



South Carolina Commission on Higher Education

Mr. Tim M. Hofferth, Chair
Ms. Allison Dean Love, Vice Chair
Mr. Paul O. Batson, III
Mr. Devron H. Edwards
Dr. Bettie Rose Horne
Ms. Dianne C. Kuhl
Dr. Louis B. Lynn
Vice Admiral Charles Munns, USN (ret.)
Mr. Clark B. Parker
Mr. Kim F. Phillips
Ms. Terrye C. Seckinger
Dr. Jennifer B. Settlemyer
Mr. Hood Temple
Dr. Evans Whitaker

Mr. Gary S. Glenn
Interim Executive Director

The Commissioners and Staff of the SC Commission on Higher Education are pleased to share the attached document:

South Carolina Commission on Higher Education
Providing Clarity, Best Practices, and Sustainability

We feel confident that the information contained herein will help provide clarity regarding the responsibilities assigned to the Commission, as well as some of the challenges we face in fulfilling our duties.

Please take the time to read the Executive Summary and and Key Points (pages 1-4) prior to browsing through the tabs.

We welcome your questions, and appreciate your support.



South Carolina Commission on Higher Education

Mr. Tim M. Hofferth, Chair
Ms. Allison Dean Love, Vice Chair
Mr. Paul O. Batson, III
Dr. Bettie Rose Horne
Ms. Dianne C. Kuhl
Dr. Louis B. Lynn
Vice Admiral Charles Munns, USN (ret.)
Mr. Clark B. Parker
Mr. Kim F. Phillips
Ms. Terrye C. Seckinger
Dr. Jennifer B. Settlemyer
Mr. Hood Temple
Dr. Evans Whitaker

Mr. Gary S. Glenn
Interim Executive Director

South Carolina Commission on Higher Education Providing Clarity, Best Practices, and Sustainability

Executive Summary

In each legislative session since 2003, bills have been submitted in the General Assembly to create a Board of Regents in South Carolina to oversee and regulate the state's higher education system. Although the proposals have had limited support in past years, the 2015 fiscal crisis at SC State University provided new momentum for the idea.

In March, 2015, Rep. Merrill introduced an amendment to defund the Commission on Higher Education (CHE), in an effort to force progress on creating a regulatory agency for higher education. As a result of the ensuing debate, Rep. Allison assembled an ad hoc committee to consider H. 3249, which would dissolve both CHE and the State Technical College Board, replacing both with a Board of Regents.

Following testimony from stakeholders throughout South Carolina and from national experts in higher education, the committee asked CHE to clarify our duties as defined in the SC Code of Laws. As a part of that process, we instituted a thorough review of the statutes, conducted a SWOT analysis, and then drafted a new budget to reflect the resources needed to bridge the gap between what we are required to do and what we are currently able to do.

The attached document represents the body of work compiled by CHE to respond to the ad hoc committee's request and to begin the process of developing a sustainability plan and implementing best practices within our agency.

As you can see from our SWOT reports (green: what we are currently doing; yellow: what we are partially doing; and red: what we cannot do due to inadequate resources), CHE has been given an enormous task. As the statutes currently read, we have less than \$156,000 to address 47 legislatively mandated areas of responsibility that are currently classified as red or yellow. It simply cannot be done within our current budget. It will take \$2.1 million to move everything into the green column.

Regardless of the General Assembly's decision on the best vehicle for oversight, South Carolina must have a strong, adequately funded coordinating body.

Higher education in South Carolina is more than a \$4.5 billion industry, and the state is a significant financial stakeholder. By 2020, 65% of all jobs will require some education after high school, but rising costs are making it increasingly difficult for students to attain the skills necessary to meet the needs of our state's workforce. Every time there's a tuition or fee increase, another SC family is priced out of higher education and our state loses an opportunity for economic growth.

When you consider that education, or the lack thereof, affects every segment of our state's well-being, the role of CHE is more important than ever.

- It is our job to look beyond the goals of individual institutions and to focus on the overall needs of the state for the greater good.
- It is our job to provide timely, accurate, and relevant input and advice to the General Assembly.
- It is our job to work with SC's institutions of higher education and the business community to develop a comprehensive plan to positively position our state to face the challenges of a global economy.
- It is our job to provide a layer of accountability, ensuring that our limited educational resources are being managed wisely, and to alert the General Assembly of potential financial crises within our higher education system.

Our job is to provide the leadership and expertise to keep everyone focused on *access, affordability and excellence*, the North Star by which we navigate.

Public education is a powerful investment, and as a state, we have an obligation to monitor and protect that investment. Institutional decisions rest first with each college and university board, and ultimately, with the Legislature, but without effective coordination, our state will continue to struggle with issues like student debt, educational attainment, cost of attendance, institutional accountability, and financial sustainability.

Section 59-103-15 of the SC Code states: "The General Assembly has determined that the mission for higher education in South Carolina is to be a global leader in providing a coordinated, comprehensive system of excellence in education by providing instruction, research, and life-long learning opportunities which are focused on economic development and benefit the State of South Carolina."

The Commission on Higher Education accepts and embraces this responsibility. In order to meet the expectations of the General Assembly and the citizens of SC, however, we must have the necessary authority and resources to fulfill our mission. Without both, our input and recommendations will provide little more than a false sense of security.

With a renewed sense of purpose, we have turned our focus to one job: ensuring that higher education in SC is accessible, that it is affordable, and that it offers academic excellence.

H. 4833 is not about rewriting the law or developing a new public agenda. It represents a simple clarification of CHE's responsibilities, as requested by the ad hoc committee.

The process to determine what type of regulatory authority the state wants for higher education began last March. Today, the question is clear: Can the Commission on Higher Education provide a viable alternative to a Board of Regents? We believe that with proper authority and adequate resources, it can.

Should you have any questions or require additional information, we encourage you to contact the SC Commission on Higher Education.

Tim Hofferth, Chair
SC Commission on Higher Education

KEY POINTS

ABOUT THE COMMISSION

- Section 59-103-15 of the SC Code states: “The General Assembly has determined that the mission for higher education in South Carolina is to be a global leader in providing a coordinated, comprehensive system of excellence in education by providing instruction, research, and life-long learning opportunities which are focused on economic development and benefit the State of South Carolina.”
- The Commission on Higher Education accepts and embraces this responsibility. This agency is revitalized, reenergized, and recommitted to the families of South Carolina.
- In order to meet the expectations of the General Assembly and the citizens of our state, we must have the necessary authority and resources to fulfill our mission. Without both, our input and recommendations will provide little more than a false sense of security.
- If you talk to anyone at the CHE, you will likely hear about the North Star by which we navigate: Access, Affordability, and Excellence.
- If given the tools, the Commission can provide transparency and accountability in higher education, and help our state provide world-class academic programs in a fiscally responsible manner.

ABOUT THE SYSTEM

- In South Carolina, there are currently 33 Public Institutions, including:
 - 3 Research Institutions
 - 10 Comprehensive Colleges and Universities
 - 4 2-Year Regional campuses (USC)
 - 16 Technical Colleges
- Additionally, there are:
 - 23 Independent Senior Institutions
 - 2 Independent 2-Year Institutions
 - 2 Private Professional Institutions, and
 - 24 Out-of-State Degree Granting Institutions
- South Carolina ranks 36th among states in educational attainment.
- By 2020, 65% of all jobs will require some education after high school, but rising costs are making it increasingly difficult for students to attain the skills necessary to meet the needs of our state’s workforce.
- Only 37% of the S.C. population holds an Associate’s (2-year) degree or higher.
- Graduation rates for many of SC’s institutions of higher education are far below 50%.
- Every time there’s a tuition or fee increase, another SC family is priced out of higher education and our state loses an opportunity for economic growth.
- Nationally, higher education costs have outpaced other costs of living. From 1978 to 2012, food costs rose by 244%, health care by 601%, and college tuition and fees in the U.S. skyrocketed by 1,120%.
- Over the past five years, South Carolina’s average in-state tuition has increased by nearly 13% at our four-year public colleges, and by nearly 14% at our two-year and technical colleges.
- South Carolina has the 8th highest average tuition and fees in the nation, and our student loan debt is above the national average.

