



Many Paths, One Yoga Alliance

December 1, 2014

Ms. Lorna A. Candler  
Director  
Division of Private Occupational Schools  
1560 Broadway, Suite 1600  
Denver, CO 80202

Dear Ms. Candler:

Recently, Yoga Alliance, the largest nonprofit trade association representing the yoga community in the United States, was contacted by a number of yoga teacher training schools (“YTTs”) in Colorado regarding correspondence received from the Colorado Division of Private Occupational Schools (the “Division”) asserting that such schools may be subject to requirements governing occupational schools and programs. In its analysis as to why state requirements likely apply to YTTs in Colorado, the Division referenced Yoga Alliance Registry’s Registered Yoga School (“RYS”) credential – which the Division attributed to Yoga Alliance – as a rationale for requiring state-level approval for YTT operation.<sup>1</sup>

As part of its correspondence to YTTs, the Division directed the YTTs to submit a completed “Regulation Determination Questionnaire” to evaluate the applicability of state regulations to these schools. While not explicitly stated in its correspondence, we understand that the Division is likely to soon require these YTTs to register with the Division and comply with statutory requirements. Yoga Alliance and its Colorado membership have significant concerns about the Division’s attempt to regulate Colorado YTTs, and would welcome the opportunity to discuss these concerns with you in the near future.

Yoga Alliance and its membership have three main reservations regarding the Division’s determination to regulate YTTs: (1) by the plain language of Colorado statute (Colo. Rev. Stat. §12-59-102 et seq.) it is not clear that the Division’s authority extends to YTTs; (2) the Division’s stated justifications for regulating YTTs – including its reliance on a YTT’s registration with Yoga Alliance Registry – are misguided and not dispositive; and (3) the impact

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<sup>1</sup> Yoga Alliance is a non-profit membership trade association that represents yoga teachers, yoga teacher training schools, and yoga studios around the world. Yoga Alliance was founded in 2011 by its sister organization, Yoga Alliance Registry. Yoga Alliance Registry is a non-membership, non-profit 501(c)(3) organization that sets voluntary minimum curricular standards for registered YTTs and maintains a directory of students who completed such programs.

of the regulations will be detrimental to the yoga community and the economy in Colorado. These concerns are discussed in detail below.

### **The Division's Statutory Authority Should Not Extend to YTTs**

Colorado law provides the Division with the authority to regulate schools “which offer[ ] educational credentials or educational services that constitute occupational education in [Colorado] and which [are] not specifically exempt from the provisions” of the statute. Colo. Rev. Stat. §12-59-103(11). “Occupational education” means “any education designed to facilitate a vocational, technical, or occupational development of individual persons including, but not limited to, vocational or technical training . . . which is conducted as a part of a program designed to fit individuals for *gainful employment* . . . .” Colo. Rev. Stat. §12-59-103(8.5)(emphasis added). Simply put, by the plain language of the statute, YTTs should not be subject to regulation because they are not designed to prepare students for “gainful employment” as the vast majority of students do not become yoga instructors. Indeed, most individuals who complete YTT programs never register as yoga teachers, and of those who do register, only a tiny fraction work full-time as instructors. Rather, most individuals who complete YTT programs have other full-time or part-time careers. Many do not go on to teach yoga but rather enroll in the YTT programs to deepen their own understanding and practice of yoga. Of those who do teach yoga after completion of the program, many teach yoga only occasionally or teach primarily as a way to practice yoga in a group context without paying another instructor.

While the Division may interpret “gainful employment” to extend to any sort of income – even minimal income generated on a part-time basis – the fact that the vast majority of attendees at YTTs do not become instructors necessarily means that these programs are not “*designed* to fit individuals for gainful employment.” Colo. Rev. Stat. §12-59-103(8.5) (emphasis added). Further, completion of a YTT program is not a requirement to teach yoga in Colorado. In fact, an individual may teach yoga without ever attending a single YTT class. For this reason, completion of a program of study at YTTs may not be considered a precursor to “gainful employment” in the state.

### **Reliance on Yoga Alliance Registry Standards and Terminology to Justify Regulation is Misguided**

In its letters to YTTs, the Division cited registration with Yoga Alliance Registry (which the Division refers to as “Yoga Alliance”) as a reason why a particular YTT may fall under its authority. Specifically, the letters stated that use of the terms “RYT” and “Registered Yoga School” on YTT marketing materials – terms used and recognized by Yoga Alliance Registry – indicated YTT approval by the Yoga Alliance Registry at a national level, and thus, required approval at the state level by the Division. This analysis is misguided, as Yoga Alliance Registry is a non-profit, non-government public charity that sets *voluntary* standards for YTTs.

