
UTAH

FINAL GRADING ANALYSIS

OVERALL SCORE: **323.5/700 POINTS (46.2%)**
LETTER GRADE: **F**

I. OVERSIGHT BODY: **20/100 POINTS**

A. IS THERE A STATUTORILY CREATED OVERSIGHT BODY
THAT IS PUBLICLY ACCOUNTABLE?
20/60 POINTS

Element	Points Available	Points Awarded
1. Oversight body is a multi-member board, commission, or panel created by statute	10	0
2. Oversight body was statutorily created specifically to oversee private postsecondary institutions	10	0
3. Multi-member board, commission, or panel is the ultimate decision maker (as opposed to a single person, like the head of a department or director)	10	0
4. Oversight body can engage in rulemaking	10	10
5. Oversight body's meetings must be open to the public	5	0
6. Oversight body's meetings must allow public comment	5	0
7. Oversight body can initiate investigations	5	5
8. Oversight body can impose penalties for violations	5	5
Total Points	60	20

Explanation:

Utah divides its private postsecondary educational institutions into postsecondary proprietary schools (Type 1) and postsecondary educational institutions (Type 2) for purposes of oversight and regulation. Postsecondary educational institutions that are accredited by a regional or national accrediting agency recognized by the U.S. Department of Education are exempt from Postsecondary Proprietary School Act; these schools are governed by the Utah Postsecondary School State Authorization Act (enacted in response to 34 C.F.R. Sec. 600.9).

Both types of institutions fall under the authority of the Utah Consumer Protection Division. (Utah Code Ann. § 13-34a-204; Utah Code Ann. § 13-34-106.) The Division is not a multi-member body, and instead

functions under the supervision, direction, and control of a director (Utah Code Ann. § 13-2-2), who has responsibility to issue rule and investigate the activities of any business governed by the laws administered and enforced by the division. (Utah Code Ann. § 13-2-5.)

B. STATUTE-SPECIFIED MEMBERSHIP:

1. TO WHAT EXTENT ARE LIMITATIONS PLACED ON FOR-PROFIT MEMBERSHIP ON THE OVERSIGHT BODY?

0/25 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Explicit prohibition on for-profit majority, plus no possibility of a majority of the quorum	Explicit prohibition on for-profit majority	Discouraged	No prohibition specified, but not discouraged	For-profit majority mandated
Type 1	25 Points	20 Points	10 Points	0 Points	-5 points
Type 2	25 Points	20 Points	10 Points	0 Points	-5 Points

Explanation:

Type 1: Postsecondary proprietary schools. This element is not applicable here because in Utah, there is no public board with appointed members to oversee proprietary schools.

Type 2: Postsecondary educational institutions. This element is not applicable here because in Utah, there is no public board with appointed members to oversee postsecondary schools.

2. IS THE OVERSIGHT BODY MANDATED TO INCLUDE AT LEAST ONE CONSUMER ADVOCATE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	10 Points	0 Points
Type 2	10 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. This element is not applicable here because in Utah, there is no public board with appointed members to oversee proprietary schools.

Type 2: Postsecondary educational institutions. This element is not applicable here because in Utah, there is no public board with appointed members to oversee postsecondary schools.

3. ARE THE MEMBERS APPOINTED BY A PUBLICLY ACCOUNTABLE OFFICIAL OR ELECTED IN A GENERAL ELECTION?

0/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	All	Majority	Half	Minority	None
Type 1	5 Points	3 Points	2.5 Points	1 Point	0 Points
Type 2	5 Points	3 Points	2.5 Points	1 Point	0 Points

Type 1: Postsecondary proprietary schools. This element is not applicable here because in Utah, there is no public board with appointed members to oversee proprietary schools.

The Division director is appointed by the executive director of commerce with the approval of the governor. (Utah Code Ann. § 13-2-2.)

Type 2: Postsecondary educational institutions. This element is not applicable here because in Utah, there is no public board with appointed members to oversee postsecondary schools.

The Division director is appointed by the executive director of commerce with the approval of the governor. (Utah Code Ann. § 13-2-2.)

