

HOUSE No. 916

By Mr. Brown of Boston, petition of the Massachusetts Association of Business Schools for establishing in the Department of Education a board of private business schools and relative to the powers and duties of said board. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Six.

AN ACT ESTABLISHING A BOARD OF PRIVATE BUSINESS SCHOOLS IN THE DEPARTMENT OF EDUCATION AND REGULATING PRIVATE BUSINESS 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. Chapter 15 of the General Laws is hereby
2 amended by the adoption of the following section:—
3 *Section 3B.* There shall be in the department a
4 board of private business schools, consisting of the
5 commissioner, who shall be chairman, the members of
6 the board of education, and four citizens of the com-
7 monwealth to be appointed by the governor, with the
8 advice and consent of the council, for terms of four
9 years each. All of the appointive members shall have
10 occupied for the five years preceding their appointment
11 managerial positions in private business schools in the
12 commonwealth. Of the appointive members originally
13 appointed, one shall be appointed for a term of one
14 year, one for a term of two years, one for a term of three
15 years, and one for a term of four years, and thereafter
16 as the term of an appointive member expires his suc-
17 cessor shall be appointed for a term of four years. The
18 members of said board of private business schools shall

19 serve without compensation, but shall be reimbursed
20 for their necessary expenses actually incurred in the
21 performance of their duties.

1 SECTION 2. The General Laws are hereby amended
2 by inserting after chapter 74 the following chapter:—

3 CHAPTER 74A.

4 PRIVATE BUSINESS SCHOOLS.

5 *Section 1.* The following words, as used in this chap-
6 ter, shall have the following meanings unless the con-
7 text otherwise requires:—

8 “Private business school,” a proprietary school main-
9 tained for the purpose of offering resident instruction,
10 the purpose of which is to prepare an individual to pur-
11 sue an occupation in commercial pursuits and business
12 phases of other occupations, but shall not include junior
13 colleges or religious institutions.

14 “School,” a private business school.

15 “Board,” the board of private business schools.

16 “Person,” an individual or group of individuals,
17 partnership or corporation.

18 “Year,” the school year from July first to the follow-
19 ing June thirtieth, inclusive.

20 *Section 2.* The provisions of this chapter shall be
21 administered by the board of private business schools,
22 which in connection therewith shall have power to make
23 rules not inconsistent with the provisions of this chap-
24 ter.

25 *Section 3.* No person shall establish or maintain a
26 private business school within the commonwealth with-
27 out the approval of the board of private business schools.

28 *Section 4.* No person shall be given the approval of
29 the board unless he shall have filed a written applica-
30 tion to the board accompanied by a licensing fee. The
31 application shall contain (a) the name of the school,
32 (b) the general field of instruction which will be offered,
33 (c) the place or places where such instruction will be
34 offered, (d) the equipment available for the proposed

35 instruction, (e) the training and experience of the
36 teachers employed or to be employed, and (f) the form
37 of student enrollment agreement.

38 *Section 5.* Any person who, prior to January first,
39 nineteen hundred and forty-nine, operated or main-
40 tained a private business school which has had a con-
41 tinuous existence to December thirty-first, nineteen
42 hundred and fifty-six, shall, upon written application
43 to the board accompanied by a fee filed with the board
44 on or before June thirtieth, nineteen hundred and fifty-
45 seven, receive approval for one year from July first,
46 nineteen hundred and fifty-seven, and thereafter such
47 approval shall be renewed for an additional year and
48 from year to year thereafter upon application therefor
49 to the board accompanied by a fee. Other persons upon
50 written application to the board accompanied by a fee
51 may receive approval for the year in which the applica-
52 tion is filed or for the year subsequent thereto if the
53 board, after a public hearing held within ninety days
54 of the filing of the application, reasonable notice thereof
55 having been given, shall approve —

56 (a) The training and experience of the teachers to be
57 employed by the applicant.

58 (b) The form and contents of the student enroll-
59 ment agreement as a clear statement of the duties and
60 responsibilities of the applicant and free from misrep-
61 resentation.

62 (c) The equipment available for the instruction to
63 be offered by the applicant.

64 Any approval shall be restricted to the general field
65 of instruction indicated in the application. A supple-
66 mentary application accompanied by a fee may be
67 submitted to the board during any year for approval of
68 a revised field of instruction which the board shall con-
69 sider and act upon within ninety days of the filing of
70 the application.

71 *Section 6.* The fee referred to under the terms of
72 this chapter shall be fifty dollars payable to the common-
73 wealth and to be submitted to the board.

74 *Section 7.* The board shall maintain a list of schools
75 approved under the terms of this chapter, the list to
76 be available for public inspection.

77 *Section 8.* The board may, after a public hearing,
78 reasonable notice thereof having been given, suspend
79 or revoke an approval given under the terms of this
80 chapter if it finds —

81 (a) That any student of the approved school has
82 been defrauded because of a misrepresentation made
83 by any authorized agent of such school or in any adver-
84 tisement or other publications issued by such school; or

85 (b) That the approved school cannot reasonably be
86 expected to perform commitments to students because
87 of inadequate funds or equipment or because of lack of
88 qualified teachers.

89 *Section 9.* Any person who is aggrieved by the board's
90 refusal to give an approval or by the board's order of
91 suspension or revocation of an approval shall be entitled
92 to judicial review thereof under the provisions of chapter
93 thirty A of the General Laws.