

**SB**

**190**

<TARGET><BILL>SB 190</BILL><SUBJECT>SB  
190</SUBJECT><COMM>SEDC29</COMM></TARGET>

## SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/22/16

FURTHER: Labor and Commerce

Date of 5-Day Notice: 03-03-16  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: MAR 18 2016

**Education Committee** considered SENATE BILL NO. 190

SB 190-EXEMPTION FROM POST-SECONDARY ED REGS

"An Act relating to an exemption from the regulation of postsecondary educational institutions."

and recommends:

- be replaced with CS SB 190 ( EDC )  Same Title  New Title
- adopt previous CS \_\_\_\_\_ ( \_\_\_\_\_ )  Same Title  New Title
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
EED			✓	1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	STEVEN	✓			
	Giessel	✓			
	Huggins	✓			
	Beta Gardner		✓		
CHAIR:	DUNCANSON	✓			

# Alaska State Legislature

Session:  
State Capitol  
Suite 125  
Juneau, AK 99801  
Phone: (907) 465-2995  
Fax: (907) 465-6592



Interim:

716 W 4<sup>th</sup> Avenue, Suite 300  
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Fax: (907) 269-0249

Senator Lesil McGuire

## MEMORANDUM

To: Senator Mike Dunleavy, Chair, Senate Education Committee

From: Senator Lesil McGuire *LM*

Date: March 2<sup>nd</sup>, 2016

Re: SB 190 Exemption from Post-Secondary Education Regulations

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I respectfully request a hearing on Senate Bill 190 "An Act relating to an exemption from the regulation of postsecondary educational institutions," to be heard in the Senate Education Committee at your earliest convenience.

SB 190 exempts certain businesses that offer instruction classes, in subjects such as yoga, from overly burdensome regulations meant for post-secondary education institutions.

Attached to this memo please find:

- SB 190 ver W
- Sponsor Statement
- Supporting Documents

The contact for SB 190 is Dianne Blumer, 465-2995

Thank you.

# Alaska State Legislature



*Session:*  
State Capitol  
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Senator Lesil McGuire

## SPONSOR STATEMENT

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Regulations of Postsecondary Educational Institutions are outlined in Alaska Statute 14.48. SB 190 will prohibit Alaska Commission on Postsecondary Education from requiring programs to register with ACPE as a postsecondary institution if the program they offer issues a certificate of completion and the field does not require a professional or occupational license under Alaska Statute 08.

For example, Yoga teachers or studios are not required to have a professional or occupational license under Alaska law. Until recently yoga studios and teacher training programs have been free of state regulation and oversight. These studios have attempted to provide their clients a quality program and environment that are now unfortunately being subjected to ACPE regulations because they use terms such as "yoga teacher training" program and awarded a "certificate" at the completion of the course.

SB 190 will exempt programs that offer a certificate of completion when the field of study does not require a professional or occupational license under Alaska law. The passage of SB 190 will free programs from unnecessary and costly application process and fees associated with the registration as a postsecondary educational institution with APCE.

## **Sponsor statement for SB 190**

Regulations of Postsecondary Educational Institutions are outlined in Alaska Statute 14.48.

SB 190 will prohibit Alaska Commission on Postsecondary Education from requiring programs to register with ACPE as a postsecondary institution if the program they offer issues a certificate of completion and the field does not require a professional or occupational license under Alaska Statute 08.

For example, Yoga teachers or studios are not required to have a professional or occupational license under Alaska law. Until recently yoga studios and teacher training programs have been free of state regulation and oversight. These studios have attempted to provide their clients a quality program and environment that are now unfortunately being subjected to ACPE regulations because they use terms such as “yoga teacher training” program and awarded a “certificate” at the completion of the course.

SB 190 will exempt programs that offer a certificate of completion when the field of study does not require a professional or occupational license under Alaska law. The passage of SB 190 will free programs from unnecessary and costly application process and fees associated with the registration as a postsecondary educational institution with APCE.

