

**S 5701** SCHNEIDERMAN Same as [A 8678](#) Rosenthal

ON FILE: 06/02/09 Education Law

TITLE....Requires licensure for instructors in religion, dancing, music, painting, drawing, sculpture, poetry, dramatic art, languages, reading comprehension, mathematics, recreation and athletics

**Currently on Senate Committee Agenda**

Senate Standing Committee on Higher Education

Senator Toby Ann Stavisky, Chair

10:30 AM, Wednesday, June 3, 2009

Room 510 LOB

05/28/09 REFERRED TO HIGHER EDUCATION

06/03/09 REPORTED AND COMMITTED TO

FINANCE

**A8678** Rosenthal Same as [S 5701](#)

SCHNEIDERMAN

Education Law

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SCHNEIDERMAN

Amd SS5001 & 5003, Ed L

Requires licensure for instructors in religion, dancing, music, painting, drawing, sculpture, poetry, dramatic art, languages, reading comprehension, mathematics, recreation and athletics.

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STATE OF NEW YORK

5701

2009-2010 Regular Sessions

IN SENATE

May 28, 2009

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to requiring licensure for instructors in religion, dancing, music, painting, drawing, sculpture, poetry, dramatic art, languages, reading comprehension, mathematics, recreation and athletics

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph f of subdivision 2 of section 5001 of the education law, as amended by chapter 439 of the laws of 1980, is amended to  
2 read as follows:  
3

4 f. schools which provide instruction in the following subjects only:  
5 religion, dancing, music, painting, drawing, sculpture, poetry, dramatic  
6 art, languages, reading comprehension, mathematics, recreation and  
7 athletics. This shall include, but not be limited to:

8 (i) instruction of students who enroll in aforementioned subject  
9 courses for the purposes of leisure, hobby, or personal enrichment;

10 (ii) instruction of students who enroll in aforementioned subject  
11 courses for the purposes of training to teach said subject area;

12 § 2. Subdivision 6 of section 5003 of the education law is amended by  
13 adding a new paragraph g to read as follows:

14 (g) This section shall not apply to any schools, instructional facilities,  
15 or instructors that operate under paragraph (f) of subdivision two  
16 of section five thousand one of this article.

17 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14067-02-9

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S5701

**SPONSOR:** SCHNEIDERMAN| | | | | | | |

**TITLE OF BILL:**

An act to amend the education law, in relation to requiring licensure for instructors in religion, dancing, music, painting, drawing, sculpture, poetry, dramatic art, languages, reading comprehension, mathematics, recreation and athletics

**PURPOSE:**

To clarify the types of activities exempted from educational licensing requirements to include instruction of students enrolled in the exempted activities and the instruction of students for the purpose of teaching exempted activities.

**SUMMARY OF PROVISIONS:**

Section 1 of the bill amends §5001(2) of the Education Law to exempt from the licensing requirements of §5001(1) schools engaging in the following types of instruction: 1) students enrolled in the already exempted subject courses for the purposes of leisure, hobby, or personal enrichment and 2) students enrolled in the already exempted subject courses for the purposes of training to teach said subject areas.

Section 2 of the bill amends §5003(6) of the Education Law to clarify that the civil penalties and fines of § 5003(6) do not apply to the schools exempted from the licensure process under §5001(2)(f).

**JUSTIFICATION:**

Recently the Board of Proprietary Schools released a letter instructing certain schools to cease student training requiring licensure as per §5001(1) of the Education Law. However, §5001 (1) of the Education Law merely pertains to the licensure of trade, business, or computer training facilities. The letters were sent to yoga schools which do not fall under §5001(1) and are exempted from licensure under Section 5001(2)(f). The yoga schools were also notified that they would be subject up to a \$50,000 penalty fee under §5003(6)(b), However, §5003(6)(b) also does not apply as the schools that received the letters are exempt according to Section 5001 (2)(f). The intent of the Board of Proprietary Schools was to mandate licensure for yoga schools who are teaching students to become instructors. This is not only difficult to mandate as anyone can take these untitled classes for enrichment or vocation, but also carries over into many other small schools that are currently exempt under Section 5001(2)(f).

These amendments to the relevant sections of the Education Law clarify these pre-existing exemptions and permit yoga schools and other schools operating for the purpose of leisure, hobby, or personal enrichment to continue to function, protecting small businesses across NY State.

**LEGISLATIVE HISTORY:**

New Legislation.

**FISCAL IMPLICATIONS:**

None.

EFFECTIVE DATE:

This act shall take effect immediately.

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