

1 **INSTITUTIONS OF HIGHER EDUCATION DISCLOSURE**

2 **PROVISIONS**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kim Coleman**

6 Senate Sponsor: Howard A. Stephenson

7

LONG TITLE

8 **General Description:**

9 This bill enacts disclosure requirements for institutions of higher education.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms;

13 ▶ with certain exceptions, requires an institution of higher education to disclose
14 information regarding program completion and job placement for each program;
15 and

16 ▶ directs the Board of Regents to adopt rules for the implementation of disclosure
17 requirements.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 ENACTS:

24 **53B-1-111**, Utah Code Annotated 1953

25

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **53B-1-111** is enacted to read:

29 **53B-1-111. Disclosure requirements for institution programs.**

30 (1) As used in this section:

31 (a) "Award year" means the period of time from July 1 of one year through June 30 of
32 the following year.

33 (b) "Cohort" means all students who began enrollment in a program in the same award
34 year.

35 (c) "Disclosure template" means a template created by the board and used by an
36 institution in accordance with this section.

37 (d) "Full-time student" means an enrolled student who is carrying a full-time academic
38 workload:

39 (i) as determined in a minimum standard adopted by an institution; and

40 (ii) that is applicable to all students enrolled in a particular program at the institution.

41 (e) (i) "Institution" means:

42 (A) the University of Utah;

43 (B) Utah State University;

44 (C) Weber State University;

45 (D) Southern Utah University;

46 (E) Snow College;

47 (F) Dixie State University;

48 (G) Utah Valley University;

49 (H) Salt Lake Community College;

50 (I) the Utah College of Applied Technology; and

51 (J) any other university or college established and maintained by the state.

52 (ii) "Institution" includes a branch or affiliated institution and a campus or facility
53 owned, operated, or controlled by the governing board of the university or college.

54 (f) "Institutional promotional material" means material created by an institution that
55 identifies or promotes a program and is distributed to a prospective student, including:

56 (i) a catalog;

57 (ii) an invitation;

58 (iii) a flyer;

- 59 (iv) a billboard; or
- 60 (v) advertising on or through radio, television, print media, the Internet, or social
- 61 media.
- 62 (g) "Part-time student" means an enrolled student who is carrying a part-time academic
- 63 workload:
- 64 (i) as determined in a minimum standard adopted by an institution; and
- 65 (ii) that is applicable to all students enrolled in a particular program at the institution.
- 66 (h) "Private loan" means a loan to a current or previous student of an institution for
- 67 educational expenses that is not a Title IV loan.
- 68 (i) (i) "Program" means a program of organized instruction or study at an institution
- 69 that leads to:
- 70 (A) an academic degree;
- 71 (B) a professional degree;
- 72 (C) a vocational degree;
- 73 (D) a certificate; or
- 74 (E) another recognized educational credential.
- 75 (ii) "Program" includes instruction or study that, in lieu of time as a measurement for
- 76 student learning, utilizes direct assessment of student learning, or recognizes the direct
- 77 assessment of student learning by others, if the assessment is consistent with the accreditation
- 78 of the institution or program utilizing the results of the assessment.
- 79 (j) "Prospective student" means an individual who has contacted an institution for the
- 80 purpose of requesting information about enrolling in a program or who has been contacted
- 81 directly by the institution or by a third party on behalf of the institution about enrolling in a
- 82 program.
- 83 (k) "Standard Occupational Classification code" or "SOC code" means a code created
- 84 by the United States Bureau of Labor and Statistics to classify workers into occupational
- 85 categories for the purpose of collecting, calculating, or disseminating data.
- 86 (l) "Student loan" means a Title IV loan or a private loan.
- 87 (m) "Title IV loan" means a loan authorized under:
- 88 (i) the Federal Perkins Loan Program;
- 89 (ii) the Federal Family Education Loan Program; or

90 (iii) the William D. Ford Direct Loan Program.