**CS FOR SENATE BILL NO. 190(EDC)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATOR MCGUIRE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to an exemption from the regulation of postsecondary educational  
2 institutions."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 14.48.030(a) is amended to read:

5 (a) The following educational programs, and institutions providing only the  
6 following educational programs, are exempt from the provisions of this chapter:

7 (1) instruction provided at a level from preschool through grade 12,  
8 including preparation for general equivalency diploma examinations;

9 (2) a program operated by the United States;

10 (3) a program that does not offer educational credentials and is  
11 provided only to prepare individuals to take graduate examinations; [AND]

12 (4) a program that does not offer educational credentials and is only  
13 avocational or recreational in nature; **and**

14 **(5) a program that is in a field that**



# Fiscal Note

State of Alaska  
2016 Legislative Session

Bill Version: SB 190  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SB190-EED-ACPE-3-4-16  
Title: EXEMPTION FROM POST-SECONDARY ED  
REGS  
Sponsor: MCGUIRE  
Requester: Senate Education Committee

Department: Department of Education and Early Development  
Appropriation: Alaska Postsecondary Education Commission  
Allocation: Program Administration & Operations  
OMB Component Number: 2738

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates					
			FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None								
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time								
Part-time								
Temporary								

<b>Change in Revenues</b>								
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**Estimated SUPPLEMENTAL (FY2016) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2017) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

**Why this fiscal note differs from previous version:**

Not applicable, initial version.

Prepared By: Diane Barrans	Phone: (907)465-6740
Division: Alaska Commission on Postsecondary Education	Date: 03/04/2016 01:00 PM
Approved By: Diane Barrans	Date: 03/04/16
Agency: Alaska Commission on Postsecondary Education	

FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2016 LEGISLATIVE SESSION

BILL NO. SB190

**Analysis**

This legislation proposes to create a new classification of exempted institutions that would not be subject to the statutory and regulatory standards established in AS 14.48.

There is not an anticipated fiscal impact relating to the passage of this bill.

# Frequently Asked Questions

## **Are people that teach Yoga in Alaska required to have a professional or occupational license?**

No. Department of Commerce and Economic Development does not regulate the yoga industry or yoga studios.

## **Why is ACPE requiring yoga studios to register as Postsecondary Institutions?**

Some yoga studios offer a yoga teacher training, (YTT), program that is sanctioned by an international organization known as Yoga Alliance. Yoga Alliance is a 501(c)(6) and Yoga Alliance Registry are related organizations that work together to support the yoga community. Yoga Alliance Registry is a nonprofit 501(c)(3) public charity. For the sake of simplicity, their website sometimes refers to the two related organizations collectively as “Yoga Alliance.” Upon completion of a YTT a student is issued a certificate of completion. Under AS 14.48.210(6), a “certificate” is considered an “Educational Credential” and therefore ACPE can collect a registration fee.

## **Does the certificate issued by the yoga studio provide the student with any employment advantages?**

No. Alaska does not have a minimum standard to be a yoga teacher. Anybody can establish a yoga studio and teach yoga in Alaska. The certificate awarded by studios that have curriculum sanctioned by Yoga Alliance can only be used to register on the Yoga Alliance Registry.

As a member of Yoga Alliance Registry, you can customize your profile, which allows people who are looking for a Registered Yoga Teacher (RYT®) or Registered Yoga School (RYS®) to learn more about you. **The teacher registry is not a certification program;** it is simply a listing of teachers who met Yoga Alliance’s minimum requirements for teaching experience and have completed their trainings at a Registered Yoga School (RYS).

## **What are the benefits of being a member of the Yoga Alliance Registry?**

On the Yoga Alliance Registry, your profile allows you to:

- **Promote who you truly are.** Your profile page provides you with a broader range of opportunities to express yourself. You can post your bio, list the types of yoga you teach, share images in your photo gallery and more. You can also link to your social media sites so potential clients or trainees can keep up with your busy teaching or training schedule.

