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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1068 Session of  
1987

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INTRODUCED BY HESS, REIBMAN, ARMSTRONG, MADIGAN, SHUMAKER,  
REGOLI AND ROCKS, OCTOBER 5, 1987

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REFERRED TO EDUCATION, OCTOBER 5, 1987

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AN ACT

1 Defining and providing for the licensing and regulation of  
2 private schools; establishing the State Board of Private  
3 Academic Schools; imposing penalties; and making repeals.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Private  
11 Academic Schools Act.

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Admissions representative." A person acting for a private  
17 licensed school who, for a consideration, at locations off the  
18 premises of the school solicits or procures through an  
19 enrollment agreement an individual in this Commonwealth to  
20 enroll in a private licensed school.

21 "Annual." Twelve months from the date of initial licensure.

22 "Board." The State Board of Private Academic Schools.

23 "Department." The Department of Education of the  
24 Commonwealth.

25 "Enrollment agreement." A written contract between the  
26 student and the private academic school.

27 "Private academic school" or "school." A school maintained,  
28 or classes conducted, for the purpose of offering instruction  
29 for a consideration, profit or tuition, to five or more pupils  
30 at one and the same time, or to twenty-five or more pupils

1 during any school year, the purpose of which is to educate an  
2 individual generally or specially or to prepare an individual  
3 for more advanced study, and shall include all schools engaged  
4 in such education, except private trade schools, private  
5 business schools, private correspondence schools, private music  
6 schools, private dance schools, private art schools, private  
7 dramatic art schools, private schools of charm or poise, private  
8 driver training schools, or any type of private school which is  
9 nonacademic in character.

10 "Registered school." The official designation for an out-of-  
11 State school which has met all the requirements of the board for  
12 approval to enroll Pennsylvania residents in its resident school  
13 or home-study course.

14 "Secretary." The Secretary of Education of the Commonwealth.  
15 Section 3. State Board of Private Academic Schools.

16 (a) Establishment of board.--There is hereby created within  
17 the department a departmental administrative board to be known  
18 as the State Board of Private Academic Schools. The board shall  
19 consist of nine members, who shall be appointed by the  
20 secretary. The composition of the board shall include at least  
21 one parent of a student in a licensed academic school. The terms  
22 of appointment shall be for three years.

23 (b) Quorum.--Five members of the board shall constitute a  
24 quorum. The board shall select annually a chairperson from among  
25 its members.

26 (c) Administrative support.--Administrative support for the  
27 board shall be provided by the department in accordance with  
28 section 214 of the act of April 9, 1929 (P.L.177, No.175), known  
29 as The Administrative Code of 1929. The department shall  
30 periodically consult with the board regarding its administrative

1 needs.

2 (d) Compensation and expenses.--Members of the board shall  
3 receive \$60 per diem for each day actually devoted to work of  
4 the board. The members shall be reimbursed for reasonable  
5 travel, hotel and other necessary expenses incurred in the  
6 performance of their duties in accordance with Commonwealth  
7 regulations.

8 (e) Forfeiture of membership.--A member who fails to attend  
9 three consecutive board meetings shall forfeit membership on the  
10 board unless the secretary, upon written request from the  
11 member, determines that the member shall be excused from a  
12 meeting or meetings for reasons of illness or death of a family  
13 member.

14 (f) Meetings and records.--The board shall meet at such  
15 times and places as it shall determine is necessary for the  
16 proper conduct of its work. Special meetings may be called by  
17 the chairperson or at the request of a majority of the members  
18 of the board dependent upon the availability of funds to cover  
19 costs. Board records and administrative records for private  
20 licensed school shall be maintained in Harrisburg.

21 (g) Documents.--Certificates of licensure and other official  
22 documents approved by the board shall be issued by the  
23 department.

24 Section 4. Powers and duties of board.

25 (a) Licensure, policies, etc.--The board shall have the  
26 power and its duty shall be to approve or disapprove the initial  
27 and renewal licensure or registry or both, of schools; to  
28 suspend or revoke the licensure or registry, or both, of  
29 schools; to approve or disapprove the licensing of admissions  
30 representatives; to establish qualifications for instructors,

1 administrators and supervisors; to adopt broad policies and  
2 principles and to establish standards, rules and regulations.  
3 The regulations shall provide for a method of school closure.

4 (b) Disposition of student records.--The board shall require  
5 every applicant for initial or renewal licensure to provide a  
6 written statement describing arrangements for disposition of  
7 student records in the event of closure. It shall be the duty of  
8 the board and the department to assist in the execution of the  
9 arrangements when necessary. Priority shall be given to plans  
10 for retention of the records with existing private licensed  
11 schools in the same geographical area.

