

## HB0353S01 compared with HB0353

~~{deleted text}~~ shows text that was in HB0353 but was deleted in HB0353S01.

inserted text shows text that was not in HB0353 but was inserted into HB0353S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Kim Coleman proposes the following substitute bill:

### INSTITUTIONS OF HIGHER EDUCATION DISCLOSURE

#### PROVISIONS

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim Coleman**

Senate Sponsor: Howard A. Stephenson

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#### LONG TITLE

##### General Description:

This bill enacts disclosure requirements for institutions of higher education.

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ ~~{with certain exceptions, }~~ requires an institution of higher education to disclose information regarding program completion ~~{and}~~, job placement, and costs for each program; and
- ▶ directs the Board of Regents to ~~{adopt rules for the implementation of disclosure requirements}~~ collect and maintain information.

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### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

### Utah Code Sections Affected:

ENACTS:

**53B-1-111**, Utah Code Annotated 1953

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

Section 1. Section **53B-1-111** is enacted to read:

#### **53B-1-111. Disclosure requirements for institution programs.**

(1) As used in this section:

~~(a) "Award year" means the period of time from July 1 of one year through June 30 of the following year.~~

~~(b) "Cohort" means all students who began enrollment in a program in the same award year.~~

~~(c) "Disclosure template" means a template created by the board and used by an institution in accordance with this section.~~

~~(d) "Full-time student" means an enrolled student who is carrying a full-time academic workload:~~

~~(i) as determined in a minimum standard adopted by an institution; and~~

~~(ii) that is applicable to all students enrolled in a particular program at the institution.~~

~~(e) "Department" means the Department of Workforce Services.~~

(b) (i) "Institution" means:

(A) the University of Utah;

(B) Utah State University;

(C) Weber State University;

(D) Southern Utah University;

(E) Snow College;

(F) Dixie State University;

(G) Utah Valley University;

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(H) Salt Lake Community College;

(I) the Utah College of Applied Technology; and

(J) any other university or college established and maintained by the state.

(ii) "Institution" includes a branch or affiliated institution and a campus or facility owned, operated, or controlled by the governing board of the university or college.

~~(f) "Institutional promotional material" means material created by an institution that identifies or promotes a program and is distributed to a prospective student, including:~~

~~(i) a catalog;~~

~~(ii) an invitation;~~

~~(iii) a flyer;~~

~~(iv) a billboard; or~~

~~(v) advertising on or through radio, television, print media, the Internet, or social media.~~

~~(g) "Part-time student" means an enrolled student who is carrying a part-time academic workload:~~

~~(i) as determined in a minimum standard adopted by an institution; and~~

~~(ii) that is applicable to all students enrolled in a particular program at the institution.~~

~~(h) "Private loan" means a loan to a current or previous student of an institution for educational expenses that is not a Title IV loan.~~

~~(i)c) "Job placement data" means information collected by the board, and based on information from the department, that reflects the job placement rate and industry employed information for a student who graduates from a program.~~

(d) (i) "Program" means a program of organized instruction or study at an institution that leads to:

(A) an academic degree;

(B) a professional degree;

(C) a vocational degree;

(D) a certificate of one year or greater or the direct assessment equivalent; or

(E) another recognized educational credential.

(ii) "Program" includes instruction or study that, in lieu of time as a measurement for student learning, utilizes direct assessment of student learning, or recognizes the direct

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assessment of student learning by others, if the assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment.

~~(fj)e~~ "~~{Prospective student} means an individual who has contacted~~; Student loan information" means the percentage of students at an institution {for the purpose of requesting information about enrolling in a program or who has been contacted directly by the institution or by a third party on behalf of the institution about enrolling in a program:

~~—— (k) "Standard Occupational Classification code" or "SOC code" means a code created by the United States Bureau of Labor and Statistics to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data.~~

~~—— (l) "Student loan" means a Title IV loan or a private loan.~~

~~—— (m) "Title IV loan" means a~~ who:

(i) received a Title IV loan authorized under:

~~(fj)A~~ the Federal Perkins Loan Program;

~~(fj)B~~ the Federal Family Education Loan Program; or

~~(fj)C~~ the William D. Ford Direct Loan Program ~~}; and~~

~~(2) An institution shall, in accordance with this section, disclose in a disclosure template information regarding program completion and job placement for each program offered by the institution.~~

~~—— (3) (a) The board shall, subject to Subsection (3)(b), develop and provide to each institution a disclosure template.~~

~~—— (b) The board shall:~~

~~—— (i) conduct consumer testing when developing the disclosure template; and~~

~~—— (ii) ensure that the disclosure template is meaningful to prospective and current students.~~

~~—— (4) For each program offered by an institution, the institution shall provide the following information in the disclosure template:~~

~~—— (a) (i) primary occupations by name and SOC code that a program prepares a student to enter; and~~

