

December 7, 2006

MEMORANDUM

TO: Dr. Layton R. McCurdy, Chairman, and Members, Commission on Higher Education

FROM: Dr. Bettie Rose Horne, Chairperson, and Members, Committee on Academic Affairs and Licensing

Consideration of Proposed Changes to Licensing Regulation:
Chapter 62, Section 6. Licensing Criteria.
Require accreditation for in-state degree-granting institutions

Background

The staff requests approval to seek an amendment to the Regulations of the Commission governing nonpublic postsecondary institutions. The proposed amendment would require that in-state, degree-granting institutions gain candidate or applicant status and subsequently accreditation from an accrediting agency approved by the Commission. Further, the proposed amendment would require that an in-state, nondegree-granting institution gain accreditation as a nondegree-granting institution before the Commission will license it to offer programs leading to degrees.

The current state licensing requirements are in many ways similar to accreditation standards and the licensing process helps to groom institutions toward meeting accreditation standards. However, the current licensing statute does not *require* that institutions become accredited. Listed on the attached sheet are references to accreditation in the regulations.

While “start-up” in-state institutions are rare, the Commission in 2004 licensed Charleston School of Law and in 2005 American College of Building Arts, as new in-state institutions. Before that, in 1989 CHE granted licensure to Forrest Junior College (previously nondegree-granting) to offer programs leading

to associate degrees in business. Individuals in increasing numbers contact the staff about seeking licensure for in-state degree-granting authority. Officials from several non-degree vocational training schools have inquired about degree-granting authority. Because of reservations about the ability of institutions to comply with requirements, the staff has in the past three years declined to move forward with the review of proposals from non-degree to degree and has returned as insufficient two proposals for new, in-state, degree-granting institutions. This recent activity indicates that the Commission can expect more of these kinds of requests in the future.

The following language is being proposed to the Committee for consideration as an amendment to include in Regulation 62-6:

62-6. Licensing Criteria.

The Commission may license the institution after due investigation has revealed that the institution and its programs have met the following criteria:

A. The course, program, curriculum, and instruction are of quality, content, and length as may reasonably and adequately achieve the stated objective for which the course, program, curriculum or instruction is offered and in response to documented need. For specific program length and instructor qualifications, see Regulations 62-9 through 62-13.

i. An accrediting body recognized by the U. S. Department of Education or the Council for Higher Education Accreditation must accredit out-of-state degree-granting institutions.

ii. Within a period of time that the institution may reasonably expect to meet the requirements, an in-state degree-granting institution must gain candidate status or applicant status as appropriate for accreditation and subsequently accreditation from an accrediting body approved by the Commission. The period of time to gain candidate status (up to four years) and accreditation (up to a total of eight years) will be determined by the Commission in consultation with the institution. The Commission must take into consideration the length of the programs and requirements of the accrediting body.

iii. An accrediting body approved by the Commission must accredit an in-state nondegree-granting institution as a nondegree-granting institution before the institution seeks licensure to offer programs leading to degrees.

Recommendation

The Committee on Academic Affairs and Licensing recommends that the Commission authorize the staff to pursue the change in the regulations to require that in-state, degree-granting institutions gain accreditation from an accrediting agency approved by the Commission; and that non-degree-granting institutions receive accreditation as a nondegree-granting institution by an accrediting agency approved by the Commission prior to applying for approval to offer programs leading to degrees.

Attachment 1.

Current regulations with references to accreditation:

62-6. Licensing Criteria.

An accrediting body recognized by the U.S. Department of Education must accredit out-of-state degree-granting institutions.

62-10. Program and Instructor Requirements for Diploma Programs.

62-11. Program and Instructor Requirements for Associate Degree Programs.

Notwithstanding the requirements of this section, the Commission may license out-of-state institutions accredited by a recognized accrediting agency to recruit in South Carolina.

62-11. Program and Instructor Requirements for Associate Degree Programs.

62-12. Program and Instructor Requirements for Baccalaureate Degree Programs.

62-13. Program and Instructor Requirements for Graduate Programs.

An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made with the prior consent of the Commission.

62-16. Catalog/Bulletin/Brochure Requirements.

If the institution is accredited or if any of its programs are accredited and the institution makes reference to accreditation in its publications, the accrediting agency's name, address and telephone number.

62-25. Deceptive Trade or Sales Practices.

It is a deceptive trade or sales practice for an institution or agent to: ...

Represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, equipment, the number of years of educational experience, qualifications of its faculty, the extent or nature of any approval received from any state agency, or the extent or nature of any accreditation received from any accrediting agency or association.

62-26. Advertising Guidelines.

Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.