12 (c) Statistical report.--The board shall submit annually to  
13 the Education Committee of the Senate and the Education  
14 Committee of the House of Representatives a report containing  
15 statistical data on tuition rates and the percentage of students  
16 completing programs of study. Private licensed or registered  
17 schools shall submit this information to the department by  
18 September 30 of each year for the preceding academic year ending  
19 June 30.

20 (e) Enforcement by department.--The regulations promulgated  
21 by the board shall be enforced by the department. The department  
22 may submit to individual experts for review, programs and  
23 courses and financial statements proposed or offered by a  
24 school.

## 25 Section 5. Optional licensing of private schools.

26 A school which is not required to obtain a license may apply  
27 for a license and, upon approval and issuance of the license,  
28 shall be subject to the provisions of this act. It may  
29 voluntarily surrender its license and revert to its original  
30 status.

1 Section 6. Mandatory licensing of private academic schools and  
2 admissions representatives.

3 A private academic school requiring licensure shall not  
4 operate within this Commonwealth unless the school has obtained  
5 from the board a license issued in the prescribed manner and  
6 form.

7 Section 7. Application for license.

8 (a) General rule.--Before any license is issued to a private  
9 school, a verified application shall be made, in writing, to the  
10 board on a form prepared and furnished by the department. The  
11 application shall require a statement showing:

12 (1) The title or name and address of the school or  
13 classes together with the name of the owners and controlling  
14 officers.

15 (2) The general and specific fields of instruction which  
16 will be offered and the purposes of such instruction.

17 (3) The place or places where instruction will be given.

18 (4) A specific listing of the equipment and staff  
19 available for instruction in each program.

20 (5) The maximum enrollment to be accommodated on  
21 equipment available in each program.

22 (6) The qualifications of instructors, administrators  
23 and supervisors in each program.

24 (7) Financial resources available to equip and maintain  
25 the school.

26 (8) An agreement to abide by reasonable service and  
27 business ethics prescribed by the board.

28 (9) For relicensure, statistical data on tuition rates  
29 and percentage of students completing programs of study.

30 (10) Any additional information the board may deem

1       necessary to enable it to determine the adequacy of the  
2       program of instruction, the business integrity and related  
3       matters.

4   An application must be completed for board consideration.

5       (b) Financial responsibility.--Each private academic school  
6       shall demonstrate to the board that it has adequate resources or  
7       forms of surety available for the purpose of reimbursing  
8       unearned tuition due students whenever the licensed or  
9       registered school ceases to operate. The form of financial  
10      responsibility or surety established by the private licensed or  
11      registered school shall be subject to approval by the board. The  
12      board shall promulgate regulations under this act establishing  
13      the levels and forms of financial responsibility or surety that  
14      the private licensed or registered school is permitted to  
15      establish. Until such regulations take effect, the surety  
16      requirements in existence on the effective date of this act  
17      shall continue to be enforced.

18      (c) Licensing rules.--The board shall prescribe rules and  
19      regulations for the licensing of admissions representatives.

20   Section 8. Issuance and renewal.

21      (a) General rule.--The department shall issue an original  
22      license to the application if the board finds that the  
23      application and the school or class or admissions representative  
24      for which a license is sought comply with the provisions of this  
25      act and with the rules and regulations promulgated under this  
26      act.

27      (b) Duration and renewal.--Each original school license  
28      issued shall be effective from the date of issue until the first  
29      day of the month of original issue the following year and shall  
30      be renewed annually thereafter on a form prepared and furnished

1 by the department.

2 (c) License not transferable.--Each private licensed school  
3 shall have a separate license which shall not be transferable.

4 Section 9. Licenses restricted.

5 Any license issued to a private school shall restrict a  
6 private licensed school to the program, courses or classes  
7 specifically indicated in the application for a license. A  
8 private licensed school shall present a required supplementary  
9 application for approval of additional programs, courses or  
10 classes in which it desired to offer instruction during the  
11 effective period of its license.

12 Section 10. License fees.

13 (a) General rule.--The board shall set a fee schedule for  
14 the original school license and the annual school license  
15 renewal. Those fees shall be based upon enrollment criteria.

16 (b) Disposition of fees.--License fees shall be placed in  
17 the General Fund.

18 (c) Fee not refundable.--If a license is denied, suspended  
19 or revoked, the license fee shall not be refunded. If the board  
20 determines that a license is not required, the license fee may  
21 be refunded.

22 Section 11. Directory of private academic schools.

23 The department shall maintain a list of private academic  
24 schools which shall be available to the public.

25 Section 12. Requirements for licensure and operation.

26 (a) Inspection.--No private school may be granted a license  
27 or permitted to continue to operate under a granted license  
28 unless it permits the board and its representatives to inspect  
29 the school or classes and makes available to the board, at any  
30 time when requested to do so, full information pertaining to the



1 operation of the school.

