

**Effective 1/1/2024**

**13-34-201 Registration statement -- Registration certificate.**

- (1) Unless exempt under Section 13-34-111, a person shall file a registration statement and obtain a registration certificate before operating a postsecondary school in this state.
- (2) Before the division issues a registration certificate for a postsecondary school, the postsecondary school shall file with the division a registration statement that complies with:
  - (a) the requirements of this chapter; and
  - (b) rules made by the division in accordance with this chapter and Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) A registration statement shall:
  - (a) be submitted on a form approved by the division;
  - (b) designate the certificate that the postsecondary school seeks;
  - (c) state whether the postsecondary school is:
    - (i) not accredited by an accrediting agency;
    - (ii) an accredited postsecondary school; or
    - (iii) a longstanding nonprofit accredited postsecondary school;
  - (d) designate a person who is authorized to respond to an inquiry from the division; and
  - (e) include all information required by rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) A registration statement shall be:
  - (a) signed by the postsecondary school's owner or responsible officer; and
  - (b) verified by an unsworn declaration in accordance with Title 78B, Chapter 18a, Uniform Unsworn Declarations Act.
- (5) A postsecondary school that submits a registration statement shall pay a non-refundable fee the division establishes in accordance with Sections 13-34-102 and 63J-1-504.
- (6)
  - (a) The division may require a postsecondary school's principal to:
    - (i) submit a fingerprint card in a form acceptable to the division; and
    - (ii) consent to a criminal background check by:
      - (A) the Federal Bureau of Investigation;
      - (B) the Utah Bureau of Criminal Identification; or
      - (C) another agency of any state that performs criminal background checks.
  - (b) The postsecondary school or the postsecondary school's principal who is the subject of the background check shall pay the cost of:
    - (i) the fingerprint card described in Subsection (6)(a)(i); and
    - (ii) the criminal background check described in Subsection (6)(a)(ii).
- (7)
  - (a) A person shall submit a separate registration statement for each postsecondary school the person operates.
  - (b) Notwithstanding Subsection (7)(a), a longstanding nonprofit accredited postsecondary school that has obtained and holds an active registration certificate is not required to submit a separate registration statement for a postsecondary school that:
    - (i) is wholly owned and operated by the longstanding nonprofit accredited postsecondary school;
    - (ii) is disclosed on the longstanding nonprofit accredited postsecondary school's registration statement; and
    - (iii) operates as a nonprofit organization.
- (8) A registration certificate expires:

- (a) one year after it is issued to a postsecondary school that is not an accredited postsecondary school; or
  - (b) two years after it is issued to an accredited postsecondary school.
- (9) A registration statement, and any certificate issued in accordance with this chapter, are not transferable.
- (10) Notwithstanding Subsection (8), the division may extend the period for which a registration certificate is effective so that expiration dates are staggered throughout the year.

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