

By Mr. Curtiss of Sheffield, petition of Sidney Q. Curtiss for legislation to require the licensing of certain private academic schools. Education.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT REQUIRING THE LICENSING OF PRIVATE ACADEMIC SCHOOLS, EXCEPT THOSE WHICH HAVE BEEN IN OPERATION FOR FIVE OR MORE YEARS PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

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

1 The General Laws are hereby amended by adding at the
2 end of chapter 71 thereof the following new chapter:—

3 CHAPTER 71A.
4 PRIVATE SCHOOLS.

1 SECTION 1. *Definitions.*—The following words and phrases
2 of this act shall have the meanings ascribed to them:

3 (1) "Private academic school" or "school", shall mean a
4 school maintained, or classes conducted, for the purpose of
5 offering instruction for a consideration, profit, or tuition, to
6 five or more pupils during any school year, the purpose of
7 which is to educate an individual generally or specially or to
8 prepare an individual for more advanced study, and shall
9 include all schools engaged in such education except those
10 which have been in operation for five or more years prior to
11 the effective date of this act; and except private trade schools,
12 private business schools, private correspondence schools, pri-
13 vate music schools, private dance schools, private art schools,
14 private dramatic art schools, private schools of charm or poise,
15 private driver training schools, or any type of private school
16 which is non-academic in character.

17 (2) "Agent", shall mean any person, whether employed by
18 a private school or operating in his own behalf, or whether

19 acting in behalf of any school located within or outside of this
20 Commonwealth, who shall personally solicit any individual
21 within the Commonwealth to enroll in a school.

22 (3) "Board", shall mean the state board of education.

1 SECTION 2. *Application of law.*—The provisions of this act
2 shall not apply to colleges, or universities, schools maintained
3 or classes conducted by employers for their own employes
4 where no fee or tuition is charged, schools or classes owned
5 and operated by or under the authority of bona fide religious
6 institutions, or by the commonwealth or any political sub-
7 division thereof, or schools for the blind, deaf and dumb re-
8 ceiving commonwealth appropriations, or schools accredited
9 by accrediting associations, approved by the State Board of
10 Education, but such schools may choose to apply for a license
11 and, upon approval and issuance thereof, shall be subject to
12 the provisions of this act.

1 SECTION 3. *Administration of law.*—The provisions of this
2 act shall be administered by the state board of education which
3 in connection therewith, shall have the power to make and to
4 enforce rules and regulations, and to make and promulgate
5 standards of instruction not inconsistent with the provisions
6 of this act.

1 SECTION 4. *Necessity of license.*—(a) No private academic
2 school shall hereafter be established within the commonwealth,
3 unless such school shall apply for and obtain from the board,
4 a license in the manner and form prescribed by the board.

5 (b) Within this commonwealth, no person or persons shall
6 advertise in behalf of, or solicit prospective students to enroll
7 in a school to be established within the commonwealth prior
8 to the establishment of such school, unless such person or
9 persons shall apply to the board for a license in the manner
10 and form prescribed by the board and shall receive from the
11 board authorization to conduct such activities.

1 SECTION 5. *Application for license.*—Before any license is
2 issued a verified application shall be made in writing to the
3 board on a form prepared and furnished by the board. An ap-

4 plication from a school shall require a statement showing (1)
5 the title or name of the school or classes, together with owner-
6 ship and controlling officers thereof, (2) the specific fields of
7 instruction which will be offered, (3) the place or places where
8 such instruction will be given, (4) a specific listing of the
9 equipment available for instruction in each field, (5) the maxi-
10 mum enrollment to be accommodated on equipment available
11 in each specified field, (6) the qualifications of instructors and
12 supervisors in each specified field, (7) financial resources avail-
13 able to equip and to maintain the school or classes, (8) such
14 additional information as the board may deem necessary to
15 enable it to determine the adequacy of the program of in-
16 struction and matters pertaining thereto, (9) an expression
17 of willingness, at the discretion of the board, at any time it
18 may designate, to provide a surety company bond to the
19 commonwealth conditioned for the protection of the contrac-
20 tual rights of students.

1 SECTION 6. *Issuance of license.*—If the board finds that the
2 application and the school, classes or agent for which a license
3 is sought complies with the provisions of this act, and the
4 rules and regulations of the board promulgated under the
5 provisions of this act, the board shall issue an original license
6 to the applicant.

1 SECTION 7. *Scope of license; supplementary applications.*
2 —Any license issued to a school shall be restricted to the fields
3 or courses specifically indicated in the application for a li-
4 cense. Any license issued to an agent shall be restricted to the
5 school or schools specifically listed in the application for a
6 license. A licensed school shall present a supplementary ap-
7 plication, as may be directed by the board, for approval of
8 additional fields or courses in which it is desired to offer in-
9 struction during the effective period of the license. A licensed
10 agent desiring to solicit prospective students to enroll in
11 schools other than those specifically listed in any application
12 for license shall present a supplementary application, as may
13 be directed by the board, for approval to solicit for such schools
14 or additional schools.

1 SECTION 8. *Duration of license; renewal; separate licenses;*
2 *not transferable.*—Each original license issued shall be effec-
3 tive for a period of one (1) year from the date of issuance, and
4 shall be renewed annually thereafter by an application for
5 renewal on a form prepared and furnished by the board. Each
6 school shall have a separate license which shall not be trans-
7 ferable.

