

REFERENCE TITLE: vocational program license; yoga exemption

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HB 2390

Introduced by
Representatives Thorpe, Rios: Ackerley, Alston, Leach

AN ACT

AMENDING SECTION 32-3021, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2011, CHAPTER 141, SECTION 1; AMENDING SECTION 32-3021, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 262, SECTION 20; RELATING TO PRIVATE VOCATIONAL PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-3021, Arizona Revised Statutes, as amended by
3 Laws 2011, chapter 141, section 1, is amended to read:

4 32-3021. Private vocational program license; qualifications;
5 provision of information; exemptions

6 A. A person shall not operate a private vocational program unless the
7 person holds a private vocational program license issued pursuant to this
8 chapter. Each program offered by a private vocational program licensee shall
9 be authorized on a private vocational program license. The board shall
10 prescribe the manner in which the programs shall be identified on the
11 license.

12 B. An applicant for a private vocational program license shall meet
13 all of the following requirements:

14 1. Furnish a letter of credit, surety bond or cash deposit as provided
15 in section 32-3023.

16 2. Make specific information concerning educational programs,
17 including statements of purpose, objectives, course of study, policies, fees
18 and other pertinent information, available to prospective students and the
19 general public.

20 3. Be financially responsible and have management capability.

21 4. Maintain a qualified faculty.

22 5. Maintain facilities, equipment and materials that are appropriate
23 for the stated program. All facilities shall meet applicable state and local
24 health and safety laws.

25 6. Maintain appropriate records as the board prescribes that are
26 properly safeguarded and preserved.

27 7. Use only advertisements that are consistent with the information
28 made available as provided in paragraph 2 of this subsection.

29 8. Provide courses of instruction that meet stated objectives.

30 9. Provide a grievance procedure for students.

31 10. Comply with all federal and state laws relating to the operation of
32 a private postsecondary educational institution.

33 11. Other requirements the board deems necessary.

34 C. An applicant for a private vocational program license shall submit
35 evidence of meeting the requirements prescribed in subsection B of this
36 section to the board. The board shall verify the evidence submitted.
37 Verification shall include on-site verification.

38 D. The filing of an application grants the board the authority to
39 obtain information from any of the following:

40 1. A licensing board or agency in any state, district, territory or
41 county of the United States or any foreign country.

42 2. The Arizona criminal justice information system as defined in
43 section 41-1750.

44 3. The federal bureau of investigation.

45 E. The board, on application, may issue a private vocational program
46 license to a new educational institution as provided in this section, except

1 that the board shall establish separate minimum standards for licensure
2 requirements of new educational institutions. These minimum standards may
3 include the modification of licensure requirements as provided in subsection
4 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
5 new educational institutions. The board shall monitor the new educational
6 institution to ensure compliance with the licensure requirements. The board
7 shall issue a private vocational program license as provided in this
8 subsection one time only to new educational institutions.

9 F. This section does not apply to any of the following:

10 1. A school licensed pursuant to chapter 3 or 5 of this title.

11 2. An instructional program or course sponsored by a bona fide trade
12 association solely for its members.

13 3. Privately owned academic schools engaged in the process of general
14 education that is designed to produce a level of development equivalent to
15 that necessary to meet the requirements for entrance into a public community
16 college or public university in this state and that may incidentally offer
17 technical and vocational courses as part of the curriculum.

18 4. Schools or private instruction conducted by any person engaged in
19 training, tutoring or teaching individuals or groups, if the instruction is
20 related to hobbies, avocations, academic improvement or recreation and may
21 only incidentally lead to gainful employment and if the instruction is for a
22 period of under forty hours and costs less than one thousand dollars.

23 5. Schools conducted by any person solely for training the person's
24 own employees.

25 6. An instructional program or course offered solely for employees and
26 for the purpose of improving the employees in their employment if both of the
27 following apply:

28 (a) The employee is not charged a fee.

29 (b) The employer provides or funds the program or course pursuant to a
30 valid written contract between the employer and a program or course provider.

31 7. Training conducted pursuant to 14 Code of Federal Regulations
32 part 141.

33 8. A school that solely provides an instructional program for
34 certified nursing assistants and is licensed by the nursing board pursuant to
35 section 32-1606, subsection B, paragraph 11.

36 9. A professional driving training school licensed by the department
37 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

38 10. A training program approved by the board of examiners of nursing
39 care institution administrators and assisted living facility managers that
40 solely provides training for managers and caregivers of assisted living
41 facilities.

42 11. A YOGA TEACHER TRAINING COURSE OR PROGRAM OR A YOGA INSTRUCTIONAL
43 COURSE OR PROGRAM.

