

**RESPONSE TO HOUSE RESOLUTION NO. 197 OF THE 2010  
REGULAR SESSION OF THE LOUISIANA LEGISLATURE**

**LOUISIANA BOARD OF REGENTS**

**FEBRUARY, 2011**

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## Introduction and Background

House Resolution No. 197 of the 2010 Regular Session of the Louisiana Legislature (HR 197) urges and requests 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.**

A copy of HR 197 appears as Appendix A to this report.

In the Proprietary Schools Law, the legislation describes the law's intent as

**to promote the public health, safety and welfare by safeguarding the people and legitimate proprietary schools of this state against incompetent, dishonest or unprincipled trade, technical and business schools of various kinds and operators, owners, and/or solicitors thereof.**

It is clear from the language of the law that the protection of the consumer is at the forefront.

## Process and Findings

In 1972, the Louisiana legislature enacted the Louisiana Proprietary Schools Law, LA R.S. 17:3141 which provides for the licensing, regulating, and oversight of proprietary schools in Louisiana. R.S. 17:3141.2(1) specifically defines a proprietary school to mean

**any business enterprise operated for a profit or on a nonprofit basis which maintains a place of business within the state, or which sells or offers for sale any course of instruction in this state, 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.**

The Proprietary Schools Law also excludes certain types of training from licensure.

As the proprietary schools law is currently written and interpreted by the Louisiana

Proprietary Schools Advisory Commission, a yoga teacher who offers yoga classes to an individual or individuals(s) specifically for the purpose of recreation, health, entertainment, or personal enrichment is not required to obtain a proprietary school license, as this situation is viewed as an exemption from proprietary school licensure per R.S. 17:3141.2(1)(c):

**The definition of a proprietary school shall not include 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.**

However, where “Yoga Teacher Training” is offered, this specific instruction is interpreted to fall under the jurisdiction of the Proprietary Schools Law which defines a proprietary school as any business which offers a “course of instruction or study” 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”. Specifically, the yoga teacher training course is offered for the purpose of training or preparing persons to teach yoga. The field of endeavor for which the training prepares students is teaching yoga. Whether a student ultimately uses the training provided to teach yoga, or makes a living teaching yoga is not relevant to the determination of the purpose for which the course is being offered.

#### Summary, Conclusions and Recommendations

House Resolution No. 197 of the 2010 Regular Session of the Louisiana Legislature (HR 197) urges and requests 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.**

Currently, there are two licensed proprietary schools in the state which offer yoga teacher training. Students enrolled in these schools are afforded certain protections under the Proprietary Schools Law. The practice of yoga is becoming more prominent and is being recognized by many in the traditional medical community. The need for well-trained and competent instructors who have met certain professional standards is essential to the safety and well-being of the students enrolled in yoga classes.

The Board of Regents concludes that the current Proprietary Schools Law, coupled with the Rules and Regulations of the Proprietary Schools Advisory Commission, provides sufficient authority and clarity for the Commission and Board to make necessary distinctions among programs at yoga facilities and to differentiate those programs that are recreational in nature and exempt from licensure from those that provide teacher training and are subject to licensure.

Therefore, the Board of Regents recommends that no changes in the proprietary schools law or in board policies and procedures are necessary in regards to the licensing and regulation of yoga teacher training facilities as Louisiana proprietary schools. The Board of Regents further recommends that if it is the intent of the Legislature to exempt yoga teacher training from the Proprietary Schools Law, that the Legislature amend the Proprietary Schools Law to clearly express that intent.

