

Addressing Federal Distance Education Requirements for Out-of-State Institutions Offering Online Instruction to Mississippi Residents

Introduction

The Commission on Proprietary School and College Registration (CPSCR) oversees compliance with the Mississippi Proprietary School and College Registration Law, Title 75, Chapter 60, Mississippi Code of 1972, as amended.

This policy applies **only to out-of-state institutions that offer postsecondary education to Mississippi residents exclusively or primarily through distance education (online delivery)**.

Institutions that provide **in-person instruction within Mississippi** are governed by other CPSCR registration requirements and are **not covered by this policy**.

1. Any out-of-state institution offering distance education to residents of Mississippi—regardless of whether it maintains a physical presence in the state—must obtain a Certificate of Registration from the Commission if it engages in one or more of the following activities: The institution maintains a telephone number with a Mississippi area code;
2. The institution maintains a postal address with a Mississippi zip code;
3. The institution markets and/or recruits Mississippi students via any means of media which originates in Mississippi;
4. The institution maintains an Internet presence — including a website, domain, or online platform — that is used to market, recruit, enroll, or provide instruction to Mississippi residents, regardless of where the hosting servers or Internet service providers are physically located; or ;
or
5. The institution provides payment reportable for income tax purposes 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.

This policy does **not** apply to institutions offering only on-ground instruction outside of Mississippi or to those not enrolling Mississippi residents through online programs.

Corporate Entities Operating in Multiple States

Institutions that are part of a corporate entity registered with the Mississippi Secretary of State and that maintain one or more physical locations within the State of Mississippi are deemed to have a physical presence in Mississippi for purposes of Commission oversight, regardless of where additional campuses or programs are located.

Institutions under such ownership or control are not eligible to receive a non-registration determination letter for any program, whether offered through distance education or in person, originating from a campus located outside the State of Mississippi.

The presence of Mississippi-based branch campuses, learning sites, or offices operated under different “doing business as” (DBA) names does not alter this determination when such campuses operate under the same corporate entity or ownership structure.

All programs offered by any campus, division, or online unit of the corporation that enroll Mississippi residents shall be submitted to the Commission as part of the entity’s existing Certificate of Registration, following established procedures for program additions, amendments, or renewals.

Institutional Self-Assessment

Institutions are asked to self-assess as to whether the programming they offer entails any one or more of the activities listed above.

Institutions Engaging in NO Activities

Institutions which engage in NONE of the above activities should address a letter to CPSCR which states the following:

“Name of Institution located at Legal Mailing Address has reviewed the conditions which would cause it to be required by the State of Mississippi’s Commission on Proprietary School and College Registration to be authorized. Resultant from this review, Name of Institution stipulates that it engages in none of the listed conditions.”

The body of the letter should also indicate the name and contact information for the individual to whom any return information should be directed. You MUST include proof of home state authorization or exemption with the letter.

This letter must be written on institutional letterhead stationery, signed by either the institution’s President or legal counsel, notarized, and mailed to:

Dr. Kim Verneuille
Director/Commission on Proprietary School and College Registration
3825 Ridgewood Road Suite 613
Jackson, MS 39211

Having received and reviewed this letter, CPSCR will return to the institution (by name) a statement indicating that no further action is needed by the institution to provide on-line programming to Mississippi residents under the procedures in effect as of the date of issuance of the statement. The statement will be in effect for twelve (12) months from the date of issuance or until the institution engages in any activity which would cause a Certificate of Registration to be required, whichever occurs first.

Institutions Engaging in ONE or MORE Activities

Institutions which engage in ONE or MORE of the activities listed above should access the CPSCR Website <https://www.mccb.edu/publications/cpscr-regulations> for information on submitting an

application for a Certificate of Registration, and should inform CPSCR in writing at the address listed above that such an application is forthcoming. Any institution which must apply should cease and desist from enrolling any further Mississippi residents as students until a Certificate of Registration is issued.

Further Questions

Questions pertaining to the contents of this document should be directed to Dr. Kim Verneuille, CPSCR Director, at 601-432-6185 or at kverneuille@mccb.edu.

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