II. STATE OVERSIGHT—EFFICACY: 34/100 POINTS

A. DOES THE STATE REQUIRE ONSITE REVIEW OF PRIVATE POSTSECONDARY INSTITUTIONS?

1.5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory onsite reviews			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct onsite reviews	No review specified
Type 1	10 Points	8 Points	5 Points	3 Points	0 Points
Type 2	10 Points	8 Points	5 Points	3 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. The Division may perform onsite evaluations to verify information submitted by an institution or an agent, or to investigate complaints filed with the Division. (U.A.C. R152-34-10.)

Type 2: Postsecondary educational institutions. Utah law does not require the Division to conduct onsite evaluations.

B. DOES THE STATE REQUIRE UNANNOUNCED INSPECTIONS FOR ONSITE REVIEWS?

1.5/5 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Required unannounced visits	Discretion to do unannounced visits	No indication
Type 1	5 Points	3 Points	0 Points
Type 2	5 Points	3 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law provides the Division with discretion to conduct unannounced inspections. (Utah Code Ann. § 13-34-108(d).)

Type 2: Postsecondary educational institutions. Utah law does not require the Division to conduct any onsite evaluations.

C. DOES THE STATE REQUIRE REGULAR REVIEWS OF PRIVATE POSTSECONDARY APPROVAL TO OPERATE?

20/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Mandatory			Discretionary	None
	Every 2 years or less	Every 3-5 years	Over 5 years	Discretion to conduct reviews	No review specified
Type 1	20 Points	15 Points	10 Points	5 Points	0 Points
Type 2	20 Points	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah requires proprietary schools to renew their registration every 2 years. (Utah Code Ann. § 13-34-107(4)(a).) No later than one year after the issuance or renewal of a certificate of registration to a proprietary school, Utah law requires proprietary schools to submit a review of the proprietary school's continued qualification for a certificate of registration, on a form approved by the division. (Utah Code Ann. § 13-34-107(4)(b).)

Type 2: Postsecondary educational institutions. The certificate of state authorization expires one year after the day the certificate of authorization was issued. (Utah Code Ann. § 13-34a-204(7).)

D. DO THE CRITERIA FOR RENEWAL OF AUTHORIZATION MANDATE A REVIEW OF FACTORS ESSENTIAL TO ACADEMIC AND ETHICAL INTEGRITY?

6/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	8 of 8	7 of 8	6 of 8	5 of 8	4 of 8	3 of 8	2 of 8	1 of 8	0 of 8
Type 1	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 9.5 Points	5 Points	2.5 Points	0 Points
Type 2	20 Points	17.5 Points	15 Points	12.5 Points	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Element	Type 1	Type 2
Admission requirements	D	
Graduation requirements	D	
Placement rate	M	
Completion rate (or graduation rate)	M	
Advertising practices	M	
Cohort default rate		
Accreditation status		M
Financial aid policies		

M=Mandatory; D=Discretionary

Explanation:

Type 1: Postsecondary proprietary schools. The Division requires proprietary schools to report the percentage of students who graduated and the percentage of students who were employed after graduation on a form provided by the Division. (U.A.C. R152-34-7(4).) In addition, the Division requires proprietary schools to submit a sample of its current advertising along with its application for registration or renewal registration. (U.A.C. R152-34-6(2).)

Proprietary schools are required to submit the school catalog for review. (U.A.C. R152-34-7(4).) School catalogs must include admission requirements and graduation requirements. (U.A.C. R152-34-4(4).) Because the Division does not specifically require review of this information, but requires a review of the catalog, the state receives partial credit for these elements.

Type 2: Postsecondary educational institutions. Utah law requires postsecondary educational institutions to submit information about the school’s accreditation on the school’s registration form. (Utah Code Ann. § 13-34a-204(2)(a)(i).)

E. DOES THE STATE’S OVERSIGHT DISTINGUISH BETWEEN FOR-PROFIT AND NONPROFIT POSTSECONDARY INSTITUTIONS?

5/15 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strongly distinguished	Yes, moderately distinguished	Yes, slightly distinguished	Not distinguished
Type 1	15 Points	10 Points	5 Points	0 Points
Type 2	15 Points	10 Points	5 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law does not distinguish between for-profit and nonprofit proprietary schools for the purposes of oversight and regulation.

Type 2: Postsecondary educational institutions. Utah law distinguishes between private nonprofit and for-profit postsecondary educational institutions. The procedure to obtain state authorization varies. (Utah Code Ann. § 13-34a-203; Utah Code Ann. § 13-34a-204.)