- **Be discovered by new students or trainees.** The directory search is dynamic and helps potential students or trainees find what they're looking for based on a number of search options. Include special keywords about your teaching or training, such as specific styles and niche offerings, in your bio too. The "Keyword" search indexes the content of your entire profile page.
- **Teachers: Display your yoga experience.** As a teacher, you can list all of the places you teach yoga on your profile page along with your experience. Your RYT designation is prominently placed on your page too. You can also display your total teaching hours since you completed your first registered teacher training.
- **Schools: Showcase upcoming trainings.** Schools can list their upcoming teacher training programs on their profile and the dates will automatically appear in Directory search results. It's a great way for people skimming through search results to see what's coming soon at your school.

## **How long has Yoga Alliance been around for?**

### **The Founding**

At a conference in San Francisco, California, hosted by Yoga Journal, yogis from a variety of lineages and traditions began to discuss the idea of developing standards for yoga teacher trainings. Some of those attendees began exchanging emails and phone calls, putting together a loosely affiliated group called the Yoga Dialogue, facilitated by Christopher Baxter and initially comprised of about two dozen people.

In the fall of 1997, group members dubbed themselves the Ad Hoc Yoga Alliance and later held its first in-person meeting at the Kripalu Center for Yoga & Health in Stockbridge, Massachusetts. They delivered a presentation about standards, at an October 1998 Yoga Journal conference in Estes Park, Colorado, which included Nayaswami Gyandev McCord.

### **1999**

Some members of the Unity in Yoga board of directors attended that same conference and saw the presentation. After a January 1999 meeting between the two groups, Unity in Yoga offered to roll its 10-year-old charity, organized as a 501(c)(3), completely over to the Ad Hoc Yoga Alliance.

Yoga Alliance also established its first board of directors and elected their first president Rama Berch, who is now known as Swami Nirmalananda. Other original board members include McCord, Pat Hansen, Sharon Shanthi Behl, Swami Ramananda, Hair Kaur Khalsa, Gloria Goldberg, Martin Pincus and John Willey.

Rama Vernon, the founder and president of Unity in Yoga prior to Yoga Alliance, recalled in a 2009 letter, "I was sitting at my altar meditating and chanting. Suddenly I heard an inner voice and it said - it was like a command - 'Bring the teachers together for if those who teach in the name of union cannot come together in the spirit of that union, who can?'"

Now a full-fledged nonprofit organization dedicated to promoting yoga, Yoga Alliance developed a registry to recognize yoga teachers and schools whose training met the designed minimum Standards.

## **How long has ACPE been requiring yoga studios that offer YTT to register with them as a post-secondary educational institution? When did it all start?**

2014

### **What is the cost to register with ACPE as a post-secondary institution?**

Authorization – Initial - \$2,500

Authorization – Renewal - \$500 minimum - \$2,500. The Renewal of Authorization fee is set at 3% of average tuition receipts during the most recent authorization period.

## Alaska Statutes

**Sec. 14.48.010. Purposes.** (a) It is the purpose of this chapter to provide for the protection, education, and welfare of the citizens of the state, its postsecondary educational institutions, and its students, by

- (1) establishing minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility, to protect against substandard, transient, unethical, deceptive, or fraudulent institutions and practices;
- (2) prohibiting the granting of false or misleading educational credentials;
- (3) regulating the use of academic terminology in designating educational institutions;
- (4) prohibiting misleading literature, advertising, solicitation, or representation by educational institutions or their agents;
- (5) providing for the preservation of essential academic records; and
- (6) providing certain rights and remedies to the public and the commission necessary to carry out the purposes of this chapter.

(b) This chapter may not be construed to preclude the development of innovative, alternative postsecondary educational delivery systems or programs if their purposes and their administration, operation, or management are in the public interest and do not conflict with those purposes set out in (a) of this section. (sec. 1 ch 25 SLA 1976)

**Sec. 14.48.030. Exemptions.** (a) The following educational programs, and institutions providing only the following educational programs, are exempt from the provisions of this chapter:

- (1) instruction provided at a level from preschool through grade 12, including preparation for general equivalency diploma examinations;
- (2) a program operated by the United States;
- (3) a program that does not offer educational credentials and is provided only to prepare individuals to take graduate examinations; and
- (4) a program that does not offer educational credentials and is only avocational or recreational in nature.

