

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 108

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO PROPRIETARY SCHOOLS; AMENDING SECTION 33-2403, IDAHO CODE, TO
2 PROVIDE AN EXEMPTION FROM PROPRIETARY SCHOOL REGISTRATION PROVISIONS
3 FOR AN INDIVIDUAL OR ENTITY THAT OFFERS A PROGRAM, SCHOOL OR COURSE
4 RELATED TO THE INSTRUCTION OR PRACTICE OF YOGA; AND DECLARING AN EMER-
5 GENCY.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 33-2403, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-2403. REGISTRATION OF PROPRIETARY SCHOOLS. (1) Unless exempted as
11 provided in subsection (4) of this section, each proprietary school which
12 maintains a presence within the state of Idaho, or which operates or purports
13 to operate from a location within the state of Idaho, shall register annually
14 with and hold a valid certificate of registration issued by the director.

15 (2) The board shall prescribe by rule the procedure for registration,
16 which shall include, but is not limited to, a description of each course
17 or courses of study, for academic credit or otherwise, that a proprietary
18 school intends to conduct, provide, offer or sell.

19 (3) The director may deny the registration of a proprietary school that
20 does not meet the standards or criteria established in rule by the board. The
21 administrative procedure act, chapter 52, title 67, Idaho Code, shall apply
22 to any denial of registration under this section.

23 (4) The following individuals or entities are specifically exempt from
24 the registration provisions required by this section:

25 (a) An individual or entity that offers instruction or training solely
26 avocational or recreational in nature, as determined by the board.

27 (b) An individual or entity that offers courses recognized by the board
28 which comply in whole or in part with the compulsory education law.

29 (c) An individual or entity that offers a course or courses of study
30 sponsored by an employer for the training and preparation of its own em-
31 ployees, and for which no tuition fee is charged to the student.

32 (d) An individual or entity that conducts or engages in activities that
33 would otherwise require registration under chapter 24, title 33, Idaho
34 Code, if another state agency, commission or board regulates such ac-
35 tivities pursuant to title 54, Idaho Code.

36 (e) An individual or entity that offers intensive review courses de-
37 signed to prepare students for certified public accountancy tests,
38 public accountancy tests, law school aptitude tests, bar examinations
39 or medical college admissions tests, or similar instruction for test
40 preparation.

1 (f) An individual or entity offering only workshops or seminars lasting
2 no longer than three (3) calendar days and offered no more than four (4)
3 times per year.

4 (g) A parochial or denominational institution providing instruction
5 or training relating solely to religion and for which degrees are not
6 granted.

7 (h) An individual or entity that offers postsecondary credit through
8 a consortium of public and private colleges and universities under the
9 auspices of the western governors.

10 (i) An individual that offers flight instruction and that accepts
11 payment for services for such training on a per-flight basis after the
12 training occurs, or that accepts advance payment or a deposit for such
13 training in a de minimus amount, as established by the board in rule.

14 (j) An individual or entity that offers a program, school or course re-
15 lated to the instruction or practice of yoga.

16 (5) The director shall assess an annual registration fee on each pro-
17 prietary school required to be registered under this section as established
18 in rule by the board. Such annual registration fee shall not exceed five
19 thousand dollars (\$5,000) and shall be collected by the director, and shall
20 be dedicated for use by the director in connection with his responsibilities
21 under this chapter.

22 SECTION 2. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after its
24 passage and approval.