

By: Representative Mettetal

To: Universities and Colleges

HOUSE BILL NO. 938

1 AN ACT TO AMEND SECTION 37-101-241, MISSISSIPPI CODE OF 1972,  
 2 TO PRESCRIBE CERTAIN SPECIFIC POWERS FOR THE COMMISSION ON COLLEGE  
 3 ACCREDITATION AND TO TRANSFER THE REGULATORY AUTHORITY OVER  
 4 CORRESPONDENCE COURSES TO THE COMMISSION; TO REPEAL SECTIONS  
 5 75-59-1 THROUGH 75-59-9, MISSISSIPPI CODE OF 1972, WHICH REQUIRE  
 6 ENTITIES PROVIDING CORRESPONDENCE COURSES IN THE STATE TO OBTAIN A  
 7 PERMIT FROM THE SECRETARY OF STATE, THE OFFICE OF THE ATTORNEY  
 8 GENERAL AND EITHER THE STATE DEPARTMENT OF EDUCATION, THE  
 9 MISSISSIPPI COMMUNITY COLLEGE BOARD OR THE BOARD OF TRUSTEES OF  
 10 STATE INSTITUTIONS OF HIGHER LEARNING; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-101-241, Mississippi Code of 1972, is  
 13 amended as follows:

14 37-101-241. (1) There is \* \* \* created the Commission on  
 15 College Accreditation. \* \* \* The commission shall be composed of  
 16 the Executive Director of the Mississippi Community College Board,  
 17 the Commissioner of Higher Education, or their designees, and  
 18 three (3) additional members, one (1) of whom shall be selected by  
 19 the foregoing two (2) members and who shall represent the private  
 20 colleges within the state, and two (2) of whom shall be selected  
 21 by the Mississippi Association of Colleges. The latter three (3)  
 22 members shall each serve for a term of three (3) years.



23 (2) The commission shall meet and organize by electing from  
24 among its membership a chairman, a vice chairman and a secretary.  
25 The commission shall keep full and complete minutes and records of  
26 all its proceedings and actions.

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

37 It is the purpose of this section to provide for the  
38 protection and welfare of the citizens of this state, its  
39 postsecondary educational institutions and its students through  
40 regulatory oversight in order to ensure consumer protections are  
41 maintained appropriately, while also acknowledging the heightened  
42 standards institutions may achieve and maintain through academic  
43 accreditation. The commission shall work to accomplish the  
44 purposes of this section by exercising the following powers:

45 (a) Establishing minimum standards concerning quality  
46 of education, ethical business practices, and fiscal



47 responsibility to protect against substandard, transient,  
48 unethical, deceptive or fraudulent institutions and practices;  
49 (b) Utilizing the best practices in postsecondary  
50 distance and correspondence education for approval of distance and  
51 correspondence education offered in Mississippi or to Mississippi  
52 residents;  
53 (c) Establishing certain rights and remedies for the  
54 consuming public and the commission which are necessary to  
55 effectuate the purposes of this section;  
56 (d) Prohibiting misleading literature, advertising,  
57 solicitation or representation by postsecondary educational  
58 institutions or their agents;  
59 (e) Receiving, investigating as the commission deems  
60 necessary, and acting upon applications for authorization to  
61 operate postsecondary educational institutions;  
62 (f) Requiring, as part of an application for  
63 authorization of a postsecondary educational institution, criminal  
64 background checks for all owners and directors, the results of  
65 which are confidential and not open to public inspection. An  
66 institution or entity may not be granted authorization unless its  
67 owners and operators are of good moral character;  
68 (g) Providing formal authorization to higher education  
69 institutions in good standing and operating lawfully in compliance  
70 with this section and commission regulations;



71 (h) Authorizing the granting of diplomas of graduation,  
72 degrees or other educational credentials by postsecondary  
73 educational institutions and prohibiting the granting of false or  
74 misleading educational credentials;

75 (i) Prohibiting any person, agent, group or entity of  
76 whatever kind, alone or in concert with others, from operating in  
77 this state as a postsecondary educational institution not exempted  
78 from this section, enrolling or offering instruction, or  
79 contracting with any person for such purpose unless the  
80 institution has a currently valid authorization for the action;

81 (j) Prohibiting the use of the term "university,"  
82 "college" or other terminology that could mislead the general  
83 public without authorization to do so from the commission;

84 (k) Establishing tuition and fee refund policies;

85 (l) Providing for agent permits and establishing  
86 policies for the issuance of agent permits;