91 (2) An institution shall, in accordance with this section, disclose in a disclosure
92 template information regarding program completion and job placement for each program
93 offered by the institution.

94 (3) (a) The board shall, subject to Subsection (3)(b), develop and provide to each
95 institution a disclosure template.

96 (b) The board shall:

97 (i) conduct consumer testing when developing the disclosure template; and

98 (ii) ensure that the disclosure template is meaningful to prospective and current
99 students.

100 (4) For each program offered by an institution, the institution shall provide the
101 following information in the disclosure template:

102 (a) (i) primary occupations by name and SOC code that a program prepares a student to
103 enter; and

104 (ii) a web site link to occupational profiles on www.onetonline.org or its successor site
105 to primary occupations for which a program prepares a student;

106 (b) based on a formula adopted by the board, the program's:

107 (i) completion rates for full-time and part-time students; and

108 (ii) withdrawal rates;

109 (c) for a full-time and part-time student, the length of the program in weeks, months,
110 and years;

111 (d) the number of clock or credit hours or equivalent, as applicable, expected for
112 completion of the program;

113 (e) the total number of individuals enrolled in the program in the award year previous
114 to the current award year;

115 (f) the loan repayment rate, based on a formula adopted by the board, for the following
116 groups of students who entered repayment on a Title IV loan during a period identified by the
117 board:

118 (i) all students who enrolled in the program;

119 (ii) all students who completed the program; and

120 (iii) all students who withdrew from the program;

- 121 (g) the total estimated cost of the following a student would incur while completing the
122 program:
- 123 (i) tuition and fees; and
124 (ii) books, supplies, and equipment;
- 125 (h) if an institution is required by the institution's accrediting agency to calculate a job
126 placement rate for the program or the institution, and using the required methodology of an
127 institution's accrediting agency, the placement rate for the program;
- 128 (i) of the individuals enrolled in the program during the most recently completed award
129 year, the percentage who received a Title IV loan or a private loan for enrollment in the
130 program;
- 131 (j) based on a formula adopted by the board, the median student loan debt of the
132 following groups:
- 133 (i) all students who completed the program during the most recently completed award
134 year;
- 135 (ii) all students who withdrew from the program during the most recently completed
136 award year; and
- 137 (iii) all students described in Subsections (4)(j)(i) and (ii);
- 138 (k) based on a formula adopted by the board, the mean and median wage earnings of
139 the following groups:
- 140 (i) all students who completed the program;
141 (ii) all students who withdrew from the program; and
142 (iii) all students described in Subsections (4)(k)(i) and (ii);
- 143 (l) the most recent program student loan default rate based on a formula adopted by the
144 board;
- 145 (m) the most recent program student annual wage earnings rate based on a formula
146 adopted by the board;
- 147 (n) information on whether the program satisfies:
- 148 (i) the applicable educational prerequisites for professional licensure or certification in
149 each state within the institution's Metropolitan Statistical Area as published by the United
150 States Office of Management and Budget; and
- 151 (ii) subject to Subsection (5), the applicable educational prerequisites for professional

152 licensure or certification in any other state for which the institution has made a determination
153 regarding professional licensure or certification requirements;

154 (o) whether the program is programmatically accredited and the name of the
155 accrediting agency; and

156 (p) a link to the United States Department of Education's College Navigator Website,
157 its successor site, or other similar federal resource.

158 (5) If an institution has not made a determination as described in Subsection (4)(n)(ii),
159 the institution shall include in the disclosure template a statement that the institution has not
160 made a determination with respect to the professional licensure or certification requirements of
161 any other state.

162 (6) An institution shall update at least annually the institution's information in the
163 disclosure template with the most recent data for each program of the institution.

164 (7) (a) On each institutional webpage that includes academic, cost, financial aid, or
165 admissions information for a program, an institution shall display:

166 (i) the disclosure template with the institution's information as required under this
167 section; or

168 (ii) a prominent, readily accessible, clear, conspicuous, and direct link to the disclosure
169 template for that program.

