



# SHEEO

STATE HIGHER EDUCATION EXECUTIVE OFFICERS ASSOCIATION

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## Utah Division of Consumer Protection

### Vertical Tabs

1. Agency and Contact Information

**1A1. Agency Name:**

Utah Division of Consumer Protection

**1A2. Agency Description - Please review the description below and revise as appropriate (e.g., state executive agency, agency with appointed board, department or division within agency, etc.):**

The Utah legislature passed HB 405 in response to 34 CFR 600.9. The bill's effective date was May 13, 2014. This is a filing for an accredited postsecondary school to obtain a Certificate of Postsecondary State Authorization. Please visit the Division's website at [www.dcp.utah.gov](http://www.dcp.utah.gov) [1] for applications. The specific link to the new registration is <http://dcp.utah.gov/registrations/state-authorization.html> [2].

You may review the Utah Postsecondary State Authorization Act, Utah Code Ann. 13-34a, et seq, at <http://le.utah.gov/UtahCode/section.jsp?code=13-34a> [3], and specifically sections 13-34a-203 and 13-34a-204, to determine the statute's applicability to your school.

According to the Utah Postsecondary Proprietary School Act, §13-34-105(1)(e), a school or institution accredited by a regional or national accrediting agency recognized by the United States Department of Education is exempt from registration with the Division, if it establishes an exemption with the Division. The link to the Request for Exemption form on the Division's website is <http://www.dcp.utah.gov/downloads/request-for-exemption-app.pdf> [4].

This filing is a one time filing with no application fee.

The postsecondary school does not need to file for an exemption if the postsecondary school obtains a Certificate of Postsecondary State Authorization.

The Division cannot provide advisory opinions or legal advice about whether or not a particular school should apply for state authorization. The decision depends in part on the school's status under 34 C.F.R. 600.9, and on whether the school determines the state authorization will help maintain federal benefits.

**1A3. Agency Contact - Please review and correct as necessary the contact information below:**

Marla Winegar, Utah Division of Consumer Protection, 801-530-6601  
[mwinegar@utah.gov](mailto:mwinegar@utah.gov) [5]

**1A4. Who should institutions contact if they have questions about your agency's authority, policies, or application process:**

Same as above.

**1B. Links - Please provide web links to your agency home page, the regulations pertaining to authorization, and any other links important for understanding your agency's responsibility for authorization:**

[Link to home page](#) [6]

[Link to Regulations: Division of Consumer Protection](#) [7]

[Link to Title 13-34a - Utah Postsecondary State Authorization Act](#) [3]

**1C1. Other Agencies - According to our records, the following agencies also have responsibility for authorization in the state. Please correct, add to, or clarify this list of authorizing authorities as necessary. These agencies will also be requested to complete this survey:**

None.

**1C2. If the division of responsibility among these agencies is not clear, please explain:**

Not applicable.

2. Types of Educational Providers Authorized

**2A1. Institution Types Authorized - Indicate the types of institutions that your agency authorizes. Feel free to provide a short explanation of any ambiguity:**

Public, out-of-state degree granting institutions

Private, in-state, not-for-profit degree granting institutions

Private, out-of-state, not-for-profit degree granting institutions

Private, in-state, for-profit degree granting institutions

Private, out-of-state, for-profit degree granting institutions

Public, out-of-state, non-degree granting institutions

Non-degree, not-for-profit institutions

Non-degree, for-profit institutions

**2B1. Multiple Agencies - Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals):**

No

**2C1. Accreditation - Is accreditation required for an institution to be authorized in your state:**

Yes

**2C2. If yes, please explain:**

It is part of the registration requirement. However, unaccredited institutions must apply for a postsecondary proprietary school certificate of registration under 13-34-1 et seq. which is separate from state authorization.

**2C3. If yes, what type of accreditation is required? Please check all that apply:**

Regional

National

Programmatic/specialized, if applicable

**2C4. Clarifying comments:**

Programmatic/specialized \*\*\* (if considered a regional or national accrediting body recognized by the US Department of Education)

**2D1. Does your agency authorize specific academic programs offered by institutions, only institutions themselves, or both:**

Institutions Only

**2E1a. Education:**

Yes

**2E1b. Name and Contact information, Education:**

Utah State Office of Education

<http://www.schools.utah.gov/main/> [8])

**2E2a. Nursing:**

Yes

**2E2b. Name and Contact Information:**

Utah Division of Occupational and Professional Licensing

[www.dopl.utah.gov](http://www.dopl.utah.gov) [9]

