



# South Carolina Commission on Higher Education

Mr. Kenneth B. Wingate, Chair  
Dr. Bettie Rose Horne, Vice Chair  
Douglas R. Forbes, D.M.D.  
Mr. Kenneth W. Jackson  
Dr. Raghuram Korrapati  
Ms. Cynthia C. Mosteller  
Mr. James R. Sanders  
Mr. Y. W. Scarborough, III  
Mr. Charles L. Talbert, III, CPA  
Mr. Guy C. Tarrant, CCIM  
Mr. Hood Temple  
Charles B. Thomas, Jr., M.D.  
Mr. Neal J. Workman, Jr.  
Dr. Mitchell Zais

Dr. Garrison Walters, Executive Director

June 3, 2010

## **MEMORANDUM**

**To:** Ms. Cynthia Mosteller, Chair, and Members  
Committee on Access & Equity and Student Services

**From:** Dr. Karen Woodfaulk, Director  
Student Services Division

### **LIFE Scholarship and LIFE Scholarship Enhancement**

#### **Proposed Regulatory Amendments for the 2011-12 Academic Year**

The Commission on Higher Education staff proposes amendments to the regulation for the LIFE Scholarship and LIFE Scholarship Enhancement. Act 280, the SC Illegal Immigration Reform Act, was approved during the 2008 legislative session and must be incorporated into the regulation. In addition, CHE is adding proposed language to the existing regulation to ensure that when higher education institutions are offering financial aid incentive packages to students, the state's contribution to the award is recognized as a separate part of the package. Finally, language is being added to the existing regulation to include the Doctor of Pharmacy degree programs at Presbyterian College and South University to the list of eligible degree programs for the LIFE Scholarship Enhancement. These legislative and policy changes may affect a student's eligibility for the LIFE Scholarship and/or the LIFE Scholarship Enhancement effective the 2011-12 Academic Year.

The South Carolina Association of Financial Aid Administrators' CHE Advisory Committee met on March 5, 2010, and provided their suggestions and comments about the proposed regulation. The proposed regulation was also e-mailed to the financial aid officers at all public and independent institutions via their listserv and CHE requested their input. CHE staff also presented the proposed changes to the regulation at the annual SCASFAA conference on April 14-16 of this year. The recommendations from the financial aid community were incorporated into the proposed regulation.

The regulation proposes three significant amendments, and several clarifying amendments to the administration of the LIFE Scholarship and LIFE Scholarship Enhancement:

1. Act 280, the SC Illegal Immigration Reform Act, was passed during the 2008 legislative session. The Act requires institutions of higher learning in this state to develop a process through which a student's lawful presence in the United States is verified through the Federal Government. Students whose lawful presence cannot be verified cannot attend any of South Carolina's public higher education institutions, nor can they receive public benefits at any of the state's independent institutions. The proposed changes to the existing LIFE Scholarship and Scholarship Enhancement regulation are necessary to ensure the current regulation is consistent with the legislative mandates of the South Carolina Illegal Immigration Act.

2. Recently, CHE has seen an increase in the number of phone calls from constituents regarding financial aid incentive packages that use State scholarship and grants as a portion of the award, but do not identify the part of the award package that comes from the State of South Carolina. CHE is adding language to the existing regulation to ensure that the state's contribution to the award is recognized.

3. Earlier this year, officials from South University and Presbyterian College contacted CHE regarding the possible addition of their Doctor of Pharmacy degree programs on to the CHE approved list of degree programs that are eligible to receive LIFE and Palmetto Fellows Scholarship Enhancements. Language has been added to allow for the addition of these programs to the list upon approval from the Academic Affairs Division of CHE.

The first group of amendments is based on Act 280, the South Carolina Illegal Immigration Reform Act. The amendments ensure that a student's lawful presence in the United States has been verified with the Federal Government before the student is eligible to receive a LIFE Scholarship.

- **Section 62-1200.1, 62-1200.10(Q) & 62-1200.70(E)** – Adds language from Act 280, establishing that the Board of Trustees at each institution must develop a process through which the lawful presence of a LIFE Scholarship recipient is verified with the federal government before the student receives the Scholarship
- **Section 62-1200.5 (TT)** – Defines “Lawful Presence” is defined as individuals who are in the United States legally and documented. Only those students whose lawful presence has been verified with the Federal Government prior to college enrollment will be considered to receive the LIFE Scholarship.
- **Section 62-1200.10(A)(1)(2) & 62-1200.25(A)** – Clarifies that lawful presence must be verified at the time of initial college enrollment for a student to be eligible to receive the LIFE Scholarship.
- **Section 62-1200.60(O)(16)** – Adds “verification from the appropriate institutional department that lawful presence of the student has been verified with the Federal Government” to the list of items that an institution must include in a LIFE Scholarship recipients student file each year.
- **Section 62-1200.75(D)** – Clarifies that if an institution fails to verify a scholarship recipient, the institutions must return the funds disbursed in error to CHE.

The second major amendment inserts language that prohibits independent and public institutions from using the Legislative Incentive for Future Excellence or “LIFE” Scholarship in programs that promote financial aid incentives or packages. The language also requires that any mention of the Legislative Incentive for Future Excellence or “LIFE” Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or “LIFE” Scholarship as a separate financial aid award, provided to the student by the State of South Carolina (see

- **Section 62-1200.1 & 62-1200.75(E)** -- Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the Legislative Incentive for Future Excellence or “LIFE” Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or “LIFE” Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or “LIFE” Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

The third major amendment allows the Doctor of Pharmacy degree programs at Presbyterian College and South University to be placed on to the CHE approved list of degree programs that

are eligible to receive LIFE and Palmetto Fellows Scholarship Enhancements. The inclusion of these programs is pending approval from the Academic Affairs Division of CHE.

- **Section 62-1200.5(M) & (II), 62.1200.10(L), 62-1200.20(B) & (E), 62-1200.60(M) and 62-1200.65(C)** – Adds the Doctor of Pharmacy programs at Presbyterian College and South University to the CHE approved list of eligible degree programs for the LIFE Scholarship Enhancement.

Finally, the proposed regulation also includes minor changes to section **62-1200.10**, Student Eligibility, of the LIFE Scholarship. The proposed changes to this section are necessary for clarification purposes and to promote consistency among State scholarship and grant programs.

- **Section 62-1200.10(A)(3)(d)** – Clarifies when the rank of an out-of-state preparatory high school can be used to determine initial eligibility for the LIFE Scholarship.
- **Section 62-1200.10(I) & (J)** – Clarify the instances in which the terms of eligibility can be suspended for a student who is attempting remedial/developmental coursework.
- **Section 62-1200.10(P)** – Clarifies when a LIFE Scholarship Enhancement can be awarded mid-year.

The proposed regulation also includes minor changes to sections **62-1200.5** (Definitions) and **62-1200.55** (Appeals) for clarification purposes and to promote consistency among State scholarship and grant programs. All proposed changes are highlighted in red in the attached regulation.

## **Recommendation**

The Commission staff recommends that the Committee on Access & Equity and Student Services approve the proposed amendments to the regulation for the LIFE Scholarship and LIFE Scholarship Enhancement. If approved by the Committee on Access & Equity and Student Services and the Commission on Higher Education, the proposed regulation will be submitted to the General Assembly during the 2011 legislative session for approval under the Administrative Procedures Act.