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HOUSE BILL NO. 703

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend and reenact § 23-276.2 of the Code of Virginia, relating to yoga teacher training.

Patrons—Bulova, Comstock and Janis

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 23-276.2 of the Code of Virginia is amended and reenacted as follows:****§ 23-276.2. Exemptions.**

A. The provisions of this chapter shall not apply to the public state-supported institutions named in § 23-9.5 or any public institution of higher education established in statute as an authority and declared a governmental instrumentality pursuant to § 23-14.

B. In addition, the following activities or programs offered by schools that are otherwise subject to this chapter shall be exempt from its provisions:

1. The awarding of an honorary degree conferred and regarded as (i) commemorative in recognition of an individual's contributions to society and (ii) not representative of the satisfactory completion of all or any part of the requirements of a program or course of study; such degree shall clearly state on its face that it is honorary in nature;

2. A nursing education program or curriculum regulated by the Board of Nursing;

3. A professional or occupational training program subject to the approval of (i) a regulatory board pursuant to Title 54.1 or (ii) other state or federal governmental agency;

4. Those courses or programs of instruction given by or approved by any professional body, fraternal organization, civic club or benevolent order that are principally for continuing or professional education or similar purpose and for which no degree credit is awarded;

5. Those courses or programs offered through approved multistate compacts, including, but not limited to, the Southern Regional Education Board's Electronic Campus;

6. Those courses offered and delivered by a postsecondary school that is accredited by an entity recognized by the U.S. Department of Education for accrediting purposes, if such courses are provided, solely on a contractual basis for which no individual is charged tuition and for which there is no advertising for open enrollment;

7. Any school, institute or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects related to the trade, business or profession represented by such association;

8. Any public or private high school accredited or recognized by the Board of Education that has offered or may offer one or more courses cited in this chapter, if any tuition, fees and charges made by the school are collected as may be permitted by Title 22.1, in the case of a public school, or pursuant to regulations prescribed by the relevant governing body of such private school; or

9. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or to prepare an individual for an examination for professional practice or higher education.

C. The Council shall exempt from the provisions of this chapter any school whose primary purpose is to provide religious or theological education. Postsecondary schools shall apply for exemptions to confer diplomas, certificates, or degrees related to religion and theology. Exemptions may be granted for a maximum of five years, unless the school has been granted a standing exemption prior to July 1, 2002.

Each school seeking an exemption or continuation of an exemption shall file such information as may be required by the Council. If the Council does not grant a postsecondary school an exemption, the school shall be notified in writing with the reasons for the exemption denial. The affected school shall have the right to appeal the Council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2. The Council shall, in each instance, determine the applicability of the exemption as provided in this section.

D. The Council shall exempt from the provisions of this chapter any yoga teacher training program that notifies the Council that it shall provide a disclosure statement to all prospective students before enrollment that indicates the curriculum standards used, including any program certification, if any. The disclosure statement shall be provided on a form approved by the Council.

DE. Notwithstanding the exemptions provided in this section, exempted schools shall be subject to

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59 the provisions of subsection B of § 23-276.6 and a postsecondary school may seek Council approval for
60 an otherwise exempt activity or program.

61 **2. That the State Council of Higher Education for Virginia shall, in cooperation with**
62 **representatives from yoga studios offering teacher training programs, develop a disclosure**
63 **statement to be used by yoga teacher training programs wishing to be exempt from regulation**
64 **pursuant to this act.**