(b) Except as provided under AS 14.48.165, the commission may exempt the following educational programs, and educational institutions only providing programs exempt under (a) of this section and this subsection, from some or all of the provisions of this chapter:

- (1) a program operated by a state or a political subdivision of a state;

- (2) instruction sponsored by a bona fide trade, business, labor, professional, or fraternal association or organization, recognized by the commission, and conducted only for that association's or organization's membership;
  - (3) nonprofit postsecondary educational institutions offering undergraduate or graduate educational programs, from a facility in this state, that are acceptable for credit toward an associate, bachelor's, or graduate degree;
  - (4) a program that is provided without a fee, other than the actual cost of materials, to students;
  - (5) a program that does not offer education credentials;
  - (6) a short course of study that is not more than 15 days or 120 hours in duration;
  - (7) a program offered within the state by an out-of-state institution that is authorized to operate by the state in which it is located and is nationally or regionally accredited;
  - (8) a program or institution that is regulated by another agency or political subdivision of the state regarding the quality of course contents, facilities, and operation.
- (c) In this section, "nonprofit" means an organization that is exempt under 26 U.S.C. 501(c)(3). (sec. 1 ch 25 SLA 1976; am sec. 1 ch 50 SLA 1977; am sec. 1 ch 12 SLA 1992; am sec.2 ch 112 SLA 1997; am sec 1 ch 21 SLA 2005; am sec. 42 ch 89 SLA 2014)

**Sec. 14.48.210. Definitions.** In this chapter

- (6) "**educational credentials**" means degrees, diplomas, **certificates**, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify, purport, or are generally taken to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution;
- (8) "postsecondary educational institution" means academic, vocational, technical, home study, business, professional, or other school, college, or university offering education primarily to persons who have completed or terminated their secondary education, or who are beyond the age of compulsory high school attendance, for attainment of educational, professional, or vocational objectives;



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jodee.dixon@yahoo.com  
Message us through Facebook too!

My Account (/apps/mindbody/login)   
(<https://www.facebook.com/ontheyogapath>)

[HOME \(/PAGES/HOME\)](#)

[SCHEDULE \(/PAGES/SCHEDULE\)](#)

[ABOUT \(/PAGES/ABOUT\)](#)

[OUR TEAM \(/PAGES/TEACHERS\)](#)

[CONTACT \(/PAGES/CONTACT\)](#)

(/apps/mindbody/checkout.php?productID=10120)

## About The Yoga Path



### The Yoga Path

The Yoga Path is all about the grand potential of well-being that consistent practice of yoga offers.

Prior to starting The Yoga Path, I would often practice at home because a class or location was not convenient. Home practice has its advantages, but I missed practicing with other people and in a warm yoga space. I always support home practice when a class isn't an option or when you need more introspection. The rest of the time, yoga practice with a trusted teacher, in a warm and dedicated yoga studio, is ideal. For this reason, I felt that a centrally located studio with a full schedule, from introduction classes to Mysore practice, was needed.

For myself and the teachers at The Yoga Path, sharing yoga is about facilitating success in each student's life. Now we have the space at The Yoga Path. Hope to see you soon.

### Prices (including tax)

Drop in:

1 hour \$13

1.5 hr \$15

10 class punch:

1 hour \$117

1.5 hr \$135

Unlimited Monthly pass \$99/month with recurring payment.

### Benefits

The benefits of yoga are incredibly vast. For each student, the experience is unique and all effort into yoga is rewarded with benefits. Yoga:

Increases range of movement in stiff areas, while hyper mobile joints are stabilized

Calms the mind and nervous system

Helps to reduce and manage stress

Combats depression and fatigue

Balances the digestive, endocrine, respiratory and cardiovascular systems

Complements meditation and other spiritual disciplines

Develops balance and core strength

Benefits all ages with the appropriate practice

The great world wide web has many resources for much greater detail on any aspect of yoga you may wish to research. If you have specific concerns, questions, or areas of interest, please discuss these directly with your yoga teacher.

### Recommendations

Practice yoga on an empty stomach. For lunch or evening classes, try a small and easily digestible snack 1 to 2 hours prior to practice.

