June 24, 2016

VIA CERTIFIED MAIL

Ms. Patricia Leonard
Chair
Arizona State Board for Private Postsecondary Education
1400 W. Washington Street
Phoenix, AZ 85007

Dear Ms. Leonard:

I am writing on behalf of Yoga Alliance\(^1\) members in Arizona regarding the recent enactment of House Bill 2613 (the “Bill”). As you know, this important legislation exempts yoga teacher training programs (“YTTs”) and yoga instructional courses from regulation by the State Board for Private Postsecondary Education (“Board”) effective August 6, 2016. Based on the enactment of the legislation, Yoga Alliance requests that the Board issue a refund to currently licensed YTTs for the portion of the annual fees they have already paid that covers the period from July 1, 2016 through their next renewal date, unless the operator voluntary elects to continue licensure. We also request that the Board prepare new guidance to licensed YTTs indicating that they do not have to affirmatively inform the Board as to whether they will maintain or renew their license going forward.

Based on discussions with our members, we understand that currently licensed programs paid a fee upon initial licensure and then pay annual renewal fees. The renewal fees – due on the anniversary of initial licensure – cover the costs associated with the program’s licensure for the entire upcoming year. This means that currently licensed yoga programs have already prepaid fees to the Board that are intended to cover their licensure for some period of time after July 1\(^1\) despite the fact that the Board will no longer oversee these programs after that time. Accordingly, these YTTs are entitled to a prorated refund of prepaid fees that would have applied beyond that date unless the YTT affirmatively elects continued licensure. The Board’s June 2, 2016, communication to licensees indicating that “the new law does not authorize the Board to provide refunds” has no legal bearing; the Board already has such authority independent of the new law. As evidenced by the Board’s recently announced actions to streamline its regulations, the Board certainly has discretion to adjust fees for licensees. Refunding a portion of the formerly mandatory fees YTTs have already paid, on the basis that licensure and such fees are now elective, falls squarely within this discretionary authority and is not prohibited by Arizona state law. Moreover, such action would be consistent with actions taken by equivalent regulatory agencies in other states in which legislation has been enacted to exempt YTTs from postsecondary education regulations. Therefore, we ask that you issue

\(^1\) Yoga Alliance is a 501(c)(6) membership organization representing yoga teachers and yoga teacher training schools around the world.
a prorated refund of any prepaid fees or other assessments to any yoga program that ceases to be licensed after July 1, 2016, unless such program elects to continue its licensure.

We understand the Board’s June 2 communication to licensed YTTs informs them that they have three options as a consequence of the enactment of HB 2613 and HB 2371: (1) surrender licensure effective June 30, 2016; (2) maintain licensure through the current cycle and state that the licensee will not be seeking renewal; or (3) maintain licensure through the current cycle and submit a license renewal by the due date. We disagree with the notion that YTTs should be compelled to affirmatively inform the Board as to their licensure status. Rather, because HB 2613 effectively prohibits the Board from requiring YTTs to obtain a license, any license held by a YTT after July 1st should automatically terminate on that date, unless the licensee affirmatively elects continued licensure. If a YTT desires to maintain or renew its license, that business can choose to inform the Board that it plans to do so, but for the majority of YTTs that supported the exemption of YTTs from Board oversight that was mandated by HB 2613, there should be a de facto understanding that their license is terminated on the effective date of the legislation.

Thank you for your prompt consideration of this request. If you have any questions or would like to discuss further, please do not hesitate to contact me.

Sincerely,

Barbara Dobberthien
Executive Director and Chief Operating Officer
Yoga Alliance
Phone: (571) 482-3337
Email: bdobberthien@yogaaalliance.org

cc: Terri Stanfill, Executive Director

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2 As you know, HB 2371 permits YTTs to voluntarily obtain a Board license even if such a license is no longer required.