

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 15-0856	Date: June 8, 2015
Prime Sponsor(s): Sen. Woods	Bill Status: Signed into Law
Rep. Dore; Garnett	Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: YOGA TEACHER TRAINING PRIVATE OCCUPATIONAL SCHOOL

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	<u>(\$13,349)</u>	<u>(\$16,549)</u>
Cash Funds	(13,349)	(16,549)
State Expenditures	<u>(\$13,349)</u>	<u>(\$16,549)</u>
Cash Funds	(13,349)	(16,549)
TABOR Set-Aside	(\$13,349)	(\$16,549)
FTE Position Change		
Appropriation Required: (\$13,349) - Department of Higher Education (FY 2015-16).		

* This summary shows changes from current law under the bill for each fiscal year. Parentheses indicate a decrease in funds.

Summary of Legislation

The bill exempts yoga teacher training courses, program, and schools from the provisions of the Private Occupational Education Act of 1981.

Background

State law requires the Division of Private Occupational Schools (DPOS) in the Department of Higher Education (DHE) to regulate state schools that charge tuition for a program intended to provide occupational education. Occupational education is vocational or technical training conducted to "fit individuals for gainful employment" in a recognized occupation. DPOS currently regulates 389 private occupational schools within Colorado, including Yoga Teacher Training Schools (YTTS) since 2002. As of writing, there are 16 YTTS regulated by DPOS. There have been no instances of criminal violations of the Private Occupational Schools statutes in the past three years.

The DPOS recently sent out a standard letter and questionnaire to approximately 80 YTTS not currently under its regulation, as is standard practice for any entity suspected of operating an occupational school without state approval. If DPOS determines that a YTTS is subject to approval and regulation based on responses to the questionnaire, the YTTS is required to submit an initial application, with associated fees totaling approximately \$2,000, and is subject to an initial site inspection. The YTTS is also required to submit its curriculum, which is then evaluated by three in-field experts who determine whether the curriculum meets current yoga practice and teaching standards. The application, site inspection review, and expert review of the curriculum

is then sent to the State Board of Private Occupational Schools for approval. Schools that are regulated by DPOS are reevaluated every three years or in the event of a substantive change to the program, including a change in curriculum, addition of a new program, change of location, or change of ownership. Renewal fees begin at \$1,500.

State law provides several exemptions from DPOS oversight, including an exemption for schools offering education that is avocational. DPOS' regulations define avocational education as "any education to facilitate the personal development of individual persons which is distinguishable from one's recognized occupation and is not conducted as part of a program or course designed with the primary objective to prepare individuals for gainful employment in a recognized occupation."

State Revenue

Beginning in FY 2015-16, fee revenue to the DHE will be reduced. Revenue impacts are shown in Table 1 and discussed below.

Assumptions. The fiscal note only accounts for fee revenues from the 16 YTTS currently under DPOS regulation. It does not include any potential revenue from YTTS that may be subject to regulation. In Table 1, actual fee renewal totals are reflected, which range from \$1,675 to \$3,425 depending on the number of programs and courses offered by the YTTS, as well as the number of locations and whether the ownership is in- or out-of-state.

Year	Number of YTTS Renewing	Actual Fee Impact
FY 2015-16	4	(\$13,349)
FY 2016-17	8	(16,549)
	TOTAL	(\$29,898)

TABOR Impact

This bill reduces state cash fund revenue from fees, which will reduce the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

By reducing the number of schools regulated, the DPOS will have a \$13,349 reduction in expenditures in FY 2015-16 and a \$16,549 reduction in FY 2016-17. This impact does not require a reduction in staff but, with reduced revenue, the DPOS requires a reduction of \$13,349 in appropriations in FY 2015-16 and \$16,549 in FY 2016-17.

Effective Date

The bill was signed into law by the Governor and took effect on April 16, 2015.

State Appropriations

In FY 2015-16, the Department of Higher Education requires and is appropriated a decrease in cash fund appropriations of \$13,349 from the Private Occupational Schools Fund.

State and Local Government Contacts

Higher Education

Judicial

Law

Regulatory Agencies