

# MISSISSIPPI

## Commission on Proprietary School & College Registration



# REGULATIONS

for State Oversight of Proprietary Institutions  
Operating or Recruiting in Mississippi

Revised July 2011

REGULATIONS FOR THE REGISTRATION OF  
MISSISSIPPI PROPRIETARY SCHOOLS AND  
COLLEGES

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# **SECTION 1 - MISSISSIPPI COMMISSION ON PROPRIETARY SCHOOL & COLLEGE REGISTRATION: PURPOSE, ORGANIZATION AND POWERS**

## **1.1 COMMISSION PURPOSE**

The Commission on Proprietary School and College Registration is responsible for administration of the Mississippi Proprietary School and College Registration Law, Title 75, Chapter 60, Mississippi Code of 1972, as amended. The purpose of the Commission is to establish and implement the process for obtaining and maintaining certificates of registration and agent permits. This administration is enacted via licensure.

## **1.2 COMMISSION MEMBERSHIP**

The Commission on Proprietary School and College Registration is composed of five (5) members appointed by the Mississippi Community College Board. One (1) member is appointed from each of the five (5) Mississippi Congressional districts as existed at establishment of the commission. All commission members have held teaching, managerial, or similar positions with public, private, trade, technical or other institutions. Additionally, one (1) member shall be actively engaged in some capacity with a privately owned trade, technical, or other institution. Initial terms of service on the commission are for three (3) to five (5) years as provided by the enabling legislation; subsequent terms are for five (5) years.

## **1.3 COMMISSION STAFF**

The Mississippi Community College Board appoints such staff as is required for the performance of the commission's duties, and provides necessary facilities for the commission's operation. The administrator for the commission is the Director for Proprietary School and College Registration (henceforth "the Director".) The Director is located at:

Mississippi Community College Board  
Commission on Proprietary School and College Registration  
3825 Ridgewood Road, Sixth Floor  
Jackson, MS 39211  
Telephone: (601) 432-6518

#### **1.4 POWERS AND DUTIES OF THE COMMISSION**

- A. To adopt rules and regulations for implementing institution and agent registration processes [Mississippi Code 1972, as amended §75-60-4(3).]
- B. To develop application forms for collecting data pertinent to the institution and agent registration processes [Mississippi Code 1972, as amended §75-60-4(3).]
- C. To interpret which courses and institutions are exempt from registering with the commission [Mississippi Code 1972, as amended §75-60-5.]
- D. To issue certificates of registration for qualifying institutions [Mississippi Code 1972, as amended §75-60-11.]
- E. To assign registration numbers to registered institutions [Mississippi Code, 1972 as amended [Mississippi Code 1972, as amended §75-60-11.]
- F. To suspend, revoke or cancel certificates of registration for cause in accordance with Mississippi Code 1972, as amended §75-60-19.
- G. To prescribe the conditions of the surety bond requirement for registered institutions in accordance with Mississippi Code 1972, as amended §75-60-17.
- H. To petition for injunctive relief in instances of advertising or other activity by unapproved institutions [Mississippi Code 1972, as amended §75-60-21.]
- I. To issue Agent Permits to qualifying applicants [Mississippi Code 1972, as amended §75-60-23]
- J. To assign Agent Permit numbers to registered agents [Mississippi Code 1972, as amended §75-60-25.]
- K. To suspend, revoke or cancel agent permits for cause in accordance with Mississippi Code 1972, as amended §75-60-33.
- L. To prescribe the conditions of the surety bond requirement for agents in accordance with Mississippi Code 1972, as amended §75-60-29.
- M. To approve all new programs of study and individual courses offered by registered institutions [Mississippi Code 1972, as amended §75-60-15(4).]
- N. To investigate complaints made against registered institutions in accordance with Mississippi Code 1972, as amended §75-60-19.
- O. To investigate complaints made against registered agents in accordance with Mississippi Code 1972, as amended §75-60-33.
- P. To maintain a written record of all complaints.

- Q. When necessary, to conduct hearings to determine if violations of Mississippi Code 1972, as amended, §75-60-19 have been committed by registered institutions or agents.
- R. To appoint a duly authorized officer to preside over all hearings involving registration controversies [Mississippi Code, 1972 as amended §75-60-4(2).]
- S. To act through a hearing officer to issue subpoenas in accordance with Mississippi Code 1972, as amended §75-60-19(4).
- T. To impose civil penalties and administrative sanctions in accordance with Mississippi Code 1972, as amended §75-60-19(6), for any violations prescribed in §75-60-19.
- U. To collect approved fees necessary for the administration of the commission [Mississippi Code 1972, as amended §75-60-4(3).]

## **SECTION 2 - POLICIES GOVERNING ACTIVITY OF THE MISSISSIPPI COMMISSION ON PROPRIETARY SCHOOL AND COLLEGE REGISTRATION**

### **2.1 COMMISSION MEETING SCHEDULE**

#### **2.1.1 Actions of the Commission**

The commission may take action only when in official session, and as reflected in the commission's official meeting minutes. Opinions and personal comments of individual commission members are non-binding and do not constitute an official position of the commission.

#### **2.1.2 Location of Meetings**

Regular scheduled meetings and called meetings of the commission shall take place in Room 507, 3825 Ridgewood Road, Jackson, MS 39211.

#### **2.1.3 Regular Scheduled Meetings**

The commission shall meet bimonthly on the third Thursday at 1:00 p.m.

#### **2.1.4 Called Meetings**

The commission shall meet for called meetings on Tuesdays at 1:00 p.m.

Meeting times and locations may be changed by official action of the commission and after appropriate notification of such changes to members, the media, and registered institutions.

### **2.2 COMMISSION MEETING AGENDA**

- A. The commission Chair and Director shall confer and prepare the agenda for commission meetings.
- B. Any commission member may place items on the agenda.
- C. All requests for items to be placed on the agenda must be received by the Director at least twelve (12) calendar days prior to the scheduled bimonthly meeting.
- D. The commission will only consider matters not on the agenda when a majority of the commission is present and voting concurs that an additional item be included.
- E. The standard format for the agenda will be as follows:

**MISSISSIPPI COMMISSION ON PROPRIETARY SCHOOL  
AND COLLEGE REGISTRATION**

REGULAR SCHEDULED MEETING  
Jackson, Mississippi

1:00 P.M., (INSERT DATE)

**AGENDA**

- I. CALL TO ORDER**
- II. PRELIMINARIES**
  - A. Invocation
  - B. Acknowledgments and Introductions
  - C. Adjustments to the Agenda
  - D. Approval of Agenda
  - E. Approval of Previous Minutes
- III. DIRECTOR'S REPORT**
- IV. PUBLIC PARTICIPATION**
- V. REPORTS**
  - A. Current Listing of Registered Institutions
  - B. Financial Report
  - C. Complaints
  - D. Other
- VI. DOCKET ACTION**
  - A. Old Business
  - B. New Business
  - C. Institutional Registrations
    - i. Initial applications for registration
    - ii. Registration renewals
    - iii. Requests for exemptions from institutional registration
  - D. Agent Registrations
    - i. Initial applications for agent permits
    - ii. Agent permit renewals
  - E. Programs
    - i. Requests for approval of new programs of study or courses
    - ii. Requests for changes to existing programs of study or courses
  - F. Instructor Approvals
  - G. Other
- VII. ADJOURNMENT**

The next scheduled meeting of the commission is at 1:00 p.m. on Thursday (INSERT DATE), in conference room 507 of the Paul B. Johnson, Jr. building located at 3825 Ridgewood Road, Jackson, Mississippi 39211.

### **2.3 NOTICES TO COMMISSION MEMBERS**

- A. All notices to commission members shall be mailed postage prepaid to the official mailing address as recorded at the office of the Mississippi Community College Board.
- B. Each commission member shall submit in writing to the Director any change in official mailing address.

### **2.4 MEMBER VOTING**

- A. A quorum of at least three (3) commission members must be present for the commission to conduct its business
- B. A commission member present may vote for or against any motion, or the member may abstain. Voting by proxy is not permitted.
- C. Minutes of commission meetings shall reflect the vote of each member on each matter. A unanimous vote may be reflected.
- D. Any commission member who may obtain pecuniary benefit from action on any application, either for himself/herself, a relative or for any business for which he/she is associated, must recuse himself/herself from consideration of said application.

