



SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

Published on *SHEEO STATE AUTHORIZATION SURVEY RESULTS* (http://sheeo.org/sheeo_surveys)

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Indiana Department of Workforce Development

Vertical Tabs

1. Agency and Contact Information

1A1. Agency Name:

Indiana Department of Workforce Development

1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):

The DWD, SWIC administers and staffs the Indiana Office for Career and Technical Schools (OCTS), a division within the DWD.

1A3. Agency Contact - Please review and correct as necessary the contact information below:

Dinell Edge

Program Director 317-234-8338

dedge1@dwd.in.gov [1]

1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:

Same as above.

1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:

[Web link to the Indiana Office for Career and Technical Schools:](#) [2]

1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:

Indiana Commission for Higher Education
Indiana Board for Proprietary Education

1C2. If the division of responsibility among these agencies is not clear, please explain:

The Indiana Commission for Higher Education administers and staffs the Indiana Board for Proprietary Education. The Board for Proprietary Education authorizes Indiana proprietary institutions to operate and grant degrees as well as all degree-granting, out-of-state institutions that offer instruction in Indiana.

2. Types of Educational Providers Authorized

2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:

Non-degree, for-profit institutions

2A2. Clarifying comments:

Notation: Office for Career and Technical Schools (OCTS)

2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):

No

2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:

No

2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:

Institutions Only

2E2a. Nursing:

Yes

2E2b. Name and Contact Information:

State Board of Nursing: 317-234-2043

<http://www.in.gov/pla/nursing.htm> [3]

2E3a. Social Work:

Yes

2E3b. Name and Contact Information:

Behavioral Health & Human Services Licensing Board: 317-234-2064

<http://www.in.gov/pla/social.htm> [4]

2E4a. Counseling Psychology:

Yes

2E4b. Name and Contact Information:

Indiana State Psychology Board: 317-234-2051

<http://www.in.gov/psych.htm> [5]

2E6a. Others (please list):

Yes

2E6b. Name and Contact Information:

Indiana Professional Licensing Agency: 317.234.2043, <http://www.in.gov/pla> [6]

Health Related

- Acupuncture
- Addiction Counselors
- Athletic Trainers

Professional Related

- Auctioneers
- Funeral & Cemetery
- Home Inspectors
- Interior Design Registry
- Land Surveyors
- Manufactured Home Installers
- Massage Therapy
- Plumbing
- Private Investigator & Security Guard

3. Exemptions

3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:

Yes

3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:

IC 22-4.1-21-9

"Postsecondary proprietary educational institution"

Sec. 9. As used in this chapter, "postsecondary proprietary educational institution" means a person doing business in Indiana by offering to the public, for a tuition, fee, or charge, instructional or educational services or training in a technical, professional, mechanical, business, or industrial occupation, in the recipient's home, at a designated location, or by mail. The term does not include the following:

- (1) A postsecondary credit bearing proprietary educational institution accredited by the board for proprietary education under IC 21-18.5-6.
- (2) A state educational institution or another educational institution established by law and financed in whole or in part by public funds.
- (3) A postsecondary proprietary educational institution approved or regulated by any other state regulatory board, agency, or commission.
- (4) An elementary or secondary school attended by students in kindergarten or grades 1 through 12 and supported in whole or in part by private tuition payments.
- (5) Any educational institution or educational training that:
 - (A) is maintained or given by an employer or a group of employers, without charge, for employees or for individuals the employer anticipates employing;
 - (B) is maintained or given by a labor organization, without charge, for its members or apprentices;
 - (C) offers exclusively instruction that is clearly self-improvement, motivational, or avocational in intent (including instruction in dance, music, or self-defense, and private tutoring); or
 - (D) is a Montessori or nursery school.
- (6) A privately endowed two (2) or four (4) year degree granting institution that is regionally accredited and whose principal campus is located in Indiana.

Web link: <http://www.in.gov/legislative/ic/code/title22/ar4.1/ch21.html#IC22-4.1-2...> [7]

3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:

An institution that meets any of the above criteria (1-6) is considered “exempt” automatically and does not need to apply for an exemption status. However, should an institution complete the OCTS Determination of Status Questionnaire, and be determined “exempt” as a result, the institution will receive an exemption letter.

3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):

N/A

3C1. Religious Institutions - Does your state constitution or do your state laws provide any exemptions for religious institutions:

Yes

3C2. If yes, are all religious institutions exempt (please describe):

Yes—Established as not-for-profit educational institutions does not meet the definition of “proprietary – for profit” institution and renders them exempt.

3C3. If yes, are religious institutions that award only religious degrees or certificates exempt (please describe):

N/A

3C4. If yes, are certain religious institutions exempt that meet other criteria (please describe):

N/A

4. Authorization of Distance Education

4A1. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence:

No

4B1. If not, does your agency determine whether an institution must be authorized based on a physical presence (“operating”) standard:

Yes

4B2. Clarifying comments:

If recruitment originates in-state using advertising such as Indiana television, radio, newspaper, billboards, etc.

