
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1829 Session of
1993

INTRODUCED BY D. R. WRIGHT, VEON, ROONEY, DURHAM, MIHALICH,
MARKOSEK, YANDRISEVITS, STABACK, GORDNER, TRELLO, MELIO,
BAKER, FARGO, OLASZ, BELFANTI, LYNCH, PISTELLA, HENNESSEY,
CLARK, WOGAN, LEDERER, TIGUE, BATTISTO, GERLACH, SERAFINI AND
E. Z. TAYLOR, JUNE 21, 1993

REFERRED TO COMMITTEE ON EDUCATION, JUNE 21, 1993

AN ACT

1 Amending the act of December 15, 1986 (P.L.1585, No.174),
2 entitled "An act defining and providing for the licensing and
3 regulation of private schools; establishing the State Board
4 of Private Licensed Schools; imposing penalties; and making
5 repeals," further providing for requirements for licensure
6 and operation and for enforcement, refusal, suspension or
7 revocation of license.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Sections 12 and 13 of the act of December 15,
11 1986 (P.L.1585, No.174), known as the Private Licensed Schools
12 Act, are amended to read:

13 Section 12. Requirements for licensure and operation.

14 (a) Inspection.--No private school may be granted a license
15 or permitted to continue to operate under a granted license
16 unless it permits the board and its representatives to inspect
17 the school or classes and makes available to the board, at any
18 time when requested to do so, full information pertaining to the
19 operation of the school.

1 (b) Display of license.--The school shall prominently
2 display on the premises the current approved license where it
3 may be inspected by students, visitors and designated officials
4 of the board.

5 (c) Advertising.--The advertising and representations made
6 by any person representing the school or classes shall neither
7 misrepresent any fact relating to the school nor mislead
8 prospective students.

9 (d) Advertisements and representations.--

10 (1) A school shall not use any name, other than its
11 licensed name, for advertising or publicity purposes. A
12 school shall not advertise or imply that it is "supervised,"
13 "recommended," "endorsed," "accredited" or "approved" by the
14 secretary, the department or the board.

15 (2) A school shall not claim or imply that it is
16 endorsed by colleges, universities or other institutions of
17 higher learning.

18 (3) A school shall not claim or imply that it will
19 guarantee admission to any educational institution or
20 employment upon completion of its course or program.

21 (4) A school shall not, by means of blind advertisements
22 or advertisements in the help wanted or other employment
23 columns of newspapers and other publications, solicit
24 prospective students to enroll in the school.

25 (5) A school shall indicate, in any enrollment form and
26 in all advertising, whether persons who practice in the field
27 which is the subject of the advertisement are subject to
28 licensure by the Commonwealth or another jurisdiction and
29 whether the training offered by the school in the field will
30 qualify the student for a license in the field.

1 (e) Condition of premises.--The premises, equipment and
2 conditions of the school or classes shall be adequate, safe and
3 sanitary in accordance with standards of the Commonwealth or any
4 of its political subdivisions that are applicable to the
5 premises and equipment.

6 Section 13. Enforcement, refusal, suspension or revocation of
7 license.

8 (a) General rule.--The board shall have the power to take
9 appropriate necessary action for the enforcement of its
10 policies, rules and regulations.

11 (b) Suspension and revocation of license.--The board shall
12 have the power to refuse to issue, suspend or revoke a license
13 if it finds that:

14 (1) The licensee has violated any of the provisions of
15 this act or any of the rules and regulations of the board.

16 (2) The applicant or licensee has knowingly presented to
17 the board false, incomplete or misleading information
18 relating to licensure.

19 (3) The applicant or licensee has pleaded guilty,
20 entered a plea of nolo contendere or has been found guilty of
21 a crime constituting a misdemeanor or felony by a judge or
22 jury in any state or Federal court.

23 (4) The applicant or licensee has failed or refused to
24 permit the board or its representatives to inspect the school
25 or classes or has failed or refused to make available to the
26 board, at any time when requested to do so, full information
27 pertaining to any or all items of information contained in an
28 application for license or pertaining to the operation of the
29 private licensed school.

30 (5) The applicant has failed or refused to submit to the

1 board an application for license or renewal in the manner and
2 form prescribed.

3 (6) A private licensed school has failed or refused to
4 display on the school's premises the current approved license
5 where it may be inspected by students, visitors or designated
6 officials of the board.

7 (7) A licensed admissions representative has failed or
8 refused to display or produce his or her license when
9 requested to do so by prospective students or designated
10 officials of the board.

11 (8) The applicant or licensee has failed to provide or
12 maintain premises, equipment or conditions which are
13 adequate, safe and sanitary in accordance with such standards
14 of the Commonwealth or any of its political subdivisions that
15 are applicable to the premises and equipment.

16 (9) The licensee has perpetrated fraud or deceit in
17 written or oral advertising of the school or classes or in
18 presenting to prospective students written or oral
19 information relating to the school or classes, employment
20 opportunities or opportunities for enrollment in institutions
21 of higher learning.

22 (10) The licensee is employing admissions
23 representatives who have not been licensed by the board.

24 (11) The licensee has failed to provide and maintain
25 adequate premises, equipment, materials or supplies or has
26 exceeded the maximum enrollment for which the school was
27 licensed or program or course approved.

28 (12) The licensee has failed to provide and maintain
29 adequate standards of instruction or an adequate and
30 qualified administrative, supervisory or instructional staff.

1 (13) The applicant or licensee is unable to provide and
2 maintain financial resources in sufficient amount to equip
3 and maintain adequately and effectively the school or
4 classes.

5 (14) The licensee has moved the school into new premises
6 or facilities without notifying the board and before
7 receiving approval from the board.

8 (15) The licensee has offered training or instruction in
9 programs or courses which have not been approved and
10 authorized by the board.

11 (16) A licensed admissions representative has solicited
12 prospective students to enroll in a school which has not been
13 registered or licensed by the board or which is not listed on
14 his or her license.

15 (17) There was a change in the ownership of the school
16 without notification to and approval from the board.

17 (18) The school was operated or conducted under an
18 ownership arrangement not approved by the board.

19 (19) The licensee has had the license of a school
20 suspended or revoked in another state.

21 (20) An advertisement of the school failed to meet the
22 requirements of section 12(d)(5) or falsely represented the
23 licensing requirements of the Commonwealth or another
24 jurisdiction or the ability of a course to qualify a student
25 for a license in a particular field.

26 (c) Adjudicatory procedure.--The procedure to be followed in
27 the refusal, suspension and revocation of licenses and in
28 appeals taken from those actions shall be in accordance with
29 Title 2 of the Pennsylvania Consolidated Statutes (relating to
30 administrative law and procedure).

1 (d) Reinstatement of license.--Unless directed to do so by
2 court order, the board shall not, for a period of five years
3 following revocation, reinstate the license of a private
4 licensed school or admissions representative which has been
5 revoked. The school or representative shall be required to
6 reapply as a new licensee in accordance with the provisions of
7 this act.

8 Section 2. This act shall take effect in 60 days.