

**COMMITTEE ON ACADEMIC AFFAIRS
AND LICENSING
Minutes of September 3, 2003**

Members present

Dr. Vermelle Johnson
Ms. Sue Cole
Mr. Dalton Floyd (teleconference)
Mr. Miles Loadholt (teleconference)
Ms. Deloris Oliver

Members absent

Dr. John Griffith
Dr. Roger Stevenson

Staff present

Ms. JoAnn Biga
Ms. De’Nitra Brown
Ms. Sandra Carr
Ms. Renea Eshleman
Dr. Nancy Healy
Ms. Tajuana Massie
Dr. Gail Morrison
Ms. Julie Wahl
Ms. Shayne Watts

Guests present

Dr. James Arrington, SC State
Dr. Roger Burnett, Forrest Junior College
Ms. Brenda Cooley, Forrest Junior College
Judge Robert Carr, Charleston School of Law
Mr. Richard Gershon, Charleston School of Law
Dr. Debra Jackson, Clemson
Ms. Leslie Johnson, Forrest Junior College
Dr. Elise Jorgens, College of Charleston
Ms. Star Kepner, USC-Sumter
Judge George Konko, Charleston School of Law
Mr. Ralph McCullough, Charleston School of Law
Mr. Francis Mood, USC-Columbia
Ms. Susan Prior, USC-Columbia
Judge Alex Sanders, Charleston School of Law
Ms. Sherrie Tomlinson, Charleston School of Law
Mr. Troy Travis, USC-Beaufort

Dr. Johnson, the newly appointed Chair of the Committee on Academic Affairs & Licensing, called the meeting to order at 1:05 p.m. Dr. Johnson thanked Mr. Floyd for appointing her and expressed hope that her tenure in the chair’s position would be as useful as that of her predecessor, Ms. Dianne Chinnes. She then asked that everyone present introduce themselves.

1. Consideration of Minutes of Meeting of April 30, 2003

Dr. Johnson introduced the item and asked if there were any corrections. There being no corrections, the Minutes of April 30, 2003, were approved as circulated.

2. Consideration of New Program Proposals

a. B.S., Language and International Health, Clemson University

Dr. Johnson introduced the item and asked that Dr. Morrison give a brief overview of the program proposal. Dr. Morrison stated that the program was to prepare Spanish-competent students for interpretation of health matters to a growing in-state Hispanic population. She said that the program is unique both to the state, and as far as staff can determine, to the United States at the undergraduate level. She also said that in the ACAP discussion Clemson had agreed to revise downward the number of credit hours required for the degree when the General Education requirements at Clemson are revised this coming year; and that, in response to a request from the Technical College sector, Clemson had also agreed to develop 2+2 pathways for this program. Both these decisions on Clemson's part were reflected in the recommendation that staff made. The program proposal was **moved** (Cole) and **seconded** (Loadholt), and the committee **voted to commend favorably** to the Commission approval of the program leading to the Bachelor of Science in Language and International Health at Clemson University, to be implemented in Fall 2004, provided that 1) no "unique cost" or other special state funding be required or requested; 2) provided further Clemson furnish an exact number of semester hours to be completed in program upon passage of the new general education requirements at the University; and 3) develop a signed agreement with the technical college system for seamlessly articulating substantial coursework or an entire associate program with this program.

b. B.A., Undergraduate Certificate, Teaching English to Speakers of Other Languages, USC-Spartanburg

Dr. Morrison stated that this certificate proposal emanates from the State Department of Education's recently approved policy for an "add-on" certificate in the subfield of English as a Foreign Language. USC-Spartanburg expects students to take this as a pre-service teaching certificate also. USC-Spartanburg is especially interested in developing this program because of the rapid growth in the Hispanic population in the Upstate region served by the USC-Spartanburg campus. She said that although the certificate will be a part of the teacher education program which must be approved by NCATE, the certificate will have to be approved at the next NCATE site visit (in two years). Without discussion, approval was **moved** (Cole) and **seconded** (Loadholt), and the Committee **voted to commend favorably** to the Commission approval of the program leading to the Undergraduate Certificate of Teaching English to Speakers of Other Languages at USC-Spartanburg, to be implemented in August 2003, provided that no "unique cost" or other special state funding be required or requested.

3. Consideration of Initial License for Charleston School of Law, J.D. degree

Dr. Johnson said that this proposal is novel since the Commission has never had a proposal for a private law school come before it prior to this application. She recognized the presence of both Judge Sanders and Dr. Frank Mood, interim Dean of the USC

College of Law. She asked Dr. Morrison to explain the steps which had occurred to bring the application to the Committee.

