

A Community of Support – Introducing the Texas Yoga Association

By Kristin Scheel © 2009

Recently, yoga teacher training programs in Austin, Texas became subject to scrutiny of the Texas Workforce Commission, resulting in administrative nightmares, financial burdens and ultimately a number of facilities choosing to shut down operations completely. The Texas Workforce Commission first contacted Austin yoga teacher training programs with a demand letter alleging that teacher trainings were subject to career school regulations and licensing requirements of Title 3, Texas Education Code, Chapter 132. This letter required that the yoga teacher trainings be brought into compliance with the regulations or be prepared for the enforcement of penalties against them if they did not seek compliance. Some of the larger teacher trainings could bear the costs of this task and submitted to regulation. Becoming a licensed career school involved meeting with the Texas Workforce Commission, auditing training records, and employing additional staff to manage the increased paperwork and accounting requirements. One studio estimates that it took over a year to bring its teacher training into compliance. While the studio owner does not have an exact measure of costs, he notes that only four Austin yoga teacher training programs have been able to sustain these burdens and the measure of time and actual cost is certainly prohibitive for small teacher trainings.

This Texas regulation has been in existence since 1972, however, only recently has it been applied to yoga teacher training courses. Upon further examination we learn that many states have started enforcing regulations which require yoga teacher trainings to become licensed vocational schools. The impact of these licensing requirements is grave, disrupting the financial feasibility of offering yoga teacher trainings, and disrupting the spiritual foundation and practices of yoga studied in these teacher trainings.

Last month, Jennifer Buergermeister held a meeting with a small group of Houston yogis in hopes of inspiring the group to act in unison to overcome the challenges associated with becoming a licensed vocational school. Jennifer is the owner of Jennyoga, founder of the Texas Yoga Association and the Texas Yoga Conference, founder of Breathecure, and also currently serves as president of the Yoga Teachers Association of Houston. During this meeting, Jennifer unleashed her vision of creating unity among all Texas yogis. She suggests that the Texas Yoga Association could serve as an open space to come together, and be the vehicle to join up all persons in the state of Texas who share a passion for yoga in some way.

The primary topic of concern at this meeting was how to prepare for a situation like Austin faced with the Texas Workforce Commission. Compliance with the laws is of urgent priority. However, before a yoga teacher agrees to accept the financial, legal and administrative burdens of complying with this regulation, it is worthwhile to consider the appropriateness of the application of the Education Code to yoga teacher training programs. One of the most flagrant problems with this uniform state regulation is that it seeks to capitalize on the commercialization of the yoga industry by characterizing these

programs as career schools without inquiry into the aptness of such characterization. Further, the regulations offend the autonomy of yoga, an open, free, spiritual practice deeply rooted in religious philosophy.

We are not yet aware of any yoga teacher trainings in Houston having been targeted by the Texas Workforce Commission. However, the precedent set in Austin suggests that Houston teacher trainings will very soon become subject to the same treatment. Our Austin resources indicated recently that Houston is next on the list. We have identified many possible solutions to the challenges of compliance with the Education Code, mainly:

1) Seek an exemption from the licensing requirements

There are multiple ways to seek exemption, either directly from the Texas Workforce Commission by submitting an application based on one of the seventeen exemptions allowed under the law, or seeking clarification from the Texas Attorney General. The Education Code provides exemption to schools that are bona fide religious, denominational or charitable institutions, and to those that can prove they are non-profit organizations. On its face yoga teacher trainings seem to fall into this exemption on the basis that yoga teacher trainings are either of a religious or educational nature and operated on a not for profit basis. However, the teacher trainings are not currently being administered by a recognized 501(c)(3) organization. Furthermore, the state has already acted to enforce regulations upon yoga teacher trainings in Austin, indicating its position that the statute requiring licensure does in fact apply to these programs.

2) Form a single collective organization which complies with the state regulations and administers trainings

This would promote community amongst the Texas Yoga community, and may be a viable option should the community choose to submit to state regulations. However, the consequences of submitting to governmental regulation are questionable in that it lays a precedent for submitting to all governmental regulations which may be imposed in the future. If efforts to avoid state regulation were not successful, the Texas Yoga Association could serve as a vehicle for members to organize and seek compliance to continue operations without interruption.

3) Lobby for changes to the legislation, providing yoga teacher trainings permanent protection from interference by the state

The most widely publicized efforts against state regulation of yoga teacher trainings are based in New York. In April 2009, many yoga teacher trainers in New York state received a letter from the Bureau of Proprietary School Supervision (part of the New York State Education Department). The letter suggested that yoga teacher training programs may need to be licensed and that programs may need to be suspended immediately until the license approval process was complete. The letter also emphasized that those who teach without a license would be subject to fines up to \$50,000.

Following distribution of this letter, a memo was posted on the state website reiterating that yoga teacher trainings were not exempt from licensing. Facing the dilemma of whether programs could survive elaborate, costly and time-consuming licensing process imposed by New York state, Yoga for New York was founded by a group of yoga teacher trainers, yoga teachers and yogis determined to minimize government intervention in yoga teacher training. This movement has united hundreds of yoga practitioners across the state, each becoming involved in varying ways. In just a few weeks, the New York State Education Department announced its decision to "suspend licensing requirements pending action by the state legislature." This was a big success for Yoga for New York, however, the work is not over until legislation is passed to make such suspension permanent.

We see Yoga for New York as a good model for the present and future of yoga in Texas. We suggest this as the best course of action by the Texas Yoga Association.

4) Individual yoga teacher trainers adhere to the licensing requirements

We believe that this is an inefficient use of resources. Not only that, the financial, legal and administrative burdens are great, as is the precedent this sets for future government interventions.

5) Yoga teachers who have had penalties assessed against them can seek redress in courts based on violation of Fifth Amendment Rights.

The New York state publicity has caught the eyes of Institute for Justice, a pro bono law firm organizing to make a First Amendment challenge to the constitutionality of the applicability of state regulations to yoga teacher trainings. An organized union of Texas Yoga practitioners who have had penalties assessed by the Texas Workforce Commission may wish to explore this option as well. We suggest this as another item on the agenda for the Texas Yoga Association.

To overcome state regulation, we need to take action with unity in force. But this is only the beginning for the Texas Yoga Association. Right now we have an opportunity to join up and go beyond this single issue - it's about time we come together! The Texas Yoga Association is a home base for community allegiance and response among members. The Texas Yoga Association serves as a place to our pool resources, create a rich foundation of support, and advocate for our needs as the Texas Yoga community.