



## South Carolina Commission on Higher Education

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October 6, 2016

### **Proposed Regulatory Amendments** **Persons Sixty Years and Over to Attend Public Colleges and Universities** **Without Payment of Tuition**

A bill was introduced in the Senate on January 13, 2015 to amend Section 59 111 320, Code of Laws, relating to provisions allowing persons sixty years and over to attend public colleges and universities without payment of tuition, so as to remove the criteria prohibiting persons who receive compensation as full-time employees from this provision.

State-supported colleges and universities are authorized, per the statute, to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition if these persons meet admission and other standards deemed appropriate by the college or university.

The bill was introduced in the SC House of Representatives on April 14, 2015, and was passed by the General Assembly on May 28, 2015. The Governor signed the bill into law (ACT 50) on June 3, 2015. The proposed regulation Persons Sixty Years and Over to Attend Public Colleges and Universities Without Payment of Tuition is amended to comply with the statute.

The proposed language of the regulation is amended to strike the following:

“State-supported colleges and universities are authorized to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition if these persons meet admission and other standards deemed appropriate by the college or university, ~~and if these persons do not receive compensation as full-time employees.~~”

In addition, language under 62-1130 Program Definitions of the regulations is amended to strike the definition of “full-time employees” from the section.

#### **62-1130 Program Definitions**

~~B. “Full-time employees” is defined as employment that consists of at least thirty-seven and one-half hours a week on a single job in a full-time status. However, a person who works less than thirty-seven and one-half hours a week but receives or is entitled to receive full-time employee benefits shall be considered to be employed full-time. A person who meets the~~

~~eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they do not satisfy their prescribed employment specifications in order to qualify for this waiver.~~

### **Recommendation**

The Committee on Access & Equity and Student Services commends favorably to the Commission approval of the proposed amendments to the regulation for Section 59 111 320 Persons Sixty Years and Over to Attend Public Colleges and Universities Without Payment of Tuition so as to comply with state statute. 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 SC General Assembly during the 2017 legislative session for approval under the Administrative Procedures Act.

Free Tuition for Residents Sixty Years of Age

(Statutory Authority: 1976 Code Section 59-111-330)

62-1100 Authority.

Pursuant to the authority granted to the Commission on Higher Education by the 1976 Code Section 59-111-330, regulations governing the administration of the provision for free tuition for residents sixty years of age are hereby established.

62-1110 Eligibility.

State-supported colleges and universities are authorized to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition if these persons meet admission and other standards deemed appropriate by the college or university. ~~and if these persons do not receive compensation as full-time employees.~~

62-1120 Authorization.

Institutions are authorized but not required to waive the tuition portion of the cost of a course in which eligible residents enroll. The costs of any fees, charges, and/or textbooks normally associated with the course remain in effect and must be borne by the participant.

62-1130 Program Definitions.

A. "Classes for credit or non-credit" is defined as regularly scheduled classes, including those offered through distance education, in which an adequate number of students not eligible for the over sixty waiver are enrolled. An adequate number of students, for the purpose of this provision, shall be consistent with institutional policy.

~~B. "Full-time employees" is defined as employment that consists of at least thirty seven and one-half hours a week on a single job in a full-time status. However, a person who works less than thirty seven and one-half hours a week but receives or is entitled to receive full-time employee benefits shall be considered to be employed full-time. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they do not satisfy their prescribed employment specifications in order to qualify for this waiver.~~

C. "Legal residents of South Carolina" is defined as those persons who would otherwise be eligible to pay in-state tuition and fees per Regulation 62-600 - Determination of Rates of Tuition and Fees.

D. "Persons meeting admission and other standards" is defined as persons who have evidence via documentation or evaluation normally accepted by the institutions which show that all course prerequisites have been satisfied.

E. "Persons who have attained the age of sixty" is defined as persons who have reached the age of sixty no later than the first day of class of the term for which the waiver is sought.

F. "Space available basis" is defined as the upper limit of class capacity, both physical and academic, as defined by institutional policy.

G. "State supported college or university" is defined as (1) those institutions enumerated in Section 59-107-10 and the branches and extensions of those institutions; and (2) those institutions under the jurisdiction of the State Board for Technical and Comprehensive Education.

H. "Tuition" is defined as the amount charged for registering for a credit hour of instruction and shall not be construed to include standard fees, charges, or costs of textbooks.

62-1140 Proof of Eligibility.

State supported colleges or universities which offer this waiver may require such proof as deemed necessary to ensure that those applying are eligible for the benefit requested.

62-1150 Inquiries and Appeals.

