

Effective 1/1/2024

13-34-111 Exemptions.

- (1) As used in this section, "State Authorization Reciprocity Agreement" or "SARA" means an agreement among member states, districts, and territories establishing comparable national standards for offering interstate postsecondary distance education courses and programs.
- (2)
 - (a) Except as provided in Subsection (2)(b), this chapter does not apply to a public postsecondary school.
 - (b) Notwithstanding Subsection (2)(a), the division may issue a state authorization certificate to a public postsecondary school in accordance with Section 13-34-302.
- (3) A postsecondary school is exempt from Sections 13-34-201 through 13-34-205 if the postsecondary school:
 - (a)
 - (i) is an active participant institution in SARA that provides distance education to a person in Utah in accordance with SARA; and
 - (ii) does not maintain a physical presence in the state;
 - (b) is owned, controlled, operated, or maintained by a bona fide church or religious organization that is exempt from property taxation by this state;
 - (c) is a business organization, trade or professional association, fraternal society, or labor organization that:
 - (i) sponsors or conducts postsecondary education primarily for its employees, independent contractors, or members; and
 - (ii) does not advertise as a school; or
 - (d) exclusively offers one or more of the following:
 - (i) postsecondary education:
 - (A)
 - (I) that is avocational, nonvocational, or recreational;
 - (II) for which the postsecondary school does not represent vocational objectives; and
 - (III) for which the postsecondary school does not grant a degree, diploma, or other educational credential commensurate with a degree or diploma;
 - (B)
 - (I) that is a prerequisite to obtain or maintain a license or certification issued by a government agency; and
 - (II) through a postsecondary school that is regulated and licensed, registered, or otherwise approved by a Utah or federal government agency to provide the education; or
 - (C)
 - (I) for which the postsecondary school charges a student less than an amount established by division rule in any 12-month period; and
 - (II) for which the postsecondary school does not grant a degree, diploma, or other educational credential commensurate with a degree or diploma;
 - (ii) preparation for an individual to teach courses or instruction described in Subsection (3)(d)(i)
 - (A);
 - (iii) courses in English as a second language or other language courses;
 - (iv) instruction to advance personal development or a general professional skill:
 - (A) that is not independently sufficient to prepare a person for specific employment; and
 - (B) for which the postsecondary school does not grant a degree, diploma, or other educational credential commensurate with a degree or diploma;

- (v) instruction designed to prepare an individual to run for political office, for which the postsecondary school does not grant a degree, diploma, or other educational credential commensurate with a degree or diploma;
 - (vi) professional review programs, including certified public accountant or bar examination review and preparation courses; or
 - (vii) instruction to an apprentice:
 - (A) as part of an apprenticeship; and
 - (B) provided by a person who voluntarily conforms to Title 35A, Chapter 6, Apprenticeship Act, in accordance with Section 35A-6-104.
- (4) A postsecondary school that is exempt under this section shall file a registration statement with the division within 30 days of the date on which the postsecondary school no longer qualifies for exemption.
- (5)
- (a) A postsecondary school that is exempt in accordance with this section may voluntarily submit a registration statement.
 - (b) A postsecondary school that voluntarily submits a registration statement as described in Subsection (5)(a), and obtains a registration certificate, is not exempt from Sections 13-34-201 through 13-34-205.
- (6) A postsecondary school bears the burden of proving it is exempt under this section.

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