### **2.5 MINUTES OF COMMISSION MEETINGS**

- A. Minutes of all commission meetings shall be the responsibility of the Director.
- B. The Director may secure such assistance as is necessary for the preparation of the minutes, or may designate staff to prepare the minutes.
- C. In instances when the commission excuses the Director (or designee) from the meeting, the commission Chair shall appoint a member to record the minutes.
- D. Proposed meeting minutes shall become the official minutes upon approval by the commission.
- E. Approved minutes will be on file in the office of the Director.

## **2.6 COMMISSION OFFICERS AND THEIR SELECTION**

- A. There shall be the following officer for the commission: Chair.
- B. The Chair shall be elected annually at the June meeting, for a term of one year, with terms to commence on July 1<sup>st</sup> each year. The Chair position may not be filled by the commission member who is actively engaged in some capacity with a privately owned trade, technical, or other institution.

## **2.7 COMMISSION ADMINISTRATIVE PROCEDURES**

- A. When the commission adopts, amends, or repeals any of its policies or procedures, the Director shall file with the Secretary of State notice of such intended action, and provide notice as required.
- B. Notice of such action shall be filed at least thirty (30) days prior to the adoption of the rule, amendment, or repeal except when imminent peril to the public health, safety or welfare requires adoption of a rule upon fewer than thirty (30) days notice. Thereafter, when the commission adopts a rule, amendment, or repeal, the Director shall file with the Secretary of State a certified copy of the rule, amendment, or repeal. The action shall become final thirty (30) days after the filing of the certified copy with the Secretary of State.

## **2.8 COMPENSATION FOR AND REIMBURSEMENT OF COMMISSION MEMBERS**

- A. Commission members shall receive no annual salary, but may receive per diem compensation as authorized by Section 25-3-69, Mississippi code of 1972, as amended, for each day or fraction thereof devoted to the discharge of commission duties or official commission meetings.
- B. Commission members shall be entitled to reimbursement for expenses such as meals, lodging and other necessary expenses incurred in the discharge of their duties, including the current state rate per mile actually and necessarily traveled as authorized by Section 25-3-41, Mississippi Code of 1972, as amended.
- C. The discharge of official commission duties shall consist of attending regular and called meetings of the commission, and attending official meetings at which the attendance of the commission member(s) is required as an official assignment by the Mississippi Community College Board.

## **2.9 DISTRIBUTION OF REGULATIONS**

Hard copies of the regulations for the commission are available to the public for a nominal fee. Copies are available from:

Mississippi Community College Board  
Commission on Proprietary School and College Registration  
3825 Ridgewood Road, Sixth Floor  
Jackson, MS 39211  
Telephone: (601) 432-6518

Electronic copies of the regulations are available for download free of charge from the Mississippi Community College Board website at [www.mscjc.edu](http://www.mscjc.edu).

## **2.10 PUBLIC ACCESS TO COMMISSION RECORDS**

- A. Except where prohibited by law, any person shall have the right to inspect or obtain reproductions of any public record of the commission.
- B. The right to inspect public records shall be invoked by a written request. Written notification of the time, place and method of access shall be provided in accordance with section 25-61-5 of the Mississippi code.
- C. The right to obtain a reproduction of a public record shall be acquired by written request. The request must specify which record(s) are to be reproduced and whether the reproductions are to be mailed or received in person. Hard copies of public records will be available for a nominal fee.
- D. Denial of a request for access to, or copies of, public records of the commission will be in writing and will contain a statement of the specific reasons for the denial.
- E. The provisions of section 2.10 do not apply to government officials, state legislators, or state agencies.

## **2.11 LISTING OF REGISTERED INSTITUTIONS**

The commission will maintain a list of institutions holding a valid certificate of registration. The list will be available for download from [www.mscjc.edu](http://www.mscjc.edu). Hard copies of this list will be available to the public for a nominal fee. Copies are available from:

Mississippi Community College Board  
Commission on Proprietary School and College Registration  
3825 Ridgewood Road, Sixth Floor  
Jackson, Mississippi 39211

The provisions of section 2.11 do not apply to government officials, state legislators, or state agencies.

## **2.12 REPLACEMENT CERTIFICATES OF REGISTRATION AND AGENT PERMITS**

If for any reason, a Certificate of Registration or Agent Permit must be replaced, the institution owner or agent must submit an appropriate affidavit form (*CPSCR Form 11 – Certificate of Registration Affidavit Form* or *CPSCR Form 13 – Agent’s Permit Affidavit Form*) and replacement fee to the Commission on Proprietary School and College Registration. The fee for a duplicate Certificate of Registration or a duplicate Agent Permit is stipulated in the current Schedule of Fees (Appendix A).

## **2.13 DISCLOSURE OF INFORMATION**

Any commission member who may obtain pecuniary benefit from action on any application either for himself/herself, a relative, or for any business for which he/she is associated, shall inform the Director in writing of his/her affiliation with the applicant or application.

The Director shall provide the commission a docket of all applications to be considered for action by the commission, along with the meeting notices.

## **2.14 COMMISSION MEMBER PARTICIPATION**

Upon request of the commission and to the extent permitted by law, commission members shall be allowed to present information to the commission as a representative of an institution for which a pecuniary benefit is associated. However, the commission member shall recuse himself/herself from commission deliberations regarding such application.

## **2.15 APPLICATION REVIEW**

- A. The commission will only consider complete applications. Applicants who submit incomplete applications will be notified and allowed fourteen (14) calendar days to submit the required information. If this information is not received within the fourteen (14) days, denial of the application will be recommended to the commission at the next commission meeting.

- B. The information provided in all sections of any application must be deemed sufficient and appropriate prior to application approval. If any section of any application is deemed insufficient or inappropriate, the applicant will be notified of the deficiency and the commission may request additional information from said applicant. Applications will be reviewed based on statutory and regulatory requirements. After the review of an application the commission will be informed of any significant findings.
- C. Applications for Certificates of Registration must contain sufficient financial information to allow determination of financial stability.
  - a. Financial resources and practices must be such that:
    - i. There is reasonable expectation of sound financial practices.
    - ii. There is evidence presented to suggest that the potential exists for the business to be successful.
    - iii. There is reasonable expectation that the business will continue to exist.
    - iv. There is evidence that sufficient planning has been conducted to provide for the necessary financial obligations required to assume the essential costs associated with operating the business.
  - b. The following indicators of fiscal stability will also be examined:
    - i. The Current Ratio
    - ii. Past due liabilities
    - iii. Working capital
    - iv. Stockholder equity or net worth
- D. The accuracy and completeness of all financial statements (reviewed or audited) submitted in support of an application for a Certificate of Registration (initial or renewal) must be sworn to by an independent licensed certified public accountant registered with the appropriate state board of accountancy.
- E. Instructional resources must be adequate and available for individual student use.

## **2.16 ON-LINE/DISTANCE EDUCATION REQUIREMENTS (34 CFR 600.9)**

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.

## **2.17 INSTITUTIONS WITH NATIONAL ACCREDITATION**

Mississippi statute 75-60-11 says private business and vocational schools that have obtained national accreditation from an accrediting agency designated by the United States Department of Education may submit evidence of current accreditation in lieu of other application requests. Applications submitted on evidence of national accreditation must be approved or denied within thirty (30) days after receipt. If no action is taken within thirty (30) days, the application shall be deemed approved and a school license must be issued.

Therefore, private business and vocational schools holding national accreditation from an accrediting agency approved by the United States Department of Education may satisfy state registration requirements for proprietary schools by submitting evidence of national accreditation to the commission. All proprietary school fees (Appendix A) shall continue to be levied including fees based on gross tuition (verified by audited financial statements). Oversight of proprietary schools shall be retained by the commission, regardless of national accreditation status.

The commission interprets the legislation to mean any regionally or nationally accrediting agency recognized by the United State Department of Education and includes the following.