Dr. Morrison stated that the entity called the Charleston School of Law is new and single-purpose. Dr. Morrison explained that she and Ms. Eshleman worked with Judge Sanders and others representing the Charleston School of Law and together agreed that an evaluation committee should be formed to make a report on the efforts to bring that entity into existence. The evaluation committee explored four areas, she said: 1) finance; 2) academics; 3) administration; and 4) student services. The report issued by the site team contains their recommendations and suggestions and responses to those suggestions by the owners of the Charleston School of Law. She thanked Ms. Eshleman for her contributions to the process.

Dr. Morrison stated that the start-date for the opening class of the Charleston School of Law is proposed for Fall 2004. After Fall 2004, the Charleston School of Law intends to bring a consultant to the site to review what is happening with the implementation of the institutional design. She also said that one piece of information has recently been provided: both President Lee Higdon of the College of Charleston and the promoters of the Charleston School of Law have affirmed that neither the College of Charleston nor the Charleston School of Law has any desire to be affiliated with the other entity in any way.

In reading from the reviewers' report, Dr. Johnson said that it appears the Charleston School of Law might be willing to admit students who are not admissible at other law schools and, in the process, create a great deal of debt for these students. The report suggested that the Commission allow the Charleston School of Law to admit students in Fall 2004, conditioned upon the promoters' developing a program as they have stated it and in compliance with a CHE plan by May 2004, a second tour of the reviewers, and prior to that site visit, the Charleston School of Law supplying CHE with site materials.

The Commission's staff made recommendations that include: 1) a September 2004 opening of the law school; 2) a provision that the school agree not to request any "unique costs" of public funds appropriated for this project; 3) that the Charleston School of Law follow requirements of licensing; 4) a site visit occur in Fall 2004; 5) there be a timeline established for an ABA accreditation visit; 6) if ABA accreditation is not received by a reasonable date, the school shall be closed; and 7) if the Charleston School of Law attempts to become a part of the College of Charleston or any other public institution of higher education in South Carolina, the licensure will be revoked.

Ms. Cole stated that she had received a number of telephone calls about the proposed school of law, as a resident of the Charleston region. She then asked that Judge Sanders speak. Judge Sanders first thanked Dr. Morrison and Ms. Eshleman for the generous amount of staff time and the quality of the staff work that went into the report. He added that the CHE and staff work in the Division of Academic Affairs and Licensing is a fine example of public service. Although the Charleston School of Law is a new enterprise, the Judge stated that the promoters' research had uncovered the fact that the first school of law had been established in the state by charter by the General Assembly

of South Carolina in 1825. That institution, known as the Forensic Club, was also located in Charleston.

Judge Sanders stated that Richard Gershon, former Dean of the Texas Wesleyan School of Law, will be the Dean of the Charleston School of Law, if it is licensed. He said that the promoters of the Charleston School of Law concur completely with the recommendations found in the CHE staff report being discussed in the current meeting of the Division of Academic Affairs and Licensing. In response to his rhetorical question of why the Charleston School of Law was being established, he responded that as President of College of Charleston he learned that many well qualified students could not get into law schools and that this would give some another opportunity. He said the Charleston School of Law would seek to admit students of unmitigated good character who also want to be committed to public service, adding that the greatest generation in his estimation were today's young people. He said that the promoters of the Charleston School of Law have raised \$200,000 for scholarships alone for the first year of the school's operation, and that this will promote the diversified student body the school hopes to serve.

Judge Sanders said he welcomed the public airing of the school's intentions to counter the criticisms of those who have implied or stated that the founding of a private Charleston School of Law was merely a "scheme" to bring a private institution into existence to meld quickly onto the College of Charleston. Therefore, he said, the recommendation to revoke the license of the Charleston School of Law immediately if this were ever attempted is an appropriate recommendation.

Dr. Johnson thanked Judge Sanders, but asked if he could respond to critics that the students to be admitted would be of lesser quality than those going to other law schools. Judge Sanders provided in response the story of his son-in-law who graduated from Wagener School of Law, a proprietary institution in Harrisburg, PA. He said his son-in-law had a large personal debt from his studies and came to South Carolina to be a public defender. Ms. Deloris Oliver then inquired if the Judge and other promoters of the Charleston School of Law did not want to have the knowledge that their students were equal to or better than those at other schools of law. To this the Judge responded that they did indeed seek that assurance, but that scores on the LSAT did not indicate necessarily that one student was "better" than another.

Dr. Johnson then asked about employability of the Charleston School of Law's students. Judge Sanders said that Georgia has three law schools and North Carolina has five and that both states are reporting no undue unemployment of lawyers. He said that South Carolina has many fewer lawyers per population unit than these other two states and that all states need more lawyers in public service. He then added again that the Charleston School of Law would have a legally binding obligation not to become part of a public institution of higher education in South Carolina.

