

By: Representative Broomfield

To: Universities and Colleges

HOUSE BILL NO. 830

1 AN ACT TO REQUIRE INSTITUTIONS OF HIGHER LEARNING WHICH OFFER
2 ONE OR MORE POSTSECONDARY ACADEMIC DEGREES TO HOLD ACCREDITATION
3 OF THE COMMISSION ON COLLEGE ACCREDITATION OF THE SOUTHERN
4 ASSOCIATION OF COLLEGES AND SCHOOLS; TO AMEND SECTIONS 37-101-241,
5 75-60-4 AND 75-60-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
6 THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Beginning on July 1, 2016, any senior college or
9 university, whether public or private, proprietary school or other
10 entity which offers one or more postsecondary academic degrees as
11 defined in Section 37-104-241, whether or not domiciled,
12 incorporated or physically located in the State of Mississippi,
13 shall be required by the appropriate Commission on College
14 Accreditation or Commission on Proprietary School and College
15 Registration to hold accreditation of the Commission on College
16 Accreditation of the Southern Association of Colleges and Schools
17 (SACS).

18 **SECTION 2.** Section 37-101-241, Mississippi Code of 1972, is
19 amended as follows:



20 37-101-241. (1) There is hereby created the Commission on
21 College Accreditation. Said commission shall be composed of the
22 Executive Director of the * * * Mississippi Community College
23 Board, the Commissioner of Higher Education, or their designees,
24 and three (3) additional members, one (1) of whom shall be
25 selected by the foregoing two (2) members and who shall represent
26 the private colleges within the state, and two (2) of whom shall
27 be selected by the Mississippi Association of Colleges. The
28 latter three (3) members shall each serve for a term of three (3)
29 years.

30 (2) The commission shall meet and organize by electing from
31 among its membership a chairman, a vice chairman and a secretary.
32 The commission shall keep full and complete minutes and records of
33 all its proceedings and actions.

34 (3) The commission shall have the power and authority, and
35 it shall be its duty, to prepare an approved list of community,
36 junior and senior colleges and universities or other entities
37 which offer one or more postsecondary academic degrees and are
38 domiciled, incorporated or otherwise located in the State of
39 Mississippi. Postsecondary academic degrees include, but are not
40 limited to, associate, bachelor, masters and doctorate degrees.
41 The commission shall adopt standards which are in keeping with the
42 best educational practices in accreditation and receive reports
43 from the institutions seeking to be placed on the approved list.



44 (4) The above-described community, junior and senior
45 colleges and universities or other entities must be approved
46 annually by the commission in order to grant diplomas of
47 graduation, degrees or offer instruction.

48 (5) The commission shall petition the chancery court of the
49 county in which a person or agent offers one or more postsecondary
50 academic degrees subject to the provisions of this chapter or
51 advertises for the offering of such degrees without having first
52 obtained approval by the commission, for an order enjoining such
53 offering or advertising. The court may grant such injunctive
54 relief upon a showing that the respondent named in the petition is
55 offering or advertising one or more postsecondary academic degrees
56 without having obtained prior approval of the commission. The
57 Attorney General or the district attorney of the district,
58 including the county in which such action is brought, shall, upon
59 request of the commission, represent the commission in bringing
60 any such action.

61 (6) The provisions of subsection (5) shall not apply to
62 community, junior and senior colleges and universities with the
63 main campus in Mississippi that were chartered, authorized or
64 approved by the commission prior to July 1, 1988.

65 (7) Except as otherwise provided under Section 1 of this
66 act, the provisions of this section shall not apply to the
67 proprietary schools and colleges subject to regulation under
68 Section 75-60-1 et seq.



69 (8) The Commission on College Accreditation may promulgate
70 rules and regulations and establish appropriate fees for the
71 implementation of this section.

72 (9) The commission shall have the power and authority, and
73 it shall be its duty, to execute site visits when deemed necessary
74 by the commission. The members of the commission and
75 commission-appointed evaluation teams shall receive reasonable
76 traveling expenses and other authorized expenses incurred in the
77 performance of commission duties, together with other expenses of
78 the operation of the commission. The members of the Commission on
79 College Accreditation shall serve without salary compensation but
80 shall receive a per diem and mileage as authorized by law
81 including time of going to and returning from site visits of said
82 commission, together with actual travel and hotel expenses
83 incident to the site visits of the commission, and in the
84 discharge of duties prescribed by the commission.