5. Physical Presence Policy – Common “Triggers”

5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:

IC 22-4.1-21.9

“Postsecondary proprietary educational institution”

Sec.9. As used in this chapter, “postsecondary proprietary educational institution” means a person doing business in Indiana by offering to the public, for a tuition, fee, or charge, instructional or educational services or training in a technical, professional, mechanical, business, or industrial occupation, in the recipient’s home, at a designated location, or by mail.

INSTRUCTIONAL ACTIVITIES

5B1a. Hosting short term, face-to-face, seminars or conferences in the state where students meet in person:

No

5B2a. Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution:

No

5B2b. Clarifying Comments:

if only the externship is in Indiana.

5B3a. Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently:

No

PROPERTY IN THE STATE

5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:

Yes

5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):

Yes

5B6a. Housing ONLY computer servers or other equipment at a physical location in the state:

Yes

5B7a. Maintaining an in-state address or phone number, regardless of use:

Yes

RECRUITING ACTIVITIES

5B8a. Organized, consistent, on - the - ground recruiting of students in the state by employees or agents of the institution:

Yes

5B8c. What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs):

Yes

THIRD PARTY AGREEMENTS/CONTRACTS

5B9a. Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.):

No

5B10a. Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution:

No

5B11a. Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution:

No

ADVERTISING

5B12a. Advertising in local media sources that are largely viewed by residents of the state :

Yes

5B13a. Advertising in national media sources that can be accessed by residents of the state:

No

EMPLOYMENT IN THE STATE

5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:

Yes

5B14c. What about adjunct faculty:

Yes

5B15a. Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state:

No

5B15c. What about adjunct faculty:

No

5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:

Yes

OTHER

5C1. Combinations - Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that, if combined, would create a physical presence:

No

6. Application Process

6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:

IC 22-4.1-21-12

Accreditation

Sec. 12. A person may not do business as a postsecondary proprietary educational institution in Indiana without having obtained accreditation under this chapter.

IC 22-4.1-21-14

Applications; contents

Sec. 14. An application for accreditation under this chapter must include at least the following information:

- (1) The name and address of the postsecondary proprietary educational institution and the institution's officers.
- (2) The places where the courses are to be provided.
- (3) The types of courses to be offered, the form of instruction to be followed with the class, shop, or laboratory, and the hours required for each curriculum.
- (4) The form of certificate, diploma, or degree to be awarded.
- (5) A statement of the postsecondary proprietary educational institution's finances.
- (6) A description of the postsecondary proprietary educational institution's physical facilities, including classrooms, laboratories, library, machinery, and equipment.
- (7) An explicit statement of policy with reference to:
 - (A) solicitation of students;
 - (B) payment and amount of student fees; and
 - (C) conditions under which students are entitled to a refund in part or in full of fees paid, including a statement concerning the existence of the fund.
- (8) Provisions for liability insurance of students.
- (9) Maximum student-teacher ratio to be maintained.
- (10) Minimum requirements for instructional staff.

As added by P.L.107-2012, SEC.61.

IC 22-4-1-21-19 Required quarterly contributions to Career College Student Assurance Fund (commencing second fiscal quarter after authorization commences).

IAC 646-6-4-1 Initial Accreditation: Surety bond requirement (minimum \$25,000).

6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:

30 - 60 days.

6C. Duration - What is the authorization duration:

Six to 11 months for temporary accreditation and must be in process of preparing for an on-site evaluation.

6D. Maintenance - What does an institution need to do to maintain authorization:

Submit annual renewal application, surety bond, and all applicable fees.

6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:

Information is collected annually and is available to the public upon request but is not currently published.

6F. Loss of Status - Can an institution lose its authorized status? If so, how?:

IC 22-4.1-21-25

Revocation

Sec. 25. Accreditation under this chapter may be revoked by the council:

- (1) for cause upon notice and an opportunity for a council hearing; and

(2) for the accredited postsecondary proprietary educational institution failing to make the appropriate quarterly contributions to the fund not later than forty-five (45) days after the end of a quarter.
As added by P.L.107-2012, SEC.61.

6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:

No. Each institution would require a separate application, surety bond, annual reporting and submission of all appropriate fees, etc.

6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:

N/A

6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):

None

6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:

No

7. Fees Associated with Authorization

7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:

Yes. \$1,000 application fee for in-state institutions, \$2,000 for out of state institutions.