- Higher education in South Carolina is more than a \$4.5 billion industry, and the state is a significant financial stakeholder.

ABOUT THE CALL FOR ACTION

- In each legislative session since 2003, bills have been submitted in the General Assembly to create a Board of Regents in South Carolina to oversee and regulate the state’s higher education system. Although the proposals have had limited support in past years, the 2015 fiscal crisis at SC State University provided new momentum for the idea.
- In March, 2015, Rep. Merrill introduced an amendment to defund the Commission on Higher Education (CHE), in an effort to force progress on creating a regulatory agency for higher education.
- As a result of the ensuing debate, Rep. Allison assembled an ad hoc committee to consider H. 3249, which would dissolve both the Commission and the State Technical College Board, replacing both with a Board of Regents.
- Following testimony from stakeholders throughout South Carolina and from national experts in higher education, the committee asked the Commission on Higher Education to clarify our duties as defined in the SC Code of Laws.
- As a part of that process, the Commission instituted a thorough review of the statutes, conducted a SWOT analysis, and then drafted a new budget to reflect the resources needed to bridge the gap between what we are required to do and what we are currently able to do.
- The SWOT report breaks down responsibilities into three categories: green: what the Commission is currently doing, yellow: what we are partially doing, and red: what we cannot do due to inadequate resources). CHE has been given an enormous task.
- As the statutes currently read, the Commission has less than \$157,000 to address 47 legislatively mandated areas of responsibility that are currently classified as red or yellow. It simply cannot be done within the current budget. It will take \$2.1 million to move everything into the green column.

CONCLUSION

- The State of South Carolina needs someone to:
 - look beyond the goals of individual institutions and to focus on the overall needs of the state for the greater good.
 - provide timely, accurate, and relevant input and advice to the General Assembly and the Governor’s Office.
 - work with SC’s institutions of higher education and the business community to develop a comprehensive plan to positively position our state to face the challenges of a global economy.
 - provide a layer of accountability, ensuring that our limited educational resources are being managed wisely, and to alert the General Assembly of potential financial crises within our higher education system.
- Public education is a powerful investment, and as a state, we have an obligation to monitor and protect that investment.
- Without effective coordination, our state will continue to struggle with issues like student debt, educational attainment, cost of attendance, institutional accountability, and financial sustainability.

Introduction

Over the past several months, the Commission on Higher Education has engaged in an intense study and review of our statutory authority and obligations, an analysis of our budgetary needs, and the development of new internal policies. Through these actions, it is our goal to provide clarity, to meet best practices, and to ensure sustainability.

This report contains the resulting documents.

Table of Contents

Introduction

Clarity

[Statutes & Provisos](#)

[SWOT Analysis](#)

[SWOT Summary](#)

[South Carolina Higher Education Governance Act](#)

Best Practices

[Internal Policies and Procedures](#)

[Consultant Support](#)

Sustainability

[FY 2015-16 Discretionary Funding](#)

[FY 2016-17 Budget Request](#)

Statutory Authority of the Commission on Higher Education **Divided into Coordination, Commentary and Financial** **Authority**

With the assistance of outside counsel, the Commission analyzed all current statutes and provisos that direct CHE to perform an action or activity. The statutes, going back as far as 1962, were organized in three categories: **Coordination** – Statutes that direct CHE to coordinate with different groups to respond or act; **Commentary** - Statutes that direct CHE to comment or provide input on an item; and **Financial** – Statutes that require CHE to approve the distribution of resources.

Statutory Authority of the Commission on Higher Education **Divided into Coordination, Commentary and Financial** **Authority**

This is similar to the other guide prepared at the request of the Commission, but the key difference is that the statutes, regulations and budgetary provisos have been categorized in three primary areas: Coordination, Commentary and Financial to distinguish the different purposes of the statutes, regulations and budgetary provisos. The term Coordination is used to represent statutes that require CHE to coordinate different groups to respond or act. The term Commentary is meant to refer to statutes that require CHE to comment or provide input on an item. Finally, the terms Financial refers to CHE's ability to approve the designation of resources.

The statutes and budgetary provisos have at times been rewritten, rearranged, or emphasis added in order to make their directives clearer. In addition, commentary has been added at times, which will appear in italics. Also, if a statute is lengthy and does not pertain in whole to CHE, the portion pertaining to CHE has been underlined to aid the reader or non-relevant portions of the statute may have been omitted, which is noted. Certain statutes and budgetary provisos that mention the CHE or are included in the CHE sections, but only provide definitions or do not specifically require action on the part of the Commission have not been included.

It is recommended that when referring to a particular statute, the reader should reference that statute as written in the Code.

COORDINATION AUTHORITY

SECTION 59-103-15 Mission and Goals.

The mission for higher education in South Carolina is to be a global leader in providing a coordinated, comprehensive system of excellence in education by providing instruction, research, and life-long learning opportunities which are focused on economic development and benefit the State of South Carolina.

The mission is to be achieved by reaching the following goals:

- 1) High academic quality;
- 2) Affordable and accessible education;

- 3) Instructional excellence;
- 4) Coordination and cooperation with public education;
- 5) cooperation among the General Assembly, Commission on Higher Education, Council of Presidents of State Institutions, institutions of higher learning, and the business community;
- 6) Economic growth;
- 7) Clearly defined mission.

SECTION 59-103-20. Studies of institutions of higher learning.

The commission shall meet regularly and shall have the authority and responsibility for a coordinated, efficient, and responsive higher education system in this State consistent with the missions of each type of institution as stipulated in Section 59-103-15. In meeting this responsibility and in performing its duties and functions, the commission shall coordinate and collaborate at a minimum with the Council of Presidents of State Institutions, the council of board chairs of the various public institutions of higher learning, and the business community. The commission also is charged with examining the state's institutions of higher learning relative to both short and long-range programs and missions which include:

(a) The role of state-supported higher education in serving the needs of the State and the roles and participation of the individual institutions in the statewide program;

(b) Enrollment trends, student costs, business management practices, accounting methods, operating results and needs, and capital fund requirements;

(c) The administrative setup and curriculum offerings of the several institutions and of the various departments, schools, institutes, and services within each institution and the respective relationships to the services and offerings of other institutions;

(d) Areas of state-level coordination and cooperation with the objective of reducing duplication, increasing effectiveness, and achieving economies and eliminating sources of friction and misunderstanding;

(e) Efforts to promote a clearer understanding and greater unity and good will among all institutions of higher learning, both public and private, in the interest of serving the educational needs of the people of South Carolina on a statewide level.

SECTION 59-103-25. Publication of legislation; standing committees.

The commission shall compile and publish legislation applicable to it so that the relationships among the commission, the governing bodies of public institutions of higher education, the General Assembly and the executive branches of government may be more clearly established and understood.

SECTION 59-103-36. Military Students Included in Count of Full-Time Students.

