visits on an annual basis, given that Indiana requires institutions to renew accreditation annually and the OCTS may conduct site visits to investigate concerns, many of which may arise in the course of the annual accreditation.

Type 2: Credit-bearing, proprietary institutions. The Board conducts onsite inspections of proprietary institutions during the course of the investigation for authorization. (Ind. Code Ann. §§ 21-18.5-6-8; 21-18.5-6-9.) Indiana does not specify the frequency of onsite inspections after an institution is authorized, so it receives 1 point for the initial onsite inspection.

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

1.5/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. OCTS has discretion to conduct impromptu onsite reviews based on “right to premises” to investigate complaints / concerns. (*Office for Career and Technical Schools (OCTS): 2015 Policies and Procedures.*)

Type 2: Credit-bearing, proprietary institutions. Indiana law does not specify a requirement or discretion for the Board to conduct unannounced onsite inspections.

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

20/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
Type 1	20 Points	15 Points	1 Point	5 Points	0 Points
Type 2	20 Points	15 Points	1 Point	5 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Annual renewal is required upon the payment of a \$25 fee, submission of a form and continued compliance with applicable Indiana law. (Ind. Code Ann. § 22-4.1-21-24.)

Type 2: Credit-bearing, proprietary institutions. Annual renewal is required upon the payment of a \$25 fee, submission of a form and continued compliance with applicable Indiana law. (Ind. Code Ann. § 21-18.5-6-12(f).)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements	M	
Graduation requirements		
Placement rate	M	
Completion rate (or graduation rate)	M	
Advertising practices	M	M
Cohort default rate		
Accreditation status	M	M
Financial aid policies	M	

M=Mandatory; D=Discretionary

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana requires the Department to review advertising practices for accreditation. (Ind. Code Ann. § 22-4.1-21-23(4).) Other required elements are set forth on the required accreditation renewal application, available on the OCTS website at www.in.gov/dwd/files/Accreditation_Renewal_Application.pdf.

Type 2: Credit-bearing, proprietary institutions. Indiana requires the Board to review advertising practices and accreditation status for renewal of authorization. (Ind. Code Ann. § 21-18.5-6-11.) Institutions must remain in compliance with all laws, but the renewal form and laws that specify the process for renewal of authorization only expressly include the elements noted above.

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT EDUCATIONAL INSTITUTIONS?

10/15 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana law does not distinguish between for-profit and nonprofit private postsecondary educational institutions, but the OCTS policies and procedures do. “The general assembly has given the following charge regarding the regulation of private (for profit) schools....” (*Office for Career and Technical Schools (OCTS): 2015 Policies and Procedures.*)

Type 2: Credit-bearing proprietary institutions. Indiana distinguishes between proprietary (for-profit) institutions and nonprofit institutions. Religious institutions that offer educational instruction or an educational programs of a clearly religious nature are exempt. (Ind. Code Ann. § 21-18.5-6-2.5.)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. There is no indication that Indiana requires non-credit-bearing, non-degree-granting institutions to undergo increased oversight/scrutiny based on poor performance.

Type 2: Credit-bearing, proprietary institutions. There is no indication that Indiana requires credit-bearing, proprietary institutions to undergo increased oversight/scrutiny based on poor performance.

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. There is no indication that Indiana has

put special protections in place specifically for veterans who attend non-credit-bearing, non-degree-granting institutions.

Type 2: Credit-bearing, proprietary institutions. There is no indication that Indiana has put special protections in place specifically for veterans who attend credit-bearing, proprietary institutions.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

0/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

0/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. The Department may waive inspection of a postsecondary proprietary educational institution that has been accredited by an accrediting unit whose standards are approved by the Department as meeting or exceeding the requirements enumerated in Indiana statute. (Ind. Code Ann. § 22-4.1-21-24.) Additionally, in specified circumstances, the Department may waive inspection if an institution presents a valid license, approval to operate, or other form of accreditation issued to a postsecondary proprietary educational institution by another state.

Type 2: Credit-bearing, proprietary institutions. Religious institutions that offer educational instruction or an educational programs of a clearly religious nature are exempt. (Ind. Code Ann. § 21-18.5-6-2.5.) The exemption for religious institutions that offer educational programs of a clearly religious nature is a common exemption and does not result in a large exemption that would leave students unprotected.

