

**R152. Commerce, Consumer Protection.**

**R152-34a. Utah Postsecondary School State Authorization Act Rule.**

**R152-34a-101. Authority and Purpose.**

(1) These rules are promulgated under the authority of Section 13-2-5(1) and Section 13-34a-103.

(2) These rules are promulgated to:

(a) administer and enforce the Utah Postsecondary School State Authorization Act; and

(b) provide standards by which persons subject to the Utah Postsecondary School State Authorization Act shall operate.

**R152-34a-102. Definition.**

"Accredited" means public recognition by a national or regional accrediting agency, as defined in Section 13-34a-102(2).

**R152-34a-201. Application Process.**

(1) To obtain a certificate of postsecondary state authorization, an applicant shall:

(a) submit to the division a completed application form, as provided by the division;

(b) attach to the application:

(i)(A) a copy of the school's accreditation statement; and

(B) if the applicant does not meet the criteria stated in Section 13-34a-203, audited financial statements pursuant to this Subsection (2);

(ii) a list of all current course offerings;

(iii) a copy of the school's tuition schedule and total program cost(s); and

(iv) a copy of the school's refund policy;

(c) comply in all respects with Section 13-34a-203 or Section 13-34a-204 as applicable;

(d) sign and notarize a statement that the owner of the school or similar controlling individual:

(i) has read and understood Section 13-34a et seq and these rules; and

(ii) agrees to operate in full compliance with Section 13-34a et seq and these rules; and

(e) pay the nonrefundable application fee.

(2) A school that is required to submit audited financial statements pursuant to this Subsection (1)(b)(i)(B) shall submit:

(a) the audited financial statements that were completed or provided to an accrediting agency in conjunction with the school's most recent accreditation review; and

(b) audited financial statements for the most recent fiscal year.

(3)(a) A postsecondary school that submits an application for a certificate of authorization under this Subsection R152-34a-

201 is not required to apply concurrently with the division for registration as a postsecondary proprietary school under Section 13-34 et seq.

(b) For the purpose of Section 13-34-107(1)(b)(ii), a certificate of state authorization issued under this Subsection R152-34a-3 establishes an exemption to the registration requirement that otherwise applies to a person operating as a postsecondary proprietary school.

**R152-34a-206. Complaint Process.**

To file a complaint under Section 13-34a et seq against a postsecondary school that holds a certificate from the division, a person shall submit to the division:

- (1) a completed complaint form as provided by the division;  
or
- (2) a letter, signed by the complainant, and including:
  - (a) all documentary evidence related to the complaint; and
  - (b) contact information for the complainant.

**R152-34a-302. Grounds for Investigation and Enforcement - Requirements Upon Termination of Certificate of Authorization.**

(1) A postsecondary school that holds a certificate of authorization shall:

- (a) as to an entity granted a certificate under Section 13-34a-204, maintain financial capability pursuant to Section 13-34a-204(2)(a);
- (b) disclose to each student, in writing, the school's tuition schedule, total program cost, and refund policy before requiring a student to make any payment to the school;
- (c) if cited or investigated by the division, provide:
  - (i) copies of all advertised claims;
  - (ii) copies of any documents signed by or on behalf of the complainant and other interested person(s), as identified by the division;
  - (iii) all academic records of the complainant and other student(s), as identified by the division and permitted under any applicable confidentiality law or agreement; and
  - (iv) all other records requested by the division;
- (d)(i) maintain each student's transcript(s) for a period of at least 60 years from the date of the student's last attendance:
  - (A) in either paper or electronic form; and
  - (B) at a physical location within the continental United States; and
- (ii) provide a student's transcript(s):
  - (A) within 20 days of a request from the student or the division; and
  - (B)(I) without charge, if the request is from the division;

or

(II) with or without a reasonable charge, if the request is from a student;

(e) if terminating operations, within the 30-day period following the date of termination:

(i) surrender to the division the school's current state certificate of authorization; and

(ii) identify:

(A) the name and contact information of the individual who will maintain custody of student records pursuant to this Subsection (1)(d); and

(B) the physical location where student transcripts will be maintained in compliance with this Subsection (1)(d); and

(f) notify the division within 10 business days of:

(i) any change in information on record with division; and

(ii) any action taken against the school by an accrediting body or a regulatory agency, including a state or the federal government.

(2) A postsecondary school that holds a certificate of state authorization may not:

(a) promulgate to the public a fraudulent or misleading statement relating to a program or service offered; or

(b) withhold information or documents requested by the division in an investigation.

(3) Pursuant to Section Subsection 13-34a-103(2)(iv), the violation of a rule in this Subsection R152-34a-302 may be sanctioned by denial, suspension, or revocation of a certificate of the postsecondary school state authorization.

**KEY: postsecondary schools, certificate of state authorization, application requirements, consumer protection**

**Date of Enactment or Last Substantive Amendment: November 24, 2014**

**Notice of Continuation: April 1, 2019**

**Authorizing, and Implemented or Interpreted Law: 13-2-5(1); 13-34a-103**