170 (b) The board may require an institution to modify an institutional webpage if the
171 institution provides a link to the disclosure template that does not meet the requirements of
172 Subsection (7)(a)(ii).

173 (8) (a) An institution shall include the following on each institutional promotional
174 material for a program:

175 (i) the disclosure template in a prominent manner; or

176 (ii) if space or air time would preclude including the disclosure template, the web
177 address of, or the direct link to, the disclosure template:

178 (A) in a manner that is prominent, readily accessible, clear, conspicuous, and direct;
179 and

180 (B) with conspicuous text that reads as follows: "Important information about the
181 educational debt, earnings, and completion rates of students who attended this program."

182 (b) An institution shall ensure that an institutional promotional material is accurate and

183 current at the time the institutional promotional material is published, broadcasted, or
184 otherwise disseminated.

185 (9) Subject to Subsection (10), an institution shall provide a prospective student or a
186 third party acting on behalf of the prospective student, or, if applicable, a parent or guardian of
187 a prospective student who is a minor, a copy of the disclosure template on a stand alone
188 document before a prospective student or third party acting on behalf of the prospective
189 student:

190 (a) signs an enrollment agreement;

191 (b) completes registration; or

192 (c) makes a financial commitment to the institution.

193 (10) (a) Subject to Subsection (10)(b), an institution shall provide a copy of the
194 disclosure template as described in Subsection (9):

195 (i) (A) by hand delivering the disclosure template to the prospective student or third
196 party individual; or

197 (B) as part of a group presentation; or

198 (ii) subject to Subsection (10)(c), by sending the disclosure template to the primary
199 email address used by the institution for communicating about the program with the
200 prospective student or third party acting on behalf of the prospective student.

201 (b) If an institution provides information by hand delivery under Subsection (10)(a)(i),
202 the institution shall obtain written confirmation of receipt from the prospective student or third
203 party acting on behalf of the prospective student.

204 (c) If an institution provides information by email under Subsection (10)(a)(ii), the
205 institution shall:

206 (i) ensure that the disclosure template is the only substantive content in the email;

207 (ii) receive electronic or other written acknowledgment of receipt from the prospective
208 student or third party;

209 (iii) send the disclosure template using a different address or method of delivery if the
210 institution receives a response that the email could not be delivered; and

211 (iv) maintain records of the institution's efforts to provide the disclosure template in
212 accordance with this Subsection (10).

213 (11) If the institution offers a program that varies in length, the institution shall:

214 (a) publish a separate disclosure template for each length of the program; and
215 (b) ensure that each disclosure template clearly identifies the applicable length of the
216 program.

217 (12) (a) If the institution offers a program in more than one location or format, the
218 institution may publish a separate disclosure template for each location or format if doing so
219 would result in clearer disclosure under Subsection (4).

220 (b) If an institution publishes a separate disclosure template as described in Subsection
221 (12)(a), the institution shall ensure that each disclosure template clearly identifies the
222 applicable location or format of the program.

223 (13) Notwithstanding the provisions of this section, the institution may not include on
224 the disclosure template:

225 (a) if information for a disclosure template is based on fewer than 10 students, a
226 disclosure described in:

227 (i) Subsection (4)(b)(i) or (ii);

228 (ii) Subsection (4)(c); or

229 (iii) Subsections (4)(h) through (m); or

230 (b) any other information in violation of the Family Educational Rights and Privacy
231 Act, 20 U.S.C. Sec. 1232g.

232 (14) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
233 Rulemaking Act, adopt rules for the implementation and administration of this section.

234 (15) Notwithstanding the provision of this section, an institution may not, for purposes
235 of compliance with this section, include in a disclosure template information pertaining to a
236 student who is not beyond the age of compulsory school attendance.

237 **Section 2. Effective date.**

238 This bill takes effect on January 1, 2017.