However, the Board may waive inspection of postsecondary credit-bearing proprietary educational institutions that have been authorized by an accrediting agency recognized by the United States Department of Education. (Ind. Code Ann. § 21-18.5-6-12.) Indiana loses some credit here because of this waiver, which still leaves institutions that qualify for the waiver subject to the oversight of the Board, but exempts them from inspections. Likewise, the Board may accept license, authorization to operate, or other form of authorization from another state in some circumstances if the requirements of the state meet or exceed those enumerated by Indiana. Additionally, Indiana expressly allows institutions to enter into reciprocity agreements with other states. (Ind. Code Ann. § 21-18.5-6-12.) Because reciprocity agreements may limit protections in place for students, Indiana loses points for this provision.

Taken together, Indiana law provides broad exemptions to Department and Board oversight and inspections private postsecondary institutions (both non-credit-bearing, non-degree-granting institutions and credit-bearing proprietary institutions).

IV. DISCLOSURE REQUIREMENTS: **7.5/100 POINTS**

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or documents given to students upon request	No fact sheet required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana does not require institutions to provide any fact sheet type performance disclosures to students or potential students.

Type 2: Credit-bearing, proprietary institutions. Indiana does not require institutions to provide any fact sheet type performance disclosures to students or potential students.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

0/60 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Non-credit-bearing, non-degree-granting institutions

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Indiana does not require institutions to provide any performance disclosures to students or potential students.

Type 2: Credit-bearing, proprietary institutions

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Indiana does not require institutions to provide any performance disclosures to students or potential students.

C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?

7.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Non-credit-bearing, non-degree-granting institutions

Element Description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Indiana requires institutions to include OCTS-approved refund policies, total cost of the program, time required for the program in enrollment agreements. (*Office for Career and Technical Schools (OCTS): 2017 Policies and Procedures.*) However, Indiana does not explicitly require inclusion of disclosures related to transferability of credits.

Type 2: Credit-bearing, proprietary institutions

Element Description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Indiana requires postsecondary credit-bearing proprietary educational institutions to have and follow a refund policy approved by the Board, but there is no indication that institutions are required to disclose the policy. (Ind. Code Ann. § 21-18.5-6-11(7).)

V. REGULATION OF RECRUITING PRACTICES:

50/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

50/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of Prohibited Acts	Type 1	Type 2
Misleading representations using the word “college” or “university”		
Misleading institution affiliations (e.g., military, public institution, businesses)		
Promise of employment	X	X
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	X	X
Misrepresentation (broad Prohibition)	X	X
Misleading representations re: accreditation		

1-3=Weak; 3.5-6=Moderate; 6.5-8= Strong

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana requires the Department to review an institution’s advertising to ensure that representations made therein are truthful and are free from misrepresentations and fraud. (Ind. Code Ann. § 22-4.1-21-23(4).) Further, Indiana prohibits institutions and their agents from making a statement or representation, in connection with the offering or publicizing of a course, if the person knows or should reasonably know the statement or representation is false, deceptive, substantially inaccurate, or misleading; promising or guaranteeing employment to a student or prospective students; and from doing an act that constitutes part of the conduct of administration of a course if the person knows, or should reasonably know, that the course is being carried on by the use of fraud, deception, or other misrepresentation. (Ind. Code Ann. § 22-4.1-21-28.)

Type 2: Credit-bearing, proprietary institutions. Indiana prohibits institutions and their agents from making a statement or representation, in connection with the offering or publicizing of a course, if the person knows or should reasonably know the statement or representation is false, deceptive, substantially inaccurate, or misleading; promising or guaranteeing employment to a student or prospective students; and from doing an act that constitutes part of the conduct of administration of a course if the person knows, or should reasonably know, that the course is being carried on by the use of fraud, deception, or other misrepresentation. (Ind. Code Ann. § 21-18.5-6-16.)

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

69/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

20/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

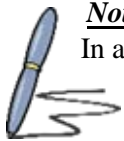
	Yes	No
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Type 1:	20 Points	0 Points
Type 2:	20 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana requires institutions to provide a surety bond with any application for accreditation. (Ind. Code Ann. § 22-4.1-21-15.)

