

**Effective 1/1/2024**

**13-34-101 Definitions.**

As used in this chapter:

- (1) "Accredited postsecondary school" means a postsecondary school that is accredited by an accrediting agency.
- (2) "Accrediting agency" means a private educational association that:
  - (a) is recognized by the United States Department of Education;
  - (b) develops education criteria; and
  - (c) conducts evaluations to assess whether a postsecondary school meets the criteria described in Subsection (2)(b).
- (3) "Agent" means a person who:
  - (a) owns an interest in a postsecondary school;
  - (b) is employed by a postsecondary school;
  - (c) enrolls or attempts to enroll a Utah resident in a postsecondary school;
  - (d) offers to award an educational credential on behalf of a postsecondary school; or
  - (e) holds oneself out to a Utah resident as representing a postsecondary school for any purpose.
- (4) "Apprentice" means the same as that term is defined in Section 35A-6-102.
- (5) "Apprenticeship" means the same as that term is defined in Section 35A-6-102.
- (6) "Distance postsecondary education" means the same as that term is defined in 20 U.S.C. Sec. 1003(7).
- (7) "Division" means the Division of Consumer Protection.
- (8) "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.
- (9) "Longstanding nonprofit accredited postsecondary school" means an accredited postsecondary school that:
  - (a) is a nonprofit organization; and
  - (b) has operated continuously as a nonprofit for at least 20 years.
- (10) "Nonprofit organization" means a nonprofit corporation or foreign nonprofit corporation as those terms are defined in Section 16-6a-102.
- (11) "Operate" means to:
  - (a) maintain a physical presence in the state; or
  - (b) provide postsecondary education to an individual who resides in the state.
- (12) "Physical presence" means:
  - (a) to maintain in the state a physical location where a student receives postsecondary education; or
  - (b) to provide to a student distance postsecondary education from a location in this state.
- (13)
  - (a) "Postsecondary education" means education or educational services offered primarily to an individual who:
    - (i) has completed or terminated their secondary or high school education; or
    - (ii) is beyond the age of compulsory school attendance.
  - (b) "Postsecondary education" does not include instruction at or below the 12th grade level.
- (14) "Postsecondary school" means a person that offers postsecondary education:
  - (a) in exchange for payment of tuition, fees, or other consideration; and
  - (b) for the purpose of attaining educational, professional, or vocational objectives.
- (15) "Principal" means a postsecondary school's owner, officer, director, trustee, or administrator.

- (16) "Public postsecondary school" means a postsecondary school that is:
- (a)
    - (i) an institution listed in Section 53B-1-102; or
    - (ii) established by another state or other governmental entity; and
  - (b) substantially supported with government funds.
- (17) "Reciprocity agreement" means an agreement the division enters into with another state in accordance with Section 13-34-303.
- (18)
- (a) "Registration certificate" means approval from the division to operate a postsecondary school in accordance with this chapter, and with rules adopted in accordance with this chapter.
  - (b) "Registration certificate" does not mean an approval or endorsement of the postsecondary school by the division or the state.
- (19) "Registration statement" means an application and accompanying documentation required under this chapter for:
- (a) a registration certificate; or
  - (b) a state authorization certificate.
- (20)
- (a) "State authorization certificate" means a certificate that the division issues to an accredited postsecondary school in accordance with Section 13-34-302.
  - (b) "State authorization certificate" does not mean an approval or endorsement of the accredited postsecondary school by the division or the state.
- (21) "Student" means:
- (a) a person who pays or is obligated to pay a postsecondary school for postsecondary education; or
  - (b) a legal guardian of a person described in Subsection (21)(a).

Repealed and Re-enacted by Chapter 458, 2023 General Session