**2E3a. Social Work:**

Yes

**2E3b. Name and Contact Information:**

Utah Division of Occupational and Professional Licensing

[www.dopl.utah.gov](http://www.dopl.utah.gov) [9]

**2E4a. Counseling Psychology:**

Yes

**2E4b. Name and Contact Information:**

Utah Division of Occupational and Professional Licensing

[www.dopl.utah.gov](http://www.dopl.utah.gov) [9]

**2E5a. Allied Health Professions and Related Programs:**

Yes

**2E5b. Name and Contact Information:**

Utah Division of Occupational and Professional Licensing

[www.dopl.utah.gov](http://www.dopl.utah.gov) [9]

3. Exemptions

**3A1. General Exemptions - Are certain institutions or programs exempt by law or policy from your state authorization requirements:**

Yes

**3A2. If yes, to which institutions or programs does the exemption apply? How does it work (please describe)? If available, please provide any pertinent web links:**

Please see the Division website, statutes, and rules for more detail.

<http://consumerprotection.utah.gov/registrations/schools.html> [10]

**3A3. If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.:**

There is an application process if an institution is applying for an exemption.

**3B. Other Requirements - If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.):**

None

4. Authorization of Distance Education

**4A2. Clarifying Comments:**

Please see the Division website, statutes, and rules for more detail.

5. Physical Presence Policy – Common “Triggers”

**5A. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard:**

The Division does not define physical presence; however, the Utah Postsecondary State Authorization Act defines operate in 13-34a-102(8). Operate means to maintain a place of business in the state; conduct significant educational activities within the state; or provide postsecondary education to a Utah resident that: is intended to lead to a postsecondary degree or certificate; and is provided from a location outside the state by correspondence or telecommunications or electronic media technology. Please see the Division website, statutes, and rules for more detail.

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INSTRUCTIONAL ACTIVITIES

PROPERTY IN THE STATE

**5B4a. Maintaining a location (physical building) in the state that is used for instructional activity:**

Yes

**5B4b. Clarifying Comments:**

The Division does not define physical presence; however, the Utah Postsecondary State Authorization Act defines operate in 13-34a-102(8). Operate means to maintain a place of business in the state; conduct significant educational activities within the state; or provide postsecondary education to a Utah resident that: is intended to lead to a postsecondary degree or certificate; and is provided from a location outside the state by correspondence or telecommunications or electronic media technology. Please see the Division website, statutes, and rules for more detail.

**5B5a. Maintaining a location (physical building) in the state that is used ONLY for non-instructional activity (administration, recruitment, etc.):**

Yes

**5B5b. Clarifying Comments:**

The Division does not define physical presence; however, the Utah Postsecondary State Authorization Act defines operate in 13-34a-102(8). Operate means to maintain a place of business in the state; conduct significant educational activities within the state; or provide postsecondary education to a Utah resident that: is intended to lead to a postsecondary degree or certificate; and is provided from a location outside the state by correspondence or telecommunications or electronic media technology. Please see the Division website, statutes, and rules for more detail.

RECRUITING ACTIVITIES

THIRD PARTY AGREEMENTS/CONTRACTS

ADVERTISING

**5B13a. Advertising in national media sources that can be accessed by residents of the state:**

No

EMPLOYMENT IN THE STATE

**5B14a. Employing full-time faculty in the state to provide instruction via distance education programs to students in the state:**

Yes

**5B14b. Clarifying Comments:**

The Division does not define physical presence; however, the Utah Postsecondary State Authorization Act defines operate in 13-34a-102(8). Operate means to maintain a place of business in the state; conduct significant educational activities within the state; or provide postsecondary education to a Utah resident that: is intended to lead to a postsecondary degree or certificate; and is provided from a location outside the state by correspondence or telecommunications or electronic media technology. Please see the Division website, statutes, and rules for more detail.

**5B16a. Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis:**

Yes

**5B16b. Clarifying Comments:**

The Division does not define physical presence; however, the Utah Postsecondary State Authorization Act defines operate in 13-34a-102(8). Operate means to maintain a place of business in the state; conduct significant educational activities within the state; or provide postsecondary education to a Utah resident that: is intended to lead to a postsecondary degree or certificate; and is provided from a location outside the state by correspondence or telecommunications or electronic media technology. Please see the Division website, statutes, and rules for more detail.

OTHER

**5C2. Clarifying Comments:**

Please see the Division website, statutes, and rules for more detail.

6. Application Process

**6A. Description - Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents:**

Please see the Division website, statutes, and rules for more detail. Also. see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7]

**6B. Processing Time - Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate:**

Please see the Division website, statutes, and rules for more detail. The Division generally processes the applications within 30 days.

