



**WILLIAM J. SCOTT**

ATTORNEY GENERAL

STATE OF ILLINOIS

500 SOUTH SECOND STREET

SPRINGFIELD

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File No. S-473

**SCHOOLS:**

**Status of Private, For-Profit  
Non-vocational Schools**

**Honorable Michael J. Bakalis  
Superintendent of Public Instruction  
302 State Office Building  
Springfield, Illinois 62706**

**Dear Superintendent Bakalis:**

I have your letter in which you state:

"The Private Business and Vocational School unit of the Office of the Superintendent of Public Instruction has asked that I seek an opinion from your office in regards to 'An Act in relation to the regulation of business and vocational schools', Illinois Revised Statutes, Chapter 144, Section 136-161, included. As you are aware, my office has the responsibility of approving and regulating such schools. However, in the past few years private schools have surfaced which do not appear to be within my jurisdiction. The subject matter of these schools range from dancing, music, karate and judo to mind control, handwriting analysis, etc.

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Specifically, I would like an opinion as to what is meant in Chapter 144, Section 136, when such section refers to a 'school' as offering:

'...other related subjects of a similar character or subjects of general education when they contribute values of self-improvement and are designed to improve or add to the skills and abilities of the individual....'

Does the above definition encompass the types of schools previously mentioned?"

The statutory provision to which you refer is contained in Section 1 of "An Act in relation to the regulation of business and vocational schools" which, in relevant part, reads as follows:

"§1. Definitions.) As used in this Act, unless the context otherwise requires:

'Private business school' or 'business school' or 'school' means an educational institution privately owned and operated by an owner, partnership, or corporation, offering business courses for which tuition is charged, in such subjects as typewriting, shorthand (manual or machine), filing and indexing, receptionist's duties, keypunch, data processing, teletype, penmanship, bookkeeping, accounting, office machines, business arithmetic, English, business letter writing, salesmanship, personality development, leadership training, public speaking, real estate, insurance, traffic management, business psychology, economics, business management, and other related subjects of a similar

character or subjects of general education when they contribute values of self-improvement and are designed to improve or add to the skills and abilities of the individual and also to the objective of the course of study whether by in-residence, correspondence, or home study; 'Vocational School' means any school of instruction maintained or classes conducted by any plan or method and receiving compensation in any form for such instruction, and which offers courses of instruction in residence or by correspondence to prepare individuals;

- (1) to follow a trade;
  - (2) to pursue a manual, mechanical, technical, industrial, business, commercial, office, personal service (other than nursing), or other non-professional occupation, or;
  - (3) to follow a profession, if the school is not subject to approval and licensing under any existing statute of the State of Illinois.
- \* \* \*

Ill. Rev. Stat. 1971, ch.  
144, par. 136. (Emphasis added)

The restrictions on the powers of administrative agencies have been well stated in People v. Richeimer, 298 Ill. 611, where our Supreme Court said:

"It is fundamental that every administrative agency of the State must find the source of its authority in the statute conferring it and can only exercise the power conferred in conformity with the statute." (298 Ill. 611 at 618)

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In the statute in question, the term "business school" is defined as "an educational institution \* \* \* offering business courses \* \* \*" and then goes on to list a variety of subjects as an example, concluding with the language emphasized in the above quotation of the statute. In Black's Law Dictionary (Rev. 4th Ed.), the following definition occurs:

"Business Course: A course such as is usually taught by business or commercial schools and colleges. [Citing] Union Nat. Bank v. Kirby, 189 Ark. 369, 72 S.W. 2d 229, 230."

It is noted that the broad general language emphasized follows the specific words, "business courses". As stated in 34 I.L.P., Statutes, § 118:

"Under the rule of construction known as 'ejusdem generis,' where general words used in a statute follow particular and specific words used therein, the general words must be construed to include only persons, things, places, or modes of action of the same general kind or class as those indicated by the particular and specific words, unless the statute negatives the rule."

Based upon the language of the statute and upon the authorities cited, it is my opinion that the quotation cited in your letter relates only to subjects of general education

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which are reasonably related to the general course of study pursued in a business or commercial school and not to the type of school mentioned in your letter.

While you do not specifically raise the question, the Act in question also deals with the regulation of vocational schools. I direct your attention to the definition of "vocational school" set forth in the quoted statutory language. While it is true that nearly every pleasurable human activity can be practiced for remuneration, e.g., the theatre, music, professional athletics, it appears in this instance that the schools to which you refer are primarily engaged in providing training for their students for the students' recreational and avocational purposes rather than for vocational purposes as that term is usually understood.

Very truly yours,

A T T O R N E Y G E N E R A L