To Ms. Cole's question about the numbers of persons expected in the first class of students, Judge Sanders stated that the school is anticipating an entering class of 25 in Fall 2004. She then asked Dr. Mood how many are enrolled in USC's current class and

he responded 243 He also stated that USC had approximately 1700 applications this year. She asked if USC's School of Law looked for cut-off scores on the LSAT. Dr. Mood stated that the decision for admission was not one of "cut-off scores" but rather involved substantially more elements than this. He indicated, however, that the median score for the entering class this year is 158 on the LSAT. Having heard from Judge Sanders and Dr. Mood, Ms. Cole stated that if the proposed law school could keep some more talented young people in South Carolina instead of exporting them, she was in favor of it. Judge Sanders said that the promoters of the Charleston School of Law have raised almost \$2 million in private funds.

Dr. Johnson requested that Dr. Frank Mood continue to discuss the USC College of Law and its position regarding the proposed Charleston School of Law. He stated that neither USC nor the College of Law opposes the CHE staff's position on the implementation of the Charleston School of Law. Indeed, he said, after having studied the document for the application, professionals in the College of Law at USC had reached an almost identical, pragmatic conclusion as had the CHE staff. He said the proposed school is certainly duplicative; that it is being promoted by investors as a for-profit law school; that if the provisions in the CHE recommendations were not included in its licensing, the USC College of Law would have been highly opposed to it because South Carolina under-funds all levels of public higher education. He added that he is personally acquainted with the investors in the Charleston School of Law and knows them to be persons of integrity with views that are of equal integrity.

Dr. Mood continued by saying that there are many misperceptions about the law school at USC. He said that while the USC College of Law is meeting its public obligations, 1) there is pent-up demand for law school admission; 2) applications for admission to law schools go up when the economy goes down; 3) in 2002, 90% of graduates were gainfully employed in law positions; 4) 85% of USC Law School graduates stay in South Carolina upon graduation to practice. He said that while there might also be a perception among some that USC's College of Law graduates do not do public service law, it is verifiable that students and graduates of the USC program are working with prisons, children's issues, and so forth. He added that USC's College of Law has a growing endowment for students intending to follow a public service route in their law careers.

Dr. Johnson thanked Judge Sanders and Dr. Mood and asked if either had anything more to add. Judge Sanders added an anecdote about a poor student at the College of Charleston about whom a member of the General Assembly had called him. He said that this was a student who, without the first "cafeteria scholarship" at the College of Charleston, was prepared each week not to eat Monday through Thursday until she could go home on Friday for the weekend. He said this was the kind of determination that this generation had and a good reason why they should be offered opportunity. Without further discussion, approval was **moved** (Cole) and **seconded** (Oliver), and the Committee **voted to commend favorably** to the Commission approval for the initial License for Charleston School of Law.

At that point of the meeting Mr. Dalton Floyd indicated that he had to leave the teleconference.

4. Consideration of Amendment for License of Forrest Junior College—AAS in Medical Assisting and AS in General Studies

Dr. Johnson asked Dr. Morrison to describe the issue in front of the Committee. Dr. Morrison stated that Forrest Junior College is entering the Southern Association of Colleges and Schools' approval process and that it wants the AA in General Studies approved to show the complete program array at the institution, since SACS has a rule concerning stabilizing the program of study once the review for candidacy status begins. She said that the CHE staff has collected data to show that students have difficulty getting general education coursework from unaccredited institutions to transfer. Thus, she said, the staff recommendation is that the program be approved but with the stipulation that students be advised of the unlikelihood of regionally accredited institutions accepting their credits in transfer.

Dr. Johnson then called upon President Burnette of Forrest Junior College and Ms. Brenda Cooley, Vice President for Academic Affairs at the institution for their response. President Burnette thanked Ms. Eshleman for her thorough staff work. Ms. Cooley stated that it was important to point out that the institution is nationally accredited by the ACICS (Accrediting Council of Independent Colleges and Schools) which is recognized by the USDOE, but that they are also seeking regional accreditation through SACS. The institution must send all its materials to SACS prior to May 2004 and for this reason is asking for approval of the licensure for the AA in General Studies now. She said that students already sign a statement indicating that they realize the institution is not currently SACS accredited and that their credits might not transfer to another institution which is. She added, however, that they have had great success in the transfer of some students; and that, even among SACS accredited institutions, the type of credits and type of programs make substantial differences in what is acceptable for transfer. Without further discussion, approval was **moved** (Cole) and **seconded** (Oliver), and the Committee **voted to commend favorably** to the Commission approval for Amendment to the License of Forrest Junior College adding programs leading to Associate in Applied Science degree in Medical Assisting and to the Applied Science degree in General Studies to be implemented after ACICS and CAAHEP accreditation are obtained provided that:

1) The institution require that each student in the A.S. in general studies sign and date a statement similar to the following:

I understand that Forrest Junior College is not accredited by the Southern Association of Colleges and Schools, the regional accrediting agency for the southeastern region of the United States. Forrest Junior College is accredited by the Accrediting Council for Independent Schools (ACICS).