Stay hydrated on a day to day basis. If truly thirsty during yoga, drink small amounts of water. Immediately after yoga, especially classes in which you sweat and or twist a lot, drink plenty of water.

Wear clean and comfortable clothing.

Arrive 10 to 20 minutes early so you are not rushed to get set up for class.

Manage body odor by arriving showered and clean or if attending class after work, take a moment to freshen up in the restroom. It will make you feel better during practice and it will be much more pleasant for your neighboring practitioners.

Upon arriving at the studio, stay focused on getting yourself set up and breathing on your mat. A few minutes of breathing in a comfortable position is highly recommended. Time for connecting with your yoga community is ideally reserved for after class.

\*Any injury or health concern should be assessed by your doctor or health professional. If you are working with an injury or health concern, please inform your yoga teacher.

### Links

Teachers that have inspired me:

Fiona Stang [www.ashtangayogavancouver.com](http://www.ashtangayogavancouver.com)

[www.spaciousyoga.com](http://www.spaciousyoga.com) (<http://www.spaciousyoga.com>)

[www.yogatemple.com](http://www.yogatemple.com)

(<http://www.yogatemple.com>)

Resources on Ashtanga Vinyasa Yoga:

[www.ashtangayoga.info](http://www.ashtangayoga.info) (<http://www.ashtangayoga.info>)

[www.yogananatomy.com](http://www.yogananatomy.com) (<http://www.yogananatomy.com>)

[www.loveyogaanatomy.com](http://www.loveyogaanatomy.com) (<http://www.loveyogaanatomy.com>)

[www.absolutelyashtanga.com](http://www.absolutelyashtanga.com) (<http://www.absolutelyashtanga.com>)

Other Yoga References

[www.yogaalliance.org](http://www.yogaalliance.org) (<http://www.yogaalliance.org>)

### What students are saying

Thank you very much Jodee! You are so wonderful and absolutely my favorite yoga instructor! You really are very good at guiding and motivating practitioners. - *Linda*

You're an amazing teacher – one of the best I've ever had. Working with you over the last several months has pushed me forward in my practice. Your attention to detail has allowed for that. You are a true yoga coach. I cannot thank you enough. - *Sonja*

It was really wonderful to have you here!!! Thank you so much for putting so much time and energy into our little Ashtanga community here. Please know you are always welcome back and I really hope you stay in touch. I wish you tons of success teaching in Juneau. They are lucky to have you there. - *Heather, from Whitehorse.*

I eagerly await the opening of the Yoga Path and the opportunity to learn and receive from Jodee. Thanks to her yoga will always be a part of my life. For years I have taken every opportunity to work with Jodee. Her patience and generosity are unlimited. Her depth of knowledge shared easily. It has, at times, taken me years for my mind, body, and spirit to be ready to "hear". She persevered through to my understanding - "Aha moments" can be a long time coming, their gift immeasurable.

Practice allows me freedom from the chatter of my mind and pain of body, creating a pathway for peace. A regular practice has often been fleeting for me, usually revived when the chatter and pain beckon me to seek relief. I look forward to having the space and guidance regularly available to move me toward greater growth and keep me on My Path. - *K.*

*Practicing with Jodee is transformative. Jodee has the unique ability to peel away the layers, demystify the process and always bring it back to breath.*

*Focusing on breath has allowed my yoga practice to grow beyond my wildest dreams both on and off the mat. - Darla*

*I've long believed Jodee should have her own studio. Through patient and conscientious instruction, she conveys her genuine love for yoga. From the first moments in Tadasana, each practitioner in the Yoga Path, at whatever level, will come to know through breath and physical alignment, guided by a wonderful teacher, the benefits of a healthy yoga practice. - JD*

*Jodee's deep passion and ever increasing knowledge of yoga make her a phenomenal yoga instructor. When taking classes from her, I felt so good and became more flexible. Jodee really knows how to teach by demonstration and explaining poses and why we do them. She is encouraging and challenging yet recognizes her student's limitations. Besides all that, she is one terrific individual! - CG*

The Yoga Path is not accepting new students into the teacher training program at this time.