F. DOES THE STATE REQUIRE INCREASED OVERSIGHT/SCRUTINY OF PRIVATE POSTSECONDARY INSTITUTIONS BASED ON POOR PERFORMANCE?

0/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, mandatory but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	10 Points	7.5 Points	5 Points	2.5 Points	0 Points
Type 2	10 Points	7.5 Points	5 Points	2.5 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law requires the Division to review graduation rates and the state requires schools to disclose graduation rates to potential students, but does not mandate any increased oversight or scrutiny based on poor performance (low graduation rates, high cohort default rates, low placement rates, etc.).

Type 2: Postsecondary educational institutions. Utah law does not mandate any increased oversight or scrutiny based on poor performance (low graduation rates, high cohort default rates, low placement rates, etc.).

G. DOES STATE LAW INCLUDE ANY SPECIAL PROTECTIONS FOR VETERANS WHO ATTEND PRIVATE POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law does not mandate any special protections specifically for veterans who attend proprietary schools regulated by the state.

Type 2: Postsecondary educational institutions. Utah law does not mandate any special protections specifically for veterans who attend postsecondary schools regulated by the state.

III. STATE OVERSIGHT—SCOPE AND INCLUSION:

100/100 POINTS

A. ARE EXEMPTIONS TO STATE OVERSIGHT COVERAGE LIMITED?

100/100 POINTS*

	No exemptions	Few exemptions	Moderate exemptions	Broad exemptions
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law contains several common exemptions. It exempts, for example, professional review courses, religious postsecondary institutions, institutions offering avocational courses, and programs regulated by another state or federal agency, among others. The state exempts institutions that are accredited by a regional or national accrediting agency recognized by the United States Department of Education as well. However, the state does not lose credit here, because accredited institutions are governed in the state by Utah’s Utah Postsecondary School State Authorization Act. (Utah Code Ann. § 13-34-105.) Utah law does not contain any significant exemptions.

Type 2: Postsecondary educational institutions. There are no exemptions to state oversight of schools in Utah seeking state authorization for the purposes of complying with 34 C.F.R. Sec. 600.9 and which Utah defines as “postsecondary school” in Utah Code Ann. § 13-34a-102(12).

IV. DISCLOSURE REQUIREMENTS: **30.25/100 POINTS**

A. ARE INSTITUTIONS REQUIRED TO DISCLOSE INSTITUTIONAL PERFORMANCE MEASURES TO POTENTIAL STUDENTS?

7.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, mandatory	Yes, discretionary	None
	Fact sheet or equivalent required to be given to students	Fact sheet or equivalent given to students upon request	No fact sheet required
Type 1	20 15 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law requires proprietary schools to make available in writing, to all applicants, prior to enrollment of the applicant or the receipt of any tuition by the institution or proprietary school graduation rates and employment rates for each of the immediately preceding years. (Utah Code Ann. § 13-34-108(1)(a)(iv)(K).) The state loses five points because there is no requirement that the students sign an acknowledgement of receipt of this information.

Type 2: Postsecondary educational institutions. Utah law does not require postsecondary educational institutions to disclose institutional performance measures to potential students.

B. WHICH INSTITUTIONAL PERFORMANCE DISCLOSURES ARE REQUIRED TO BE GIVEN TO STUDENTS PRIOR TO ENROLLMENT?

10/60 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Postsecondary proprietary schools

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement / employment rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Utah requires proprietary schools to make available in writing, to all applicants, prior to enrollment of the applicant or the receipt of any tuition by the institution or proprietary school: graduation rates and employment rates for each of the immediately preceding years. (Utah Code Ann. § 13-34-108(1)(a)(iv)(K).) The state receives credit for providing employment rates, although Utah law does not require disclosure of placement rates.

Type 2: Postsecondary educational institutions

Disclosures	Mandatory	Discretionary	Not specified
Cohort default rate (CDR)	10 Points	5 Points	0 Points
Graduation / completion rates	10 Points	5 Points	0 Points
Placement rates	10 Points	5 Points	0 Points
Wage information	10 Points	5 Points	0 Points
License exam passage rates	10 Points	5 Points	0 Points
Methods & sources used to calculate	10 Points	5 Points	0 Points

Explanation:

Utah law does not require postsecondary schools to disclose institutional performance measures to potential students.