~~—— (ii) a web site link to occupational profiles on www.onetonline.org or its successor site to primary occupations for which a program prepares a student;~~

~~—— (b) based on a formula adopted by the board, the program's:~~

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- ~~\_\_\_\_\_ (i) completion rates for full-time and part-time students; and~~
- ~~\_\_\_\_\_ (ii) withdrawal rates;~~
- ~~\_\_\_\_\_ (c) for a full-time and part-time student, the length of the program in weeks, months, and years;~~
- ~~\_\_\_\_\_ (d) the number of clock or credit hours or equivalent, as applicable, expected for completion of the program;~~
- ~~\_\_\_\_\_ (e) the total number of individuals enrolled in the program in the award year previous to the current award year;~~
- ~~\_\_\_\_\_ (f) the loan repayment rate, based on a formula adopted by the board, for the following groups of students who entered repayment on a Title IV loan during a period identified by the board:~~
  - ~~\_\_\_\_\_ (i) all students who enrolled in the program;~~
  - ~~\_\_\_\_\_ (ii) all students who completed the program; and~~
  - ~~\_\_\_\_\_ (iii) all students who withdrew from the program;~~
- ~~\_\_\_\_\_ (g) the total estimated cost of the following: ii) fail to pay a loan described in Subsection (1)(e)(i)(A), (B), or (C).~~
  - ~~(f) "Total costs" means the estimated costs a student would incur while completing {the} a program, including:~~
    - ~~(i) tuition and fees; and~~
    - ~~(ii) books, supplies, and equipment;~~
    - ~~(h) if an institution is required;~~
  - ~~(g) "Wage data" means information collected by the board, and based on information from the department, that reflects a student's wage the first year and fifth year after a student has successfully completed a program.~~
- ~~(2) (a) Except as provided in Subsection (5), for each program listed in an institution's course catalog or each program otherwise offered by the {institution's accrediting agency to calculate a job placement rate for the program or} institution, the institution{, and using the required methodology of an institution's accrediting agency, the placement rate for the program;~~
  - ~~\_\_\_\_\_ (i) of the individuals enrolled in the program during the most recently completed award year, the percentage who received a Title IV loan or a private loan for enrollment in the~~

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program;

~~—— (j) based on a formula adopted by the board, the median student loan debt of the following groups:~~

~~—— (i) all students who completed the program during the most recently completed award year;~~

~~—— (ii) all students who withdrew from the program during the most recently completed award year; and~~

~~—— (iii) all students described in Subsections (4)(j)(i) and (ii);~~

~~—— (k) based on a formula adopted by the board, the mean and median wage earnings of the following groups:~~

~~—— (i) all students who completed the program;~~

~~—— (ii) all students who withdrew from the program; and~~

~~—— (iii) all students described in Subsections (4)(k)(i) and (ii);~~

~~—— (l) the most recent program student loan default rate based on a formula adopted by the board;~~

~~—— (m) the most recent program student annual wage earnings rate based on a formula adopted by the board;~~

~~—— (n) information on whether the program satisfies:~~

~~—— (i) the applicable educational prerequisites for professional licensure or certification in each state within} shall provide a conspicuous and direct link on the institution's {Metropolitan Statistical Area as published by the United States Office of Management and Budget; and~~

~~—— (ii) }website, subject to Subsection (5), the applicable educational prerequisites for professional licensure or certification in any other state for which the institution has made a determination regarding professional licensure or certification requirements;~~

~~—— (o) whether the program is programmatically accredited and the name of the accrediting agency; and~~

~~—— (p) a link to the United States Department of Education's College Navigator Website; its successor site, or other similar federal resource.~~

~~—— (5) If an institution has not made a determination as described in Subsection (4)(n)(ii), the}2)(b), to the following information maintained by the board in accordance with Subsection~~

(3):

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(i) job placement data;

(ii) student loan information;

(iii) total costs; and

(iv) wage data.

(b) An institution shall include ~~in the disclosure template a statement that the institution has not made a determination with respect to the professional licensure or certification requirements of any other state.~~

~~\_\_\_\_\_ (6) An institution shall update at least annually the institution's information in the disclosure template with the most recent data for each program of the institution.~~

~~\_\_\_\_\_ (7) (a) On the information described in Subsection (2)(a) on each institutional ~~{webpage}~~ website that includes academic, cost, financial aid, or admissions information for a program ~~{, an institution shall display:~~~~

~~\_\_\_\_\_ (i) the disclosure template with the institution's information as required under this section; or~~

~~\_\_\_\_\_ (ii) a prominent, readily accessible, clear, conspicuous, and direct link to the disclosure template for that program.~~

~~\_\_\_\_\_ (b) The board may require an institution to modify an institutional webpage if the institution provides a link to the disclosure template that does not meet the requirements of Subsection (7)(a)(ii).~~

~~\_\_\_\_\_ (8) (a) An .~~

(3) The board or the board's designee shall:

(a) collect the information described in Subsection (2)(a);

(b) develop through user testing a format for the display of information described in Subsection (2)(a) that is easily accessible and informative; and

(c) maintain the information described in Subsection (2)(a) so that it is current.