87 (m) Prescribing the conditions of a surety bond  
88 requirement for authorized institutions and for their agent or  
89 agents. In addition to or as an alternative to a surety bond, the  
90 commission may establish a student protection fund to be funded by  
91 fees assessed to authorized institutions. The provisions of this  
92 paragraph do not apply to institutions exempted under subsection  
93 (6);

94 (n) Investigating, as the commission deems necessary,  
95 on its own initiative or in response to a formal complaint lodged



96 with it, any person, group or entity subject to, or reasonably  
97 believed by the commission to be subject to, the requirements of  
98 this section and taking appropriate action as it deems necessary;

99 (o) Establishing administrative sanctions and  
100 subjecting violators of the provisions of this section and  
101 commission standards, rules, policies and procedures to  
102 administrative sanctions, civil penalties and fines;

103 (p) Requesting the Attorney General to bring an  
104 appropriate action or proceedings, including injunctive  
105 proceedings, in any court of competent jurisdiction for the  
106 enforcement of this section. This paragraph does not prohibit the  
107 Attorney General from bringing an appropriate action or  
108 proceedings for the enforcement of this section on his own motion;

109 (q) In the event a postsecondary educational  
110 institution operating in this state proposes to discontinue its  
111 operation, requiring the chief administrative officer of the  
112 institution, by whatever title designated, to notify the  
113 commission in writing, in a timeframe specified by the commission,  
114 of the intended discontinuation and submitting to the commission  
115 for approval a plan for the orderly closure of the institution,  
116 including a plan for the permanent, safe retention of the original  
117 or legible true copies of all academic records of the institution,  
118 as specified by the commission. The institution also shall submit  
119 to the commission a teach-out plan deemed acceptable to the  
120 commission by which the institution's educational obligations to



121 its students can be fulfilled. The commission may require the  
122 submission of any other information under this paragraph which the  
123 commission deems appropriate; and

124 (r) Exercising other powers and duties implied but not  
125 enumerated in this subsection which are in conformity with this  
126 section and, in the judgment of the commission, are necessary to  
127 carry out the intent and purposes of this section.

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

132 (5) The commission shall petition the chancery court of the  
133 county in which a person or agent offers one or more postsecondary  
134 academic degrees subject to the provisions of this chapter or  
135 advertises for the offering of such degrees without having first  
136 obtained approval by the commission, for an order enjoining such  
137 offering or advertising. The court may grant such injunctive  
138 relief upon a showing that the respondent named in the petition is  
139 offering or advertising one or more postsecondary academic degrees  
140 without having obtained prior approval of the commission. The  
141 Attorney General or the district attorney of the district,  
142 including the county in which such action is brought, shall, upon  
143 request of the commission, represent the commission in bringing  
144 any such action.



145           (6) The provisions of subsection (5) \* \* \* and any implied  
146 references to revocation and suspension of authorization do not  
147 apply to community, junior and senior colleges and universities  
148 with the main campus in Mississippi that were chartered,  
149 authorized or approved by the commission prior to July 1, 1988.

150           (7) The provisions of this section shall not apply to the  
151 proprietary schools and colleges subject to regulation under  
152 Section 75-60-1 et seq.

153           (8) The Commission on College Accreditation may promulgate  
154 rules and regulations and establish appropriate fees for the  
155 implementation of this section.

156           (9) The commission shall have the power and authority, and  
157 it shall be its duty, to execute site visits when deemed necessary  
158 by the commission. The members of the commission and  
159 commission-appointed evaluation teams shall receive reasonable  
160 traveling expenses and other authorized expenses incurred in the  
161 performance of commission duties, together with other expenses of  
162 the operation of the commission. The members of the Commission on  
163 College Accreditation shall serve without salary compensation but  
164 shall receive a per diem and mileage as authorized by law  
165 including time of going to and returning from site visits of said  
166 commission, together with actual travel and hotel expenses  
167 incident to the site visits of the commission, and in the  
168 discharge of duties prescribed by the commission.



169           **SECTION 2.** Sections 75-59-1, 75-59-3, 75-59-5, 75-59-7 and  
170 75-59-9, Mississippi Code of 1972, which require entities  
171 providing correspondence courses in the state to obtain a permit  
172 from the Secretary of State, the Office of the Attorney General  
173 and either the State Department of Education, the Mississippi  
174 Community College Board or the Board of Trustees of State  
175 Institutions of Higher Learning, are repealed.

176           **SECTION 3.** This act shall take effect and be in force from  
177 and after July 1, 2018.