Military students in the senior colleges and universities of this State shall be included in the count of full-time equivalent students for the purpose of determining the appropriation of each institution. The Commission on Higher Education and the Revenue and Fiscal Affairs Office may make whatever audit adjustments are necessary to carry out this intent.

SECTION 59-103-40. Council of Presidents of State Institutions of Higher Learning.

The Commission shall establish a council of presidents consisting of the presidents of the State institutions of higher learning.

- The council of presidents shall appoint a chairman and such other officers and committees as it may see fit.
- It shall meet at least four times a year, of which two meetings will be held jointly with the Commission.
- The council of presidents shall establish committees consisting of qualified personnel representing the various State-supported institutions of higher learning, either upon request of the Commission or upon its own initiative, to investigate, study and report to the Commission on such subjects as:
 - (a) Academic planning
 - (b) Business and financial coordination
 - (c) Library utilization and coordination.

SECTION 59-103-45. Additional duties and functions of commission regarding public institutions of higher learning.

This section is included in both the Coordinating and Financial authority sections.

- (1) Establish procedures for the transferability of courses at the undergraduate level between two-year and four-year institutions or schools;

(2) Coordinate with the State Board of Education in the approval of secondary education courses for the purpose of determining minimum college entrance requirements, and define minimum academic expectations for prospective post-secondary students, communicate these expectations to the State Board of Education, and work with the state board to ensure these expectations are met;

(3) Review minimum undergraduate admissions standards for in-state and out-of-state students;

(4)(a) Develop standards for determining how well an institution has met or achieved the performance indicators for quality academic success as enumerated in Section 59-103-30, and develop mechanisms for measuring the standards of achievement of particular institutions.

- These standards shall be developed in consultation and cooperation with, at a minimum but not limited to the Council of Presidents of State Institutions, the chairmen of the governing boards of the various institutions and the business community.

(b) Base the higher education funding formula in part on the achievement of the standards set for these performance indicators including base-line funding for institutions meeting the standards of achievement, incentive funding for institutions exceeding the standards of achievement, and reductions in funding for institutions which do not meet the standards of achievement,

(c) Promulgate regulations based on (a) and (b) above and submit to General Assembly for its review pursuant to the Administrative Procedures Act.

(d) Develop a higher education funding formula based entirely on an institution's achievement of the standards set for these performance indicators, this formula to be used beginning July 1, 1999. This new funding formula also must be contained in regulations promulgated by the commission and submitted to the General Assembly for its review in accordance with the Administrative Procedures Act;

*See **Budgetary Proviso 117.73.** Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data*

elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(5) **Reduce, expand, or consolidate** any institution of higher learning including those which do not meet the standards of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30, and . . . , close any institution which does not meet the standards...enumerated in Section 59-103-30. The process to be followed for the closure, reduction, expansion, or consolidation of an institution under this item (5) shall be as promulgated in regulations of the commission which shall be submitted to and approved by the General Assembly;

(6) Review and approve each institutional mission statement to ensure it is within the overall mission of that particular type of institution as stipulated by Section 59-103-15 and is within the overall mission of the State;

(7) Ensure access and equity opportunities at each institution of higher learning for all citizens of this State regardless of race, gender, color, creed, or national origin within the parameters provided by law.

SECTION 59-103-50. Advisory Council of Private College Presidents.

There shall be established, under the auspices of the commission, an Advisory Council of Private College Presidents to counsel with and advise the commission with regard to matters concerning nonpublic colleges and their role in overall programs of higher education in the State. The council shall consist of eight members selected by the South Carolina College Council. Terms of members shall be for two years. A chairman shall be elected by the members. The council shall meet upon the call of the chairman and shall meet at least once annually with the commission. The members of the council serving on this section's effective date may continue to serve until the expiration of their terms.

SECTION 59-103-55. Representation of four-year colleges on commission councils, advisory groups, committees and task forces.

Each four-year campus of each state-supported public institution of higher learning, as defined in Section 59-103-5, shall have equal representation on all formal and informal councils, advisory groups, committees, and task forces of the

commission. Independent four-year colleges shall have representation on all formal and informal committees and commissions dealing with higher education statewide issues.

SECTION 59-103-90. Professional staff.

An executive director must be appointed by the commission to manage and carry out the duties of the commission as prescribed by law and assigned by the commission.

A professional staff complement shall be established by the executive director who shall ensure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of state-supported institutions in the State. Provision shall be made for persons of high competence and strong professional experience in the areas of academic affairs, public service and extension programs, business and financial affairs, institutional studies and long-range planning, student affairs, research and development, legal affairs, health affairs, institutional development, and for state and federal programs administered by the commission. The hiring of additional staff members to any position for which funds were not specifically appropriated by the General Assembly shall require prior approval by the General Assembly.

SECTION 59-103-160. English Fluency in Higher Learning Act.

This section essentially requires institutions of higher learning to provide instructors that are fluent in English. To the extent students have complaints regarding the fluency of their instructors, they can make a complaint to their school. Each school must report these complaints on an annual basis.

This section may be cited as the English Fluency in Higher Learning Act. Each institution of higher learning must submit its policy or procedures required under (C)(1) and (C)(2), which should have been done within six months of the effective date of this section (1991). Thereafter, CHE must receive any amendments to those policies. This section also requires the institutions of higher learning to report annually to the CHE and the chairmen of the Senate and House of Representatives Education Committees grievances filed by student under the requirement of subsection (C)(2) and the disposition of those grievances. The (C)(2) requirement is below:

(C) Each public institution of higher learning shall establish policies to:

(1) Ensure that the instructional faculty whose second language is English possess adequate proficiency in both the written and spoken English language. Student and faculty input is required in establishing these policies.

(2) Provide students with a grievance procedure regarding an instructor who is not able to write or speak the English language.

*See **Budgetary Proviso 117.73.** Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.*

SECTION 59-103-165. Information packages for eighth-grade students regarding higher education; pilot programs.

CHE is to work with the state's public institutions of higher education, and private institutions of higher education, which wish to participate, to develop information packages for eighth grade students and their parents on the options of post-secondary education available in South Carolina, the courses required to attend colleges and universities, and the financial requirements and assistance available for students pursuing additional education after high school.

During 1991-92, the commission shall develop the information packages, and to the extent that funds are appropriated by the General Assembly, pilot-test the program in a number of school districts. The commission shall report to the Senate Education Committee and the Education and Public Works Committee of the House on the pilot-testing.

SECTION 59-103-170. Small group and one-on-one counseling sessions; Education Options Week.

After pilot-testing, the Commission on Higher Education shall work with this state's public institutions of higher education and private higher education institutions wishing to participate, to provide annually for the state's eighth grade students and their parents or guardians small group and one-on-one counseling on required high school courses and post-secondary options, financial requirements,

and assistance available for a post-secondary education. These sessions must be held at each of the state's public schools which house an eighth grade class. The counseling may be provided during a week declared to be "Education Options Week" or at another time convenient to the school and the cooperating institution of higher education.

SECTION 59-103-180. Participation of State Board of Education, State Department of Education, and public schools and districts.

The State Board of Education, the State Department of Education, and the state's public school districts and schools shall cooperate with the Commission on Higher Education and the institutions of higher education in providing the counseling and shall assist in any manner considered appropriate by them. The schools shall make special efforts to ensure that as many students and parents or guardians as possible are made aware of the opportunity, are urged to attend the sessions, and receive the information.

SECTION 59-103-195. Regulation of culinary arts instruction requiring student under 21 to taste alcoholic beverage.