Each institution offering this waiver shall publish a policy governing the administration of this provision, shall ensure that the policy is accessible to all interested parties, and shall make the policy available upon request. The policy shall include an appeals process to accommodate persons wishing to appeal determinations made. Neither the primary official nor appellate official(s) may waive the provisions of the Statute or regulation governing free tuition for residents sixty years of age.

62-1160 Penalties for Misrepresenting Eligibility.

All persons receiving benefits under this provision shall be responsible for notifying the institution of any changes that would affect such eligibility. Any applicant who willfully misrepresents his eligibility for the tuition waiver, or any person who knowingly aids or abets such applicant in misrepresenting his eligibility for such benefits, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or imprisoned for not more than thirty days.

62-1170 Institutional Eligibility for State Support.

Persons attending classes under the provisions of this article, on a space available basis without payment of tuition, shall neither be counted in the computation of enrollment for funding purposes nor considered on a formula basis for the issuance of capital improvement bonds.

South Carolina General Assembly  
121st Session, 2015-2016

**A50, R81, S261**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Thurmond

Document Path: I:\s-res\pt\00260+ .ksg.pt.docx

Introduced in the Senate on January 13, 2015

Introduced in the House on April 14, 2015

Passed by the General Assembly on May 28, 2015

Governor's Action: June 3, 2015, Signed

Summary: Persons age sixty and over attending classes

**HISTORY OF LEGISLATIVE ACTIONS**

| Date       | Body   | Action Description with journal page number                                                            |
|------------|--------|--------------------------------------------------------------------------------------------------------|
| 12/10/2014 | Senate | Prefiled                                                                                               |
| 12/10/2014 | Senate | Referred to Committee on <b>Education</b>                                                              |
| 1/13/2015  | Senate | Introduced and read first time ( <a href="#">Senate Journal-page 158</a> )                             |
| 1/13/2015  | Senate | Referred to Committee on <b>Education</b> ( <a href="#">Senate Journal-page 158</a> )                  |
| 3/26/2015  | Senate | Committee report: Favorable <b>Education</b> ( <a href="#">Senate Journal-page 14</a> )                |
| 4/1/2015   | Senate | Read second time ( <a href="#">Senate Journal-page 21</a> )                                            |
| 4/1/2015   | Senate | Roll call Ayes-40 Nays-1 ( <a href="#">Senate Journal-page 21</a> )                                    |
| 4/14/2015  | Senate | Read third time and sent to House ( <a href="#">Senate Journal-page 16</a> )                           |
| 4/14/2015  | House  | Introduced and read first time ( <a href="#">House Journal-page 110</a> )                              |
| 4/14/2015  | House  | Referred to Committee on <b>Education and Public Works</b> ( <a href="#">House Journal-page 110</a> )  |
| 5/14/2015  | House  | Committee report: Favorable <b>Education and Public Works</b> ( <a href="#">House Journal-page 5</a> ) |
| 5/20/2015  | House  | Debate adjourned until Wed., 5-27-15 ( <a href="#">House Journal-page 23</a> )                         |
| 5/27/2015  | House  | Read second time ( <a href="#">House Journal-page 63</a> )                                             |
| 5/27/2015  | House  | Roll call Yeas-95 Nays-0 ( <a href="#">House Journal-page 63</a> )                                     |
| 5/28/2015  | House  | Read third time and enrolled ( <a href="#">House Journal-page 16</a> )                                 |
| 6/2/2015   |        | Ratified R 81                                                                                          |
| 6/3/2015   |        | Signed By Governor                                                                                     |
| 6/8/2015   |        | Effective date 06/03/15                                                                                |
| 6/9/2015   |        | Act No. 50                                                                                             |

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**VERSIONS OF THIS BILL**

[12/10/2014](#)

[3/26/2015](#)

[5/14/2015](#)

(A50, R81, S261)

**AN ACT TO AMEND SECTION 59-111-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS ALLOWING PERSONS AGE SIXTY AND OVER TO ATTEND STATE-SUPPORTED INSTITUTIONS OF HIGHER EDUCATION WITHOUT PAYMENT OF TUITION, SO AS TO REMOVE CRITERIA PROVIDING THESE PERSONS MAY RECEIVE NO COMPENSATION AS FULL-TIME EMPLOYEES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Criteria, prohibition compensation on full-time employment removed**

SECTION 1. Section 59-111-320 of the 1976 Code is amended to read:

“Section 59-111-320. State-supported colleges and universities, and institutions under the jurisdiction of the State Board for Technical and Comprehensive Education, are authorized to permit legal residents of South Carolina who have attained the age of sixty to attend classes for credit or noncredit purposes on a space available basis without the required payment of tuition, if these persons meet admission and other standards deemed appropriate by the college, university, or institution.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 2<sup>nd</sup> day of June, 2015.

Approved the 3<sup>rd</sup> day of June, 2015.

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