

Senate Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 206  
**SENATE BILL 1293**

AN ACT

AMENDING SECTION 32-3021, ARIZONA REVISED STATUTES; RELATING TO PRIVATE  
POSTSECONDARY EDUCATION.

(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, is amended to  
3 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  
7 the person holds a private vocational program license issued pursuant to  
8 this chapter. Each program offered by a private vocational program  
9 licensee shall be authorized on a private vocational program license. The  
10 board shall prescribe the manner in which the programs shall be identified  
11 on the 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  
15 provided in section 32-3023.

16 2. Make specific information concerning educational programs,  
17 including statements of purpose, objectives, course of study, policies,  
18 fees and other pertinent information, available to prospective students  
19 and the 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  
23 appropriate for the stated program. All facilities shall meet applicable  
24 state and local 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  
32 operation of a private postsecondary educational institution.

33 11. Other requirements the board deems necessary.

34 C. An applicant for a private vocational program license shall  
35 submit evidence of meeting the requirements prescribed in subsection B of  
36 this 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.

1 E. The board, on application, may issue a private vocational  
2 program license to a new educational institution as provided in this  
3 section, except that the board shall establish separate minimum standards  
4 for licensure requirements of new educational institutions. These minimum  
5 standards may include the modification of licensure requirements as  
6 provided in subsection B, paragraphs 3, 5, 6, 7 and 8 of this section to  
7 meet the circumstances of new educational institutions. The board, on  
8 application, may issue a private vocational program license to an  
9 educational institution THAT IS otherwise exempt under subsection F of  
10 this section. The board shall monitor the new educational institution to  
11 ensure compliance with the licensure requirements. The board shall issue a  
12 private vocational program license as provided in this subsection one time  
13 only to new educational institutions.

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

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

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

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

24 4. Schools or private instruction conducted by any person engaged  
25 in training, tutoring or teaching individuals or groups, if the  
26 instruction is related to hobbies, avocations, academic improvement or  
27 recreation and may only incidentally lead to gainful employment.

28 5. Schools conducted by any person solely for training the person's  
29 own employees.

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

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

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

37 7. Training conducted pursuant to 14 Code of Federal Regulations  
38 part 141.

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

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

1           10. A training program approved by the board of examiners of  
2 nursing care institution administrators and assisted living facility  
3 managers that solely provides training for managers and caregivers of  
4 assisted living facilities.

5           11. A yoga teacher training course or program or a yoga  
6 instructional course or program.

7           12. A PRIVATE INSTRUCTIONAL PROGRAM OR COURSE THAT IS LESS THAN  
8 FORTY CONTACT HOURS IN LENGTH AND THAT CHARGES A FEE OF LESS THAN ONE  
9 THOUSAND DOLLARS. FOR THE PURPOSES OF THIS PARAGRAPH, "CONTACT HOUR"  
10 MEANS A FIFTY-MINUTE SESSION OF SCHEDULED IN-CLASS OR ONLINE INSTRUCTION.

**APPROVED BY THE GOVERNOR APRIL 26, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2017.**

Passed the House April 20, 2017,

Passed the Senate February 20, 2017,

by the following vote: 43 Ayes,

by the following vote: 29 Ayes,

12 Nays, 3 Not Voting  
1 excused 1 vacant

1 Nays, 1 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24<sup>th</sup> day of April, 2017,

at 1:51 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

April, 2017,

at 2:44 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 26 day of April, 2017,

at 4:44 o'clock P. M.

[Signature]  
Secretary of State

S.B. 1293