

By: Representative Scoggin

To: Universities and
Colleges

HOUSE BILL NO. 443

1 AN ACT TO AMEND SECTIONS 37-101-241 AND 37-101-243,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE AUTHORITY TO THE BOARD OF
3 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO APPOINT STAFF
4 TO ASSIST AND PROVIDE NECESSARY FACILITIES, SUPPORT AND OTHER
5 SERVICES TO FURTHER THE PROPER MANAGEMENT OF THE DUTIES OF THE
6 MISSISSIPPI COMMISSION ON COLLEGE ACCREDITATION; TO PERMIT THE
7 BOARD TO CHARGE THE COMMISSION FOR THE ACTUAL COSTS INCURRED TO
8 PROVIDE STAFFING AND SUPPORT ASSISTANCE; TO CLARIFY THE POWER AND
9 AUTHORITY GRANTED TO THE COMMISSION; AND FOR RELATED PURPOSES.

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

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

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



21 The latter three (3) members shall each serve for a term of three
22 (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 Board of Trustees of State Institutions of Higher
28 Learning shall appoint staff as may be required for the
29 performance of the commission's duties and provide necessary
30 facilities, support, equipment, supplies, travel and other
31 expenses required to properly manage the duties of the commission.

32 (4) The Board of Trustees of State Institutions of Higher
33 Learning may charge the commission for the actual cost incurred by
34 the Board to assist in the performance of the commission's duties.

35 (* * * 5) The commission shall have the power and authority,
36 and it shall be its duty, to * * * authorize and maintain an
37 approved list of * * * all public and private postsecondary,
38 academic degree-granting institutions or any other entities
39 domiciled, incorporated or otherwise located in the State of
40 Mississippi which offer postsecondary academic degrees, programs
41 or coursework. For purposes of this chapter, "domiciled" shall
42 mean conducting postsecondary academic activity, including field
43 placements, within the State of Mississippi. Postsecondary
44 academic degrees include, but are not limited to, associate,
45 bachelor, masters and doctorate degrees. The commission shall



46 adopt standards which are in keeping with the best educational
47 practices in accreditation and receive reports from the
48 institutions seeking to be placed on the approved list.

49 (* * *6) The above-described community, junior and senior
50 colleges and universities or other entities must be approved
51 annually by the commission in order to grant diplomas of
52 graduation, degrees or offer instruction.

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

66 (* * *8) The provisions of subsection (5) shall not apply
67 to community, junior and senior colleges and universities with the
68 main campus in Mississippi that were chartered, authorized or
69 approved by the commission prior to July 1, 1988.



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

73 (* * *10) The Mississippi Commission on College
74 Accreditation may promulgate rules and regulations and establish
75 appropriate fees for the implementation of this section.

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

89 **SECTION 2.** Section 37-101-243, Mississippi Code of 1972, is
90 amended as follows:

91 37-101-243. (1) For the purposes of this section, these
92 words are defined as follows:

93 (a) "Commission" means the Mississippi Commission on
94 College Accreditation created under Section 37-101-241; and



95 (b) "Institution" means and includes institutions of
96 higher learning approved under Section 37-101-241 and proprietary
97 schools and other entities subject to regulation under Section
98 75-60-1 et seq.

99 (2) The commission may enter into and administer interstate
100 reciprocity agreements that allow institutions to offer
101 postsecondary distance education. The commission is further
102 authorized to carry out the following duties as related to
103 interstate reciprocity agreements:

104 (a) Approve or disapprove participation in these
105 agreements by institutions;

106 (b) Establish fees to be paid by participating
107 institutions to cover the commission's direct and indirect
108 administrative costs incurred by the commission or by the Board of
109 Trustees of State Institutions of Higher Learning on the
110 commission's behalf;

111 (c) Serve as the state point of contact for questions,
112 complaints and other communications;

113 (d) Enter into agreements with other state agencies
114 regarding state responsibilities; and

115 (e) Form committees to assist in establishing policies
116 and procedures.

117 (3) The commission shall not:

118 (a) Require institutions to participate in interstate
119 reciprocity agreements; or



120 (b) Prohibit institutions that do not participate in
121 these agreements from offering postsecondary distance education.

122 **SECTION 3.** This act shall take effect and be in force from
123 and after July 1, 2023.