- A. Regional Accrediting Agencies
  - a. New England Association of Schools and Colleges
  - b. Middle States Commission on Higher Education
  - c. North Central Association of Colleges and Schools

- d. Northwest Commission on Colleges and Universities
  - e. Southern Association of Colleges and Schools
  - f. Western Association of Schools and Colleges
- B. Nationally Recognized Accrediting Agencies
- a. Accrediting Commission of Career Schools and Colleges of Technology
  - b. Accrediting Council for Continuing Education and Training
  - c. Accrediting Council for Independent Colleges and Schools
  - d. Association for Biblical Higher Education, Commission on Accreditation
  - e. Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission
  - f. Council on Occupational Education
  - g. Distance Education and Training Council, Accrediting Commission
  - h. National Accrediting Commission of Cosmetology Arts and Sciences
  - i. New York State Board of Regents, and the Commissioner of Education
  - j. Transnational Association of Christian Colleges and Schools, Accreditation Commission

Each institution choosing to register with the commission by use of regional or national accreditation status must supply the commission with, at minimum, a status report, an annual progress report (submitted with renewal application), audited financial statements and copies of any correspondence received from any accrediting agency stating formal action taken by the accrediting agency. Other documents including college catalog, student handbook, faculty roster, program of study/course lists and any documents commonly included as part of the accreditation process must be made available upon request by the commission.

## **2.18 INSTATE ON-LINE/DISTANCE EDUCATION REQUIREMENTS**

The Commission on Proprietary Schools and College registration adapts the definition of distance education and correspondence education by the United States Department of Education (USDE) as authorized by the Higher Education Act of 2008.

### **Definitions**

1. Distance education is education that uses one or more of the following technologies in providing educational content to students:
  - a. The Internet; or
  - b. One-way/two-way transmissions through open broadcast, cable microwave, broadband lines, fiber optics, satellite, or wireless communication devices, audio conferencing; or
  - c. Video cassette, DVDs and CD-ROMs used in conjunction with any of the above technologies.
2. Correspondence education is:
  - a. Education provided through mail or electronic transmission where interaction is limited between the student and instructor.
  - b. Correspondence courses are usually self-paced.

Institutions based in the State of Mississippi that offer instruction over the internet, either synchronous or asynchronous, 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:

1. The institution uses a Learning Management System to deliver educational content and grades, or
2. The institution offers a minimum of 80% of their educational content online via the internet.

### **Student Verification**

Institutions offering distance education shall have a process in place in which establishes that the student who registers in a distance education program/course is the same student participating and complete the course/program and receiving academic credit. The school meets the requirement if:

1. Student uses a secure login and passcode; or
2. School schedules proctored exams; or
3. School uses new technologies and practices that verify the student's identity during testing.

## **SECTION 3 - REGULATIONS AND PROCEDURES FOR REGISTRATION OF PROPRIETARY SCHOOLS AND COLLEGES**

### **3.1 INTRODUCTION**

In 1992, Mississippi Senate Bill 2636 transferred the administration of Proprietary School and College Registration from the State Department of Education to the Commission on Proprietary School and College Registration under the Mississippi Community College Board. The Commission on Proprietary School and College Registration established these regulations to implement Title 75, Chapter 60 of the Mississippi Code of 1972, as amended.

The purpose of the Mississippi Proprietary School and College Registration Law and associated regulations is to allow proprietary institutions that have adequate facilities, resources, and faculty, the opportunity to obtain a Certificate of Registration. The law and regulations are further designed to ensure that students are provided learning experiences that are conducive to achievement of the objectives of the programs being provided to them in exchange for their enrollment fees.

### **3.2 PROCEDURE FOR OBTAINING APPLICATIONS**

Application forms may be obtained by sending a written request, along with a check or money order for the amount specified in the current Schedule of Fees, made out to "Commission on Proprietary School and College Registration" to:

Mississippi Community College Board  
Commission on Proprietary School and College Registration  
3825 Ridgewood Road, Sixth Floor  
Jackson, Mississippi 39211

On receipt of the written request and application fee, a copy of the application packet will be forwarded by U.S. mail.

### **3.3 ISSUANCE OF CERTIFICATES OF REGISTRATION**

- A. *A Certificate of Registration* shall be granted or denied within sixty (60) days after receipt of the completed application by the Commission on Proprietary School and College Registration. If a *Certificate of Registration* cannot be

issued within the 60-day period and the institution has submitted all the required information, the commission may issue a *Temporary Certificate of Registration*. This temporary certificate will be valid until the commission makes its determination.

- B. A *Certificate of Registration* is valid only for the institution and courses for which it is issued. A *Certificate of Registration* does not include additional institutions or additional locations of the same institution, unless the commission has approved annex or franchise locations on the initial *CPSCR Form 1a - Initial Certificate of Registration Form* or *CPSCR Form 1b - Renewal Certificate of Registration Form*.
- C. The commission may suspend, revoke, or cancel a *Certificate of Registration* for any one cause, or a combination of the causes, specified in Section 75-60-19, Mississippi Code of 1972, as amended. In the event that the commission has cause to suspend, revoke, or cancel a Certificate of Registration, the procedure outlined in Section 75-60-19 will be followed.

### **3.4 ISSUANCE OF AGENT PERMITS**

- A. Prior to any individual selling a course of instruction on behalf of an institution, or soliciting students to enroll in a course of instruction at a registered institution, such individual must secure an *Agent Permit (CPSCR Form 10 – Application for Agent’s Permit Form)* from the commission.
- B. Applications for an *Agent Permit* will be approved or denied within sixty (60) days of receipt by the commission. If the commission has not made a determination on issuance of an *Agent Permit* within the allotted time, it may issue a temporary *Agent Permit*. A temporary permit will be valid until the commission makes its determination.
- C. A pocket card will be issued upon approval of an *Agent Permit*. This card will state the agent's name, address, permit number and the name and address of the employing institution, and will certify that the person whose name appears on the card is an authorized agent of the institution.
- D. *Agent Permits* are valid for one (1) year from the date of issue.

### **3.5 EXEMPTIONS TO REQUIREMENTS FOR A CERTIFICATE OF REGISTRATION**

- A. 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 Mississippi Community College Board;
- 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.
- B. 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.

### **3.6 ADDITIONAL LOCATIONS COVERED UNDER A CERTIFICATE OF REGISTRATION: ANNEXES**

*A Certificate of Registration* is valid only for the institution and courses for which it is issued. The *Certificate of Registration* is not valid for additional locations of an institution, unless the commission has approved such locations as Annexes on the current *Certificate of Registration*.

- A. An annex may be included under an existing *Certificate of Registration* if:
  - a. Courses and programs offered at the annex are identical to those offered at the registered institution location; and
  - b. The annex is under the same ownership, management and control as the registered location.
- B. If registration of an annex is sought at the same time as application for registration (initial or renewal) of a main campus, then approval of the annex may be sought on the application for a *Certificate of Registration* of the main campus.
- C. If application for registration of an annex does not coincide with initial registration or renewal of registration of a main campus, then a separate *Application for Registration of an Annex Location* must be submitted, along with all appropriate fees as stipulated on the current *Schedule of Fees* (Appendix A).
- D. Gross annual tuition revenues for a registered location and each associated annex must be combined for the purpose of determining fees payable. Tuition for each location must be reported individually on *Gross Tuition Income*.
- E. Annex locations must meet all the requirements set forth in Title 75, Chapter 60, Mississippi Code of 1972, as amended, and in these regulations.
- F. Annexes are subject to the same regulatory requirements as any other facility that is licensed by the commission. These requirements include, but are not limited to:
  - a. Providing complete and verifiable information on the annex facility,

including:

- i. General institution information (such as location, telephone, advertisements, etc.)
  - ii. Institution ownership
  - iii. Facility information
  - iv. Financial resource information
  - v. Bond information
  - vi. Program of study information
  - vii. Instructor information
  - viii. Administrator information
  - ix. Policies for disclosure of information to students
  - x. Student enrollment contracts
  - xi. Student grievance procedures
  - xii. Student and/or course evaluations
  - xiii. Instructional equipment inventory
  - xiv. Documents verifying completion of a program of study
  - xv. Adherence to the legislatively mandated refund policy
  - xvi. Job placement services
- b. Making available on request all records related to the above statement.
- c. Meeting all applicable health and safety standards as required by local, state and federal agencies.
- d. Notifying the commission in writing within 30 days of changes in any of the following:
- i. Ownership of the annex/institution
  - ii. Director over the annex/institution
  - iii. Name of the annex/institution
  - iv. Agents
  - v. Financial stability
  - vi. The loss of eligibility for student financial aid programs
  - vii. A Cohort Default Rate greater than 19%