1 SECTION 9. *Fees.*—Each original application for a license
2 to conduct a school or class shall be accompanied by a license
3 fee of fifty dollars, and each application for the renewal of such
4 a license shall be accompanied by a license fee of twenty-five
5 dollars. No fee shall be charged for a supplementary appli-
6 cation for the approval of additional fields or courses of in-
7 struction. Fees for agents shall be five dollars per year. No
8 license fees shall be refunded in the event any license is sus-
9 pended or revoked.

1 SECTION 10. *List of licensed schools and agents.*—The
2 board shall maintain a list of schools and agents licensed under
3 the provisions of this act which shall be available for the in-
4 formation of the public.

1 SECTION 11. *Conditions to be complied with.*—No private
2 academic school or class shall be granted a license or shall
3 be permitted to continue to operate under a granted license
4 unless:

5 (1) It shall permit the board and its representatives to in-
6 spect the school or classes, and shall make available to the
7 board at any time when requested to do so, full information
8 pertaining to any or all items of information contained in the
9 application form which currently is provided by the board to
10 applicants for license;

11 (2) It shall prominently display the current approved li-
12 cense where it may be inspected by students, visitors and
13 designated officials of the board;

14 (3) The advertising representations made by anyone rep-
15 resenting the school or classes as an agent or contractual agent
16 to prospective students shall be free from misrepresentation or
17 fraud;

18 (4) The premises, equipment and conditions of the school
19 or classes shall be adequate, safe and sanitary in accordance
20 with such standards of the commonwealth or any of its politi-
21 cal subdivisions as are applicable to such premises and equip-
22 ment.

1 SECTION 12. *Refusal, suspension or revocation of license.*—

2 Under the provisions of this act, the board shall have the
3 power to refuse to issue and the power to suspend or revoke a
4 license in any case where the board shall find:—

5 (1) That the license has violated any of the provisions of
6 this act or any of the rules and regulations of the board.

7 (2) That the applicant or licensee has knowingly presented
8 to the board false, incomplete or misleading information re-
9 lating to licensure.

10 (3) That the applicant or licensee has pleaded guilty, en-
11 tered a plea of nolo contendere, or has been found guilty of
12 a crime involving moral turpitude by a judge or jury in any
13 state or Federal court.

14 (4) That the applicant, licensee or any employe in a school
15 which is amenable to this act is addicted to the use of morphine,
16 cocaine or other drugs having a similar effect, or is or shall
17 become mentally incompetent.

18 (5) That the applicant or licensee has failed or refused to
19 permit the Board and/or its representatives to inspect the
20 school or classes, or has failed or refused to make available
21 to the board at any time, when requested to do so, full in-
22 formation contained in an application for license or pertain-
23 ing to the program of instruction and matters relating thereto.

24 (6) That the applicant has failed or refused to submit to
25 the board an application for license in the manner and form
26 prescribed by the board.

27 (7) That a licensed school has failed or refused to display
28 the current approved license where it may be inspected by
29 students, visitors and designated officials of the board.

30 (8) That a licensed agent has failed or refused to display
31 or produce his license when requested to do so by prospective
32 students or designated officials of the board.

33 (9) That the applicant or licensee has failed to provide or
34 maintain premises, equipment or conditions which are ade-

35 quate, safe and sanitary, in accordance with such standards
36 of the Commonwealth or any of its political subdivisions, as
37 are applicable to such premises and equipment.

38 (10) That the licensee has perpetrated or committed fraud or
39 deceit in advertising the school or classes or in presenting to
40 prospective students written or oral information relating to
41 the school or classes, to employment opportunities or to oppor-
42 tunities for enrollment in institutions of higher learning.

43 (11) That the licensee is employing teachers, supervisors
44 or administrators who have not been approved by the board, or
45 agents who have not been licensed by the board.

46 (12) That the licensee has failed to provide and maintain
47 adequate premises, equipment, materials or supplies, or has
48 exceeded the maximum enrollment for which the school or
49 class was licensed.

50 (13) That the licensee has failed to provide and maintain
51 adequate standards of instruction or an adequate and qual-
52 ified administrative, supervisory or teaching staff.

53 (14) That the applicant or licensee is unable to provide and
54 maintain financial resources in sufficient amount to equip and
55 maintain adequately and effectively the school or classes.

56 (15) That the licensee has moved the school into new prem-
57 ises or facilities or has altered or made additions to premises
58 or facilities before notifying the board of such change and
59 before receiving from the board approval for the new premises
60 of facilities, alterations or additions.

61 (16) That the licensee has offered training or instruction
62 in courses or subjects which have not been approved and
63 authorized by the board.

64 (17) That a licensed agent has solicited prospective stu-
65 dents to enroll in a school which has not been approved by
66 the board and which is not listed on the license issued by the
67 board.

1 SECTION 13. *Violations; penalties.*—Any person who shall
2 violate or fail to comply with any of the provisions of this
3 act or any of the rules, regulations or standards of instruc-
4 tion promulgated thereunder, shall be guilty of a misdemeanor,
5 and upon conviction thereof shall be sentenced to pay a fine
6 of not less than fifty dollars, nor more than five hundred dol-

7 lars, or to undergo imprisonment for not more than one year,
8 or both. If the violation shall be by a corporation, partnership
9 or association the officers and directors of such corporation, or
10 the members of such partnership or association, its agents,
11 and employes, with guilty knowledge of the fact, shall also be
12 guilty of a misdemeanor and upon conviction thereof shall be
13 punished as hereinbefore provided.

