

By: Representative Mettetal

To: Universities and
Colleges

HOUSE BILL NO. 890

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 (4) 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 to ensure consumer protections are maintained
41 appropriately, while also acknowledging the heightened standards
42 institutions may achieve and maintain through academic
43 accreditation. The commission may accomplish the purposes of this
44 section by exercising the following powers:

45 (a) Establishing minimum standards concerning quality
46 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 the commission deems
necessary, and acting upon applications for authorization to
operate postsecondary educational institutions;

(f) Requiring, as part of an application for
authorization of a postsecondary educational institution, criminal
background checks for all owners and directors, the results of
which are 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;



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) Ensuring fair and equitable tuition and fee refund
85 policies;

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

88 (m) Prescribing the conditions of a surety bond
89 requirement for authorized institutions and for their agent or
90 agents. In addition to or as an alternative to a surety bond, the
91 commission may establish a student protection fund to be funded by
92 fees assessed to authorized institutions. The provisions of this
93 paragraph (m) shall not apply to institutions exempted under
94 subsection (7);



95 (n) Investigating, as the commission deems necessary,
96 on its own initiative or in response to a formal complaint lodged
97 with it, any person, group or entity subject to, or reasonably
98 believed by the commission to be subject to, the jurisdiction of
99 this section and taking appropriate action as it deems necessary;

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

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

108 (q) Requiring that in the event a postsecondary
109 educational institution, now or hereafter, operating in this state
110 proposes to discontinue its operation, the chief administrative
111 officer of the institution, by whatever title designated, shall
112 notify the commission in writing, in a timeframe specified by the
113 commission before the anticipated closure, providing for
114 commission approval of its plan for the orderly closure of the
115 institution, including a plan for the permanent, safe retention of
116 the original or legible true copies of all academic records of the
117 institution, as specified by the commission; and a teach-out plan,
118 acceptable to the commission, by which its educational obligations



119 to its students can be fulfilled; and such other provisions as the
120 commission deems appropriate; and

121 (r) Exercising other powers and duties implied but not
122 enumerated in this subsection, which are in conformity with this
123 section and, in the judgment of the commission, are necessary to
124 carry out this section.

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

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

142 (* * *7) The provisions of subsection (* * *6) and any
143 references to revocation and suspension of authorization shall not



144 apply to community, junior and senior colleges and universities
145 with the main campus in Mississippi that were chartered,
146 authorized or approved by the commission prior to July 1, 1988.

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

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

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

166 **SECTION 2.** Sections 75-59-1, 75-59-3, 75-59-5, 75-59-7 and
167 75-59-9, Mississippi Code of 1972, which require entities
168 providing correspondence courses in the state to obtain a permit



169 from the Secretary of State, the Office of the Attorney General
170 and either the State Department of Education, the Mississippi
171 Community College Board or the Board of Trustees of State
172 Institutions of Higher Learning, are repealed.

173 **SECTION 3.** This act shall take effect and be in force from
174 and after July 1, 2019.

