

Regular Session, 2010

HOUSE RESOLUTION NO. 197

BY REPRESENTATIVE THIBAUT

A RESOLUTION

To urge and request the Board of Regents to study certain issues relative to yoga teacher training and the licensing of facilities that offer such training as proprietary schools; to provide for a written report on study findings and recommendations to be submitted to the House Committee on Education by not later than sixty days prior to the start of the 2011 Regular Session of the Legislature of Louisiana; and to provide for related matters.

WHEREAS, for the purposes of licensing, regulating, and otherwise providing for the oversight of proprietary schools in Louisiana, the legislature has adopted R.S. 17:3141.1 through 3141.19; and

WHEREAS, the legislature, in R.S. 17:3141.2(5), has defined "proprietary school" to mean any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within Louisiana or which sells or offers for sale any course of instruction in Louisiana, either by correspondence using the mails or by any other means of communication, or by personal solicitation, and which offers or maintains a course or courses of instruction or study, or at which place of business such a course or courses of instruction or study is available through classroom or internet instruction, or both, to a person or persons for the purpose of training or preparing such person for a field of endeavor in a business, trade, technical, or industrial occupation, except as specifically excluded by R.S. 17:3141.2(5)(a) through (n); and

WHEREAS, R.S. 17:3141.2(5)(c) specifically excludes a school or training program which offers instruction primarily in the field of recreation, health, entertainment, or personal enrichment and which does not purport to prepare or qualify persons for employment as determined by the commission; and

WHEREAS, there are yoga teacher training facilities in Louisiana that are licensed and regulated by the Board of Regents as proprietary schools, that support such licensing and regulation and believe that it is both appropriate and proper and that have expressed serious concern to legislators about any moratorium on such licensing as proposed by House Concurrent Resolution No. 242 of the 2010 Regular Session of the Legislature of Louisiana; and

WHEREAS, legal counsel representing the Coalition of Louisiana Yoga Studies asserts that yoga teacher training does not fall within the legal definition of a proprietary school and that yoga instruction, in general, does not train or prepare a person for a field of endeavor in a business, trade, technical, or industrial occupation; and

WHEREAS, such counsel further asserts that yoga teacher training is not a trade school that offers to prepare an individual for employment and that the main focus of the training hours offered is for the primary purpose of deepening a student's spirituality and for the secondary purpose of developing a physical yoga practice; and

WHEREAS, counsel for the coalition has further advised the Board of Regents that she knows of no yoga studio in Louisiana that gives instruction on how to make a living teaching yoga or that provides credentials that can be used to gain employment.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Board of Regents to study current law and board policies and procedures relative to the licensing and regulation of yoga teacher training facilities as proprietary schools, determine if such law, policies, and procedures provide sufficient authority to the board to make necessary distinctions among programs at such facilities as to those that meet the definition of being a proprietary school and those that do not, and make recommendations concerning any needed changes in law or in board policies and procedures on this issue.

BE IT FURTHER RESOLVED that the Board of Regents shall report in writing on study findings and recommendations to the House Committee on Education by not later than sixty days prior to the start of the 2011 Regular Session of the Legislature of Louisiana.