- viii. Instructors
  - ix. Programs of study
  - x. Facility standards
  - xi. Job placement services
  - xii. Evaluation methods
  - xiii. Major instructional equipment
- e. Maintaining all premises, equipment, and facilities of the institution in adequate, safe, and sanitary condition.
  - f. Agreeing to make accessible to commission staff, enrollees to be interviewed for the purpose of verifying compliance with the conditions as stated on the application for a Certificate of Registration.
- G. Annexes are subject to announced and unannounced visitation by representatives of the commission and the Mississippi Community College Board.
  - H. Annexes must have the same name as the associated registered location, distinguishable by individual site location.
  - I. All policies, procedures, tuition, fees, catalogs, and academic calendars utilized at the registered location must also be utilized at the annex.
  - J. If a *Certificate of Registration* is suspended, revoked, or canceled by the commission, the registered institution and all annexes included under that *Certificate of Registration* must cease to operate, unless specifically granted written approval by the commission to remain in operation.
  - K. The approved annex will be a permanent additional location of the registered institution. This facility must always be identified as an annex on each *Renewal Certificate of Registration Form (CPSCR Form 1b)*.

### **3.7 MANDATORY REFUND POLICY**

Each institution is required to take and keep a record of student attendance for each individual course meeting.

When refunds are due, they shall be made within thirty (30) days of the last day of attendance if the student has provided the institution with written notification of withdrawal. All refunds shall be made without requiring a request from the student within thirty (30) days from the date that the institution terminates the student or determines withdrawal by the student based on last day of attendance. In any event, all refunds shall be made within sixty (60) days

of the student's last day of attendance. Any unused portion of fees and other institutional charges shall be refunded as follows:

**3.7.1 Refunds for Classes Cancelled by the Institution**

If tuition and fees are collected in advance of the starting date of a program and the institution cancels the class, one hundred percent (100%) of the tuition and fees collected shall be refunded. The refund shall be made within thirty (30) days of the planned starting date.

**3.7.2 Refunds for Students Who Withdraw on or Before First Day of Class**

If tuition processing fees are collected in advance of the starting date of classes and the student does not begin classes or withdraws on the first day of classes, no more than One Hundred Dollars (\$100.00) of the tuition and processing fees may be retained by the institution. The refund shall be made within thirty (30) days of the class starting date.

**3.7.3 Refunds for Students Who Enrolled Prior to Institution Visit**

Students who have not visited the institution prior to enrollment will have the opportunity to withdraw without penalties within three (3) days following a documented attendance at a regularly scheduled orientation or a documented tour of the facilities and inspection of the equipment. Institutions are required to keep records of students' initial visits and orientation sessions.

**3.7.4 Refunds for Students Who Withdraw After Instruction Begins**

Contractual obligations beyond twelve (12) months are prohibited. The refund policy for students attending proprietary institutions who incur financial obligations for a period of twelve (12) months or less shall be as follows:

- A. After the first day of classes and during the first ten percent (10%) of the period of financial obligation, the institution shall refund at least ninety percent (90%) of the tuition;
- B. After the first ten percent (10%) of the period of financial obligation and until the end of the first twenty-five percent (25%) of the period of obligation, the institution shall refund at least fifty percent (50%) of the tuition;
- C. After the first twenty-five percent (25%) of the period of financial obligation and until the end of the first fifty percent (50%) of the period of obligation, the institution shall refund at least twenty-five percent (25%) of the tuition; and
- D. After the first fifty percent (50%) of the period of financial obligation,

the institution may retain one hundred percent (100%) of the tuition.

### **3.8 DISCLOSURE OF INFORMATION TO STUDENTS**

Prospective students are entitled to sufficient data as to allow them to make informed decisions regarding training opportunities and institutions. An institution is therefore obligated to provide sufficiently detailed data in advance of enrollment to enable prospective students to clearly understand their opportunities, limitations and obligations. The following information must be fully disclosed to prospective students prior to enrollment and prior to the signing of an enrollment contract or agreement:

- A. Recruiting policies
- B. Admission requirements
- C. Academic calendars
- D. Objectives of the programs of study
- E. Program length
- F. Grading systems
- G. Graduation policy
- H. Withdrawal procedures
- I. Licensing requirements for jobs
- J. Student support services
- K. Campus security policy
- L. Tuition and fees
- M. Refund policy
- N. The percentage of students who complete the program of study within 150% of the normal time
- O. The percentage of the institution's graduates employed in their field of study or related field, within six months after completion of, or graduation from, their program of study
- P. The percentage of students achieving mastery of stated goals of the program of study
- Q. A list of postsecondary educational institutions that accept credits from the institution

Items A through L from the above list may be disclosed via the institution's official student catalog.

Items M through Q must be provided to prospective students via the *Institution Disclosure of Information Form (CPSCR Form 14)*. This form must be maintained by the institution and made available upon request to commission representatives for use in verification of compliance with this regulatory requirement.

### **3.9 ADMISSIONS & RECRUITMENT**

#### **3.9.1 Admissions**

- A. The admission policy shall conform to the institution's philosophy and objectives, shall be publicly stated, printed, and made available to all students and shall be administered as written.
- B. The institution shall maintain records for all students showing adherence to the admission policy.

#### **3.9.2 Recruitment**

- A. Recruiting shall be ethical and compatible with the educational objectives of the institution
- B. The institution shall provide students, in writing, the information being communicated to them to ensure that each representative is communicating current and accurate information. Recruitment information shall include the following:
  - a. Programs of study and individual courses
  - b. Tuition and fees
  - c. Terms
  - d. Institution operating policies
  - e. Certificates and diplomas offered
  - f. Transferability of credit hours
  - g. Graduation policies
  - h. The percentage of students who complete their program of study within 150% of the normal time for completion
  - i. The percentage of graduates employed in their field of study or a related field, within six months after completion of, or graduation from, their program of study.

- C. Representatives of the institution shall use only those job titles that accurately reflect their actual duties and responsibilities.

### **3.10 ADVERTISEMENT**

- A. All promotional literature used by an institution must be factual with respect to services offered and benefits received.
- B. An institution registered with the Commission on Proprietary School and College Registration shall use the statement "*Licensed by the Mississippi Commission on Proprietary School and College Registration, Certificate No. (insert number)*" on all advertising, both oral and written, and on all publications.

### **3.11 RECORDS**

- A. Each institution shall develop and maintain adequate records pertaining to students and the institution's administrative operations. These records shall include, but are not limited to the following:
  - a. Student attendance for each individual course meeting
  - b. Administrators
  - c. Instructors
  - d. Staff
  - e. Student activities
  - f. Student academic records
  - g. Student enrollment
  - h. Student admission
  - i. Student enrollment contracts
  - j. Financial aid information
  - k. Job placement service information
  - l. Programs of study and individual courses
  - m. Graduation information
  - n. Instructional supplies and equipment
  - o. Library and/or other instructional resources

- p. Physical facilities
  - q. Student withdrawals
  - r. Student refund policy
  - s. Student financial records (tuition, fees, payments, refunds, etc.)
  - t. Student complaints
- B. A permanent academic record (transcript) of each student's progress shall be maintained. The transcript shall indicate student accomplishment in terms of clock-hours, units of credit, or some other recognized system compatible with the institution's philosophy and objectives. The grading system used to evaluate student performance shall be fully explained on the transcript.
  - C. Each institution shall maintain a listing of all students who enroll. This listing shall include, but is not limited to each student's name, address, telephone number (if in existence), social security number, programs of study, start date, and anticipated graduation date. This information should be current as of the date on which the student enrolls and shall be available for inspection by, or submission to, the commission.
  - D. All records and reports pertaining to students and staff shall be maintained so that they will be safe from theft, fire, or other possible loss.
  - E. In the event that an institution closes its facility, the commission must be informed of:
    - a. The location of all student records; and
    - b. Information on how students may obtain their records.