Notable Provision:



In addition to requiring a surety bond, Indiana law creates a student assurance fund to provide indemnification to a student or an enrollee of a postsecondary proprietary educational institution who suffers loss or damage as a result of the failure or neglect of the postsecondary proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student; the failure or neglect of the postsecondary proprietary educational institution to maintain and operate a compliant course or courses of instruction or study; or an agent’s misrepresentation in procuring the student’s enrollment. (Ind. Code Ann. § 22-4.1-21-19.) Each postsecondary proprietary educational institution in the state is required to make quarterly contributions to the fund. (Ind. Code Ann. § 22-4.1-21-19.)

Type 2: Credit-bearing, proprietary institutions. Indiana does not require credit-bearing proprietary institutions to provide a surety bond or a fund that sufficient to serve an equivalent purpose, however, the state does require schools to contribute to the career college student assurance fund. (Ind. Code Ann. § 21-18.5-6-6.) Because there is a fund in place to protect students, Indiana receives full credit.

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

15/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 15 Points	10 Points	0 Points
Type 2	20 15 Points	10 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana requires institutions to include a surety bond with any application for accreditation. The surety bond must cover the period of accreditation and provides indemnification to any student or enrollee who suffers a loss or damage as a result of an agent’s misrepresentation in procuring enrollment. (Ind. Code Ann. § 22-4.1-21-15(c)(3); Ind. Code Ann. § 22-4.1-21-18.) Indiana loses five points here because the statute does not explicitly state that institutions must provide a full refund. However, indemnification in instances in which a student enrolls due to misrepresentation could reasonably result in a full refund in most circumstances.

Type 2: Credit-bearing proprietary institutions. Indiana requires institutions to make a quarterly contribution to the career college student assurance fund. (Ind. Code Ann. § 21-18.5-6-7.) The career college student assurance fund provides indemnification to a student or an enrollee of a postsecondary credit bearing proprietary educational institution who suffers loss or damage as a result of an agent’s misrepresentation in procuring the student’s enrollment. (Ind. Code Ann. § 21-18.5-6-6(a)(3).) Indiana does not receive full credit here because the statute does not explicitly state that institutions must provide

a full refund. However, indemnification in instances in which a student enrolls due to misrepresentation could reasonably result in a full refund in most circumstances.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

15/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	Yes, refund in limited circumstances	No refund required
Type 1:	20 Points	15 Points	10 Points	0 Points
Type 2:	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana requires institutions to include a surety bond with any application for accreditation. The surety bond must cover the period of accreditation and provides indemnification to any student or enrollee who suffers a loss or damage as a result of the failure or neglect of the postsecondary proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student or enrollee, the failure or neglect of the postsecondary proprietary educational institution to maintain and operate a course or courses of instruction or study in compliance with the standards enumerated in Indiana statute. Insolvency would result in an institution’s failure to faithfully perform agreements and failure to maintain and operate courses of instruction in compliance with standards enumerated in Indiana statutes. The OCTS Policy and Procedure Manual clarifies that institutions that voluntarily close will be required to provide full refunds to students. (Ind. Code Ann. § 22-4.1-21-15; Ind. Code Ann. § 22-4.1-21-18; *Office for Career and Technical Schools (OCTS) 2017 Policy and Procedures*, p. 9.)

Type 2: Credit-bearing, proprietary institutions. Indiana requires proprietary institutions to make a quarterly contribution to the career college student assurance fund. (Ind. Code Ann. § 21-18.5-6-7.) The career college student assurance fund provides indemnification to any student or enrollee who suffers a loss or damage as a result of the failure or neglect of the postsecondary proprietary educational institution to faithfully perform all agreements, express or otherwise, with the student or enrollee, the failure or neglect of the postsecondary proprietary educational institution to maintain and operate a course or courses of instruction or study in compliance with the standards enumerated in Indiana statute. Insolvency would result in an institution’s failure to faithfully perform agreements and failure to maintain and operate courses of instruction in compliance with standards enumerated in Indiana statutes. (Ind. Code Ann. § 21-18.5-6-6(a), (b).) Thus, Indiana receives partial credit for this element because the state requires indemnification, but does not specify that indemnification must include a full refund.

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

7.5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	2 years or more	1-2 years	Under 1 year	Not applicable

	(or no deadline)			
Type 1	10 Points	5 Points	1 Point	0 Points
Type 2	10 Points	5 Points	1 Point	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana does not specify a deadline for students to file complaints against institutions.

