

SHEEO State Authorization Inventory

Mississippi

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **Commission on Proprietary School and College Registration**
 - o Description:
The Commission on Proprietary School and College Registration serves as the approval and licensing authority for proprietary schools.
 - o Contact:
Marilyn Gardner
Proprietary Schools Specialist
Commission on Proprietary School and College Registration
601-432-6340
mgardner@mscjc.edu
 - o Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
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Proprietary Schools Specialist
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601-432-6340
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- b. Links:
Link to agency: <http://www.sbcjc.cc.ms.us/program/psDefault.aspx>
- c. The following agency also has responsibility for authorization in the state and was requested to complete a survey.
Mississippi Commission on College Accreditation
- d. If the division of responsibility among these agencies is not clear, please explain.
The CPSCR has oversight of for-profit technical and vocational degree and non-degree granting institutions. MCCA has oversight of for-profit academic degree granting institutions, religious institutions and private institutions.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- No Public, in-state degree granting institutions
- No Public, out-of-state degree granting institutions
- No Private, in-state, not-for-profit degree granting institutions
- No Private, out-of-state, not-for-profit degree granting institutions
- Yes Private, in-state, for-profit degree granting institutions
- Yes Private, out-of-state, for-profit degree granting institutions
- No Public, in-state, non-degree granting institutions
- No Public, out-of-state, non-degree granting institutions
- No Non degree, not-for profit institutions
- Yes Non degree, for-profit institutions
- No Religious institutions
- No Tribally-controlled institutions

Clarifying comments:

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

No.

- c. Is accreditation required for an institution to be authorized in your state? \

No.

- o If yes, please explain:
- o If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- ___ Regional
- ___ National
- ___ Programmatic/specialized

Clarifying comments:

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Just institutions.

- e. Programs in certain subject areas that may require separate approval.

Nursing

MS Board of Nursing

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?

Section 75-60-5, Mississippi Code of 1972, as amended, provides for some exemptions from registration with the commission. Accordingly, the following categories of courses, schools and colleges are not required to register with the Commission on Proprietary School and College Registration:

- a. Tuition-free courses or schools conducted by employers exclusively for their own employees
- b. Institutions under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning or the State Board for Community and Junior Colleges;
- c. Institutions or courses of instruction under the jurisdiction of the State Board of Cosmetology, State Board of Barber Examiners or the State Board of Massage Therapy;
- d. Courses of instruction required by law to be approved or licensed, or given by institutions approved or licensed, by a state board or agency other than the Commission on Proprietary School and College Registration; however, an institution so approved or licensed *may* apply to the Commission on Proprietary School and College Registration for a Certificate of Registration to be issued in accordance with the provisions of this chapter;
- e. Correspondence courses;
- f. Nonprofit private institutions offering academic credits at primary or secondary levels, or conducting classes for exceptional education as defined by regulations of the State Department of Education;
- g. Nonprofit private colleges and universities or any private institution offering academic credits at primary, secondary or postsecondary levels;
- h. Courses of instruction conducted by a public school district or a combination of public school districts;
- i. Courses of instruction conducted outside the United States;
- j. Any institution that offers only instruction in subjects that the Commission on Proprietary School and College Registration determines are primarily for non-vocational, personal improvement or cultural purposes and that does not represent to the public that its course of study or instruction will or may produce income for those who take that course of study or instruction;
- k. Courses conducted primarily on an individual tutorial basis, where not more than one (1) student is involved at any one (1) time, except in those instances where the Commission on Proprietary School and College Registration determines that the course is for the purpose of preparing for a vocational objective;
 - l. Kindergartens or similar programs for preschool-age children.

Nationally accredited schools shall follow accreditation standards for hiring and training faculty and any state statute that contradicts those federal standards is not applicable to nationally accredited schools. All other schools must comply fully with the applicable state statutes.

- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.

See above.

- If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?

The institution writes a letter to the Commission stating exempt status.
The Commission sends back an exemption letter.

- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?

Unknown.

- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

See above.

- Are all religious institutions exempt (please describe)?
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
- Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?

- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

In compliance with 34 CFR 600.9(c), any institution not based in the State of Mississippi, whether or not it offers instruction to residents of Mississippi only over the Internet, is determined to need a Certificate of Registration issued by the commission to offer postsecondary instruction in the State if they engage in at least one of the following activities:

- A. The institution maintains a telephone number with a Mississippi area code;
- B. The institution maintains a postal address with a Mississippi zip code;
- C. The institution markets and/or recruits Mississippi students via any means of media which originates in Mississippi;
- D. The institution maintains an Internet URL which originates in Mississippi or utilizes an ISP which is based in Mississippi; or
- E. The institution provides payment reportable for income tax purposed via either a W-2 or Form 1099 to any individual resident of the State for any purpose associated with the institution’s Mississippi students.

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.

See above 4b.

- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**

- Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?

See above 4b.

- Does this apply only to distance education students or more generally?

See above 4b.

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?

- Does this apply only to distance education students or more generally?

See above 4b.

- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
See above 4b.
 - What about adjunct faculty?
See above 4b.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
See above 4b.
 - What about adjunct faculty?
See above 4b.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
See above 4b.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
See above 4b.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
See above 4b.
- Advertising in local media sources that are largely viewed by residents of the state?
See above 4b.
- Advertising in national media sources that can be accessed by residents of the state?
See above 4b.
- Having computer servers or other equipment located in the state?
See above 4b.
- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
See above 4b.
- Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
See above 4b.

- Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
See above 4b.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
See above 4b.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?
See above 4b.

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
After receipt of the written request and a \$25 application fee, each prospective applicant will be mailed a copy of the Mississippi Proprietary School and College Registration Regulations and a copy of the application packet.
<http://www.sbcjc.cc.ms.us/program/psDefault.aspx>
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
The Commission meets bi-monthly to review and approve applications. Therefore, 60 days would be the longest timeframe.
- c. What is the authorization duration?
Certificates are good for two years, but schools must submit documentation annually for renewal.
- d. What does an institution need to do to maintain authorization?
Submit renewal applications in a timely manner.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
Annual submittal of financial and programmatic information.

f. Can an institution lose its authorized status? If so, how?

The Commission on Proprietary School and College Registration may suspend, revoke or cancel a Certificate of Registration for any one (1) or any combination of the following causes:

- a. Violation of any provision of Mississippi Proprietary School Law (Title 75 Chapter 60, Mississippi Code of 1972, as amended), or any regulation made by the commission
- b. The furnishing of false, misleading or incomplete information requested by the commission;
- c. The signing of an application or the holding of a *Certificate of Registration* by a person who has pleaded guilty or has been found guilty of a felony or any other indictable offense;
- d. The signing of an application or the holding of a *Certificate of Registration* by a person who is addicted to the use of any narcotic drug, or who is found to be mentally incompetent;
- e. Violation of any commitment made in an application for a *Certificate of Registration*;
- f. Presentation to prospective students of misleading, false or fraudulent information relating to a course of instruction, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the holder of a *Certificate of Registration*;
- g. Failure to provide or maintain premises or equipment for offering courses of instruction in a safe and sanitary condition;
- h. Refusal by an agent to display his/her *Agent Permit* upon demand of a prospective student or other interested person;
- i. Failure to maintain financial resources adequate for the satisfactory conduct of courses of study as presented in the plan of operation or to retain a sufficient number and qualified staff of instruction; however nothing in this document shall require an instructor to be certificated by the Commission on Proprietary School and College Registration or to hold any type of post-high school degree;
- j. Offering training or courses of instruction other than those presented in the application; however, institutions may offer special courses adapted to the needs of individual students where the special courses are in the subject field specified in the application;
- k. Accepting the services of an agent not licensed in accordance with Mississippi Proprietary School and College Law (Sections 75-60-23 through 75-60-37, inclusive of the Mississippi Code of 1972, as amended);
- l. Conviction or a plea of nolo contendere on the part of any owner, operator or director of a registered institution of any felony under Mississippi law or the law of another jurisdiction;
- m. Continued employment of an instructor who has been convicted of, or entered a plea of nolo contendere to, any felony under Mississippi law or the law of another jurisdiction;
- n. Incompetence of any owner or operator to operate a school or college.

- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
Yes.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Unsure.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
Commission meets bi-monthly.
- j. Is your agency currently planning to amend its application process by the end of 2011?
Yes.
 - o If yes, please provide a brief description of the anticipated change.
Fee Schedule was updated.
 - o If yes, when does the agency expect the change to be fully implemented?
July 1, 2011

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
Yes. \$25 application fee.
- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)?
Yes.
- c. What are the costs, if any, to renew authorization?
Yes.
- d. What costs are associated with receiving a waiver or exemption to authorization?
None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe.
No.
- b. What is the process, if any, to obtain a reciprocal agreement with your state?
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
Yes.
 - o If yes, please describe the process or provide a web link to the material that describes the complaint process.
Complaints must be submitted in writing to the commission by a person with standing.
The commission must receive all complaints within two (2) years of the alleged violation.
The commission will maintain a record of all written complaints received.
The commission will notify the complainant that the complaint has been received and will request further information if necessary.
The commission will notify the Chief Operating Officer of the Institution that a complaint has been made and, where appropriate, the nature of the complaint. An informal conference with an institution representative may be scheduled at this time. The commission may request a written response to the issues in the complaint.
If the complaint is resolved as a result of the informal conference, the commission will maintain written documentation of the resolution. The complainant, the agent, and the employing institution will be notified of the resolution agreement.
If the complaint is not resolved through the informal process, the commission may schedule a hearing in accordance with the procedure in section 3.21 of this document.
The commission will issue a written finding within ninety (90) days of receipt of the complaint. This finding will be sent to the complainant, and the Institution's Chief Operating Officer, and will be placed in the institution's file at the commission office.

If the commission determines that the complaint does not fall under the provisions of Section 75-60-19 of the Mississippi Code of 1972, as amended, the commission will attempt to refer the complainant to an appropriate agency of oversight body.

The commission may initiate an investigation without registration of a complaint.

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?

No.

- If available, please provide a web link to the complaint form.

- Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.

Marilyn Gardner

Proprietary Schools Specialist

Commission on Proprietary School and College Registration

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- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?

Unsure.

- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

Unsure.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?

Yes.

- If yes, please provide a brief description of the anticipated change.

General updates to Regulations.

- If yes, when does the agency expect the change to be fully implemented?
October 1, 2011

b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?