C. DOES THE STATE REQUIRE SCHOOLS TO DISCLOSE ELEMENTS ESSENTIAL TO STUDENT PROTECTION PRIOR TO ENROLLMENT OR IN THE ENROLLMENT CONTRACT?

12.75/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Postsecondary proprietary schools

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 Points	2.5 Points	0 Points
Refund information	5 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

Utah requires proprietary schools to make available in writing, to all applicants, prior to enrollment of the applicant or the receipt of any tuition by the institution or proprietary school, information about tuition, fees, and other charges and expenses and the length of the program, among other disclosures. (Utah Code Ann. § 13-34-108.) Additionally, proprietary schools are required to disclose information regarding the school’s refund policy in the enrollment agreement. (U.A.C. R152-34-8.) Finally, schools are required to provide students information about transferability of credits in the school catalog, but there is no requirement that the schools provide the information prior to enrollment. (U.A.C. R152-34-4(4)(t).) Because the information is in the catalog, it is likely available prior to enrollment to any student who requests it, so the state receives partial credit.

Type 2: Postsecondary educational institutions

Element description	Mandatory	Discretionary	Not specified
Total cost of program	5 4 Points	2.5 Points	0 Points
Refund information	5 4 Points	2.5 Points	0 Points
Transferability of credits	5 Points	2.5 Points	0 Points
Length of program	5 Points	2.5 Points	0 Points

Explanation:

The Division requires postsecondary schools that hold a certificate of authorization to disclose to each student, in writing, the school’s tuition schedule, total program cost, and refund policy before requiring a student to make any payment to the school. (U.A.C. R152-34a-302(1)(b).) The state loses a point for “total cost of program,” and for “refund information” because the information is required before requiring the student to make any payment—not necessarily prior to enrollment.

V. REGULATION OF RECRUITING PRACTICES:

62.5/100 POINTS

A. HAS THE STATE PUT INTO LAW A LIST OF PROHIBITED ACTS REGARDING ADVERTISING AND RECRUITING?

62.5/100 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, strong regulation	Yes, moderate regulation	Yes, weak regulation	No list of prohibited acts
Type 1	100 Points	75 Points	50 Points	0 Points
Type 2	100 Points	75 Points	50 Points	0 Points

PROHIBITED ACTS

Included in list of prohibited acts	Type 1	Type 2
Misleading representations using the word “college” or “university”		
Misleading institution affiliations (e.g., military, public institution, businesses)	X	
Promise of employment	X	
Compensation for enrollment		
Compensation or “bounty” to recruiters		
Deception (broad prohibition)	X	X
Misrepresentation (broad prohibition)	X	X
Misleading representations re: accreditation	/	

1-3=Weak; 3.5-6=Moderate; 6.5-8=Strong

Explanation:

Type 1: Postsecondary proprietary schools. Utah law requires that advertising be clear, factual, supportable, and shall not include any false or misleading statements with respect to the institution, its personnel, its courses and programs, its services, nor the occupational opportunities for its graduates. (U.A.C. R152-34-8(7)(b).) Proprietary schools must disclose that their purpose is educational only, they are prohibited from making misleading statements about employment opportunities or advertise as “help wanted.” (U.A.C. R152-34-8(7)(c).) Further, proprietary schools are prohibited from misleading students with regard to affiliation. Schools are prohibited, for example, from making claims as to endorsement by manufacturers or businesses or organizations until and unless written evidence supporting this fact is on file. (U.A.C. R152-34-8(7)(d).) Schools are prohibited from advertising that they are endorsed by state of Utah, and must make clear that they are not accredited by the state to avoid misleading representations on these issues. (U.A.C. R152-34-8(g), (h).)

Type 2: Postsecondary educational institutions. Utah law prohibits postsecondary schools from promulgating to the public a fraudulent or misleading statement relating to a program or service offered. (U.A.C. R152-34a-302(2)(a).) This prohibition on fraudulent or misleading information is substantially similar to a broad prohibition on deception and a broad prohibition misrepresentation.

VI. COMPLAINT PROCESS AND RELIEF FOR STUDENTS:

56.75/100 POINTS

A. DOES THE STATE REQUIRE A BOND OR FUND AS A CONDITION OF AUTHORIZATION?

10/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	No
Type 1	20 Points	0 Points
Type 2	20 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. A satisfactory surety in the form of a bond, certificate of deposit, or irrevocable letter of credit shall be provided by the institution before a certificate of registration will be issued by the Division. (U.A.C. R152-34-7(9)(a); Utah Code Ann. § 13-34-107.)

