

**Effective 5/13/2014**

**13-34a-102 Definitions.**

As used in this chapter:

- (1) "Accredited institution" means a postsecondary school that is accredited by an accrediting agency.
- (2) "Accrediting agency" means a regional or national private educational association that:
  - (a) is recognized by the United States Department of Education;
  - (b) develops evaluation criteria; and
  - (c) conducts peer evaluations to assess whether a postsecondary school meets the criteria described in Subsection (2)(b).
- (3) "Agent" means a person who:
  - (a)
    - (i) owns an interest in a postsecondary school; or
    - (ii) is employed by a postsecondary school; and
  - (b)
    - (i) enrolls or attempts to enroll a Utah resident in a postsecondary school;
    - (ii) offers to award an educational credential for remuneration on behalf of a postsecondary school; or
    - (iii) holds oneself out to Utah residents as representing a postsecondary school for any purpose.
- (4) "Certificate of postsecondary state authorization" means a certificate issued by the division to a postsecondary school in accordance with the provisions of this chapter.
- (5) "Division" means the Division of Consumer Protection.
- (6) "Educational credential" means a degree, diploma, certificate, transcript, report, document, letter of designation, mark, or series of letters, numbers, or words that represent enrollment, attendance, or satisfactory completion of the requirements or prerequisites of an educational program.
- (7) "Intentional violation" means a violation of a provision of this chapter that occurs or continues after the division, the attorney general, a county attorney, or a district attorney gives the violator written notice, delivered by certified mail, that the violator is or has been in violation of the provision.
- (8) "Operate" means to:
  - (a) maintain a place of business in the state;
  - (b) conduct significant educational activities within the state; or
  - (c) provide postsecondary education to a Utah resident that:
    - (i) is intended to lead to a postsecondary degree or certificate; and
    - (ii) is provided from a location outside the state by correspondence or telecommunications or electronic media technology.
- (9) "Operating history" means a report, written evaluation, publication, or other documentation regarding:
  - (a) the current accreditation status of a postsecondary school with an accrediting agency; and
  - (b) an action taken by an accrediting agency that:
    - (i) places a postsecondary school on probation;
    - (ii) imposes disciplinary action against a postsecondary school; or
    - (iii) requires a postsecondary school to take corrective action.
- (10) "Ownership" means:
  - (a) the controlling interest in a postsecondary school; or

- (b) if an entity holds the controlling interest in the postsecondary school, the controlling interest in the entity that holds the controlling interest in the postsecondary school.
- (11) "Postsecondary education" means education or educational services offered primarily to individuals who:
  - (a) have completed or terminated their secondary or high school education; or
  - (b) are beyond the age of compulsory school attendance.
- (12)
  - (a) "Postsecondary school" means a person that provides or offers educational services to individuals who:
    - (i) have completed or terminated secondary or high school education; or
    - (ii) are beyond the age of compulsory school attendance.
  - (b) "Postsecondary school" does not include an institution that is part of the state system of higher education under Section 53B-1-102.
- (13) "Private postsecondary school" means a postsecondary school that is not a public postsecondary school.
- (14) "Public postsecondary school" means a postsecondary school:
  - (a) established by a state or other governmental entity; and
  - (b) substantially supported with government funds.

Enacted by Chapter 360, 2014 General Session