The State Commission on Higher Education shall have review authority in order to determine the legitimacy and appropriateness of the tasting requirements pursuant to Sections 63-19-2440 and 63-19-2450. The commission shall also establish reasonable rules and restrictions through regulation, as appropriate, with regard to any proposed course of instruction in the culinary arts which any private or public institution desires to offer to students under twenty-one years of age in which the tasting of beer, ale, porter, wine, or other similar malt or fermented beverage or alcoholic liquor is required. Unless approved by the commission, no such course and no student under twenty-one years of age enrolled in such course shall qualify for the exceptions provided under Sections 63-19-2440, 63-19-2450, 61-6-4070, or 61-4-90. A course of instruction on bartending or any similar curriculum does not qualify for exception or approval by the commission under this section.

Initiatives for Research and Academic Excellence

This Chapter describes the Palmetto Fellows Scholarship Program as well as other specific duties of the CHE to aid and support research as well as academic excellence in higher education in South Carolina.

SECTION 59-104-10. Admission standards; adoption of admission policies.

(A) In consultation and coordination with the public institutions of higher learning in this State, the State Commission on Higher Education shall ensure that minimal admissions standards are maintained by the institutions.

The commission, with the institutions, shall monitor the effect of compliance with admissions prerequisites that are effective at the institution.

(B) The boards of trustees of each public institution of higher learning, excluding the State Board for Technical and Comprehensive Education, shall adopt admission policies reflecting the desired mix of in-state and out-of-state enrollment must be approved by the board of trustees of the affected institutions. The boards shall submit the policies to the commission by July 1, 1989, and any subsequent changes to the policies must be submitted to the commission. These admission policies and standards shall be reviewed by the commission as provided in Section 59-103-45(3). For purposes of this section enrollment must be calculated on a full-time equivalency basis with the equivalent of one full time student being a student enrolled for thirty credit hours in an academic year. Out-of-state students mean students who are not eligible for in-state rates for tuition and fees under Chapter 112 of Title 59.

SECTION 59-104-20. Palmetto Fellows Scholarship Program established; adjudication of delinquency; drug and alcohol offenses.

(A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state's post-secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed six thousand seven hundred dollars. These scholarships in combination with all other grants and scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.

(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows Scholarship, except that a high school or college student otherwise qualified who

has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea.

(C) Of the funds made available for higher education Palmetto Fellows Scholarships for any year, a percentage thereof must be allocated for students attending South Carolina independent colleges of higher learning in this State. This percentage must be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time enrollment (FTE) of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(D) After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all persons meeting the requirements of this section.

(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible four-year public or independent institution.

(F) For purposes of subsection (E):

(1) "Public or independent institution" means a:

(a) South Carolina public institution defined in Section 59-103-5, excluding a public two-year or technical institution, and an independent institution as defined in Section 59-113-50, excluding an eleemosynary junior or independent two-year institution; or

(b) public or independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

(2) "Resident student" means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

(b) student classified as a resident of South Carolina for in-state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.

(G) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:

(1) meet the following three criteria:

(a) a minimum score of 1200 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;

(b) a cumulative 3.5 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and

(c) rank in the top six percent of the class at the end of the sophomore, junior, or senior year. When calculating eligibility for Palmetto Fellows Scholarships in schools where the top six percent of the graduating class is two students or less, the top two students must be considered for the scholarship regardless of class rank. The top six percent of the graduating class must meet all Palmetto Fellows Scholarship eligibility requirements in order to receive a scholarship. If the top six percent of the class is not a whole number of students, the Commission on Higher Education shall round up to the next whole number of students eligible; or

(2) meet the following two criteria:

(a) a minimum score of 1400 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score; and

(b) a cumulative 4.0 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year.

Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline. For the purposes of meeting the rank criteria pursuant to this subsection, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters

or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection.

(I) The Commission on Higher Education shall, by regulation, define alternative qualifications for an exceptionally gifted student who is a resident of South Carolina and is accepted into an institution of higher learning without having attended or graduated from high school.

SECTION 59-104-25. Additional Palmetto Fellows Scholarship stipend.

(A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in science or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his science or mathematics major. In addition, during his freshman year, the student must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics

disciplines. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

(C) If the additional Palmetto Fellows Scholarship stipend is lost, it may be regained in the same manner the underlying Palmetto Fellows Scholarship is regained if lost.

(D) In addition, the amount of the Palmetto Fellows Scholarship for a recipient who does not receive the enhanced stipend provided by this section, beginning with the 2007 academic year, shall be increased to an amount equal to that received by a LIFE Scholarship recipient also receiving the enhanced stipend provided by Section 59-149-15.

SECTION 59-104-30. Developmental education plans, studies, and programs.

Each public institution of higher learning in this State shall develop a plan for developmental education in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The commission shall conduct a study as well as evaluations and reviews of developmental education in this State. The commission shall develop appropriate methods of funding developmental education programs and courses.

SECTION 59-104-40. Technical education system shall convert to semester calendar; limitation on offering of certain courses.

(A) The technical education system in this State shall convert from the quarter calendar to the semester calendar, if funds are appropriated for this purpose. The Commission on Higher Education shall request state appropriations for the conversion to be funded and completed over a two-year period.

(B) The State Board for Technical and Comprehensive Education, in consultation with the commission, shall limit the offering of courses designed for college transfer in those technical colleges that do not have approved college transfer programs. The offering of ‘college parallel’ general education courses in institutions not authorized to award the associate in arts or associate in science degree is limited to those necessary to support approved nontransfer programs. The commission, after consultation with the State Board for Technical and Comprehensive Education and with public senior colleges and universities, shall establish rules and procedures by which this limitation must be regulated. The commission shall establish procedures concerning courses acceptable for transfer as provided in Section 59-103-45(1).

SECTION 59-104-220. Governor’s Professor of the Year Award established.

The Governor’s Professor of the Year Award is established as follows:

(1) Each public or private institution of higher learning in this State is eligible to nominate one faculty member for this award who has demonstrated exceptional teaching performance.

(2) The Governor’s office in conjunction with the Commission on Higher Education shall establish a committee to choose the Professor of the Year from a senior institution and a Professor of the Year from an institution offering no degree above the associate’s degree. The committee must consist of representatives of the Governor’s office, the commission, and appropriate civic, business, government, and academic organizations.

(3) Each award must include a citation and a payment of five thousand dollars. Up to ten finalists may be awarded five hundred dollars each by the Commission on Higher Education. The Governor’s office shall host an appropriate ceremony at which the awards must be presented.

(4) The commission shall request annual state appropriations for the award.

SECTION 59-104-260. Commission shall encourage development of joint programs.

The Commission on Higher Education shall encourage the development of joint programs that take advantage of the strengths of the public colleges and universities and discourage the development of independent competitive programs. The programs must be developed through planning and cooperation among the institutions in both academic and nonacademic areas.

The next six statutes 59-104-610 through 59-104-660 all fall under Article 7 entitled “Improving Accountability Through Planning and Assessment.”

SECTION 59-104-610. Statewide planning system.

The State Commission on Higher Education shall maintain a statewide planning system to address strategic issues in public and private higher education. The system must focus upon the following goals to:

(1) identify future directions for higher education in South Carolina and recommend appropriate methods for meeting the resultant challenges;

(2) review major goals identified by the public and private institutions of higher learning in this State and ascertain their relationship to higher education in South Carolina;

(3) assure the maintenance and continued development of the quality of higher education in South Carolina;

(4) assure the maintenance and continued provision of access to and equality of educational opportunity in higher education in South Carolina;

(5) measure and monitor an institution's standard of achievement in regard to the performance indicators for quality academic success as contained in Section 59-103-30.