In order to offer another Yoga Alliance 200 hour training, a minimum of 6 students with long term commitment would be needed.

To offer another 200 hour training, The Yoga Path will be required to complete a lengthy process with the State of Alaska for authorization from the Commission on Postsecondary Education.

Please contact Jodee Dixon for more information. (907) 209-8136, [jodee.dixon@yahoo.com](mailto:jodee.dixon@yahoo.com)



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



Many Paths, One Yoga Alliance

March 9, 2016

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

Dear Chairman Dunleavy:

Thank you for considering SB 190 in the Senate Education Committee on March 10, 2016. On behalf of Yoga Alliance<sup>1</sup> and our Alaska membership, I look forward to providing testimony in support of this important legislation and to answering any questions the committee may have with respect to the current regulation of advanced yoga classes by the Alaska Commission on Postsecondary Education ("ACPE").

As you know, the net effect of SB 190 would be to exempt yoga teacher training programs ("YTTs") from the ACPE's institutional authorization process, which is designed for programs that provide "for attainment of educational, professional, or vocational objectives." Alaska Stat. § 14.48.210. It is my understanding that Diane Barrans, Executive Director of the ACPE, wrote you a letter on March 7, 2016 outlining her concerns about your legislation. Yoga Alliance recognizes and respects the value of the institutional authorization process and appreciates Ms. Barrans' dedication to the Commission's interest. However, Yoga Alliance disagrees with the ACPE's position that YTT programs constitute vocational training that should be subject to ACPE institutional authorization regulation. This letter outlining the reasons for our position on this issue and explains why Yoga Alliance wholeheartedly supports SB 190.

#### **I. YTTs Do Not Provide Vocational Training**

YTTs, despite their name, are not designed to prepare individuals to enter the workforce as a yoga teacher; rather, most YTT program participants attend only to practice advanced yoga, and only a minority of participants ever go on to become full-

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<sup>1</sup> Yoga Alliance is a non-profit membership trade association that represents yoga teachers and yoga teacher training schools around the world. Yoga Alliance was founded in 2011 by its sister organization, Yoga Alliance Registry, a non-profit, non-governmental public charity that sets *voluntary* standards for YTTs. Yoga schools that submit their training syllabus to Yoga Alliance's credentialing team and meet Yoga Alliance's voluntary standards may receive a Registered Yoga School (RYS) credential. In turn, yoga teachers who complete a RYS teacher training are generally eligible to apply to register as a Registered Yoga Teacher (RYT). Receipt of an RYS or RYT credential is voluntary and not required to run a YTT program or teach yoga.

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time instructors. As such, Ms. Barrans' concern that "students may not be able to assess their program's quality until they begin to apply their acquired skills in the work world" is not a concern in this context, because most

YTT participants do not enroll in a YTT program with the expectation that it will lead to gainful employment.

The term "YTT" is used throughout the yoga community to represent an advanced level yoga class – synonymous with black belt classes in martial arts – and has been used in the community for decades. A close look at the contents of a typical YTT reveals that these programs do not share the characteristics of the occupational and career schools (e.g. private colleges and technical institutes) that ACPE otherwise regulates. Although YTTs customarily provide a participant a certificate of completion at the program's conclusion, YTTs do not offer degrees, do not assign grades, and do not maintain transcripts. Further, under Alaska law, yoga instruction is not a licensed profession, and individuals may teach yoga regardless of whether they complete a YTT. In other words, YTTs cannot be considered vocational training because they are not a prerequisite to teaching in Alaska or, for that matter, any other state in the country. Accordingly, Ms. Barrans' assertion that YTTs market themselves as "qualifying" a person to teach yoga is simply inaccurate.

## **II. Regulation of YTTs by the ACPE is Unnecessary to Protect Yoga Consumers**

We understand that that ACPE considers institutional authorization a governmental consumer protection function in Alaska, and appreciate the important role the ACPE plays for many Alaskan postsecondary students seeking training to qualify them for gainful employment. However, the ACPE is only charged with regulating professional and vocational schools, not every Alaska business that provides a service or instruction to consumers. The yoga community is unaware of any consumer complaints against Alaska YTTs that would necessitate increased ACPE scrutiny of these programs, even as other avocational activities like advanced martial arts, dance, or Pilates classes remain unregulated.

