

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Private Postsecondary Education Modifications
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Stephen L. Whyte
Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions related to a postsecondary school's required disclosures.

Highlighted Provisions:

This bill:

- defines terms;
- exempts a reasonable deposit from the amount a postsecondary school must refund a student under certain circumstances; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

13-34-109, as repealed and reenacted by Laws of Utah 2023, Chapter 458

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

Section 1. Section **13-34-109** is amended to read:

13-34-109 . Required disclosures.

- (1) As used in this section, "cooling off period" means a three-business day period during which a student may rescind an enrollment agreement and receive a refund of all money paid, except:
- (a) a reasonable application fee; and
 - (b) a deposit that does not exceed 10% of the total cost of tuition for the first term.
- [(+)] (2) Before a postsecondary school may enroll or accept payment from a student, the

- 29 postsecondary school shall clearly and conspicuously disclose in writing to the student:
- 30 (a) the postsecondary school's name, address, and location;
- 31 (b) the requirements or qualifications a student is required to satisfy to enroll in the
- 32 postsecondary school;
- 33 (c) a complete description of the services for which the student will pay, including:
- 34 (i) facilities, faculty, resources, or equipment that the student may use in connection
- 35 with the services, or to access the services;
- 36 (ii) the duration of services provided; and
- 37 (iii) completion or graduation requirements;
- 38 (d) information regarding how the postsecondary school's services relate to state
- 39 licensing requirements if the services are intended to prepare a student for licensure;
- 40 (e) tuition, fees, and any other charge or expense to be paid by the student;
- 41 (f) a financial assistance policy, if any;
- 42 (g) the complete terms of any financing agreement, including an income sharing or other
- 43 agreement, offered to the student;
- 44 (h) the postsecondary school's cancellation and tuition refund policy ~~[that]~~ which shall
- 45 include, at a minimum:
- 46 (i) a ~~[three-business-day]~~ cooling off period ~~[- during which a person may rescind the~~
- 47 ~~enrollment agreement and receive a refund of all money paid, less a reasonable~~
- 48 ~~application fee,]~~ that may not end before midnight on the third business day after
- 49 the latest of:
- 50 (A) the day on which the ~~[person]~~ student signs the enrollment agreement;
- 51 (B) the day on which the ~~[person]~~ student pays the postsecondary school for
- 52 services, other than an application fee;
- 53 (C) the day on which the ~~[person]~~ student first attends the postsecondary school; or
- 54 (D) the day on which the ~~[person]~~ student first gains access to the postsecondary
- 55 school's services; and
- 56 (ii) a written description of the postsecondary school's refund policy following the
- 57 cooling off period described in Subsection ~~[(8)(a);]~~ (2)(h)(i);
- 58 (i)(i) whether the postsecondary school is accredited by an accrediting agency; and
- 59 (ii) whether the program in which a student intends to enroll is accredited by an
- 60 accrediting agency, if applicable;
- 61 (j) the existence and amount of the postsecondary school's surety bond, certificate of
- 62 deposit, or irrevocable letter of credit;

63 (k) information regarding how to file a complaint against the postsecondary school with
64 the division, the postsecondary school's accrediting agency, and the postsecondary
65 school's approval or licensing entity; and

66 (l) student outcomes specified in rules made by the division under Section 13-34-103.

67 [~~(2)~~] (3) A postsecondary school may comply with Subsection [~~(1)(k)~~] (2)(k) by placing a
68 conspicuous link on the postsecondary school's website that connects to:

69 (a) the contact information for each entity described in Subsection [~~(1)(k)~~] (2)(k) with
70 which a person may file a complaint; or

71 (b) a third party's website that states the contact information for each entity described in
72 Subsection [~~(1)(k)~~] (2)(k) with which a person may file a complaint.

73 Section 2. **Effective Date.**

74 This bill takes effect on May 7, 2025.