7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):

No

7C. Renewal Costs - What are the costs, if any, to renew authorization:

Yes. \$500 annual renewal fee. See Important Due Dates:
<http://www.in.gov/dwd/files/ImportantDueDates.pdf> [8]

7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:

None

8. Interstate Reciprocity

8A. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe:

No

8B. What is the process, if any, to obtain a reciprocal agreement with your state:

Yes

IC 22-4.1-21-24

Issuance of accreditation

Sec. 24. (a) After an investigation and a finding that the information in the application is true and the postsecondary proprietary educational institution meets the minimum standards, the council shall issue an accreditation to the postsecondary proprietary educational institution upon payment of an additional fee of at least twenty-five dollars (\$25).

(b) The council may waive inspection of a postsecondary proprietary educational institution that has been accredited by an accrediting unit whose standards are approved by the council as meeting or exceeding the requirements of this chapter.

(c) A valid license, approval to operate, or other form of accreditation issued to a postsecondary proprietary educational institution by another state may be accepted, instead of inspection, if:

(1) the requirements of that state meet or exceed the requirements of this chapter; and
(2) the other state will, in turn, extend reciprocity to postsecondary proprietary educational institutions accredited by the council.

(d) An accreditation issued under this section expires one (1) year following the accreditation's issuance.

(e) An accredited postsecondary proprietary educational institution may renew the institution's accreditation annually upon:

(1) the payment of a fee of at least twenty-five dollars (\$25); and
(2) continued compliance with this chapter.

As added by P.L.107-2012, SEC.61.

8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:

Yes, as indicated in Indiana Code.

8D. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate:

They are addressed in the Indiana Code.

9. Consumer Protection and Student Complaints

9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::

Yes

9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:

Web link: (www.in.gov/dwd/2731.htm [2])

The Office for Career and Technical Schools is responsible for reviewing and responding to formal complaints against post-secondary proprietary schools that are non-credit bearing and non-degree granting. Though staff cannot offer legal advice or initiate civil court cases, they will review submitted complaints and work with student complainants and schools toward a mutually satisfactory resolution. If you are a student at one of the accredited schools regulated by the State Workforce Innovation Council (see List of Accredited Institutions) and wish to file a complaint, proceed as follows:

STEP 1. First, concerns should be addressed directly with school staff or faculty. Part of the complaint review process will include contacting the school, so please be sure to follow the school's student complaint process and exhaust your options with the school. If the problem cannot be resolved through the school, proceed to STEP 2.

STEP 2. File a formal complaint by completing the online complaint form.

STEP 3. Staff will review the complaint and contact you should they need additional information or clarification. Staff will forward a copy of the complaint to the school at which time the school will have three (3) weeks to respond. Upon receipt of the school's response, staff will determine if the school's student complaint process has been followed and exhausted and what additional steps or follow up may occur; both parties will receive notification.

NOTE: If you believe a school has acted in a discriminatory manner, you may wish to contact the Indiana Civil Rights Commission using the ICRC's complaint form.

9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):

No

9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:

Dinell Edge
Accreditation Specialist
317-234-8338
dedge1@dwd.in.gov [1]

9C. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint:

N/A

10. Enforcement

10A. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action:

They are contacted and advised to complete the Determination of Status questionnaire to determine required approval or exemption status. If an institution fails to comply, OCTS issues a "cease and desist" letter and retains the right to refer the matter to the appropriate county prosecutor.

10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:

IC 22-4.1-21-26

Hearing

Sec. 26. (a) A postsecondary proprietary educational institution, after notification that the institution's accreditation has been refused, revoked, or suspended, may apply for a hearing before the council concerning the institution's qualifications. The application for a hearing must be filed in writing with the council not more than thirty (30) days after receipt of notice of the denial, revocation, or suspension.

(b) The council shall give a hearing promptly and with not less than ten (10) days notice of the date, time, and place. The postsecondary proprietary educational institution is entitled to be represented by counsel and to offer oral and documentary evidence relevant to the issue.

(c) Not more than fifteen (15) days after a hearing, the council shall make written findings of fact, a written decision, and a written order based solely on the evidence submitted at the hearing, either granting or denying accreditation to the postsecondary proprietary educational institution.

As added by P.L.107-2012, SEC.61.

11. Legislative or Regulatory Changes

11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:

No

11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:

No

11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:

No

12. Other

12A. Is there anything else about the authorization process in your state that we and others ought to know about:

No

Source URL: http://sheeo.org/sheeo_surveys/user/19

Links

[1] <mailto:dedge1@dwd.in.gov>

[2] <http://www.in.gov/dwd/2731.htm>

[3] <http://www.in.gov/pla/nursing.htm>

[4] <http://www.in.gov/pla/social.htm>

[5] <http://www.in.gov/psych.htm>

[6] <http://www.in.gov/pla>

[7] <http://www.in.gov/legislative/ic/code/title22/ar4.1/ch21.html#IC22-4.1-21-10>

[8] <http://www.in.gov/dwd/files/ImportantDueDates.pdf>