### **3.12 CERTIFICATES OR DIPLOMAS**

The conferring of diplomas, degrees, certificates, or other written evidence of proficiency issued by an institution shall be consistent with applicable state laws.

### **3.13 INSTRUCTIONAL RESOURCES AND MATERIALS**

- A. Instructional resources, including audiovisual teaching equipment and instructional materials, shall meet the needs of the institution's educational program.
- B. The commission may conduct an evaluation of these materials to verify possession and condition of items listed on the institution's *Initial Certificate*

*of Registration Form (CPSCR Form 1a) or Renewal of Certificate of Registration Form (CPSCR Form 1b).*

- C. A business school shall make easily accessible, to faculty and students such standard reference works as a current unabridged dictionary, a current world almanac, thesaurus, recent editions of handbooks appropriate to the curriculum, current periodicals, a set of encyclopedias, and other references relevant to the educational philosophy and objectives of the institution. Major consideration will be given to the variety of volumes and periodicals readily available to students and faculty, the date of publication, appropriateness, and usefulness to the program.
- D. Each individual trade area shall have a carefully chosen text for each student with adequate, up-to-date reference materials and periodicals in the particular area of training.
- E. Instructional resources may be consolidated or may be distributed throughout the educational facility. Easy access to appropriate reference materials and audiovisual equipment is of prime importance in determining if the institution is meeting the educational needs of its students and faculty.

### **3.14 EDUCATIONAL FACILITIES**

- A. Each institution must provide an environment that is conducive to effective instruction, promotes learning, and supports the educational programs offered.
- B. The buildings, classrooms, equipment, furniture, grounds, instructional tools, instructional facilities, machinery, and other physical requirements of the educational program shall be appropriate to the achievement of the educational philosophy and objectives of the institution.
- C. The institution shall meet general standards of safety, usefulness, cleanliness, maintenance, health, lighting, and shall be in compliance with any local or state laws governing physical facilities, particularly with respect to fire, safety, and sanitation.

### **3.15 CLASSROOM FACILITIES**

### **3.15.1 Academic Classes**

#### **3.15.1.1 Classroom size**

Regular classrooms shall contain a minimum of 600 square feet of floor space, or a minimum of 20 square feet per student enrolled, whichever is greatest.

#### **3.13.1.2 Classroom Equipment**

Every classroom shall provide appropriate equipment for students and instructors to include:

- A. Individual student seats and desks or tables and chairs chosen for comfort
- B. Instructor's desk
- C. Filing and storage facilities
- D. Sufficient chalkboard, whiteboard, tack board, or equivalent
- E. Window coverings to improve visual comfort and energy efficiency
- F. Adequate laboratory facilities, equipment, and supplies for courses offered

### **3.15.2 Technical and Apprenticeship Trades**

#### **3.15.2.1 Classroom Size**

The minimum size of the classroom shall be 600 square feet and be equipped to provide the greatest possible learning experience.

#### **3.15.2.2 Classroom Equipment**

Every classroom shall provide appropriate equipment for students and instructors to include:

- A. Individual student seats and desks or tables and chairs chosen for comfort
- B. Instructor's desk
- C. Filing and storage facilities
- D. Sufficient chalkboard, whiteboard, tack board, or equivalent
- E. Window coverings to improve visual comfort and energy efficiency
- F. Adequate laboratory facilities, equipment, and supplies for courses offered

### **3.15.2.3 Workshop/Laboratory Size**

Facilities used for practical instruction shall meet the size standards prescribed for each discipline by the Office of Vocational and Technical Education of the State Department of Education.

### **3.15.2.4 Workshop/Laboratory Equipment**

Equipment shall meet or exceed the minimum standard equipment list that is prescribed for each discipline by the Office of Vocational and Technical Education of the State Department of Education.

## **3.16 TEACHER QUALIFICATIONS**

The commission does not appoint instructors, however, the commission has a responsibility to review and evaluate their qualifications. The right of acceptance carries with it the right of revoking such acceptance for cause.

### **3.16.1 Academic Classes**

- A. Classroom instructors shall have at least a high school diploma or equivalent.
- B. Classroom instructors shall have additional training as follows:
  - a. A degree, certificate, or license in subject area; or related field; or
  - b. A minimum of eighteen (18) semester hours of credit from an accredited institution in the subject area being taught; or
  - c. A minimum of twelve (12) semester hours in methods and techniques of teaching; or
  - d. A minimum of three (3) years work experience in the subject area.

### **3.16.2 Technical Classes**

- A. Classroom instructors shall have at least a high school diploma or equivalent.
- B. Classroom instructors shall have additional training as follows:
  - a. A degree, certificate, or license in the subject area or related field; or
  - b. A minimum of eighteen (18) semester hours of credit from an accredited institution in mathematics and/or science, or

courses related to the subject area; or

- c. A minimum of three (3) years work experience in the technical area, or related field.

### **3.16.3 Apprenticeship Trade Classes**

- A. Instructors of apprenticeship trades shall have at least a high school diploma or equivalent.
- B. Instructors of apprenticeship trades shall have additional training as follows:
  - a. A minimum of three (3) years work experience above the students' level in the trade to be taught; and
  - b. The instructor shall have recognized standing as a tradesman or specialist supported by evidence from previous employers.

### **3.16.4 Approval of Substitute Instructors**

When, in cases of emergency, sickness, etc., a regularly approved instructor is unable to perform his/her duties, and an alternate instructor is required to substitute for more than two consecutive weeks, the commission must be notified and the credentials of the substitute submitted to the commission. In the event that an instructor leaves and a new instructor is employed to replace the instructor of record, the institution shall provide the commission notice of the fact within ten (10) days and submit the *Instructor Data Form (CPSCR Form 7)* for the new instructor.

## **3.17 STUDENT TO INSTRUCTOR RATIO**

### **3.17.1 Academic Classes**

- A. No classroom instructor shall have over thirty (30) students enrolled in any one class, and the institution average shall not exceed twenty-nine (29) students per instructor, except as specifically approved by the commission.
- B. Ratios for laboratory or clinical instruction shall not exceed fifteen (15) students per instructor.

### **3.17.2 Technical and Apprenticeship Trades**

- A. The student-to-instructor ratio for classroom instruction shall not exceed twenty-to-one (20:1).

- B. Ratios for laboratory or clinical instruction shall not exceed fifteen (15) students per instructor.

### **3.18 EDUCATIONAL STANDARDS**

- A. The course content and length of instruction shall be of such nature and quality as to allow that students will adequately develop job skills and knowledge necessary for obtaining employment in the occupation for which the instruction is offered.
- B. Any educational institution licensed by the commission shall be operated in compliance with the following standards:
  - a. Instructional Content and Length
    - i. All programs of a vocational nature must be evaluated against competencies needed for employment in a recognized occupation as defined in the current edition of Dictionary of Occupational Titles published by the United States Department of Labor, or occupations generally recognized by the industry in which the occupation is classified.
    - ii. Programs of study must adequately cover the subject, must be clearly presented, and must be in accordance with the best current knowledge and practice of trade, professional or manufacturing standards. Study must extend over a period sufficient to complete the work with standards appropriate for employment in the occupation for which trained, or in a closely related occupation.
    - iii. Programs of study must be consistent in quality, content, and length with similar programs in public or private institutions that are approved by the Mississippi State Department of Education or the Mississippi Community College Board.

- b. Instructional Practices

The institution shall provide favorable conditions for effective classroom instruction to include:

- i. Well defined instructional objectives,
- ii. Systematic planning,
- iii. Selection and use of varied learning materials and experiences,
- iv. Adaptation of organization and instructional procedures to student

- needs,
- v. Use of varied evaluation instruments and procedures, and
- vi. Good student and teacher morale.
- c. The commission will evaluate course content and length of instruction on individual applications.