SECTION 59-104-620. Advisory Council on Planning.

(A) The Commission on Higher Education shall establish an Advisory Council on Planning to assist the commission and the institutions of higher learning in maintaining planning as a high priority.

(B) The advisory council shall report to the executive committee of the commission, which shall serve as the standing committee on planning for the commission.

(C) The advisory council shall submit to the executive committee of the commission its advice, reports, and draft plans.

SECTION 59-104-630. Individual planning process.

The Commission on Higher Education shall ensure that each public institution of higher learning in this State maintains its individual planning process.

SECTION 59-104-640. Prospectus for planning; statewide planning document; revisions.

(A) The chief executive officer of the Commission on Higher Education shall develop a prospectus for planning each year.

(B) In the initial year, the Advisory Council on Planning is responsible for developing a statewide planning document for submission to the commission.

(C) After the initial year and annually thereafter, the advisory council shall prepare revisions of the planning document for consideration by the commission. The revisions must conform to, but need not be limited to, the prospectus provided by the commission.

SECTION 59-104-650. Institutional effectiveness program.

(A) The goals for maintaining an effective system of quality assessment by institutions of higher learning in South Carolina are to:

(1) assure that a system for measuring institutional achievement in regard to the performance indicators for quality academic success as contained in Section 59-103-30 is in effect on every public college and university campus in this State;

(2) provide a vehicle for disseminating the results of these measurements to the constituents within the State;

(3) provide data relative to the effectiveness of each institution that can be used to initiate curriculum, programmatic, or policy changes within the institution necessary to meet the standards for these performance indicators.

(B) The process by which these goals must be attained is as follows:

(1) Each institution of higher learning is responsible for maintaining a system to measure institutional achievement in regard to the performance indicators for quality academic success in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The system for measuring such institutional achievement must include, but is not limited to, a description of criteria by which such institutional achievement is being assessed.

(2) As a part of South Carolina's statewide planning process, each institution shall provide the commission with an annual report on the results of its institutional achievement program.

(3) The commission shall prepare a report that must include results of institutional achievement, including student assessment programs. Information from private colleges and universities must be included for those institutions that voluntarily provide the information to the commission.

SECTION 59-104-660. State-supported institutions to establish procedures and programs to measure student achievement.

(A) All state-supported institutions of higher learning shall establish their own procedures and programs to measure student achievement which must include, but are not limited to, the performance indicators contained in Section 59-103-30(B)(6) and (7). The procedures and programs must be submitted to the Commission on Higher Education as part of the plan for measuring institutional achievement and must:

(1) derive from institutional initiatives, recognizing the diversity of South Carolina public colleges and universities, the tradition of institutional autonomy, and the capacity of faculty and administrators to identify their own problems and solve them creatively;

(2) be consistent with each institution's mission and educational objectives;

(3) involve faculty in setting the standards of achievement, selecting the measurement instruments, and analyzing the results;

(4) follow student progress through the curriculum, as appropriate;

(5) include follow-up of graduates.

(B) As part of their annual report on institutional achievement, all state-supported colleges and universities shall describe their progress in developing assessment programs and submit information on student achievement to the commission.

This Next Section is entitled the “South Carolina National Guard College Assistance Program Act” that is coordinated by the Commission on Higher Education.

SECTION 59-114-30. College assistance program grants; restrictions.

Qualifying members of the National Guard may receive college assistance program grants up to an amount equal to one hundred percent of college tuition and fees, provided, however, the total of all grants received may not exceed eighteen thousand dollars. A member may not qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours. Grants are not to be awarded for graduate degree courses. A new application must be submitted for each separate academic year prior to the beginning of the academic year. The annual maximum grant must be determined for each academic year based on the amount of available program funds.

SECTION 59-114-40. Qualification requirements.

(A) Members of the National Guard enrolled or planning to enroll in an eligible institution may apply to the commission for a college assistance program grant. To qualify, an applicant must:

- (1) be in good standing with the active National Guard at the beginning of each academic year and remain a member in good standing with the active National Guard throughout the entire academic year for which benefits are payable;
- (2) have valid tuition and fee expenses from an eligible institution;
- (3) maintain a cumulative grade point average that the institution requires to remain as a student; and
- (4) satisfy additional eligibility requirements as may be promulgated by the commission.

(B) Individuals joining the National Guard become eligible for college assistance program grants upon completion of basic training and Advanced Individual Training (AIT). Enlisted personnel shall continue their service in the National Guard during the term of the courses covered by the grant received. Officers shall continue their service with the National Guard for at least four years after completion of the most recent grant awarded or degree completion.

(C) National Guard members receiving a full Reserve Officer's Training Corps (ROTC) scholarship are not eligible for college assistance program grants.

SECTION 59-114-65. Grants dependent on availability of funds; administration costs.

Grants provided pursuant to this chapter are subject to the availability of funds appropriated by the General Assembly. Funds appropriated for the college assistance program may be carried forward and expended for the same purpose. If a midyear budget reduction is imposed by the General Assembly or the State Budget and Control Board, the appropriations for the college assistance program are exempt. Up to five percent of the amount appropriated to the college assistance program may be used to defray administrative costs incurred by the commission associated with the implementation of this chapter.

SECTION 59-114-75. Grants to institutions; recovery of funds upon withdrawal of student; promulgation of regulations.

The commission shall disburse grants awarded pursuant to this chapter to the eligible institutions to be placed in an account established for each eligible student. In the event that a student who has received a grant withdraws, is suspended, or otherwise becomes ineligible, the institution must reimburse the college assistance program for the amount of the grant for the applicable term pursuant to the refund policies of the institution. The institution is responsible for collecting any amount due to the institution from the student. The commission shall administer the provisions of this chapter and shall promulgate regulations necessary to implement the provisions of this chapter.

SECTION 59-142-20. Promulgation of regulations.

This statute is in the chapter entitled "Students First Financial Resources for Scholarships and Tuition. Please refer to the entire chapter to determine CHE's creation of regulations to administer this program.

Consistent with this section, the Commissioner of Higher Education shall be responsible for making guidelines available for FY 96-97 and shall promulgate regulations necessary to administer the need-based grants program in accordance with the Administrative Procedures Act for years after 1996-97. The need-based grants program must be administered at the campus level.

Pursuant to Section 59-103-165, the commission shall incorporate information pertaining to the need-based grant program in the information packets concerning post-secondary education for eighth grade students and their parents or guardians.

South Carolina Nonpublic Post-Secondary Institution License Act

SECTION 59-58-30. Exclusions from definition of “nonpublic educational institution.”

This is an important section because it defines nonpublic educational institution through its exclusions. Any nonpublic educational institutions that do not fall into an exclusion must be licensed by CHE.