Type 2: Postsecondary educational institutions. Utah law does not require postsecondary educational institutions to obtain a bond as a condition of authorization.

B. DOES THE STATE REQUIRE A REFUND OF TUITION IF A STUDENT ENROLLS AS THE RESULT OF MISREPRESENTATION?

15/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, partial refund	No refund required
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law requires proprietary schools to indemnify any student from loss or other injury as a result of any fraud or other form of misrepresentation used by an agent in the recruitment process. (U.A.C. R152-34-8(11).)

Type 2: Postsecondary educational institutions. Utah law does not explicitly require a full refund if a student enrolls as the result of misrepresentation. However, state law requires that, if a postsecondary school's certificate of postsecondary state authorization is revoked, a student who enrolled in the postsecondary school in reliance upon the postsecondary school's possession of a valid certificate of postsecondary state authorization may rescind any enrollment agreement and obtain a full refund from the postsecondary school for any tuition, fees, or other charges that the student paid to the postsecondary school. (Utah Code Ann. § 13-34a-303.) This provision, read in light of Utah Code Ann. § 13-34a-302(1)(b)(i), which allows the Division to revoke a certificate of authorization if the denial, suspension, or revocation is in the public interest and U.A.C. R152-34a-302(2)(a), which prohibits secondary schools from promulgating fraudulent or misleading statements, could lead to a refund in some cases in which a student enrolls as the result of misrepresentation. The state receives partial credit.

C. DOES THE STATE REQUIRE INSTITUTIONS TO REFUND TUITION IN THE EVENT OF CLOSURE?

12.5/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, full refund	Yes, limited refund	Yes, refund in limited circumstances	No refund required
Type 1	20 Points	15 Points	10 Points	0 Points
Type 2	20 Points	15 Points	10 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law requires proprietary schools to secure a surety bond as a condition of registration (as noted above). The surety bond is in place, in part, to provide for student refunds if the proprietary school closes. (U.A.C. R152-34-9(4); U.A.C. R152-34-7(9)(d).) There is no requirement that students receive a full refund.

Type 2: Postsecondary educational institutions. A postsecondary school may be required to refund student tuition in full, if the school closes as a result of having its certificate of authorization revoked. (Utah Code Ann. § 13-34a-303.)

D. DOES THE STATE ALLOW STUDENTS AMPLE TIME TO MAKE A COMPLAINT?

10/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	2 years or more (or no deadline)	1-2 years	Under 1 year	Not applicable
Type 1	10 Points	5 Points	1 Point	0 Points
Type 2	10 Points	5 Points	1 Point	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. The Division does not set a deadline or timeframe by which a student must file a complaint.

Type 2: Postsecondary educational institutions. The Division does not set a deadline or timeframe by which a student must file a complaint.

E. DOES THE STATE REQUIRE INSTITUTIONS TO DISCLOSE INFORMATION ABOUT FILING A COMPLAINT WITH THE STATE OVERSIGHT BODY?

3.75/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

Type 1: Postsecondary proprietary schools

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Utah law does not specifically mandate, in either statute or regulations related to proprietary schools, disclosure of information about filing a complaint with the state oversight body

Type 2: Postsecondary educational institutions

Medium	Mandatory	Discretionary	Not specified
Catalog	10 Points	5 Points	0 Points
Website	5 Points	2.5 Points	0 Points
Enrollment contract	5 Points	2.5 Points	0 Points

Explanation:

Utah law requires postsecondary schools to provide each student or prospective student written information regarding how to file a complaint against the postsecondary school with the division, the postsecondary school’s accrediting agency, and the postsecondary school’s approval or licensing entity. State law gives schools the option to satisfy the requirement by posting this information conspicuously on the school website. (Utah Code Ann. § 13-34a-206.)