While YTTs may choose to conform to Yoga Alliance Registry’s voluntary standards and inform the public of its curricular content appearing in its registry, no law requires YTTs to do so. Indeed, YTTs that do not register with Yoga Alliance Registry are in no way barred from offering programs and enrolling students. A YTT’s choice to register with a 501(c)(3) organization does not lend justification to the Division’s determination to regulate these

programs, and using registration as such only penalizes YTTs who have chosen to inform the public that their curriculum meets certain standards, for the betterment of their school and the practice of yoga.

Similarly, use of Yoga Alliance Registry trademarks like “RYT” or “RYS” does not justify regulation as these terms only have meaning within the context of the Yoga Alliance Registry. These terms have no bearing on the ability of any individual to teach yoga in the state of Colorado. Yoga Alliance Registry maintains a directory of RYT’s (“registered yoga teachers”) who have completed RYS programs. Thus, it is natural for any RYS to inform students and prospective students that completion of the program qualifies the student for registration with Yoga Alliance Registry as an RYT. In fact, the Yoga Alliance Registry website makes it clear that an RYT registration is *not* a certification program.<sup>2</sup> In other words, use of Yoga Alliance terminology only demonstrates that the YTT or the yoga practitioner who has completed the program may be listed in Yoga Alliance Registry’s voluntary directory. It does not represent a legal prerequisite to gainful employment in Colorado.<sup>3</sup>

### **The Bureau of Labor Statistics’ Standard Occupational Classification System Does Not Substantiate Regulation by the Division**

In its letters to YTTs, the Division also referenced its review of the Bureau of Labor Statistics’ Standard Occupational Classification System (“SOC”) – and the inclusion of “yoga instructor” as an occupation in that document – as a reason why YTTs should be regulated in Colorado. The SOC, however, is used by federal statistical agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. The SOC was designed for *classification not regulation*, and for this reason alone should not be used by the Division in determining what entities should be regulated. *See* U.S. Bureau of Labor Statistics, 2010 SOC User Guide, xxv (“The 2010 SOC was designed solely for statistical purposes.”) Instead, the Division’s determination should be guided by state law and the realities of yoga teacher training in Colorado. Further, under the SOC, all workers are classified into one of 840 detailed occupations according to their occupational definition. *See* Bureau of Labor Statistics, Standard Occupational Classification (2010). Given that the Division has only extended its authority to around 100 occupations, it is clear that inclusion in the SOC does not automatically qualify an occupation for regulation by the Division.

### **Regulation of YTTs Will be Harmful to the Yoga Community and the State**

While we understand that a handful of YTTs have received approval from the Division to operate, the current requirements for schools (*see* Colo. Code Regs. § 8-1504-1 et seq.) are extensive and expensive, and will be very difficult for many YTTs – especially small YTTs – to meet. For example, instructor requirements mandating 10,000 hours of work experience (for instructors who have not completed one of the 15 Division-approved courses in the state), has the

<sup>2</sup> *See* [https://www.yogaalliance.org/Credentialing/Credentials\\_for\\_Teachers](https://www.yogaalliance.org/Credentialing/Credentials_for_Teachers).

<sup>3</sup> Moreover, any argument that use of such terminology may induce students to believe that enrollment in a YTT is necessary to teach yoga in Colorado is unpersuasive because there is no evidence of any YTT making this claim. Further, a YTT that makes this unsubstantiated claim would be subject to Colorado’s Deceptive Trade Practices Act (Colo. Rev. Stat. § 6-1-105).

potential to push many skilled instructors out of work. Further, fees to the Division – which range into the thousands of dollars – pose a very real risk to the bottom lines of small businesses with tight budgets and limited revenues, like many YTTs in this state.

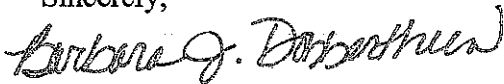
Moreover, the current regulations, which impose burdensome requirements related to instructor qualifications as well as substantial fees, favor long-running, established yoga studios with heftier bottom lines. Essentially, these regulations insulate established schools from competition, by placing a financial and administrative burden on new YTTs and independent instructors. Indeed, of the 15 YTTs that have registered with the Division, only two have a single location – while the rest are larger operations.

Creating a competitive advantage for some YTTs over others, forcing smaller YTTs to shut down because they cannot afford fees, or pushing instructors out of work because they possess 4,000 instead of 5,000 hours of work experience, not only diminishes the practice of yoga, but economically punishes yoga instructors and small business owners.

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Thank you for your consideration of Yoga Alliance's position on this important issue. We welcome the opportunity to meet with the Division to discuss our concerns further at your earliest convenience.

Sincerely,



Barbara J. Dobberthien  
Chief Operating Officer