**6C. Duration - What is the authorization duration:**

Please see the Division website, statutes, and rules for more detail.

The duration of authorization is one year. The school may file an application and registration fee each year to avoid expiration of the state authorization.

**6D. Maintenance - What does an institution need to do to maintain authorization:**

Please see the Division website, statutes, and rules for more detail.

Meet the annual application requirements. Submit an application and fee before the annual expiration.

**6E. Reporting - What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly:**

Please see the Division website, statutes, and rules for more detail. Also. see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7]

**6F. Loss of Status - Can an institution lose its authorized status? If so, how?:**

Please see the Division website, statutes, and rules for more detail.

The Division can deny, revoke, or suspend a certificate. The certificate of state authorization expires after one year.

**6Ga. Multi-Institutional Systems - Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process:**

Please see the Division website, statutes, and rules for more detail. Also. see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7]

**6Gb. Would multi-institution public systems be treated the same as multi-location for-profit institutions:**

Please see the Division website, statutes, and rules for more detail. Also. see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7]

**6H. Distinctive Features - What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment):**

Please see the Division website, statutes, and rules for more detail. Also. see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7]. The school will be responsible for filing the application each subsequent year.

**6I1. Amendments - Is your agency currently planning to amend its application process by the end of 2013:**

No

**7. Fees Associated with Authorization**

**7A. Application Fee - Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available:**

The fees vary by type of application or exemption. Please see the Division website, statutes, and rules for more detail. Also see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7].

**7B. Other Costs - Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.):**

Not at this time. The fees vary by type of application. Also see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7].

**7C. Renewal Costs - What are the costs, if any, to renew authorization:**

The fees vary by type of applications. Also see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7].

**7D. Exemption Costs - What costs are associated with receiving a waiver or exemption to authorization:**

The fees vary by type of registration or exemption. Also see the Division's State Authorization page at <http://www.dcp.utah.gov/registrations/state-authorization.html> [7].

8. Interstate Reciprocity

**8C. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements:**

SARA.

9. Consumer Protection and Student Complaints

**9A1. Does your agency have a process for handling complaints about postsecondary institutions or programs::**

Yes

**9A2. If yes, please describe the process or provide a web link to the material that describes the complaint process:**

<http://consumerprotection.utah.gov/complaints/index.html> [11]

**9A3a. If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions):**

Yes

**9A4. If available, please provide a web link to the complaint form:**

[Link](#) [11]

**9B. Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available:**

Utah Division of Consumer Protection

Attn Complaint Processor  
160 East 300 South  
SLC, UT 84114-6704  
801-530-6601-phone  
[www.dcp.utah.gov](http://www.dcp.utah.gov) [12]

10. Enforcement

**10B. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies:**

Yes, pursuant to all provisions of the Utah Administrative Procedures Act.

## 11. Legislative or Regulatory Changes

### **11A1. Amendments - Is your agency or state legislature currently planning to amend its regulations or alter its physical presence policy:**

No

### **11B1. Federal Regulations - Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations:**

No

### **11C1. Other Changes - Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization:**

No

## 12. Other

### **12A. Is there anything else about the authorization process in your state that we and others ought to know about:**

The Utah legislature passed HB 405 in response to 34 CFR 600.9. The bill's effective date was May 13, 2014. This is a filing for an accredited postsecondary school to obtain a Certificate of Postsecondary State Authorization. Please visit the Division's website at [www.dcp.utah.gov](http://www.dcp.utah.gov) [1] for applications. The specific link to the new registration is <http://dcp.utah.gov/registrations/state-authorization.html> [2]. You may review HB 405 at <http://le.utah.gov/UtahCode/section.jsp?code=13-34a> [3], and specifically sections 13-34a-203 and 13-34a-204, to determine the statute's applicability to your school.

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#### **Links**

[1] <http://www.dcp.utah.gov/>

[2] <http://dcp.utah.gov/registrations/state-authorization.html>

[3] <http://le.utah.gov/UtahCode/section.jsp?code=13-34a>

[4] <http://www.dcp.utah.gov/downloads/request-for-exemption-app.pdf>

[5] <mailto:mwinegar@utah.gov>

[6] <http://www.consumerprotection.utah.gov/>

[7] <http://www.dcp.utah.gov/registrations/state-authorization.html>

[8] <http://www.schools.utah.gov/main/>

[9] <http://www.dopl.utah.gov>

[10] <http://consumerprotection.utah.gov/registrations/schools.html>

[11] <http://consumerprotection.utah.gov/complaints/index.html>

[12] <http://www.dcp.utah.gov>