

1 **Private Postsecondary Education Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen L. Whyte**

Senate Sponsor: Michael K. McKell

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3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

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

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **13-34-109**, as repealed and reenacted by Laws of Utah 2023, Chapter 458

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

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

22 **13-34-109 . Required disclosures.**

23 (1) As used in this section, "cooling off period" means a three-business day period during  
 24 which a student may rescind an enrollment agreement and receive a refund of all money  
 25 paid, except:

26 (a) a reasonable application fee; and

27 (b) a deposit that does not exceed 10% of the total cost of tuition for the first term.

28 [(+)] (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.