

By: Senator(s) Harkins

To: Universities and  
Colleges; Accountability,  
Efficiency, Transparency

SENATE BILL NO. 2045

1 AN ACT TO AMEND SECTION 37-101-241, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE AND CLARIFY THE AUTHORITY OF THE MISSISSIPPI COMMISSION  
3 ON COLLEGE ACCREDITATION TO REGULATE THE ADVERTISING, SOLICITATION  
4 OR REPRESENTATION BY EDUCATIONAL INSTITUTIONS OR THEIR AGENTS IN  
5 ORDER TO PROTECT STUDENTS AND PREVENT CONSUMER DECEPTION RELATING  
6 TO FRAUDULENT OR SUBSTANDARD DEGREES AND TO ESTABLISH TUITION AND  
7 FEE REFUND POLICIES; AND FOR RELATED PURPOSES.

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

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

11 37-101-241. (1) There is hereby created the Commission on  
12 College Accreditation. Said commission shall be composed of the  
13 Executive Director of the Mississippi Community College Board, the  
14 Commissioner of Higher Education, or their designees, and three  
15 (3) additional members, one (1) of whom shall be selected by the  
16 foregoing two (2) members and who shall represent the private  
17 colleges within the state, and two (2) of whom shall be selected  
18 by the Mississippi Association of Colleges. The latter three (3)  
19 members shall each serve for a term of three (3) years.



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

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

34           (4) It is the purpose of this section to provide for the  
35 protection and welfare of the citizens of this state, its  
36 postsecondary educational institutions, and its students, through  
37 regulatory oversight to ensure consumer protections are  
38 appropriately maintained, while also acknowledging the heightened  
39 standards institutions may achieve and maintain through academic  
40 accreditation. The commission may accomplish the provisions of  
41 this section by:

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



responsibility to protect against substandard, transient,  
unethical, deceptive, or fraudulent institutions and practices;

(b) Utilizing the best practices in postsecondary  
distance and correspondence education for approval of distance and  
correspondence education offered in Mississippi or to Mississippi  
residents;

(c) Providing certain rights and remedies to the  
consuming public and the commission necessary to effectuate the  
purposes of this section;

(d) Prohibiting misleading literature, advertising,  
solicitation, or representation by postsecondary educational  
institutions or their agents;

(e) Receiving, investigating as it may deem necessary,  
and acting upon applications for authorization to operate  
postsecondary educational institutions;

(f) Requiring, as part of the application for  
authorization of a postsecondary educational institution, criminal  
background checks for all owners and directors, the results of  
which shall be confidential and not open to public inspection. No  
institution or entity shall be granted authorization unless its  
owners and operators are of good moral character;

(g) Providing formal authorization to higher education  
institutions in good standing and operating lawfully in compliance  
with this section and commission regulations;



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

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

78           (j) Prohibiting use of "university," "college," or  
79 other terminology that could mislead the general public without  
80 authorization to do so from the commission;

81           (k) Establishing tuition and fee refund policies;

82           (l) Providing for agent permits and establishing  
83 policies for the issuance of agent permits;

84           (m) Prescribing the conditions of a surety bond  
85 requirement for authorized institutions and for their agent(s).  
86 In addition to or alternatively to a surety bond, the commission  
87 may establish a student protection fund to be funded by fees  
88 assessed to authorized institutions. The provisions of this  
89 paragraph (m) shall not apply to institutions exempted under  
90 subsection (7);

91           (n) Investigating as it deems necessary, on its own  
92 initiative or in response to a formal complaint lodged with it,



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

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

(p) Requesting the Attorney General, or on the Attorney  
General's own motion, to bring any appropriate action or  
proceeding, including injunctive proceedings, in any court of  
competent jurisdiction for the enforcement of this section;

(q) Requiring that in the event any postsecondary  
educational institution now or hereafter operating in this state  
proposes to discontinue its operation, the chief administrative  
officer, by whatever title designated, of the institution shall  
notify the commission in writing in a time frame as specified by  
the commission prior to the anticipated closure, providing for  
commission approval its plan for the orderly closure of the  
institution, including a plan for permanent, safe retention of the  
original or legible true copies of all academic records of the  
institution as specified by the commission; and a teach-out plan,  
acceptable to the commission, by which its educational obligations  
to its students can be fulfilled; and such other provisions as the  
commission deems appropriate; and



117           (r) Exercising other powers and duties implied by not  
118 enumerated in this subsection, but in conformity with this  
119 subsection that, in the judgement of the commission, are  
120 determined necessary in order to carry out this section.

121       ( \* \* \*5) The above-described community, junior and senior  
122 colleges and universities or other entities must be approved  
123 annually by the commission in order to grant diplomas of  
124 graduation, degrees or offer instruction.

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

138       ( \* \* \*7) The provisions of subsection (6) as well as  
139 references to revocation and suspension of authorization shall not  
140 apply to community, junior and senior colleges and universities



with the main campus in Mississippi that were chartered,  
authorized or approved by the commission prior to July 1, 1988.

( \* \* \*8) The provisions of this section shall not apply to  
the proprietary schools and colleges subject to regulation under  
Section 75-60-1 et seq.

( \* \* \*9) The Commission on College Accreditation may  
promulgate rules and regulations and establish appropriate fees  
for the implementation of this section.

( \* \* \*10) The commission shall have the power and  
authority, and it shall be its duty, to execute site visits when  
deemed necessary by the commission. The members of the commission  
and commission-appointed evaluation teams shall receive reasonable  
traveling expenses and other authorized expenses incurred in the  
performance of commission duties, together with other expenses of  
the operation of the commission. The members of the Commission on  
College Accreditation shall serve without salary compensation but  
shall receive a per diem and mileage as authorized by law  
including time of going to and returning from site visits of said  
commission, together with actual travel and hotel expenses  
incident to the site visits of the commission, and in the  
discharge of duties prescribed by the commission.

**SECTION 2.** This act shall take effect and be in force from  
and after July 1, 2018.

