Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 242

BY REPRESENTATIVES THIBAUT, CARMODY, CARTER, CHANDLER, DIXON, DOWNS, HOFFMANN, RICHARDSON, AND SCHRODER

SCHOOLS/PROPRIETARY: Suspends in part R.S. 17:3141.2(5), relative to the definition of a proprietary school as it is applicable to yoga teacher training, until 60 days after final adjournment of the 2011 R.S.

1	A CONCURRENT RESOLUTION
2	To suspend until sixty days after final adjournment of the 2011 Regular Session of the
3	Legislature of Louisiana the provisions of R.S. 17:3141.2(5), relative to the
4	definition of a proprietary school for the purposes of R.S. 17:3141.1 through
5	3141.19, to the extent that such definition may be interpreted as being applicable to
6	yoga teacher training.
7	WHEREAS, for the purposes of licensing, regulating, and otherwise providing for
8	the oversight of proprietary schools in Louisiana, the legislature has adopted R.S. 17:3141.1
9	through 3141.19; and
10	WHEREAS, the legislature, in R.S. 17:3141.2(5), has defined "proprietary school"
11	to mean any business enterprise operated for a profit or on a nonprofit basis which maintains
12	a place of business within Louisiana, or which sells or offers for sale any course of
13	instruction in Louisiana, either by correspondence using the mails or by any other means of
14	communication, or by personal solicitation, and which offers or maintains a course or
15	courses of instruction or study, or at which place of business such a course or courses of
16	instruction or study is available through classroom or internet instruction, or both, to a
17	person or persons for the purpose of training or preparing such person for a field of endeavor
18	in a business, trade, technical, or industrial occupation, except as specifically excluded by
19	R.S. 17:3141.2(5)(a) through (n); and

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1 WHEREAS, R.S. 17:3141.2(5)(c) specifically excludes a school or training program 2 which offers instruction primarily in the field of recreation, health, entertainment, or 3 personal enrichment and which does not purport to prepare or qualify persons for 4 employment as determined by the commission; and 5 WHEREAS, legal counsel representing the Coalition of Louisiana Yoga Studies 6 asserts that yoga teacher training does not fall within the legal definition of a proprietary 7 school and that yoga instruction, in general, does not train or prepare a person for a field of 8 endeavor in a business, trade, technical, or industrial occupation; and 9 WHEREAS, such counsel further asserts that yoga teacher training is not a trade 10 school that offers to prepare an individual for employment and that the main focus of the 11 training hours offered is for the primary purpose of deepening a student's spirituality and for 12 the secondary purpose of developing a physical yoga practice; and 13 WHEREAS, counsel for the coalition has further advised the Board of Regents that 14 she knows of no yoga studio in Louisiana that gives instruction on how to make a living 15 teaching yoga or that provides credentials that can be used to gain employment; and 16 WHEREAS, counsel for the coalition has formally advised the Board of Regents that 17 members of the coalition will not be applying for licenses as proprietary schools; and 18 WHEREAS, absent this disagreement being resolved by the Board of Regents in 19 favor of the coalition, a change in law will be necessary to exempt yoga teacher training 20 from the proprietary school law. 21 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends 22 the provisions of R.S. 17:3141.2(5), relative to the definition of a proprietary school for the 23 purposes of R.S. 17:3141.1 through 3141.19, to the extent that such definition may be 24 interpreted as being applicable to yoga teacher training. 25 BE IT FURTHER RESOLVED that this suspension shall become effective upon 26 adoption of this Resolution and shall extend through the sixtieth day after final adjournment

27 of the 2011 Regular Session of the Legislature of Louisiana.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Thibaut

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Suspends (until 60 days after final adjournment of the 2011 R.S.) the provisions of R.S. 17:3141.2(5), relative to the definition of a proprietary school, to the extent that such definition may be interpreted as being applicable to yoga teacher training.

(Suspends R.S. 17:3141.2(5) in part)