### **3.19 COMPLAINTS AGAINST A LICENSED AGENT**

- A. The commission may revoke an *Agent Permit* if the permit holder solicits or enrolls students through fraud, deception or misrepresentation, or upon a finding that the permit holder is not of good moral character (as specified in Section 75-60-33, Mississippi Code of 1972, as amended.)
- B. Complaints must be submitted in writing to the commission by a person with standing.
- C. The commission must receive all complaints within two (2) years of the alleged violation.
- D. The commission will maintain a record of all written complaints received.
- E. The commission will notify the complainant that the complaint has been received and will request further information if necessary.
- F. The commission will notify the agent's employing institution, in writing, of the complaint. An informal conference with the agent and an institution representative may be scheduled at this time. The commission may request a written response to the issues in the complaint.
- G. 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.
- H. 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.
- I. The commission will issue a written finding within ninety (90) days of receipt of the complaint. This finding will be sent to the complainant, the agent, and the employing institution's Chief Operating Officer, and will be placed in the institution's file at the commission office.

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

### **3.20 COMPLAINTS AGAINST A REGISTERED INSTITUTION**

- A. 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.
- B. Complaints must be submitted in writing to the commission by a person with standing.
  - C. The commission must receive all complaints within two (2) years of the alleged violation.
  - D. The commission will maintain a record of all written complaints received.
  - E. The commission will notify the complainant that the complaint has been received and will request further information if necessary.
  - F. 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.
  - G. 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.

- H. 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.
- I. 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.
- J. 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.
- K. The commission may initiate an investigation without registration of a complaint.

### **3.21 HEARING PROCEDURE**

Upon a finding by the commission that there is good cause to believe that a registered institution, or an officer, agent, employee, partner or instructor, has committed a violation of section 75-60-19, Mississippi Code of 1972, as amended, the commission shall initiate proceedings as outlined below:

- A. The commission shall initiate proceedings by serving a notice of hearing upon each and every such party subject to the administrative action. The institution or such party shall be given reasonable notice of the hearing, including the time, place and nature of the hearing and a statement sufficiently particular to give notice of the transactions or occurrences intended to be proved, the material elements of each cause of action and the civil penalties and administrative sanctions sought.
- B. Opportunity shall be afforded to the party to respond and present evidence and argument on the issues involved in hearing including the right of cross-examination. In a hearing, the institution or such party shall be accorded the right to have its representative appear in person or with counsel or other representative. Disposition may be made in any hearing by stipulation, agreed settlement, consent order, default or other informal method.
- C. The commission shall designate an impartial hearing officer to conduct the hearing, who shall be empowered to:
  - a. Administer oaths and affirmations; and
  - b. Regulate the course of the hearings, set the time and place for continued

- hearings, and fix the time for filing of briefs and other documents; and
- c. Direct the institution or such party to appear and confer to consider the simplification of the issues by consent; and
- d. Grant a request for an adjournment of the hearing only upon good cause shown.

The strict legal rules of evidence shall not apply, but the decision shall be supported by substantial evidence in the record.

The commission, acting by and through its hearing officer, is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers at such hearing. Process issued by the commission shall extend to all parts of the state and shall be served by any person designated by the commission for such service. Where, in any proceeding before the hearing officer, any witness fails or refuses to attend upon a subpoena issued by the commission, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

### **3.22 DECISION AFTER A HEARING**

- A. The hearing officer shall make written findings of fact and conclusions of law, and shall also recommend in writing to the commission a final decision, including penalties.
- B. The hearing officer shall mail a copy of his findings of fact, conclusions of law and recommended penalty to the party and his attorney, or representative.
- C. The commission shall make the final decision, which shall be based exclusively on evidence and other materials introduced at the hearing.
- D. If it is determined that a party has committed a violation, the commission shall send by certified mail, return receipt requested, a copy of the final order to the party and the party's attorney, or representative. The commission shall, at the request of the institution or such party, furnish a copy of the transcript of the hearing, or any part thereof, upon payment of the cost thereof.

### **3.23 CIVIL PENALTIES AND ADMINISTRATIVE SANCTIONS**

- A. A hearing officer may recommend, and the commission may impose, a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500) for any

violation of this section. In the case of a second or further violation committed within the previous five (5) years, the liability shall be a civil penalty not to exceed Five Thousand Dollars (\$5,000) for each violation.

- B. Notwithstanding the provisions of paragraph (A) of section 3.23 of these regulations, a hearing officer may recommend, and the commission may impose, a civil penalty not to exceed Twenty-five Thousand Dollars (\$25,000) for any of the following violations:
- a. Operation of a institution without a *Certificate of Registration* in violation of this chapter;
  - b. Operation of a institution knowing that the institution's registration has been suspended or revoked;
  - c. Use of false, misleading, deceptive or fraudulent advertising;
  - d. Employment of recruiters on the basis of a commission, bonus or quota, except as authorized by the commission;
  - e. Directing or authorizing recruiters to offer guarantees of jobs upon completion of a program of study or individual course;
  - f. Failure to make a tuition refund when such failure is part of a pattern of misconduct; or
  - g. Violation of any other provision of this document, or any rule or regulation of the commission, when such violation constitutes part of a pattern of misconduct which significantly impairs the educational quality of the program or programs being offered by the institution. For each enumerated offense, a second or further violation committed within the previous five (5) years shall be subject to a civil penalty not to exceed Fifty Thousand Dollars (\$50,000) for each such violation.
- C. In addition to the penalties authorized in paragraphs 3.23A and 3.23B of these regulations, a hearing officer may recommend, and the commission may impose, any of the following administrative sanctions:
- a. A cease and desist order;
  - b. A mandatory direction;
  - c. A suspension or revocation of a *Certificate of Registration*;
  - d. A probation order; or
  - e. An order of restitution.
- D. The commission may suspend a registration upon the failure of an institution

to pay any fee, fine or penalty as required by this chapter unless such a failure is determined by the commission to be for good cause.

- E. In addition to the penalties and administrative sanctions authorized in these regulations the Mississippi Community College Board is authorized to levy and collect fees from institutions to recover the cost of audits, investigations and hearings relating to such institutions.
- F. All fees, civil penalties, fines and settlements received shall accrue to the credit of the Commission on Proprietary School and College Registration.
- G. Any penalty or administrative sanction imposed by the commission under this section may be appealed by the institution, college or other person affected to the Mississippi Community College Board as provided in Section 75-60-4(3), Mississippi Code of 1972, as amended which appeal shall be on the record previously made before the commission's hearing officer. All appeals from the Mississippi Community College Board shall be on the record and shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

### **3.24 EMPLOYMENT OF AGENTS BASED ON COMMISSION**

No institution may employ a recruiter on the basis of a commission, bonus or quota.

### **3.25 CHANGES DURING THE TWO-YEAR LICENSURE PERIOD**

- A. The commission must be notified in writing, within thirty (30) days of changes in any of the following:
  - a. Ownership of an institution  
*Certificates of Registration* are not transferrable. In the event of a change of ownership of a registered institution, the new owner must apply for a *Certificate of Registration* within thirty (30) days. If registration of the institution is granted to the new owner, the *Certificate of Registration* becomes valid upon the commission's receipt of legal verification of the change of ownership.
  - b. Chief Operating Officer (Director) of an institution
  - c. Institution name
  - d. Agents of an institution
  - e. Financial stability of an institution
  - f. An institution's loss of eligibility for student financial aid programs

- g. A Cohort Default Rate greater than 19%
- h. Instructors
- i. Programs of study
- j. Facility standards
- k. Job placement services
- l. Evaluation methods
- m. Major instructional equipment

### **3.26 EVALUATION OF AN INSTITUTION**

The commission may conduct periodic announced and unannounced evaluations of any registered institution to determine if the institution is complying with the Mississippi Proprietary School and College Registration law and regulations. Such evaluations may also be used to verify that the institution is in compliance with material presented in its application.

Any of the following areas may be evaluated during an evaluation visit:

- A. General institution information (location, telephone, advertisements, etc.)
- B. Type of ownership
- C. Personnel
- D. Equipment
- E. Evaluation methods
- F. Job placement services
- G. Disclosure of required information to students
- H. Financial resources
- I. Facilities
- J. Refund policies and procedures
- K. Programs of study and individual course information

The institution will be notified of the results of any evaluation, and may be requested to provide information concerning any questionable areas.