The definition of “nonpublic educational institution” does **not** include:

- (1) Any degree-granting school, institute, college, junior college, university, or entity chartered by the Secretary of State before 1953;
- (2) Institutions that:
 - a. Are independent or church-related,
 - b. Are two or four-year degree granting,
 - c. Have their primary emphasis on liberal arts,
 - d. Are accredited by the Southern Association of Colleges and Schools,
 - e. Are nonprofit, and
 - f. Have their primary place of business in South Carolina.
- (3) Institutions offering courses of instruction only at the kindergarten through high school level;
- (4) Institutions whose sole purpose is religious or theological training;
- (5) Institutions offering noncredit bearing courses exclusively for avocational purposes, as determined by the commissioner;
- (6) Institutions directly supported, entirely or partly, by the State of South Carolina;
- (7) Aviation institutions or instructors that offer flight training with the statement or implication that their primary objective is to train persons for personal or recreational purposes and not for gainful employment;
- (8) Courses or programs regulated and licensed or approved under an occupational licensing law of the State of South Carolina;
- (9) Noncredit bearing courses or programs sponsored by employers solely for the training of their employees if:

a. The training is conducted by an employee of the sponsoring employer or if the sponsoring employer contracts with a provider to conduct the training;

b. The sponsoring employer bears the expense of providing the training by paying the training provider directly, and this provision does not mean paying the employee after the employee pays; and

c. The sponsoring employer allows employees to attend the training on company time if the training takes place during regular work hours.

(10) Noncredit bearing courses or programs that do not prepare or qualify individuals for employment in any occupation or trade sponsored by recognized trade, business, or professional organizations solely for the instruction of their members;

(11) Institutions that offer only noncredit bearing intensive review courses such as those designed to prepare students for certified public accountancy tests, law school aptitude tests, bar examinations, medical college admissions tests, and other license preparation tests;

(12) Out-of-state institutions that formally collaborate with public South Carolina institutions in offering distance education coursework in this State and where the South Carolina institution offers the degree;

(13) Institutions that offer programs and courses on federal military installations; and

(14) Degree-granting institutions accredited by an accrediting agency recognized by the United States Department of Education that conduct occasional or incidental recruiting activities to include activities at high school recruiting fairs or through seasonal recruitment advertising rather than continuing and regular activities that would otherwise establish an actual presence in South Carolina as defined in this chapter.

SECTION 59-58-40. Authority and powers of commission; promulgation of rules and regulations.

This Section is included in both the Coordinating authority section and the Financial authority section.

The commission is the sole authority for licensing nonpublic educational institutions established in South Carolina and for those established elsewhere which want to operate in or confer degrees in this State. The commission may promulgate those regulations as may be necessary for the administration and enforcement of this chapter.

(1) The commission may license nonpublic educational institutions meeting the necessary standards and shall administer and enforce the provisions of this chapter.

These standards must include, but are not limited to, course or program offerings, adequate facilities, financial stability, competent personnel, educational resources, refund policies, and legitimate operating practices.

(2) The commission shall formulate the criteria and standards for the approval of nonpublic educational institutions. Only those institutions meeting such standards may be licensed. The commissioner shall maintain a list of institutions that have been licensed according to this chapter.

(3) The commission shall formulate the standards for the approval of salesmen, agents, or representatives of institutions and issue permits to those applicants meeting such standards.

(4) The commissioner shall enforce all regulations for licensing nonpublic educational institutions. The commissioner may place an institution on probation. The commission shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.

SECTION 59-58-50. Licenses required; effect of changes in licensed institution; applications; term of license.

This section is included in both the Coordinating and the Financial authority sections.

(A) No nonpublic educational institution established in South Carolina or offering a course or program in South Carolina has the authority to operate, to solicit students for enrollment, or to confer degrees or other educational credentials unless a license is first secured from the commission. The commission shall approve through licensure the location of and programs offered by the institution. The commission shall promulgate regulations to amend a license for and changes in location and for additional or amended courses or programs. The commission shall not license any institution to offer a degree if the commission determines that the degree adversely affects the goals of the commission's plan to improve access and equity minority affairs programs in public institutions of higher education. The commission shall promulgate regulations to make the determination.

(B) After a license is issued, it is the institution's responsibility to notify immediately the commissioner of significant changes in either the course or program offerings, facilities, finances, or personnel.

(C) In the event of the sale of an institution, the license is not transferable. The new owner must comply with all the requirements of this chapter.

(D) Applications for licenses must be filed in the manner prescribed by the commission. The applications must be signed by the applicants and must contain that information as may be required.

(E) Licenses are restricted to the courses or programs of instruction specifically indicated on the license. Additional courses or programs of instruction may be approved during the effective period of the license if a supplementary approval application is submitted and the license is amended.

(F) Licenses for nondegree-granting institutions shall normally be granted for twelve months, renewable annually from date of issue, or other date in excess of twelve months set by the commission to stagger the renewal dates of all institutions. The commission may issue licenses to nondegree-granting institutions for less than twelve months as circumstances justify. Licenses and renewal of licenses for degree-granting institutions may be granted for periods not to exceed five years. Renewal is contingent upon filing appropriate applications for renewal with the commissioner. The institution and its courses or programs, facilities, faculty, and all other operations must meet the requirements for an original license at the effective date of the renewal.

SECTION 59-58-60. Use of “college” or “university” in name.

No individual, school, board, association, corporation, business, institution, or other entity may use the term “college” or “university” or use any other name, title, literature, catalogs, pamphlets, or descriptive matter which implies that it is an institution of higher learning or that it may grant educational credentials or credit or academic or professional degrees, except as follows:

(A) An institution the commission licenses may use the term “college” in its name only if it offers at least one program leading to an associate or higher degree.

(B) An institution may use the term “university” in its name if the institution is:

1. Operating and licensed in South Carolina and using the term “university” in its name before the effective date of this chapter, or
2. An out-of-state institution that is chartered or licensed in its home state using the term “university” in its name.

Any other institution must petition the commission for approval to use the term “university” in its name.

SECTION 2-77-20. Establishment of program; purpose; funding.

This section is included in both the Coordinating authority and the Financial Authority sections.

(A) There is hereby established the **South Carolina Higher Education Excellence Enhancement Program** for the general purpose of enhancing the

educational opportunities of low-income and educationally disadvantaged students. The program must be administered by the **Commission on Higher Education**. The commission must enter into annual contracts with eligible institutions to accomplish the purposes of this program.

(B) The program must be funded by appropriations from the Education Lottery Account in an amount provided by the General Assembly.

(C) An institution seeking to qualify as an eligible institution must submit an annual application to the commission. The commission must certify the eligibility of institutions seeking contracts pursuant to this section. The funds appropriated for this program must be allocated equally among the eligible institutions.

SECTION 8-17-380. Grievance and performance appraisal procedure for academic employees.

With respect to the teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institutions described in item (10) of § 8-17-370, each such institution, subject to the approval of the Director of the Department of Administration or its designee and the **Commission on Higher Education**, shall establish in writing:

(a) A performance appraisal procedure which shall assure:

- (1) annual review and evaluation of such employees;
- (2) written findings;
- (3) review of evaluations with each covered employee;
- (4) retention of performance appraisals and written comments of such employee, if any, in a permanent file with right of full disclosure to the employee.

(b) A grievance procedure which shall at an appropriate stage provide a hearing for such employees before an individual or committee designated for such purposes, at which the employee shall have the right to representation by counsel and the opportunity to present evidence in his behalf. Any such procedure shall include the right of the employee to appeal the post-hearing decision to the governing board of the institution, or a committee designated by the board for this purpose, such appeal to be limited to the record of the hearing. Discrimination in compensation, promotion, and work assignment shall be subjects for consideration by such

grievance procedure. Dismissal of tenured or other permanent employees and dismissal prior to the end of an employment contract term shall be only for cause, and shall be subject for consideration by such grievance procedure. The granting or the failure to grant tenured status to such employees or nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration by such grievance procedure.

The grievance and performance appraisal procedure provided for herein shall be submitted to the Department of Administration or its designee and the **Commission on Higher Education** for approval within six months after the establishment of any new institution.

