

LEGAL SERVICES

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MEMORANDUM

February 3, 2016

SUBJECT: Yoga teacher training (Work Order No. 29-LS1401\A)

TO: Representative Lynn Gattis
Attn: Chrystal Randolph

FROM: Kate S. Glover *KS*
Legislative Counsel

The draft bill you requested exempting yoga teacher training programs from postsecondary educational institution regulatory requirements is attached. Ms. Randolph explained that the Alaska Postsecondary Education Commission currently considers yoga teacher training programs to fall under AS 14.48 because students receive an "education credential," as defined under AS 14.48.210. As I discussed with Ms. Randolph, creating a narrow exemption for yoga teacher training programs could suggest that other similar programs are subject to AS 14.48. There may be, for example, martial arts instructor training programs that result in a certification.¹ If the draft bill exempts only yoga teacher training programs, the Alaska Postsecondary Education Commission may interpret the statute to mean that all other instructor training programs that result in a similar credential are subject to its regulations. If you would like to avoid this result, you may want to consider providing a description of the type of program that would be exempt from AS 14.48, or changing the definition of "education credential" under AS 14.48.210.

If I may be of further assistance, please advise.

KSG:lem
16-075.lem

Attachment

¹ See, e.g., <http://americankenpokarate.net/programs/karate-instructor-training/>. I do not know whether any such programs exist in Alaska, but the karate instructor training program described on this website is one example of another type of instructor training program that results in a certificate that could be considered an education credential.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Alaska Commission
on Postsecondary Education

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March 7, 2016

The Honorable Mike Dunleavy
Alaska State Legislature
State Capitol, Room 11
Juneau, Alaska 99801

Dear Senator Dunleavy:

I am writing to make you aware of concerns relative to Senate Bill 190, "Exemption from Post-secondary [sic] Ed Regs." This bill is currently scheduled to be heard before the Senate Education Committee at its March 10 meeting and unfortunately I have a conflict and will not be able to participate that day. SB190 proposes to provide statutory exemption to a category of vocational education programs currently covered by certain consumer protections pursuant to AS 14.48, Institutional Authorization. The new exemption category in the bill is defined as:

"...a program that offers a certificate of completion and is in a field that does not require a professional or occupational license under AS 08."

As you are aware, institutional authorization is a governmental consumer protection function, delivered by each of the 50 states, designed to protect consumers enrolling in non-public postsecondary education institutions and programs. Institutional authorization ensures that Alaska postsecondary education providers document access to the financial, administrative, and vocational expertise or academic resources needed to provide students with the advertised programs of study. States provide students with the protections of authorization because the nature of postsecondary education often requires students to commit significant amounts of time and money prior to gaining the advertised credential. Specific to vocational programs, students may not be able to assess their program's quality until they begin to apply their acquired skills in the work world, when it is too late to secure a refund if the training has not increased employability or delivered essential skills. By extension, institutional authorization can also assure employers who hire graduates of approved vocational programs that the programs have met standards set out by the State. As part of the authorization process, training providers document that a vocational certification has value to regional employers, and that their communications to prospective and current students make clear the types of employment they

can reasonably expect to secure upon successful program completion. This information allows students to make informed enrollment decisions.

To paraphrase the overall policy objectives of institutional authorization (as set out in AS 14.48.010), these are to ensure minimum standards for educational quality, ethical practices, health and safety, and fiscal responsibility to protect consumers from substandard or fraudulent practices. The statute further provides for preservation of academic records in the event an institution closes and provides the Commission with authority to act on behalf of students when covered institutions fail to comply with state standards.

AS 14.48 also provides for exemptions from authorizations for programs where consumer protection may not be warranted. Examples include public institutions, short programs of study (fewer than 120 hours), and programs that are purely avocational, such as ballroom dancing, music lessons, and other recreational activities.

States that have failed to diligently regulate this category of vocational program have experienced a proliferation of schools charging unwary consumers thousands of dollars for training advertised as preparing them for high-paying careers, when in fact the training is actually in lower-paying vocational positions and the skills for which could otherwise be acquired from on-the-job training. Examples are dog grooming, medical office skills and transcription, and radio broadcasting. The issues students have encountered in unregulated environments include credentials that employers will not accept, starting wages far below the advertised potential, inability to get a refund of tuition when the school fails to deliver the advertised training, and the inability to get copies of transcripts or vocation certificates a student has earned if a school closes.

The construct of the proposed exemption category suggests that unless the State has elected to require licensure for an occupation, oversight of related education or training is unnecessary. Certainly, occupational licensing is designed to ensure that competent, professional, and regulated commercial services are available to Alaska consumers for certain occupations. If passed in its current form, SB190 would remove protections for students as well as for employers relying on training credentials granted by unregulated institutions.

Finally, regarding the yoga training program offered as an example of unnecessary regulation—under current state law, yoga programs advertised as offering training for personal development in the practice of yoga are exempt from regulation since its considered recreational training. It is only in the instance where the offered credential is advertised as qualifying its holder to teach yoga that the program must be authorized. When programs advertise that they are teacher training programs and that a graduate is qualified to teach yoga, the program is considered vocational training.

The Honorable Mike Dunleavy
March 7, 2016
Page 3

I hope this information is helpful in explaining the role of institutional authorization and the associated protections it provides to vocational students, employers, and the Alaska public.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Barrans".

Diane Barrans
Executive Director

cc: The Honorable Lesil McGuire, Alaska State Senate