Type 2: Credit-bearing, proprietary institutions. The Board is part of the Indiana Commission for Higher Education; complaints must be submitted to the Commission within 2 years of the incident. (See <http://www.in.gov/che/2744.htm>.)

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

2.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Non-credit-bearing, non-degree-granting institutions

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Indiana does not require non-credit-bearing, non-degree-granting institutions to disclose information about filing complaints with the Department or OCTS. However, the Department maintains a website with information for students with instructions on the complaint process.

Type 2: Credit-bearing proprietary institutions:

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Indiana requires proprietary institutions to include the Board’s phone number and mailing address in the institution’s catalog, but does not specifically require inclusion of this information in relation to an explanation of the Board’s complaint resolution process. Because Indiana requires inclusion the Board’s contact information in the institution’s catalog, the state receives partial credit for this element. There are no other requirements related to the disclosure of the Board’s complaint process. (Ind. Code Ann. § 21-18.5-6-5.)

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?

9/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana maintains a website with instructions describing the student complaint process (<http://www.in.gov/dwd/2731.htm>) and providing a link to an online form, which includes a mailing address and an email address ([http://www.in.gov/dwd/files/Student Complaint Form.pdf](http://www.in.gov/dwd/files/Student%20Complaint%20Form.pdf).)

Type 2: Credit-bearing, proprietary institutions. The Commission for Higher Education maintains a website on which the Board has a page. Students can reach a webpage with step-by-step instructions on filing a complaint, deadlines, an email address, a phone number, and a link to a web form for students to use to file a complaint with the Commission/Board (<http://www.in.gov/che/2744.htm>.)

VII. ENFORCEMENT: 25/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

0/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. There is no indication that non-credit-bearing, non-degree-granting institutions that repeatedly produce substandard graduation, job placement and /or cohort default rates lose any state aid.

Type 2: Credit-bearing, proprietary institutions. There is no indication that credit-bearing, proprietary institutions that repeatedly produce substandard graduation, job placement and /or cohort default rates lose any state aid.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

15/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana does not specifically enumerate a private right of action; however, the law does state explicitly that the fact that a bond is in force or that the fund exists does not limit or impair a right of recovery and the amount of damages or other relief to which a plaintiff may be entitled under applicable Indiana laws relating to these institutions. (Ind. Code Ann. § 22-4.1-21-31.) Thus, Indiana receives partial credit here because a private right of action exists in at least some circumstances.

Type 2: Credit-bearing, proprietary institutions. Indiana does not specifically enumerate a private right of action, however, the law does state explicitly that the fact that the career college student assurance fund exists does not limit or impair a right of recovery and the amount of damages or other relief to which a plaintiff may be entitled. (Ind. Code Ann. § 21-18.5-6-19.) Thus, Indiana receives partial credit here because a private right of action exists in at least some circumstances.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana does not expressly provide for attorney fee awards for students who prevail in litigation against institutions who have violated the laws and regulations in place to govern them.

Type 2: Credit-bearing, proprietary institutions. Indiana does not expressly provide for attorney fee awards for students who prevail in litigation against institutions who have violated the laws and regulations in place to govern them.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points

Type 2	20 Points	10 Points	0 Points
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Explanation:

Type 1: Non-credit-bearing, non-degree-granting institutions. Indiana receives partial credit for this element because the prosecuting attorney of the county in which a relevant offense occurred shall, at the request of the Department or on the prosecuting attorney’s own motion, bring any appropriate action, including a mandatory and prohibitive injunction. (Ind. Code Ann. § 22-4.1-21-36.)

Type 2: Credit-bearing, proprietary institutions. Indiana receives partial credit for this element because in some circumstances, violations of the laws governing proprietary institutions are actionable by the attorney general (Ind. Code Ann. § 21-18.5-6-22.5). Also, the prosecuting attorney of the county in which a relevant offense occurred shall in other circumstances bring appropriate action at the request of the board or on the prosecuting attorney’s own motion. (Ind. Code Ann. § 21-18.5-6-23.)

BONUS POINTS:

Indiana does receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Indiana is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE
FOR-PROFIT EDUCATIONAL INSTITUTIONS IN INDIANA

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin’s compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.