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

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

10 (d) Advertisements and representations.--

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

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

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

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

26 (e) Condition of premises.--The premises, equipment and  
27 conditions of the school or classes shall be adequate, safe and  
28 sanitary in accordance with standards of the Commonwealth or any  
29 of its political subdivisions that are applicable to the  
30 premises and equipment.

1 Section 13. Enforcement, refusal, suspension or revocation of  
2 license.

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

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

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

11 (2) The applicant or licensee has knowingly presented to  
12 the board false, incomplete or misleading information  
13 relating to licensure.

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

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

25 (5) The applicant has failed or refused to submit to the  
26 board an application for license or renewal in the manner and  
27 form prescribed.

28 (6) A private academic school has failed or refused to  
29 display on the school's premises the current approved license  
30 where it may be inspected by students, visitors or designated

1 officials of the board.

2 (7) The applicant or licensee has failed to provide or  
3 maintain premises, equipment or conditions which are  
4 adequate, safe and sanitary in accordance with such standards  
5 of the Commonwealth or any of its political subdivisions that  
6 are applicable to the premises and equipment.

7 (8) The licensee has perpetrated fraud or deceit in  
8 written or oral advertising of the school or classes or in  
9 presenting to prospective students written or oral  
10 information relating to the school or classes, employment  
11 opportunities or opportunities for enrollment in institutions  
12 of higher learning.

13 (9) The licensee has failed to provide and maintain  
14 adequate premises, equipment, materials or supplies or has  
15 exceeded the maximum enrollment for which the school was  
16 licensed or program or course-approved.

17 (10) The licensee has failed to provide and maintain  
18 adequate standards of instruction or an adequate and  
19 qualified administrative, supervisory or instructional staff.

20 (11) The applicant or licensee is unable to provide and  
21 maintain financial resources in sufficient amount to equip  
22 and maintain adequately and effectively the school or  
23 classes.

24 (12) The licensee has moved the school into new premises  
25 or facilities without notifying the board and before  
26 receiving approval from the board.

27 (13) The licensee has offered training or instruction in  
28 programs or courses which have not been approved and  
29 authorized by the board.

30 (14) There was a change in the ownership of the school

1 without notification to and approval from the board.

2 (15) The school was operated or conducted under an  
3 ownership arrangement not approved by the board.

4 (16) The licensee has had the license of a school  
5 suspended or revoked in another state.

6 (c) Adjudicatory procedure.--The procedure to be followed in  
7 the refusal, suspension and revocation of licenses and in  
8 appeals taken from those actions shall be in accordance with  
9 Title 2 of the Pennsylvania Consolidated Statutes (relating to  
10 administrative law and procedure).

11 (d) Reinstatement of license.--Unless directed to do so by  
12 court order, the board shall not, for a period of five years  
13 following revocation, reinstate the license of a private  
14 licensed school or admissions representative which has been  
15 revoked. The school or representative shall be required to  
16 reapply as a new licensee in accordance with the provisions of  
17 this act.

18 Section 14. Promulgation of rules and regulations.

19 The board shall promulgate rules and regulations necessary to  
20 carry out the purposes of this act. The rules and regulations of  
21 the State Board of Private Academic Schools in force on the  
22 effective date of this act, and not countermanded by this act,  
23 shall remain in effect until repealed or amended by the board,  
24 but not for a period of more than one year.

25 Section 15. Penalties.

26 (a) Summary offense.--A person who violates or fails to  
27 comply with this act or a rule, regulation or standard  
28 promulgated under this act commits a summary offense and shall,  
29 upon conviction, be sentenced to pay a fine of not less than  
30 \$300.

(b) Civil penalty.--In addition to any other penalty provided in this act, the board may, by a majority vote of its statutorily authorized membership, levy a civil penalty of up to \$1,000 on any licensee who violates any provision of this act or any person who operates a private licensed school without being properly licensed under this act. Prior to the collection of the penalty, the licensee or person shall have access to the hearing procedure provided in Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure).

Section 16. Existing licenses to remain in force.

Licenses issued by the State Board of Private Academic Schools prior to the effective date of this act shall remain in force for the period of the license.

Section 17. Repeals.

The following acts and parts of acts are repealed:

Sections 455 and 606-A(1) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Act of 1947 (P.L.951, No.401), entitled, as amended, "An act defining and providing for the licensing and regulation of private academic schools; conferring powers and imposing duties on the State Board of Private Academic Schools; and imposing penalties."

Section 18. Effective date.

This act shall take effect January 1, 1988.