Unlike other Alaska businesses that may cater to uninformed consumers, YTTs offer advanced yoga training to experienced yogis who are familiar with the yoga community and, in many cases, have a preexisting relationship with the YTT provider before signing up for the program. This means that YTT participants are able to make informed choices about the services they procure.

Moreover, even without the ACPE, YTTs – as businesses providing services to consumers – must comply with an array of federal, state, and local consumer protection,

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anti-unfair-trade-practices, business, and premises safety laws and regulations, just like every other Alaska business. SB 190 would not change this existing framework of consumer protections.

### **III. Regulation is Harmful to Alaska Small Businesses**

Most YTTs are small businesses, and the majority are owned and operated by women. The time and expense to comply with the ACPE's requirements (e.g., \$2,500 initial fee plus renewal fees; requirement to maintain a course catalog) have a detrimental effect on independent studios. Indeed, Yoga Alliance has been contacted by providers whose doors have been shuttered by onerous and expensive occupational education regulations.

Other states that have considered new vocational training regulation of YTTs in recent years have withdrawn such efforts based on the well-considered conclusions reached by state legislators who understand that YTTs do not constitute vocational training. In 2015, the states of Arkansas and Colorado passed legislation by overwhelming majorities specifically exempting YTTs from state occupational education regulations. Other states, including Texas and Virginia, have enacted similar legislation. Moreover, several other states are considering legislation to ensure that vocational training regulations do not apply to YTTs during the current state legislative season. SB 190 is consistent with the national trend of states refraining from subjecting YTTs to occupational education regulation.

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Thank you for the opportunity to share this information. I hope you find it helpful as you consider SB 190. I look forward to testifying before your committee and answering any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Barbara J. Dobberthien".

Barbara Dobberthien  
Executive Director



## Vocational Training Regulations Should Not Apply to Yoga Teacher Training Programs

### Overview

- Under Alaska law, yoga instructors – like martial arts and dance instructors – are not required to hold a license in order to teach yoga. The vast majority of individuals who lead yoga classes in Alaska are *not* full-time instructors and do *not* earn a living from teaching.
- Within the yoga community, studios and practitioners host advanced yoga training classes that are called yoga teacher training programs or “YTTs.” The name “teacher training,” however, is a misnomer because most participants attend only to deepen their personal practice or practice yoga in a group setting. Further, *completion of a YTT program is not a prerequisite to teach yoga.*
- In recent months, the Alaska Commission on Postsecondary Education (ACPE) has informed several YTT programs in the state that they must follow regulations intended for postsecondary institutions and vocational programs. As a result, YTTs, which are primarily women-owned, small businesses, are subject to burdensome requirements and required to pay expensive fees.
- Many members of the yoga community, business owners, and concerned Alaska residents oppose the imposition of the ACPE’s regulations on YTTs because they are both unnecessary and onerous.

### Regulating YTTs as Vocational Programs is Unnecessary

- ACPE’s mandate is to regulate postsecondary educational institutions that offer academic, vocational, or professional education “for attainment of educational, professional, or vocational objectives.” Alaska Stat. § 14.48.210. YTTs are not designed to prepare individuals to enter the workforce; rather, most participants in YTT programs attend only to practice advanced yoga, and only a minority of participants ever go on to become full-time instructors. As such, YTT programs are best classified as *avocational activities, not vocational training or professional education.*
- In Alaska, yoga instruction itself is *not* a licensed profession or occupation and completing a YTT program is not a prerequisite for an individual to become a yoga instructor. In fact, there are *no* prerequisites to teach yoga; indeed, only a small minority of yoga instructors complete a YTT before leading yoga classes.
- Applying vocational education regulations to YTTs effectively constitutes a solution in search of a problem. The yoga community is unaware of any consumer complaints about Alaska YTTs that would necessitate ACPE involvement. Further, exempting YTTs from the current regulatory scheme would only remove these programs from regulations designed for “vocational” schools. *All other state, federal, and local business, consumer protection, and premises safety regulations will still apply to Alaska’s YTTs.*

