



State of Utah

DEPARTMENT OF COMMERCE
DIVISION OF CONSUMER PROTECTION

REQUEST FOR EXEMPTION

Pursuant to the
POSTSECONDARY PROPRIETARY SCHOOL ACT

Application fee: None

Applicant's Name

(This should be the legal name of institution that is registering.)

DBA if applicable

Date of Application

OFFICE USE ONLY

Date Issued: _____

Exempt : _____

Denied: _____

Withdrawn/Dissolved: _____

If you have any questions, please contact the Division at (801) 530-6601, fax (801) 530-6001.

Please return the completed application form to:

**Department of Commerce
Division of Consumer Protection
160 East 300 South, 2nd Floor
Box 146704
Salt Lake City, Utah 84114-6704**

Note: Applicant must file additional documentation specific to the type of exemption requested

1) Applicant's Name: _____

2) Applicant's Address (Physical Location of School):

Name

Street Address

City State Zip Code

Telephone Number Fax Number

3) Mailing Address:

Name

Street Address

City State Zip Code

Telephone Number Fax Number

Website or web address homepage: _____

4) Contact Person: _____

Name

Telephone Number Email Address

5) Does Applicant have a parent organization? Yes No

If "yes", please indicate the following:

Name

Street Address

City State Zip Code

6) Exemption from registration under the Utah Postsecondary Proprietary School Act §13-34-105 is requested for the subsection indicated below. Please mark the box for the exemption that applies and provide the additional information noted, specific for the request:

A. Applicant is a Utah institution directly supported, to a substantial degree, with funds provided by the state, a local school district, or other Utah governmental subdivision.

Name of Entity Providing Funds

Street Address

City State Zip Code

Telephone Number

B. Applicant is an institution which offers instruction exclusively at or below the 12th grade level.

C. Applicant is a lawful enterprise which offers only professional review programs, such as C.P.A. and bar examination review and preparation courses.

D. Applicant is a Utah private, postsecondary educational institution that is owned, controlled, operated, or maintained by a bona fide church or religious denomination, which is exempted from property taxation under the laws of this state. In order for the church or religious denomination to be “bona fide” for the purpose of this exemption, the institution may not be the church or religious denomination’s primary purpose, function or asset.

Name of Church

Street Address

City State Zip Code

Telephone Number

E. Applicant is a school or institution which is accredited by a regional or national accrediting agency recognized by the United States Department of Education requesting exemption from registration. An institution, branch, extension, or facility operating within the state which is affiliated with an institution operating in another state must be separately approved by the affiliate's regional or national accrediting agency to qualify for this exemption. **Please attach a copy of the accrediting agency’s authorization with the next renewal date of that authorization and include the following information:**

Please note, to obtain a Certificate of Exemption to verify an applicant is in compliance with 34 CFR 600.9 for institutional eligibility under the Higher Education Act an applicant must submit an Accredited Institution Exemption Application form instead of this exemption request.

Accrediting Agency

Expiration date of current authorization: _____

F. Applicant is a business organization, trade or professional association, fraternal society, or labor union that sponsors or conducts courses of instruction or study predominantly for bona fide employees or members and does not, in advertising, describe itself as a school. A business organization, trade or professional association, fraternal society, or labor union is considered to be conducting the course predominantly for bona fide employees or members if it hires a majority of the persons who successfully complete its course of instruction or study with a reasonable degree of proficiency and apply for employment with that same entity.

_____ % Percent of time spent by Applicant in training or instruction in relation to time spent in other business activity.

_____ % Percentage of persons who are hired by the Applicant after successfully completing the course of instruction.

To be exempt under this section, 13-34-105(f);

(a) The training or instruction shall not be the primary activity of the organization, association, society, labor union, or franchise system; **Or**

(b) The organization, association, society, labor union, or franchise system shall meet the following requirements:

- i. The organization, association, society, labor union, or franchise system does not recruit students;
- ii. The organization, association, society, labor union, or franchise system provides courses of instruction only to students who are currently employed;
- iii. The cost of the course of instruction is paid for by the employer of the student, not the student; and
- iv. Enrollment in each individual course of instruction is limited to those who are bona fide employees of the employer.

- G. Applicant is an institution that:
 - i. Exclusively offers general education courses or instruction that is solely remedial, avocational, nonvocational, or recreational in nature; and does not advertise occupation objectives or grant educational credentials; **Or**
 - ii. Exclusively prepares individuals to teach general education courses or instruction that is solely remedial, avocational, nonvocational, or recreational in nature.
- H. Applicant is an institution which offers only workshops or seminars lasting no longer than three calendar days and for which academic credit is not awarded.
- I. Applicant is an institution which offers programs in barbering, cosmetology, real estate, or insurance that are regulated and approved by a state or federal governmental agency. **Please include a copy of the respective agency's authorization for your current period of approval.**

Type of License

Name of Agency

Street Address

City State Zip Code

Telephone Number

Expiration date of current authorization: _____

- J. Applicant is an education provider certified by the Division of Real Estate under Section 61-2c-103.
- K. Applicant is an institution that exclusively offers aviation training that a student fully receives within 24 hours after the student pays any tuition, fee, or other charge for the aviation training **and** the institution:
 - (a) Is approved under Part 141, Federal Aviation Regulations, 14 C.F.R. Chapter 141;
 - Or**
 - (b) Provides aviation training under Part 61, Federal Aviation Regulations, 14 C.F.R. Chapter 61.
- L. Applicant is an institution that provides emergency medical services training and all of the institution's instructors, course coordinators, and courses are approved by the Dept. of Health.
- M. Applicant is an institution that exclusively conducts nurse aide training programs that are approved by the State office of Vocational Education and are subject to the Nurse Aide registry.

I have reviewed the Utah Postsecondary Proprietary School Act (U.C.A. §13-34-101 et. seq.), and I understand that if I do not comply with the Act the exempt status may be revoked under U.C.A. §13-14-113. I also acknowledge that I am required to notify the Division within thirty (30) days of a material change in circumstances which may affect this exempt status. I also acknowledge that if this postsecondary proprietary school operates without obtaining an effective registration statement or exemption, it is subject to remedies and penalties under Utah law. In addition to the enforcement powers under Utah law, the Director of the Division of Consumer Protection may issue a cease and desist order and impose an administrative fine of up to \$100.00 per day that a proprietary school operates without an effective certificate of registration; if the violation is not an intentional violation, \$1,000.00 for each violation of this chapter that is not intentional or is not described in U.C.A. §13-34-111(3)(a)(ii)(A) or \$5,000 for each intentional violation. The undersigned has executed the foregoing document and, under penalties of perjury, certifies that the information provided herein is true and correct.

DATED: _____ APPLICANT: _____
ITS: _____