

IC 21-18.5

ARTICLE 18.5. ADMINISTRATION OF HIGHER EDUCATION FINANCIAL AID AND POSTSECONDARY CREDIT BEARING PROPRIETARY EDUCATIONAL INSTITUTION ACCREDITATION

IC 21-18.5-1

Chapter 1. General Provisions

IC 21-18.5-1-1

Rights, duties, and obligations under contracts entered into before July 1, 2012

Sec. 1. (a) As used in this section, "contract" refers to a contract or guarantee entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(b) After June 30, 2012, a contract entered into by the state student assistance commission (before its abolishment on July 1, 2012) or by the state student assistance commission (as it existed before the enactment of P.L.128-1990) is a contract of the commission for higher education established by IC 21-18-2-1.

(c) The:

- (1) amendments made by P.L.128-1990; and
- (2) repeal of IC 21-11 and addition of this article by P.L.107-2012;

do not affect the rights, duties, or obligations of the commission for higher education established by IC 21-18-2-1 or a person who before July 1, 2012, had a contract with the state student assistance commission (before its abolishment on July 1, 2012) or with the state student assistance commission (as it existed before the enactment of P.L.128-1990).

(d) A person or the commission for higher education established by IC 21-18-2-1 may enforce a right or compel performance of a duty with respect to a contract as if:

- (1) P.L.128-1990; and
- (2) the repeal of IC 21-11 and conforming amendments made to IC 21-7 through IC 21-17 by P.L.107-2012;

had not been enacted.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.59.

IC 21-18.5-1-2

Transfer of responsibilities from state student assistance commission to commission for higher education

Sec. 2. (a) The state student assistance commission established by IC 21-11-2-1 (before its repeal) is abolished.

(b) The following are transferred on July 1, 2012, from the state student assistance commission to the commission for higher education established by IC 21-18-2-1:

(1) All real and personal property of the state student assistance commission.

(2) All powers, duties, assets, and liabilities of the state student assistance commission.

(3) All appropriations to the state student assistance commission.

(c) All rules or policies that were adopted by the state student assistance commission before July 1, 2012, shall be treated as though the rules were adopted by the commission for higher education established by IC 21-18-2-1 until the commission for higher education adopts new rules or policies.

(d) After June 30, 2012, a reference to the state student assistance commission in a statute or rule shall be treated as a reference to the commission for higher education established by IC 21-18-2-1.

As added by P.L.107-2012, SEC.58.

IC 21-18.5-1-3

Treatment of references relating to proprietary education

Sec. 3. Any reference to the Indiana commission for postsecondary proprietary education or the Indiana commission on proprietary education in any statute or rule shall be treated:

(1) after June 30, 2012, as a reference to the board for proprietary education established by IC 21-18.5-5-1 if the reference pertains to a postsecondary credit bearing proprietary educational institution; or

(2) if the reference pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9):

(A) after June 30, 2012, and before July 1, 2016, as a reference to the state workforce innovation council established by IC 22-4.1-22-3; or

(B) after June 30, 2016, as a reference to the department of workforce development established by IC 22-4.1-2-1.

As added by P.L.107-2012, SEC.58. Amended by P.L.69-2015, SEC.11; P.L.178-2016, SEC.1.

IC 21-18.5-1-4

Rights, duties, and obligations under contracts entered into before July 1, 2012, relating to proprietary educational institutions

Sec. 4. (a) Changes made by P.L.218-1987 do not affect:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) crimes committed; or

(4) proceedings begun;

before July 1, 1987. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior

law as if P.L.218-1987 had not been enacted.

(b) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary credit bearing proprietary educational institution. These rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the board for proprietary education established by IC 21-18.5-5-1.

(c) The abolishment of the Indiana commission on proprietary education on July 1, 2012, by P.L.107-2012 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) crimes committed; or
- (4) proceedings begun;

before July 1, 2012, that pertain to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9). After June 30, 2012, and before July 1, 2016, these rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the state workforce innovation council established under IC 22-4.1-22-3. After June 30, 2016, these rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced by the department of workforce development established by IC 22-4.1-2-1.