### **3.27 CLOSING OF A REGISTERED INSTITUTION**

In the event that an institution closes a facility, the commission must be provided within sixty

(60) days:

- A. The official closing date.
- B. A reason for the closure with supporting evidence (where applicable).
- C. Evidence of the development of a method to assist students with completion of their programs of study and individual courses.
- D. Evidence that all currently enrolled students have been notified in writing of the facility's closure and have been provided written indication of where they may obtain any of their records.
- E. Evidence of disposition of student records, with a contact person, complete address, and telephone number and how student records may be obtained.
- F. Evidence of notice sent to all students who have paid any tuition or fees toward future enrollment in a program of study or individual course informing them of the closure, and refund information.

If an institution files a bankruptcy petition, a certified copy of the petition must be lodged with the commission.

### **3.28 CURRENT LISTING OF REGISTERED INSTITUTIONS**

The commission will maintain a list of institutions holding a valid *Certificate of Registration*. Hard copies of this list are available to the public for a nominal fee. The list will be made available for free download from [www.mscjc.edu](http://www.mscjc.edu).

### **3.29 REQUIREMENTS FOR SUBMITTING APPLICATIONS**

This section outlines the requirements for submitting applications to the Commission on Proprietary School and College Registration. The commission may request additional information needed to make a determination regarding any application.

#### **3.29.1 Initial Certificate of Registration**

The commission must receive the following documents before any action will be taken to approve an initial Certificate of Registration:

- A. A completed *Initial Certificate of Registration Form (CPSCR Form 1a)* signed by the institution owner.
- B. A fee (*CPSCR Form 15 – Fee Schedule Form*) in the amount specified in the current published *Schedule of Fees* (Appendix A).
- C. A *School Surety Bond Form (CPSCR Form 2)* completed by the bond-issuing insurance company or agency and signed by a

Mississippi Resident Agent.

- D. A surety bond in the amount of the penal sum specified in the current *Schedule of Fees* (Appendix A).

### **3.29.2 Renewal of a Certificate of Registration**

To avoid all penalties, the commission must receive the following items at least thirty (30) days prior to expiration of the current Certificate of Registration.

- A. *Renewal of a Certificate of Registration Form (CPSCR Form 1b)* completed in its entirety, and signed by the institution owner.
- B. An application fee (*CPSCR Form 15 – Fee Schedule Form*) in the amount specified in the current published *Schedule of Fees* (Appendix A).
- C. An additional fee based on the institution’s gross tuition income (*CPSCR Form 8 – Gross Annual Tuition Income Form*) collected during the previous license year, and according to the current published *Schedule of Fees* (Appendix A).
- D. If the commission does not receive the application and renewal fees at least thirty (30) days prior to the expiration of the institution's current *Certificate of Registration*, a Delinquent Fee will be charged, as detailed in the current *Schedule of Fees* (Appendix A).
- E. If the application for renewal of a *Certificate of Registration* and all monies due are not received by the expiration date of the current *Certificate of Registration*:
  - a. The current *Certificate of Registration* will expire and the institution must reapply as a new applicant after paying all monies owed.
  - b. The offending institution and all annexes will be notified to cease operation.
  - c. A copy of this notification will be sent to the office of the Mississippi Attorney General.

### **3.29.3 New Programs of Study or Changes to Existing Programs**

The following must be submitted to the commission prior to addition of a new program of study or changes to any existing program or course:

- A. A completed *CPSCR form 5 – Program of Study Form*.
- B. A fee (*CPSCR Form 15 – Fee Schedule Form*) in the amount

specified in the current published *Schedule of Fees* (Appendix A).

- C. Completed *Instructor Data Forms (CPSCR Form 7)* for all new instructors required to implement the new program of study or course.

No programs of study may be offered to students until they have been approved by the commission.

### **3.29.4 Instructor Data Forms**

The Commission on Proprietary School and College Registration does not appoint instructors; however, the commission has a direct duty and responsibility in passing upon their qualifications.

An *Instructor Data Form (CPSCR Form 7)* must be completed in its entirety and submitted to the Commission on Proprietary School and College Registration for each instructor employed by the institution. Transcripts, certificates, licenses, and verification of high school graduation must accompany the *Instructor Data Form (CPSCR Form 7)*.

### **3.29.5 Institution Director Data Forms**

The Commission on Proprietary School and College Registration does not appoint administrators; however, the commission has the authority and responsibility to pass upon their qualifications.

The *School Director Data Form (CPSCR Form 6)* must be completed in its entirety and submitted to the commission each time the Chief Operating Officer of an Institution changes.

### **3.29.6 Initial Agent Permits**

Any person operating or recruiting on behalf of a proprietary institution is considered as an agent of that institution. No person may recruit on behalf a registered institution without first registering with the commission as an agent.

The commission must receive the following documents before any action will be taken to approve an Agent Permit:

- A. A completed *Application for Agent's Permit (CPSCR Form 10)*.
- B. A fee (*CPSCR Form 15 – Fee Schedule Form*) in the amount specified in the current published *Schedule of Fees* (Appendix A).
- C. A surety bond (*CPSCR Form 3 – Agent Surety Bond Form*) in the amount stipulated in the current *Schedule of Fees* (Appendix A).

If the applicant agent intends to represent an institution not registered in Mississippi,

the following must be submitted in addition to the documents listed above:

- A. A copy of a current *Certificate of Registration* for the Agent's employing institution, valid in the employing institution's state of operation; and
- B. A copy of the employing institution's current catalog.

### **3.29.7 Agent Permit Renewals**

The commission must receive the following documents at least thirty (30) days prior to expiration of the current Agent Permit.

- A. A completed *Application for Agent's Permit (CPSCR Form 10)*.
- B. A fee (*CPSCR Form 15 – Fee Schedule Form*) in the amount specified in the current published *Schedule of Fees* (Appendix A).
- C. A surety bond (*CPSCR Form 3 – Agent Surety Bond Form*) in the amount stipulated in the current *Schedule of Fees* (Appendix A).

If the application for renewal of an *Agent Permit* and all monies due are not received by the expiration date of the *Agent Permit*:

- A. The employing institution will be notified that the agent must not solicit students for the institution until a current *Agent Permit* is obtained.
- B. A copy of this notification will be sent to the office of the Mississippi Attorney General.
- C. The Agent must reapply for an *Agent Permit* as a new applicant.

## SECTION 4 – GLOSSARY

Term	Definition
Agent	Any person employed by an institution licensed by the commission, regardless of job title, job description, full-time or part-time employment status, who either directly, or indirectly influences the decision of any prospective student to enroll for a fee in a course of instruction.
Annex	An Annex is an additional physical location of a registered institution that offers the same courses as are offered at the registered institution; and is under the same ownership, management and control as the registered institution.
Change of Ownership	Any one, or a combination, of the following constitutes a change of ownership: <ul style="list-style-type: none"><li>• Sale of the institution or the majority of its assets;</li><li>• Division of one (1) or more institutions into two (2) or more institutions;</li><li>• Transfer of the controlling interest in stock of the institution or its parent corporation;</li><li>• Transfer of the liabilities of the institution to its parent corporation;</li><li>• Lease or rental of an institution.</li></ul>
Commission	The Commission on Proprietary School and College Registration established under MS Code 75-60-1, Senate Bill 2636.
The Director	The Director of the Commission on Proprietary School and College Registration.
Institution	A proprietary school/college regulated under Mississippi Code 75-60-1 et seq.