### Regulating YTTs is Harmful to the Yoga Community and the State

- Most YTTs are small businesses, and the majority are owned and operated by women. The time and expense to comply with ACPE’s mandates (e.g., \$2,500 initial fee plus renewal fees; requirement to maintain a catalog) *have a detrimental effect* on independent studios. The current regulatory climate dissuades yoga providers from offering or expanding YTT programs.
- Extensive and expensive regulations inherently favor large, established studios, creating *an unfair advantage* for such studios and establishing a barrier to entry for small, independent yoga entrepreneurs.

### Specific Exemption of YTTs from Occupational School Regulations

- The number of states that have specifically removed yoga teacher training programs (YTTs) from regulations governing occupational or vocational schools is growing.
- In the past five years, laws have been enacted in Arkansas, Colorado, New York, Texas, and Virginia to remove YTTs from the jurisdiction of state agencies tasked with regulating or licensing occupational or vocational schools. In addition, regulators in Georgia have determined to halt efforts to regulate YTTs, and since 1992, South Carolina's regulators have officially categorized yoga schools as avocational programs.
- Each law enacted to exempt YTTs from occupational school regulations has passed state legislatures with widespread, bipartisan support. Indeed, laws to protect YTTs in Arkansas and Texas were passed unanimously, and in Colorado, only a single nay vote was cast in each legislative chamber.

### Nationwide Attempts to Regulate YTTs as Occupational Schools

- The majority of states have not attempted to regulate YTTs as occupational schools. In fact, 9 states have not enacted occupational school regulatory regimes at all.
- In 5 states (AR, CO, NY, TX, VA), YTTs are specifically exempted by statute from occupational school regulations.
  - *Arkansas.* Under Arkansas' occupational school law, amended earlier this year, "a program of instruction in yoga or in yoga teacher training" is excluded from the definition of "schools" subject to regulation. Further, the law specifies that it "does not apply to a school or training program that offers only avocational or recreational instruction or teacher instruction for the following subjects . . . yoga." See Ark. Code § 6-51-602.
  - *Colorado.* Under the Colorado occupational school law, also amended earlier this year, "yoga teacher training courses, programs, and schools" are specifically "exempt from the provisions of the [law]." See Colo. Rev. Stat. § 12-59-104.
  - *New York.* New York's occupational school law includes a specific exemption from state licensing requirements for "schools which provide instruction in the following subjects only: . . . yoga . . . , including the training of students to teach such subjects". See NY Educ Law §5001.
  - *Texas.* Under Texas occupational school law, "[a] program of instruction in yoga or that trains persons to teach yoga" is excluded from the definition of a "postsecondary program" otherwise subject to regulation. See TX Educ. Ann. § 132.001.

- *Virginia*. The scope of Virginia’s occupational school law is limited in that “instructional programs that are intended solely for recreation, enjoyment, personal interest, or as a hobby, *or courses or programs of instruction that prepare individuals to teach such pursuits*” are excluded from the definition of “vocational” schools subject to regulation. *See* VA Code Ann. § 23-276.1 (emphasis added). This legislative language was the byproduct of advocacy by Virginia’s yoga community to ensure that YTTs would not be subject to vocational training regulation.
- Further, based on publicly available information, approximately half of the states are not currently regulating YTTs as occupational schools or otherwise not widely or systematically regulating YTTs as occupational schools.
- Executive, legislative, and public opposition is growing rapidly in the minority of states that have determined to aggressively pursue YTTs under occupational school regulatory regimes. Yoga Alliance is currently working with state legislators in Arizona, Illinois, Michigan, and Missouri to specifically exempt YTTs from occupational education regulations.
- Importantly, in every state where YTTs are not subject to occupational school regulatory requirements, all other state, federal, and local business, consumer protection, and premises safety regulations still apply to YTTs, just like any other business providing a service to consumers.