As added by P.L.107-2012, SEC.58. Amended by P.L.13-2013, SEC.60; P.L.69-2015, SEC.12; P.L.178-2016, SEC.2.

IC 21-18.5-1-5

Transfer of responsibilities relating to proprietary education

Sec. 5. (a) The Indiana commission on proprietary education is abolished on July 1, 2012.

(b) Unless otherwise specified in a memorandum of understanding described in subsection (e), the following are transferred on July 1, 2012, from the Indiana commission on proprietary education to the commission for higher education established by IC 21-18-2-1:

- (1) All real and personal property of the Indiana commission on proprietary education.
- (2) All assets and liabilities of the Indiana commission on proprietary education.
- (3) All appropriations to the Indiana commission on proprietary education.

(c) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary credit bearing proprietary educational institution are transferred to the board for proprietary education established by IC 21-18.5-5-1.

(d) All powers and duties of the Indiana commission on proprietary education before its abolishment pertaining to the accreditation of a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) are transferred to the state workforce innovation council established by IC 22-4.1-22-3. After June 30, 2016, all powers and duties transferred to the state workforce innovation council by this subsection are transferred to the department of workforce development established by IC 22-4.1-2-1.

(e) The commission for higher education established by IC 21-18-2-1 may enter into a memorandum of understanding with the state workforce innovation council established by IC 22-4.1-22-3 to implement the transition of the responsibilities and obligations of the Indiana commission on proprietary education before its abolishment to the commission for higher education and the state workforce innovation council. After June 30, 2016, the rights, powers, duties, and obligations of the state workforce innovation council under a memorandum of understanding entered into by the state workforce innovation council under this subsection are transferred to the department of workforce development established by IC 22-4.1-2-1.

(f) Rules that were adopted by the Indiana commission on proprietary education before July 1, 2012, shall be treated as though the rules were adopted by the state workforce innovation council established by IC 22-4.1-22-3 until the state workforce innovation council or the department of workforce development adopts rules under IC 4-22-2 to implement IC 22-4.1-21. Rules that were adopted by the state workforce innovation council after June 30, 2012, and before July 1, 2016, to implement IC 22-4.1-21 shall be treated as though the rules were adopted by the department of workforce development until the department of workforce development adopts rules under IC 4-22-2 to implement IC 22-4.1-22.

(g) An accreditation granted or a permit issued under IC 21-17-3 (repealed) by the Indiana commission on proprietary education before July 1, 2012, shall be treated after June 30, 2012, as an authorization granted by the:

- (1) board for proprietary education established by IC 21-18.5-5-1 if the accreditation pertains to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or
- (2) department of workforce development if the accreditation pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(h) An accreditation granted or a permit issued before May 15, 2013, under IC 21-17-3 (repealed):

- (1) by the board for proprietary education established by IC 21-18.5-5-1 shall be treated as an authorization granted by the board for proprietary education; and
- (2) by the state workforce innovation council shall be treated as

an authorization granted by the department of workforce development.

(i) Proceedings pending before the Indiana commission on proprietary education on July 1, 2012, shall be transferred from the Indiana commission on proprietary education to:

(1) the board for proprietary education established by IC 21-18.5-5-1 for a proceeding pertaining to a postsecondary credit bearing proprietary educational institution (as defined in IC 21-18.5-2-12); or

(2) the state workforce innovation council if the proceeding pertains to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9).

(j) Proceedings that pertain to a postsecondary proprietary educational institution (as defined in IC 22-4.1-21-9) pending before the state workforce innovation council on July 1, 2012, shall be transferred from the state workforce innovation council to the department of workforce development established by IC 22-4.1-2-1.

As added by P.L.107-2012, SEC.58. Amended by P.L.273-2013, SEC.3; P.L.69-2015, SEC.13; P.L.178-2016, SEC.3.