<b>Term</b>	<b>Definition</b>
Institution Director	Person responsible for the daily operations of an institution. Interchangeable with Institution Chief Operating Officer.
First year after initial registration	Twelve (12) calendar months immediately following the effective date of issuance of an initial Certificate of Registration.
Graduate	Any student (full-time or part-time) who upon completion of a program of study receives a certificate, license, or diploma from a proprietary institution licensed by the commission.
Course	A series of instructional sessions dealing with a subject
Institution Chief Operating Officer	Person responsible for the daily operations of an institution. Interchangeable with Institution Director.
Institution owner	If the institution is owned by an individual, that individual; if the Institution is owned by a partnership, all partners; if the institution is owned by a corporation, the officers and directors of the corporation.
Last day of student attendance	The date that a student gives written notice to the institution that he/she has withdrawn; or the date on which a student meets all of the following conditions: <ul style="list-style-type: none"> <li>• The student has failed to attend classes for thirty (30) successive calendar days; and</li> <li>• The institution has notified the student, and the Director of the Commission for Proprietary School and College Registration, that the student will be considered withdrawn if he/she does not notify the institution to the contrary within twelve (12) calendar days from the date on which the letter is mailed (postmarked); or</li> <li>• The student fails to respond within the twelve (12) day period.</li> </ul>

<b>Term</b>	<b>Definition</b>
Normal time to completion	The published time period required for completion of a program of study.
Program of study	A series of individual courses in an area of specialization for which a diploma, degree, certificate or other written evidence of proficiency or achievement is offered/awarded.
Quarter	An instructional term of up to fourteen (14) weeks.
Registered location	The location for which a certificate of registration is valid excluding, any annexes or franchise locations.
Semester	An instructional term of fifteen (15), sixteen (16), seventeen (17), or eighteen (18) weeks.
Student	Any person who enters into a student enrollment contract or agreement.
Student Mastery	Students' successful completion of a nationally recognized examination or comprehensive exam for a program of study. Mastery is calculated by the completion of a grade of "C" or better.
Student catalog	A typed and bound publication that is readily identifiable as a catalog. The catalog must be designed and written to convey accurate impressions of the institution. The catalog must avoid false, or misleading statements. The catalog should provide sufficient detailed data to enable prospective students to clearly understand their opportunities, limitations, and obligations. Each student must be given a copy of this catalog upon enrollment.
Term	The amount of instructional time covered by an enrollment period.

Working capital

Current assets less current liabilities; it is a measure of whether a company will have sufficient resources to meet short-term debts.

Payments must be submitted in the form of a check or money order made out to “The Commission on Proprietary School and College Registration.”

Send payments to:

Mississippi Community College Board  
Commission on Proprietary School and College Registration  
3825 Ridgewood Road, Sixth Floor  
Jackson, Mississippi 39211

Payments are nonrefundable.

#### APPLICATION PACKET FEE

Application Packet Fee (\$25)

A fee of \$25 (business check or money order) must accompany each Application Packet request.

#### INITIAL APPLICATION FOR A CERTIFICATE OF REGISTRATION

Initial Application Fee (\$2,500)

Each initial application for a Certificate of Registration must be accompanied by a check or money order in the amount of \$2,500. Certificates of Registration are valid for two (2) years. However, fees are due annually for each previous year. If fees are not paid annually, the Certificate of Registration may be revoked.

Surety Bond (or Equivalent)

A surety bond in the penal sum of \$50,000 must accompany each initial application for a Certificate of Registration. Alternatively, applicants may file cash, a certificate of deposit, or government bonds in the amount of \$50,000 in lieu of the bond.

## GROSS ANNUAL TUITION FEES

### Gross Annual Tuition Fees

Gross Annual Tuition Fees are due annually on the initial registration date to maintain the Certificate of Registration. Fees are due on each previous license year – twelve (12) calendar months.

When Gross Annual Tuition Fees are not paid at least thirty (30) days prior to expiration of an institution's Certificate of Registration date, a Delinquent Fee must be paid in addition to all other fees due.

Gross Annual Tuition (GAT)	Fee
If GAT is less than \$50,000	\$500
If GAT is greater than \$50,000	\$1,000 or 25/100 of 1% (.0025) of GAT whichever is greater

### Delinquent Fee (\$500)

When all fees for renewal of a Certificate of Registration are not paid at least thirty (30) days prior to expiration of an institution's current Certificate of Registration, a Delinquent Fee must be paid in addition to all other fees due.

The Delinquent Fee is \$500. Failure to pay the assessed Delinquent Fee may lead to the suspension of the institution's Certificate of Registration.

## APPLICATION FOR RENEWAL OF A CERTIFICATE OF REGISTRATION

### Renewal Application Fee (\$1,000)

Each application for renewal of a Certificate of Registration must be accompanied by a check or money order in the amount of \$1,000 plus the fee based on Gross Annual Tuition. Certificates of Registration are valid for two (2) years. However, fees are due annually for each previous year.

If fees are not paid annually, the Certificate of Registration may be revoked.

### Fee Based on Gross Annual Tuition

Each institution applying to renew a Certificate of Registration must pay the Renewal Application Fee and the Gross Annual Tuition Fee collected during the previous license year by the institution and all annexes covered by the Certificate of Registration. The fee is calculated according to the following schedule:

Gross Annual Tuition (GAT)	Fee
If GAT is less than \$50,000	\$500
If GAT is greater than \$50,000	\$1,000 or 25/100 of 1% (.0025) of GAT whichever is greater

### Surety Bond (or Equivalent)

A surety bond in the penal sum of \$50,000 must accompany each application for renewal of a Certificate of Registration unless a continuous bond in the penal sum of \$50,000 has been furnished. Alternatively, applicants may file cash, a certificate of deposit, or government bonds in the amount of \$50,000 in lieu of the bond.

### Delinquent Fee (\$500)

When all fees for renewal of a Certificate of Registration are not paid at least thirty (30) days prior to expiration of an institution's current Certificate of Registration, a Delinquent Fee must be paid in addition to all other fees due.

The Delinquent Fee is \$500. Failure to pay the assessed Delinquent Fee may lead to the suspension of the institution's Certificate of Registration.

## REINSTATEMENT OF REGISTRATION

### Reinstatement Fee (\$1,000)

The fee for reinstatement of registration of a suspended institution is \$1,000.

## APPLICATION TO REGISTER AN ANNEX OF AN APPROVED INSTITUTION

### Annex Registration Application Fee (\$250)

A fee of \$250 must accompany each application to register a new annex of an approved institution, unless the annex approval request is included in the institution's application to renew their Certificate of Registration.

## APPLICATION FOR APPROVAL TO OFFER A NEW COURSE WITHIN AN APPROVED PROGRAM OF STUDY

### New Course Fee (\$250)

A fee of \$250 must accompany each application for approval to offer a new course within an approved course of study.

## APPLICATION FOR APPROVAL TO OFFER A NEW PROGRAM OF STUDY

### New Program/Change to Program Fee (\$250)

A fee of \$250 must accompany each application for approval to offer a new program of study.

## APPLICATION FOR AN INITIAL AGENT PERMIT

### Initial Application Fee (\$500)

Each initial application for an Agent Permit must be accompanied by a check or money order in the amount of \$500. Agent Permits are valid for one (1) year.

### Surety Bond (or Equivalent)

A surety bond in the penal sum of \$10,000 must accompany each application for an initial Agent Permit. Alternatively, applicants may file cash, a certificate of deposit, or government bonds in the amount of \$10,000 in lieu of the bond.

## APPLICATION FOR RENEWAL OF AN AGENT PERMIT

### Renewal Application Fee (\$250)

Each application for renewal of an Agent Permit must be accompanied by a check or money order in the amount of \$250. Agent Permits are valid for one (1) year.

### Surety Bond (or Equivalent)

A surety bond in the penal sum of \$10,000 must accompany each application for renewal of an Agent Permit unless a continuous bond in the penal sum of \$10,000 has been furnished. Alternatively, applicants may file cash, a certificate of deposit, or government bonds in the amount of \$10,000 in lieu of the bond.

## OTHER FEES

### Other Fees (\$250)

A fee of \$250 must accompany each change of address, change of ownership or name change request.

## SPECIAL SITE VISIT FEE

### Special Site Visit Fee (\$500 plus actual visiting team expenses)

A fee of \$500 will be assessed to an institution for special site visits such as accreditation visits, hearings for complaints, audits (other than regularly scheduled) and investigations.

In addition to the Special Site Visit Fee, fees will be assessed to an institution to cover the actual expenses of the visiting team to include travel, meals and lodging.

## REPLACEMENT FEES

### Replacement Fees (\$5)

A replacement fee for a duplicate Certificate of Registration or a duplicate Agent Permit is \$5.