F. IS THE COMPLAINT PROCESS READILY ACCESSIBLE AND AVAILABLE ON THE STATE OVERSIGHT BODY’S WEBSITE?

5.5/10 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, with address	Yes, with phone #	Yes, with email address	Yes, with electronic form	No
Type 1	2 Points	2 Points	3 Points	3 1.5 Points	0 Points
Type 2	2 Points	2 Points	3 Points	3 1.5 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. The Division of Consumer Protection maintains a website with a generic form consumers can use to file a complaint against a proprietary school. The form website and the form contain instructions, a phone number, fax number, and mailing address. Because the form cannot be submitted online, the state receives only partial credit for providing an electronic form.

Type 2: Postsecondary educational institutions The Division of Consumer Protection maintains a website with a generic form consumers can use to file a complaint against a private postsecondary school. The form website and the form contain instructions, a phone number, fax number, and mailing address. Because the form cannot be submitted online, the state receives only partial credit for providing an electronic form.

VII. ENFORCEMENT: 20/100 POINTS

A. IS THERE LOSS OF STATE AID FOR SCHOOLS THAT REPEATEDLY PRODUCE SUBSTANDARD GRADUATION RATES, JOB PLACEMENT RATES, AND/OR COHORT DEFAULT RATES?

0/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes, required	Yes, required but limited	Yes, discretionary	Yes, discretionary but limited	No
Type 1	30 Points	20 Points	15 Points	5 Points	0 Points
Type 2	30 Points	20 Points	15 Points	5 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. While Utah law requires the Division to review graduation rates and requires schools to disclose graduation rates to potential students, the state does not mandate any loss of state aid for proprietary schools that repeatedly produce substandard graduation rates, cohort default rates, and/or job placement rates.

Type 2: Postsecondary educational institutions. Utah law does not mandate any loss of state aid for postsecondary schools that repeatedly produce substandard graduation rates, cohort default rates, and/or job placement rates.

B. DOES STATE LAW EXPLICITLY AUTHORIZE A PRIVATE RIGHT OF ACTION FOR STUDENTS AGAINST INSTITUTIONS THAT HAVE VIOLATED THE LAWS AND REGULATIONS IN PLACE TO GOVERN THEM?

0/30 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	30 Points	15 Points	0 Points
Type 2	30 Points	15 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law does not authorize a private right of action for students to use against proprietary schools that have violated the laws and regulations in place to govern them.

Type 2: Postsecondary educational institutions. Utah law does not authorize a private right of action for students to use against postsecondary schools that have violated the laws and regulations in place to govern them.

C. DOES STATE LAW EXPLICITLY ALLOW ATTORNEY FEE AWARDS FOR STUDENTS WHO PREVAIL IN LITIGATION AGAINST PRIVATE FOR-PROFIT POSTSECONDARY INSTITUTIONS?

0/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited	No
Type 1	20 Points	15 Points	0 Points
Type 2	20 Points	15 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law does not explicitly authorize attorney fee awards for students who prevail in litigation against proprietary schools that have violated the laws and regulations in place to govern them.

Type 2: Postsecondary educational institutions. Utah law does not explicitly authorize attorney fee awards for students who prevail in litigation against postsecondary schools that have violated the laws and regulations in place to govern them.

D. DOES STATE LAW EXPLICITLY AUTHORIZE ATTORNEY GENERAL INVOLVEMENT?

20/20 POINTS*

**points for Type 1 and Type 2 schools have been averaged to calculate the above score*

	Yes	Limited circumstances	No
Type 1	20 Points	10 Points	0 Points
Type 2	20 Points	10 Points	0 Points

Explanation:

Type 1: Postsecondary proprietary schools. Utah law provides for attorney general involvement in enforcing the laws governing proprietary schools. (Utah Code Ann. § 13-34-111.)

Type 2: Postsecondary educational institutions. Utah law provides for attorney general involvement in enforcing the laws governing postsecondary schools. (Utah Code Ann. § 13-34a-305(2)(a).)

BONUS POINTS:

Utah does not receive any bonus points.



ILLUMINATING INFORMATION



RECIPROCITY AGREEMENTS

Utah is a member of the State Authorization Reciprocity Agreements (SARA).

LITIGATION, INVESTIGATIONS, AND ACTIONS INVOLVING PRIVATE FOR-PROFIT EDUCATIONAL INSTITUTIONS IN UTAH

For information about pending and recent federal and state government investigations and actions regarding for-profit colleges see David Halperin’s compilation at <http://www.republicreport.org/2014/law-enforcement-for-profit-colleges/#sthash.1vc4HmPw.dpuf>.