

**South Carolina Commission on Higher Education and
South Carolina Public Institutions of Higher Education
Contract Course Policy**

The Commission on Higher Education received an informal Attorney General’s (AG) opinion on the appropriateness of offering certain cohort courses through a contractual agreement when the fee charged for the offering results in a charge lower than the stated tuition rate. The AG’s opinion documented that a cohort must meet a four-prong analysis (see below) to qualify as an eligible cohort to participate in a contract course. This document has been developed to provide a written policy on the types of cohort courses the South Carolina public institutions of higher education may offer at a discounted contractual rate. This policy has been agreed to by the South Carolina Commission on Higher Education and the South Carolina public institutions of higher education.

Attorney General’s 4-prong analysis:

1. Determine the ultimate goal or benefit to the public intended by the project.
2. Analyze whether public or private parties will be the beneficiaries.
3. Consider the speculative nature of the project.
4. Analyze and balance the probability that the public interest will be ultimately served and to what degree.

During the data verification reviews performed by CHE, the staff noticed that a number of contract courses involving institutions and school districts, as well as business and industry, are in existence. In an effort to ensure that institutions are in conformity with state statutes regarding contract courses, CHE staff has summarized the contracts in four broad categories.

The Finance and Facilities Committee Recommendation:

The following type cohorts serve a sufficient legitimate public purpose and are eligible to participate in contract courses offered by institutions of higher education:

1. **School District Personnel participating in courses for recertification**
2. **High school students participating in college credit courses**
3. **High school students participating in Teacher Cadet program courses, and**
4. **Grants, contracts, or cooperative agreements received through a sponsor (Federal, State, or Local Government, or foundations) to provide courses for a certain cohort of students are considered acceptable.**