(4) No later than July 1, 2017:

(a) the board shall make the information described in Subsection (2)(a) available in a format described in Subsection (3)(b); and

(b) an institution shall include the ~~following on each institutional promotional material for a program:~~

~~\_\_\_\_\_ (i) the disclosure template in a prominent manner; or~~

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~~(ii) if space or air time would preclude including the disclosure template, the web address of, or the direct link to, the disclosure template:~~

~~(A) in a manner that is prominent, readily accessible, clear, conspicuous, and direct; and~~

~~(B) with conspicuous text that reads as follows: "Important }information {about the educational debt, earnings, and completion rates of students who attended this program."~~

~~(b) described in Subsection (2)(a) in accordance with Subsection (2)(b).~~

~~(5) An institution {shall ensure that an institutional promotional material is accurate and current at the time the institutional promotional material is published, broadcasted, or otherwise disseminated.~~

~~(9) Subject}is not subject to Subsection ({10), an institution shall provide a prospective student or a third party acting on behalf of the prospective student, or, if applicable, a parent or guardian of a prospective student who is a minor, a copy of the disclosure template on a stand alone document before a prospective student or third party acting on behalf of the prospective student:~~

~~(a) signs an enrollment agreement;~~

~~(b) completes registration; or~~

~~(c) makes a financial commitment to the institution.~~

~~(10) (a) Subject to Subsection (10)(b), an institution shall provide a copy of the disclosure template as described in Subsection (9):~~

~~(i) (A) by hand delivering the disclosure template to the prospective student or third party individual; or~~

~~(B) as part of a group presentation; or~~

~~(ii) subject to Subsection (10)(c), by sending the disclosure template to the primary email address used by}2) for a program that the institution {for communicating about the program with the prospective student or third party acting on behalf of the prospective student.~~

~~(b) If an institution provides information by hand delivery under Subsection (10)(a)(i), the institution shall obtain written confirmation of receipt from the prospective student or third party acting on behalf of the prospective student.~~

~~(c) If an institution provides information by email under Subsection (10)(a)(ii), the institution shall:~~



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- ~~\_\_\_\_\_ (i) ensure that the disclosure template is the only substantive content in the email;~~
- ~~\_\_\_\_\_ (ii) receive electronic or other written acknowledgment of receipt from the prospective student or third party;~~
- ~~\_\_\_\_\_ (iii) send the disclosure template using a different address or method of delivery if the institution receives a response that the email could not be delivered; and~~
- ~~\_\_\_\_\_ (iv) maintain records of the institution's efforts to provide the disclosure template in accordance with this Subsection (10);~~
- ~~\_\_\_\_\_ (11) If the institution offers a program that varies in length, the institution shall:~~
  - ~~\_\_\_\_\_ (a) publish a separate disclosure template for each length of the program; and~~
  - ~~\_\_\_\_\_ (b) ensure that each disclosure template clearly identifies the applicable length of the program;~~
- ~~\_\_\_\_\_ (12) (a) If the institution offers a program in more than one location or format, the institution may publish a separate disclosure template for each location or format if doing so would result in clearer disclosure under Subsection (4);~~
  - ~~\_\_\_\_\_ (b) If an institution publishes a separate disclosure template as described in Subsection (12)(a), the institution shall ensure that each disclosure template clearly identifies the applicable location or format of the program;~~
- ~~\_\_\_\_\_ (13) Notwithstanding the provisions of this section, the institution may not include on the disclosure template:~~
  - ~~\_\_\_\_\_ (a) if information for a disclosure template is based on fewer than 10 students, a disclosure described in:
    - ~~\_\_\_\_\_ (i) Subsection (4)(b)(i) or (ii);~~
    - ~~\_\_\_\_\_ (ii) Subsection (4)(c); or~~
    - ~~\_\_\_\_\_ (iii) Subsections (4)(h) through (m); or~~~~
  - ~~\_\_\_\_\_ (b) any other information in violation of the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;~~
- ~~\_\_\_\_\_ (14); is required to report on under 34 C.F.R. Sec. 668.412.~~
- (6) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, ~~{adopt}~~make rules for the implementation and administration of this section.
  - ~~{ \_\_\_\_\_ (15) Notwithstanding the provision of this section, an institution may not, for purposes of compliance with this section, include in a disclosure template information pertaining to a~~

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~~student who is not beyond the age of compulsory school attendance.~~

~~Section 2. Effective date.~~

~~This bill takes effect on January 1, 2017.~~

**Legislative Review Note**

**Office of Legislative Research and General Counsel}**