

By: Representative Mettetal

To: Universities and
Colleges

HOUSE BILL NO. 1216

1 AN ACT TO AMEND SECTIONS 75-60-3, 75-60-17, 75-60-23 AND
2 75-60-25, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE
3 "MISSISSIPPI PROPRIETARY SCHOOL AND COLLEGE REGISTRATION LAW," TO
4 REVISE CERTAIN AUTHORITY OF THE COMMISSION ON PROPRIETARY SCHOOL
5 AND COLLEGE REGISTRATION RELATING TO REGULATION OF PROPRIETARY
6 SCHOOLS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 75-60-3, Mississippi Code of 1972, is
9 amended as follows:

10 75-60-3. As used in this chapter:

11 (a) "Course of instruction" means the offering of
12 instruction to individuals for a charge, fee or contribution of
13 any kind, to a person or persons for the purpose of training or
14 preparing such person(s) for a field of endeavor in a business,
15 trade, technical or industrial occupation.

16 (b) "Program of study" means a series of individual
17 courses in an area of specialization for which a diploma, degree,
18 certificate or other written evidence of proficiency or
19 achievement is offered.



20 (c) "Agent" means any person employed by an institution
21 licensed by the commission, regardless of job title, job
22 description, full-time or part-time employment status, who either
23 directly or indirectly influences the decision of any prospective
24 student to enroll for a fee in a course of instruction.

25 (d) "Person" means an individual, corporation,
26 partnership, association or any other type of organization.

27 (e) "Board" means the Mississippi Community College
28 Board established in Section 37-4-3 et seq., Mississippi Code of
29 1972.

30 (f) "Commission" means the Commission on Proprietary
31 School and College Registration established under this chapter.

32 (g) "Correspondence education" means a formal
33 educational process under which the institution provides
34 instructional materials, by mail or electronic transmission,
35 including examinations on the materials, to students who are
36 separated from the instructor. Interaction between the instructor
37 and the student is limited, is not regular and substantive, and is
38 primarily initiated by the student; courses are typically
39 self-paced. Correspondence education is not distance education as
40 described in paragraph (h) below.

41 (h) "Distance education" means a formal educational
42 process in which the majority of the instruction (interaction
43 between students and instructors and among students) in a course
44 occurs when students and instructors are not in the same place,



45 but supports regular and substantive interaction between student
46 and instructor. Instruction may be synchronous or asynchronous.
47 A distance education course instructor may use the Internet;
48 one-way and two-way transmissions through open broadcast,
49 closed-circuit, cable, microwave, broadband lines, fiber optics,
50 satellite or wireless communications devices; audio conferencing;
51 or video cassettes, DVDs and CD-ROMs if used as part of the
52 distance learning course or program.

53 (i) "General education course" means a unit of learning
54 that is nontechnical in nature and is a fundamental part of a
55 program. The content is drawn from oral and written
56 communications, social studies, mathematics, natural sciences and
57 the humanities.

58 (j) "Nontechnical course" means a unit of learning that
59 is nontechnical in nature and includes general education courses,
60 basic/college life skills and other related courses.

61 (k) "Occupational degree" means a credential awarded by
62 a school upon successful completion of an associate degree program
63 and designated as "applied or occupational" in the credential
64 title. This program shall contain a minimum of sixty percent
65 (60%) technical course credits/clock hours.

66 (l) "Institution" means a proprietary school, career
67 college, school person or other organization that offers programs
68 that require registration in accordance with Section 75-60-5.



(m) "Technical course" means a unit of learning that yields skills, knowledge and understanding essential to the specific occupation for which the program is designed.

SECTION 2. Section 75-60-17, Mississippi Code of 1972, is amended as follows:

75-60-17. (1) The application for a certificate of registration shall be accompanied by a surety bond with conditions and in a form prescribed by the Commission on Proprietary School and College Registration with at least one (1) corporate bonding company approved by the Department of Insurance as surety thereon. The bond shall provide for the indemnification of any person suffering loss as the result of any false certification, school closure, any fraud or misrepresentation used in behalf of the principal in procuring such person's enrollment in a course of instruction, including repayment of tuition paid in advance by any student, and for reimbursement to the Commission on Proprietary School and College Registration for any actual administrative costs associated with an institution ceasing operations. The term of the bond shall be continuous, but it shall be subject to cancellation by the surety in the manner described in subsection (3) of this section. The bond shall provide blanket coverage for the acts of all persons engaged as agents of the school without naming them and without regard to the time they are engaged during the term of the bond.



93 (2) First priority for the use of surety bonds shall be
94 given to students impacted by the closing of the proprietary
95 school.

96 (3) The surety may terminate the bond upon giving a
97 sixty-day written notice to the principal and to the Commission on
98 Proprietary School and College Registration, but the liability of
99 the surety for acts of the principal and its agents shall continue
100 during the sixty (60) days of cancellation notice. The notice
101 does not absolve the surety from liability which accrues before
102 the cancellation becomes final but which is discovered after that
103 date and which may have arisen at any time during the term of the
104 bond. Unless the bond is replaced by that of another surety
105 before the expiration of the sixty (60) days' notice of
106 cancellation, the certificate of registration shall be suspended.
107 Any person subject to this chapter required to file a bond with an
108 application for a certificate of registration may file, in lieu
109 thereof, cash, a certificate of deposit, or government bonds of
110 the same dollar value as the prescribed bond. Said deposit is
111 subject to the same terms and conditions as are provided for in
112 the surety bond required herein. Any interest or earnings on such
113 deposits are payable to the depositor.

114 **SECTION 3.** Section 75-60-23, Mississippi Code of 1972, is
115 amended as follows:

116 75-60-23. No person employed by an institution licensed by
117 the commission, regardless of job title, job description,



118 full-time or part-time employment status, shall directly or
119 indirectly influence the decision of any prospective student to
120 enroll for a fee in a course of instruction without first securing
121 a permit as an agent from the Commission on Proprietary School and
122 College Registration. If the person represents more than one (1)
123 institution or campus, a separate permit shall be obtained for
124 each institution or campus represented. Agent permits shall only
125 be issued to agents of institutions that hold a certificate of
126 registration issued by the commission.

127 **SECTION 4.** Section 75-60-25, Mississippi Code of 1972, is
128 amended as follows:

129 75-60-25. The application for an agent permit shall be made
130 on forms to be furnished by the Commission on Proprietary School
131 and College Registration. Any agent permit applied for shall be
132 granted or denied within sixty (60) days of the receipt of the
133 application therefor by the commission. If the commission has not
134 completed its determination with respect to the issuance of an
135 agent permit within such sixty-day period, it shall issue a
136 temporary agent permit to the applicant, which permit is
137 sufficient to meet the requirements of Section 75-60-23 until such
138 time as such determination is made. Upon approval for an agent
139 permit, the commission shall issue a * * * permit to the person,
140 giving his or her name, agent permit number and the name and
141 campus location of his or her employing school, and certifying
142 that the person whose name appears on the * * * permit is an



143 authorized agent of the school. An agent permit is valid for one
144 (1) year from the date on which it was issued.

145 **SECTION 5.** This act shall take effect and be in force from
146 and after July 1, 2019.