SECTION 11-51-190. Exemption from state procurement process; alternative procurement procedures.

This is from the South Carolina Research University Infrastructure Act.

The research universities while engaging in projects related to this act shall be exempt from the state procurement process, except that the research universities must work in conjunction with the State Fiscal Accountability Authority's Chief Procurement Officer to establish alternate procurement procedures, and must submit a procurement process to the State **Commission on Higher Education** to be forwarded to the State Fiscal Accountability Authority for approval. These processes shall include provisions for audit and recertification.

SECTION 59-101-350. Commission on Higher Education annual report; submission of information by educational institutions for inclusion in report; alumni surveys.

(A) The Commission on Higher Education shall submit an annual report to the Governor and to the General Assembly. The annual report must be published before January fifteenth of each year and presented in a readable format so as to easily compare with peer institutions in South Carolina and other Southern Regional Education Board states the state's public, post-secondary institutions. Prior to publication, the Commission on Higher Education shall distribute a draft of the report to all public, post-secondary institutions and shall allow comment upon the draft report. The Commission on Higher Education shall develop and adopt a format

for the report and shall ensure consistent reporting and collecting of the data in the report by the institutions.

(B) Each four-year, post-secondary institution shall submit to the commission the following information for inclusion in the report, with the South Carolina Department of Corrections' students identified and reported separately:

(1) the number and percentage of accredited programs and the number and percentage of programs eligible for accreditation;

(2) the number and percentage of undergraduate and graduate students who completed their degree program;

(3) the percent of lower division instructional courses taught by full-time faculty, part-time faculty, and graduate assistants;

(4) the percent and number of students enrolled in remedial courses and the number of students exiting remedial courses and successfully completing entry-level curriculum courses;

(5) the percent of graduate and upper division undergraduate students participating in sponsored research programs;

(6) placement data on graduates;

(7) the percent change in the enrollment rate of students from minority groups and the change in the total number of minority students enrolled over the past five years;

(8) the percent of graduate students who received undergraduate degrees at the institution, within the State, within the United States, and from other nations;

(9) the number of full-time students who have transferred from a two-year, post-secondary institution and the number of full-time students who have transferred to two-year, post-secondary institutions;

(10) student scores on professional examinations with detailed information on state and national means, passing scores, and pass rates, as available, and with information on such scores over time, and the number of students taking each exam;

(11) assessment information for the institution's Title II of the federal Higher Education Act of 1998 report that collects and analyzes data on applicant qualifications and the performance of the candidates and graduates;

(12) appropriate information relating to each institution's role and mission to include policies and procedures to ensure that academic programs support the economic development needs in the State by providing a technologically skilled workforce;

(13) any information required by the commission in order for it to measure and determine the institution's standard of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30.

(C) Each two-year, post-secondary institution shall submit to the commission the following information for inclusion in the report:

(1) the number and percentage of accredited programs and the number and percentage of programs eligible for accreditation;

(2) the number and percentage of undergraduate students who completed their degree program;

(3) the percent of courses taught by full-time faculty members, part-time faculty, and graduate assistants;

(4) placement rate on graduates;

(5) the percent change in the enrollment rate of students from minority groups, the number of minority students enrolled, and the change in the total number of minority students enrolled over the past five years;

(6) the number of students who have transferred into a four-year, post-secondary institution and the number of students who have transferred from four-year, post-secondary institutions;

(7) appropriate information relating to the institution's role and mission to include policies and procedures to ensure that academic programs support the economic development needs in the State by providing a technologically skilled workforce;

(8) any information required by the commission in order for it to measure and determine the institution's standard of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30.

(D) The commission also shall develop with the cooperation of the public, post-secondary institutions, a uniform set of questions to be included in surveys to be used by each public, post-secondary institution in determining alumni satisfaction. The survey instruments must address the issues of overall satisfaction, satisfaction with major instruction, impact of general education, and current societal participation of alumni. Every two years the graduating class of three years prior must be surveyed by each institution using appropriate statistical techniques. Information from these surveys must be included every two years in the annual report as required herein.

(E) The commission shall make no funding decision, capital outlay decision, distribution or certification on behalf of any public, post-secondary institution that has not submitted the information required pursuant to this section.

(F) After discussions with the institutions, the Commission on Higher Education in consultation with the House Education and Public Works Committee and the Senate Education Committee shall develop the format for the higher education report as required herein.

(G) The Commission on Higher Education also is required in the annual report to report on the progress of institutions of higher education in implementing assessment programs, in their achievement of effectiveness goals, and on each institution's

standard of achievement in regard to the performance indicators for academic success established in Section 59-103-30.

(H) The report required by this section must be filed in magnetic media form if the information is available in that form.

SECTION 59-112-100. Regulations.

This chapter is entitled Determination of Rates of Tuition and Fees.

The **Commission on Higher Education** may prescribe uniform regulations for application of the provisions of this chapter and may provide for annual review of such regulations.

SECTION 59-118-90. Procedures for submission and documentation of requests.

This Section pertains to the Academic Endowment Incentive Act of 1997 through which state matching funds are provided for public higher education institutions.

The **Commission on Higher Education** shall specify by regulation the procedures for submission and documentation of requests for matching state funds.

Cross reference this with Section 59-118-100 included in the Financial Section.

SECTION 59-149-140. Enrollment reports.

This Section pertains to LIFE Scholarships.

All institutions participating in the LIFE Scholarship Program must report their enrollment and other relevant data as solicited by the **Commission on Higher Education** which may audit these institutions to ensure compliance with this provision.

See also §59-149-160, which allows two additional staff members to administer the LIFE Scholarship Program.

11.5. (CHE: EPSCoR Committee Representation) *EPSCoR stands for Experimental Program to Stimulate Competitive Research and Institutional Development Awards.* With the intent that the four-year teaching institutions receive a portion of EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the research institutions and one representative from the four-year teaching university sector.

11.7. (CHE: Performance Improvement Pool Allocation) *EPSCoR stands for Experimental Program to Stimulate Competitive Research.* Of the funds appropriated to the Commission on Higher Education under Section III. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be allocated to support the management education programs of the School of Business at South Carolina State University.

11.9. (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year. All other grants, both state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships, then no additional need-based grant may be used. **The Department of Social Services, in cooperation with the Commission on Higher Education will track the numbers of recipients of this additional need-based grant to determine its effectiveness** in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based grants funding for this additional assistance.

11.11. (CHE: LIFE and Palmetto Fellows Enhancement Stipends) In the current fiscal year before fall awards are made, to continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared eligible major. **These determinations are subject to the verification and audit of the Commission on Higher**

Education. Institutions shall return funds determined to have been awarded to ineligible students.

11.12. (CHE: Smart State) The Commission on Higher Education is prohibited from expending any source of funds on the marketing of the Smart State Program.

11.15. (CHE: College Transition Need-Based Grants) Of the currently appropriated need-based grants funding, no more than \$179,178 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher education in an established college transition program that serves students with intellectual disabilities. **The Commission on Higher Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established college transition programs.** All other grants and gift aid for which these students are eligible must be applied first to the cost of attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.

11.19. (CHE: Scholarship Awards) A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve hours over the course of the summer. The summer is defined as the period between the end of the spring term and prior to the opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education may provide additional guidelines necessary to ensure uniform implementation.

11.25. (CHE: Other Funded FTE Revenue) Each institution of higher learning, when requesting additional other funded full-time equivalent positions shall ensure

to the Commission on Higher Education, or its successor entity, that sufficient revenues exist to fund the salary and fringe benefits for the positions. In addition, the institution shall also ensure that in the calculation of the revenue required for the positions, future pay increases and future health insurance adjustments as may be mandated by the General Assembly are taken into consideration.

