

SENATE No. 741

The Commonwealth of Massachusetts

SENATE, July 14, 1941.

The committee on Education, to whom was referred the petition (with accompanying bill, Senate, No. 723) of Leo J. Sullivan for legislation to provide for the licensing and regulation of private trade schools; and the petition (accompanied by bill, House, No. 2571) of Robert T. Bushnell (Attorney-General) for legislation to require the licensing by the Commissioner of Education of private trade schools, report the accompanying bill (Senate, No. 741).

For the committee,

LAURENCE CURTIS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT REQUIRING THE LICENSING OF PRIVATE TRADE SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section twenty-one of chapter ninety-
2 three of the General Laws, as amended by section
3 one of chapter three hundred and forty-three of the
4 acts of nineteen hundred and thirty-nine, is hereby
5 further amended by inserting before the word "trade"
6 in the second line, the word: — private, — so as to
7 read as follows: — *Section 21.* Any pupil of a corre-
8 spondence or private trade school who is defrauded
9 by a misrepresentation made by an officer or agent
10 of such school, or by any advertisement or circular
11 issued by it, or by any person, firm, association or
12 corporation, who sells textbooks to the said school or
13 to the pupils thereof, may recover in contract from
14 such school or person, firm, association or corporation
15 three times the amount paid by him to such school
16 or person, firm, association or corporation.

1 SECTION 2. Said chapter ninety-three is hereby
2 amended by inserting after said section twenty-one
3 the following new sections: —

4 *Section 21A.* The term "private trade school"
5 shall in, sections twenty-one to twenty-one D, inclu-
6 sive, mean a school maintained, or classes conducted,
7 for the purpose of teaching any trade or industrial
8 occupation for profit or for a tuition charge but shall
9 not include a private business school, school or col-
10 lege regularly chartered and authorized by the laws
11 of the commonwealth to grant degrees, an endowed
12 school which offers approved courses without profit,
13 or a school exclusively engaged in training physically
14 handicapped persons or a school conducted by any
15 person for the education and training of his own em-
16 ployees.

17 *Section 21B.* No person shall operate or maintain
18 a private trade school unless he is licensed so to do
19 by the commissioner of education as hereinafter pro-
20 vided in this section. The commissioner shall not
21 issue a license to operate or maintain such school
22 unless and until he shall have approved as to such
23 school the proposed standards adopted and methods
24 of instruction to be followed, the equipment and hous-
25 ing provided, the training and experience of the teach-
26 ers to be employed, the form and contents of the stu-
27 dent enrolment agreement or contract and the method
28 of collecting tuition, nor and unless and until such
29 schools shall have filed in the office of the commis-
30 sioner its current advertising, if any. All advertising
31 used by any such school subsequent to the receipt of a
32 license hereunder shall from time to time be filed in
33 the office of the commissioner. No license shall be
34 granted hereunder unless the commissioner shall de-
35 termine that the school possesses a sound financial
36 structure with sufficient resources for its proper use
37 and support. The commissioner may, after reason-

38 able notice and a hearing, suspend or revoke such
39 license and shall have the same powers to require by
40 summons the attendance and testimony of witnesses,
41 the production of books and papers and to admin-
42 ister oaths, as are conferred upon city councils and
43 other bodies by section eight of chapter two hundred
44 and thirty-three. Sections nine and ten of said chap-
45 ter shall apply to witnesses summoned as aforesaid.
46 Such licenses shall run for one year from date of issu-
47 ance and the fee therefor shall be fifty dollars for an
48 original license and twenty-five dollars for each re-
49 newal thereof. The commissioner may adopt and
50 from time to time alter and amend rules and regula-
51 tions, in conformity with this section, governing such
52 schools and the licensing thereof. Each person oper-
53 ating a private trade school shall make an annual
54 report to the commissioner in such form as he may
55 prescribe.

56 *Section 21C.* Any person aggrieved by the refusal
57 of the commissioner of education to grant or renew a
58 license under section twenty-one B, or who is ag-
59 grieved by the revocation or suspension of a license
60 granted under said section, shall be entitled to have
61 the reasonableness of such refusal, revocation or sus-
62 pension reviewed by a justice of the superior court,
63 whose decision shall be final.

64 *Section 21D.* Whoever operates or maintains a
65 private trade school in violation of section twenty-
66 one B or whoever, not being licensed under said sec-
67 tion, holds himself out as operating and maintaining
68 such school or whoever violates any rule or regula-
69 tion made under said section shall be punished by a
70 fine of not less than twenty-five or more than five
71 hundred dollars.

1 SECTION 3. Section twenty-two of said chapter
2 ninety-three, as amended by section two of said chap-
3 ter three hundred and forty-three, is hereby further
4 amended by striking out, in the third line, the words
5 "or trade", — so as to read as follows: — *Section 22.*
6 The department of education may establish rules and
7 regulations governing correspondence schools.