85 **SECTION 3.** Section 75-60-4, Mississippi Code of 1972, is
86 amended as follows:

87 75-60-4. (1) The * * * Mississippi Community College Board
88 shall appoint a "Commission on Proprietary School and College
89 Registration" to be composed of five (5) qualified members, one
90 (1) appointed from each of the five (5) Mississippi congressional
91 districts existing on January 1, 1992. The membership of said
92 commission shall be composed of persons who have held a teaching,
93 managerial or other similar position with any public, private,



94 trade, technical or other school; provided, however, that one (1)
95 member of the commission shall be actively engaged in teaching,
96 managerial or other similar position with a privately owned trade,
97 technical or other school. The membership of said commission
98 shall be appointed by the board within ninety (90) days of the
99 passage of this chapter. In making the first appointments, two
100 (2) members shall be appointed for three (3) years, two (2)
101 members for four (4) years, and one (1) member for five (5) years.
102 Thereafter, all members shall be appointed for a term of five (5)
103 years. If one (1) of the members appointed by the board resigns
104 or is otherwise unable to serve, a new member shall be appointed
105 by the commission to fill the unexpired term. All five (5)
106 members of the commission have full voting rights. The members
107 shall not be paid for their services, but may be compensated for
108 the expenses necessarily incurred in the attendance at meetings or
109 in performing other services for the commission at a rate
110 prescribed under Section 25-3-69, Mississippi Code of 1972, plus
111 actual expenses and mileage as provided by Section 25-3-41,
112 Mississippi Code of 1972. Members of the commission shall
113 annually elect a chairman from among its members.

114 (2) The * * * Mississippi Community College Board shall
115 appoint such staff as may be required for the performance of the
116 commission's duties and provide necessary facilities.



117 (3) The * * * Mississippi Community College Board shall levy
118 only fees authorized in this chapter only in such amounts as may
119 be required for the performance of the commission's duties.

120 (4) In addition to the fees authorized in this chapter,
121 the * * * Mississippi Community College Board is authorized to
122 levy and collect fees from proprietary schools and colleges (a) to
123 recover the cost of audits, investigations and hearings relating
124 to such institutions, and (b) to recover the cost of activities
125 conducted under Section 73-15-25 relating to the accreditation of
126 practical nursing programs.

127 (5) It shall be the purpose of the Commission on Proprietary
128 School and College Registration to establish and implement the
129 registration program as provided in this chapter. All
130 controversies involving the registration of such schools shall be
131 initially heard by a duly authorized hearing officer of the
132 commission before whom a complete record shall be made. After the
133 conclusion of the hearing, the duly authorized hearing officer of
134 the commission shall make a recommendation to the commission as to
135 the resolution of the controversies, and the commission, after
136 considering the transcribed record and the recommendation of its
137 hearing officer, shall make its decision which becomes final
138 unless the school or college or other person involved shall appeal
139 to the * * * Mississippi Community College Board, which appeal
140 shall be on the record previously made before the commission's
141 hearing officer except as may be provided by rules and regulations



142 adopted by the * * * Mississippi Community College Board. All
143 appeals from the * * * Mississippi Community College Board shall
144 be on the record and shall be filed in the Chancery Court of the
145 First Judicial District of Hinds County, Mississippi.

146 (6) The commission shall require all institutions, whether
147 vocational, technical or otherwise, to be accredited by the
148 Southern Association of Colleges and Schools (SACS). This
149 requirement applies whether or not the institution is domiciled,
150 incorporated or physically located in the State of Mississippi.

151 **SECTION 4.** Section 75-60-5, Mississippi Code of 1972, is
152 amended as follows:

153 75-60-5. * * * The provisions of this chapter do not apply
154 to the following categories of courses, schools or colleges:

155 (a) Tuition-free courses or schools conducted by
156 employers exclusively for their own employees;

157 (b) Schools, colleges, technical institutes, community
158 colleges, junior colleges or universities under the jurisdiction
159 of the Board of Trustees of State Institutions of Higher Learning
160 or the * * * Mississippi Community College Board;

161 (c) Schools or courses of instruction under the
162 jurisdiction of the State Board of Cosmetology, State Board of
163 Barber Examiners or the State Board of Massage Therapy;

164 (d) Courses of instruction required by law to be
165 approved or licensed, or given by institutions approved or
166 licensed, by a state board or agency other than the Commission on



167 Proprietary School and College Registration; however, a school so
168 approved or licensed may apply to the Commission on Proprietary
169 School and College Registration for a certificate of registration
170 to be issued in accordance with the provisions of this chapter;

171 (e) Correspondence courses;

172 (f) Nonprofit private schools offering academic credits
173 at primary or secondary levels, or conducting classes for
174 exceptional education as defined by regulations of the State
175 Department of Education;

176 (g) Private nonprofit colleges and universities or any
177 private school offering academic credits at primary, secondary or
178 postsecondary levels;

179 (h) Courses of instruction conducted by a public school
180 district or a combination of public school districts;

181 (i) Courses of instruction conducted outside the United
182 States;

183 (j) A school that offers only instruction in subjects
184 that the Commission on Proprietary School and College Registration
185 determines are primarily for a vocational, personal improvement or
186 cultural purposes and that does not represent to the public that
187 its course of study or instruction will or may produce income for
188 those who take that study or instruction;

189 (k) Courses conducted primarily on an individual
190 tutorial basis, where not more than one (1) student is involved at
191 any one time, except in those instances where the Commission on



192 Proprietary School and College Registration determines that the
193 course is for the purpose of preparing for a vocational objective;
194 (1) Kindergartens or similar programs for preschool-age
195 children.

196 * * *

197 **SECTION 5.** This act shall take effect and be in force from
198 and after July 1, 2013.

