

ACCREDITATION: Capitol Business College is not "an acc-
BUSINESS COLLEGES: redited university, college or conserva-
COLLEGES: tory" within the meaning of Section 431.067,
CONTRACTS: RSMo Cum. Supp. 1963; hence, a minor cannot
INSURANCE: execute a legally binding note or notes
MINORS: for his education at that institution.

May 22, 1964

Opinion No. 88

Honorable Thomas D. Graham
Speaker
House of Representatives
Capitol Building
Jefferson City, Missouri



Dear Sir:

This is in answer to a request for an opinion of this office of February 4, 1964, which refers to Senate Bill No. 58 of the 72nd General Assembly and which letter reads in part as follows:

"In your opinion, would a business college such as Capitol Business College here in Jefferson City, come under the definition of college under this bill, so that a minor might execute a legally binding promissory note or notes for his education at that institution?"

"Capitol Business College is accredited as a two-year school of business by the Accrediting Commission for Business Schools, which is recognized by the U. S. Commissioner of Education as the national accrediting agency in the business school field. Only one other business college in Missouri has qualified for this accreditation. One of the numerous requirements for accreditation is that the educational program be reasonably one of post-secondary level. The texts used at Capitol Business College are college texts and graduation from high school or its equivalent is required for admission."

Section 1 of Senate Bill No. 58 of the 72nd General Assembly now is Section 431.067, RSMo Cum. Supp. 1963, which provides as follows:

"Any minor may execute legally binding promissory notes and may legally contract to borrow money to defray the necessary expenses of attending any accredited university, college or conservatory, and shall have full legal capacity to act in his own behalf for the purpose, and shall have all the rights, powers and privileges and be subject to the obligations of persons of full age with respect to the contracts and notes."

This statute allows minors to execute legally binding promissory notes and to legally contract to borrow money to continue their education at an accredited university, college or conservatory. But for this provision, all such contracts are voidable by the minor.

The Accrediting Commission for Business Schools is recognized by the United States Commissioner of Education as a national accrediting agency in the business school field. A communication from Mr. R. Orin Cornett, Acting Assistant Commissioner for Higher Education of the Office of Education in the Department of Health, Education, and Welfare, Washington, D. C., does not disclose that any other association is so recognized by the Commissioner. It was held in *Louisiana Board of Pharmacy v. Smith*, La. App., 65 S.2d 654, 658, that the term "accredited school" meant "a school placed on an accredited or approved list by some national rating group or association." Thus, in order for a business school to be considered as a "university, college or conservatory", for the purposes of Section 431.067, RSMo Cum. Supp. 1963, it must be so accredited as a "university, college or conservatory" by the Accrediting Commission for Business Schools, or a similar recognized accrediting agency.

The 1963 - 1964 Official Directory of Accredited Institutions and Operating Criteria of the Accrediting Commission for Business Schools provides for the classification of institutions into four distinct types: a one-year business school, a two-year business school, a junior college of business, and a specialized college of business. Different specifications and requirements are established for each of these four types of institutions. Capitol Business College is accredited as a two-year school of business (page 14 of the Official Directory). This type of institution is defined as follows:

"A two-year business school is a post-high school institution which offers at least one program of instruction two school years in length, the objectives of which are measured primarily in terms of vocational competence, and completion of a course is determined to a large degree through the measurement of skill attainment. It may not consist of a combination of two one-year programs unless one is prerequisite to the other." (Page 35 of the Official Directory)

The above definition of a two-year school of business is contrasted with the following definition of a two-year school on a collegiate basis:

"A junior college of business is a Two-Year collegiate school devoted exclusively or substantially to business education at the college level, or a separately administered department or division of business education within an institution having other objectives. In either case its educational objectives should be to provide specialized instruction sufficient to insure adequate preparation for an appropriate semi-professional career. Thus the curriculum should be primarily devoted to business education. However, this requirement is to be evaluated in a manner which will encourage the inclusion of subjects having values of general education, when they contribute to breadth and balance of any course of study." (pages 36 - 37 of the Official Directory)

The contrast is further heightened by the definition that:

"A Specialized College of Business is a four-year collegiate institution devoted exclusively or substantially to professional business education at the college level. This is interpreted as referring also to separately administered departments, divisions, or schools within specialized institutions also having other objectives. The institution shall be legally authorized by

the appropriate state agency to confer baccalaureate degrees. A baccalaureate degree shall require the completion of a minimum of 120 standard semester hours normally acquired and earned over a period of 8 semesters of 15 to 19 weeks of instruction each, or 180 quarter or term hours normally earned over a period of 12 quarters or terms of ten to twelve weeks of instruction each. A standard quarter-, semester-, or term-hour normally requires an average of three class hours of work in class, laboratory, and/or study each week for a semester, quarter, or term. Thus, a three-hour course would necessitate an average of nine hours of work per week. These nine hours may be divided between class lectures and discussions, laboratory, and individual study to suit the particular course for which credit is allowed. Normally, an hour refers to a net of 50 minutes of class time with additional time allowed for changing classes." (pages 43 - 44 of the Official Directory)

In accordance with the foregoing standards and definitions of the Accrediting Commission for Business Schools, Capitol Business College is accredited as a "two-year school of business". The Capitol Business College is not accredited as a "junior college of business" nor as a "specialized college of business".

Section 431.067, RSMo Cum. Supp. 1963, was enacted to enable minor students to make a legally binding contract to borrow money for their education at an "accredited university, college or conservatory". The original bill authorized notes and contracts "to defray the expenses of attending any recognized institution of higher education". On perfection, the words "recognized institution of higher education" were deleted and the following language inserted: "accredited university, college or conservatory".

The words "any recognized institution of higher education" used in the original bill are rather vague, indefinite, and uncertain as to the type, kind, and character of institution the bill intended to affect. Consequently, in order to be more specific, the words "accredited university, college or conservatory"

were substituted. However, this does not indicate a legislative intent to change the type and character of institution affected. The legislative intent, in our view, still indicates that the purpose is to limit the application of the act to institutions of higher education at the college or university level.

Also, this language indicates institutions which are primarily academic - teaching arts, sciences, music, and the professions. The act, as indicated by the language used, does not indicate it intended to include within its scope institutions which are devoted to instruction of a vocational nature.

hours.

Conclusion

It is the opinion of this office that Capitol Business College is not an "accredited university, college or conservatory" within the meaning of Section 431.067, RSMo Cum. Supp. 1963; hence, a minor cannot execute a legally binding note or notes for his education at that institution.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Thomas E. Eichhorst.

Yours very truly,


THOMAS F. EAGLETON
Attorney General