1 Sec. 2. Section 32-3021, Arizona Revised Statutes, as amended by Laws
2 2015, chapter 262, section 20, is amended to read:

3 32-3021. Private vocational program license: qualifications:
4 provision of information; exemptions

5 A. A person shall not operate a private vocational program unless the
6 person holds a private vocational program license issued pursuant to this
7 chapter. Each program offered by a private vocational program licensee shall
8 be authorized on a private vocational program license. The board shall
9 prescribe the manner in which the programs shall be identified on the
10 license.

11 B. An applicant for a private vocational program license shall meet
12 all of the following requirements:

13 1. Furnish a letter of credit, surety bond or cash deposit as provided
14 in section 32-3023.

15 2. Make specific information concerning educational programs,
16 including statements of purpose, objectives, course of study, policies, fees
17 and other pertinent information, available to prospective students and the
18 general public.

19 3. Be financially responsible and have management capability.

20 4. Maintain a qualified faculty.

21 5. Maintain facilities, equipment and materials that are appropriate
22 for the stated program. All facilities shall meet applicable state and local
23 health and safety laws.

24 6. Maintain appropriate records as the board prescribes that are
25 properly safeguarded and preserved.

26 7. Use only advertisements that are consistent with the information
27 made available as provided in paragraph 2 of this subsection.

28 8. Provide courses of instruction that meet stated objectives.

29 9. Provide a grievance procedure for students.

30 10. Comply with all federal and state laws relating to the operation of
31 a private postsecondary educational institution.

32 11. Other requirements the board deems necessary.

33 C. An applicant for a private vocational program license shall submit
34 evidence of meeting the requirements prescribed in subsection B of this
35 section to the board. The board shall verify the evidence submitted.
36 Verification shall include on-site verification.

37 D. The filing of an application grants the board the authority to
38 obtain information from any of the following:

39 1. A licensing board or agency in any state, district, territory or
40 county of the United States or any foreign country.

41 2. The Arizona criminal justice information system as defined in
42 section 41-1750.

43 3. The federal bureau of investigation.

44 E. The board, on application, may issue a private vocational program
45 license to a new educational institution as provided in this section, except
46 that the board shall establish separate minimum standards for licensure

1 requirements of new educational institutions. These minimum standards may
2 include the modification of licensure requirements as provided in subsection
3 B, paragraphs 3, 5, 6, 7 and 8 of this section to meet the circumstances of
4 new educational institutions. The board shall monitor the new educational
5 institution to ensure compliance with the licensure requirements. The board
6 shall issue a private vocational program license as provided in this
7 subsection one time only to new educational institutions.

8 F. This section does not apply to any of the following:

9 1. A school licensed pursuant to chapter 3 or 5 of this title.

10 2. An instructional program or course sponsored by a bona fide trade
11 association solely for its members.

12 3. Privately owned academic schools engaged in the process of general
13 education that is designed to produce a level of development equivalent to
14 that necessary to meet the requirements for entrance into a public community
15 college or public university in this state and that may incidentally offer
16 technical and vocational courses as part of the curriculum.

17 4. Schools or private instruction conducted by any person engaged in
18 training, tutoring or teaching individuals or groups, if the instruction is
19 related to hobbies, avocations, academic improvement or recreation and may
20 only incidentally lead to gainful employment and if the instruction is for a
21 period of under forty hours and costs less than one thousand dollars.

22 5. Schools conducted by any person solely for training the person's
23 own employees.

24 6. An instructional program or course offered solely for employees and
25 for the purpose of improving the employees in their employment if both of the
26 following apply:

27 (a) The employee is not charged a fee.

28 (b) The employer provides or funds the program or course pursuant to a
29 valid written contract between the employer and a program or course provider.

30 7. Training conducted pursuant to 14 Code of Federal Regulations
31 part 141.

32 8. A school that solely provides an instructional program for
33 certified nursing assistants and licensed nursing assistants and is licensed
34 by the nursing board pursuant to section 32-1606, subsection B, paragraph 11.

35 9. A professional driving training school licensed by the department
36 of transportation pursuant to chapter 23, articles 1, 2 and 3 of this title.

37 10. A training program approved by the board of examiners of nursing
38 care institution administrators and assisted living facility managers that
39 solely provides training for managers and caregivers of assisted living
40 facilities.

41 11. A YOGA TEACHER TRAINING COURSE OR PROGRAM OR A YOGA INSTRUCTIONAL
42 COURSE OR PROGRAM.

43 Sec. 3. Effective date

44 Section 32-3021, Arizona Revised Statutes, as amended by Laws 2015,
45 chapter 262, section 20 and this act, is effective from and after June 30,
46 2016.