I understand that it is unlikely that regionally accredited institutions will accept by transfer credit earned at Forrest Junior College.

I understand that it is unlikely that regionally accredited institutions will accept as a prerequisite for admission into bachelor's or graduate programs a degree earned at Forrest Junior College.

2) The institution establish a timeline under which it will gain SACS accreditation; report to the CHE staff on each step in the timeline; provide to the CHE staff a copy of correspondence to and from SACS; and discontinue advertising and enrolling students into the A.S. in General Studies if it becomes apparent that it is unable to meet the timeline to gain SACS accreditation by 2009.

5. Consideration of Budget for Research Centers for Economic Excellence, FY 2003-04

Dr. Morrison presented the budget at Dr. Johnson's request. Mrs. Cole moved the acceptance of the budget; the motion was seconded by Mrs. Oliver. The motion was then adopted unanimously. Without discussion, approval was moved (Cole) and seconded (Oliver) and the Committee voted to commend favorably to the Commission the budget request for the Research Centers of Economic Excellence for fiscal year 2003-04.

6. Consideration of Appropriations Request for Centers of Excellence Competitive Grants Program (Teacher Education), FY 2004-05

Dr. Morrison stated that the request would be to the General Assembly in the amount of \$685,687. She said that this is for a worthy cause to assist the poorest school districts. Without discussion, approval was moved (Cole) and seconded (Oliver) and the Committee voted to commend favorably to the Commission the appropriations request for Centers of Excellence Competitive Grants Program (Teacher Education) for fiscal year 2004-05.

7. Consideration of Report on First-Time Entering Freshman, FY 2002-03

Dr. Johnson stated that this was a good example of a thorough report done by the staff of the Division of Academic Affairs and Licensing. Dr. Morrison thanked her for her kind words and indicated that, while the staff had prepared the data from what had been submitted to the Commission by the institutions, three institutions were now of the opinion that the data for their institutions was incorrect as it related to Tables 2 and 4 in the report. Thus, said Dr. Morrison, it is prudent to approve the draft report with the understanding that Tables 2 and 4 might be changed appropriately before the report is sent to the General Assembly. Dr. Morrison also noted that for the first time, the percentages of provisionally accepted students by the institutions were within the guidelines of state policy. Without discussion, approval was moved (Oliver) and seconded (Cole) and the Committee voted to commend favorably to the Commission the Report on First-Time Entering Freshman for fiscal year 2002-03 provided that Tables 2 and 4 are corrected before submission to the General Assembly.

At that point of the meeting Mr. Miles Loadholt indicated that he had to leave the teleconference.

8. Consideration of *Guidelines for Improving Teacher Quality Higher Education Grants Program, FY 2003-04*

Dr. Morrison stated that the guidelines for this year were essentially the same as for the past year with some minor changes and that they are substantially dictated by federal requirements. Without discussion, approval was **moved** (Cole) and **seconded** (Oliver) and the Committee **voted to commend favorably** to the Commission the *Guidelines for Improving Teacher Quality Higher Education Grants Program* for fiscal year 2003-04.

9. Consideration of *Guidelines for the Centers of Excellence Competitive Grants Program (Teacher Education), FY 2004-05*

Without discussion, approval was **moved** (Oliver) and **seconded** (Cole) and the Committee **voted to commend favorably** to the Commission the guidelines for *Centers of Excellence Competitive Grants Program (Teacher Education)* for fiscal year 2004-05.

10. Consideration of *Annual Report on Compliance with English Fluency Act in Higher Education, FY 2002-03*

Without discussion, approval was **moved** (Oliver) and **seconded** (Cole) and the Committee **voted to commend favorably** to the Commission the *Annual Report on Compliance with English Fluency Act in Higher Education, FY 2002-03*.

11. Meeting Dates for 2003-2004

The dates as presented in the report were noted and accepted. These meetings will all start at 10:30 a.m.

12. Other

Dr. Morrison thanked Dr. Johnson for the fine work she did on the occasion of Dr. Johnson's first session as chair of the Committee. Dr. Johnson thanked Dr. Morrison and noted that all this year's Committee on Academic Affairs & Licensing will begin at 10:30 a.m.

There being no other business, Dr. Johnson adjourned the meeting at 2:50 p.m.

Respectfully submitted,

De'Nitra C. Brown