11.29. (CHE: Abatements) By October 1st of each year, state supported institutions of higher learning must submit to the Commission on Higher Education, or its successor entity, the number of out-of-state students during the prior fiscal year that received abatement of rates pursuant to Section 59-112-70 of the 1976 Code.

The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by the student, number of semesters the student has received the abated rate, as well as the athletic status of the student.

The report must also include the calculation method used to determine the abatement amount awarded to students as well as the number of students that received educational fee waivers pursuant to Section 59-101-620.

11.30. (CHE: Outstanding Institutional Debt) By November first, institutions of higher learning must submit to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education, or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited to, the amount of the initial debt, year in which the debt was incurred, the year in which the debt will be satisfied, the repayment schedule, and the purpose for which the debt was incurred.

11.35. (CHE: Transferability) No later than May 2, 2016, the Commission on Higher Education's Council of Presidents, or the council's designees, in consultation with the State Board for Technical and Comprehensive Education, or its designees, shall make a recommendation(s) to the Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee concerning policy options for the state to consider with regards to the development of a more seamless transition for students with Associate Degrees from public two-year institutions of higher learning wishing to transfer to public research institutions and four-year colleges and universities. Recommendations must consider both the costs and opportunities of the option(s) presented including, but not limited to, impacts on institutional core requirements and

accreditation standards. Nothing herein shall be construed as superseding any agreements, memorandums of understanding, or letters of intent that are in effect in the current fiscal year between or on behalf of one or more public institutions of higher learning in this state with another public institution or institutions of higher learning in this state regarding the transferability of students between institutions as described herein.

1A.58. (SDE-EIA: XII.F.2 - CHE/CERRA) The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further, CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal to the Commission on Higher Education.

1A.78. (SDE-EIA: Teacher Supply Study) With funds appropriated to the Center for Educator Recruitment, Retention, and Advancement (CERRA), in concert with the Commission on Higher Education, the Department of Education, and the Education Oversight Committee, CERRA shall initiate and conduct a study to identify and project the number of additional teachers needed annually in public school classrooms for grades K5 through 12, for school years beginning 2017 through 2027. The purpose of the study shall be to: (1) provide specific data and projections on the number of teachers expected to be needed as compared to the number available, by Subject Areas Taught as indicated in CERRA's annual Supply and Demand Report, and with a focus on critical need subject areas; (2) determine whether, individually and collectively, teaching programs at applicable institutions of higher learning in South Carolina have the capacity and infrastructure to fulfill projected needs in item (1); and (3) provide data for general use in estimating the fiscal impact of any new or revised programs being considered to incent more talented individuals to enter teacher training programs and more highly qualified teachers to remain in the profession for longer periods of time.

117.64. (GP: Prosecutors and Defenders Public Service Incentive Program) The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor's Office or a county Public Defender's Office.

After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year. Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed appropriations for the program.

The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan Corporation, which shall pay for the cost of administration within the funds appropriated.

(omitted portions B, C, and D)....

117.73. (GP: Printed Report Requirements) (A) For Fiscal Year 2015-16, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(omitted portions B, C, and D)....

117.131. (GP: Energy Efficiency Repair and Related Maintenance) The following funds appropriated by proviso 118.16 of Act 286 of 2014 for the Higher Education Efficiency, Effectiveness and Accountability Review and carried forward to be used for the same purpose shall be redirected for the purpose of energy efficiency repair and energy related maintenance as specified herein:

(1) H09 - The Citadel	\$	81,290;
(2) H12 - Clemson University	\$	596,066;
(3) H15 - University of Charleston	\$	176,755;
(4) H17 - Coastal Carolina University	\$	81,842;
(5) H18 - Francis Marion University	\$	107,372;
(6) H21 – Lander University	\$	55,958;
(7) H27 – University of South Carolina-Columbia Campus	\$	971,902;
(8) H29 - University of South Carolina-Aiken Campus	\$	58,922;
(9) H34 - University of South Carolina-Upstate Campus	\$	82,157;
(10) H36 - University of South Carolina-Beaufort Campus	\$	23,779;
(11) H47 - Winthrop University	\$	81,917; and
(12) H51 - Medical University of South Carolina	\$	352,825.

Each institution shall use the amount identified above only for energy efficiency repair and energy related maintenance that is necessary for the safe and efficient operation of the institution's physical plant. In the event any portion of the funds specified above have been transferred for the Higher Education Efficiency, Effectiveness and Accountability Review, institutions shall utilize remaining funds, if any, for the purposes described in this provision.

Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the institution for necessary energy efficiency repair and energy related maintenance projects generally.

Matching funds exclude supplemental, capital reserve, lottery, or non-recurring state funds appropriated to an institution either in the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.

Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement.

Not later than 120 days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.

1.17. (SDE: Teacher Data Collection) Of the non-program funds appropriated to the Department of Education, it and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set up so that it can be disaggregated by ethnicity, gender, geographic location, etc.

20.5. (USC: Palmetto College - Operating) The University of South Carolina is directed to allocate additional, recurring state appropriations totaling \$373,010 to the USC campuses at Lancaster, Salkehatchie, Sumter and Union in order to reduce the per-student funding disparity that exists between each of these campuses. The university shall determine the appropriate enrollment measure to guide the distribution of these additional, recurring state appropriations. The allocation of state funds shall be reported to the Commission on Higher Education, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee.

SECTION 59-59-190. Assistance in planning and promoting career information and employment options.

(A) The South Carolina Department of Employment and Workforce, in collaboration with the State Board for Technical and Comprehensive Education and the Commission on Higher Education, shall assist the Department of Education, in planning and promoting the career information and employment options and preparation programs provided for in this chapter by:

(1) identifying potential employers to participate in the career-oriented learning programs;

(2) serving as a contact point for employees seeking career information and training;

(3) providing labor market information including, but not limited to, supply and demand;

(4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational Information System;

(5) collaborating with local agencies and businesses to stimulate funds; and

(6) cooperating in the creation and coordination of workforce education programs.

(B) The South Carolina Department of Employment and Workforce shall assist in providing a link between employers in South Carolina and youth seeking employment.

SECTION 59-59-210. Review of articulation agreements between school districts and institutions of higher learning.

(A) By September 2005, the Commission on Higher Education shall convene the Advisory Committee on Academic Programs to address articulation agreements between school districts and public institutions of higher education in South Carolina to provide seamless pathways for adequately prepared students to move from high school directly into institutions of higher education. The committee shall review, revise, and recommend secondary to postsecondary articulation agreements and promote the development of measures to certify equivalency in content and rigor for all courses included in articulation agreements. The advisory committee shall include representatives from the research institutions, four-year comprehensive teaching institutions, two-year regional campuses, and technical colleges. The committee, for purposes pursuant to this chapter, shall include representation from the State Department of Education, and school district administrators, to include curriculum coordinators and guidance personnel.

(B) By July 2006, the Advisory Committee on Academic Programs shall make recommendations to the Commission on Higher Education regarding coursework that is acceptable statewide for dual enrollment to be accepted in transfer within a related course of study. Dual enrollment college courses offered to high school students by two-year and four-year colleges and universities must be equivalent in content and rigor to the equivalent college courses offered to college students and taught by appropriately credentialed faculty. Related policies and procedures established by the Commission on Higher Education for dual enrollment and guidelines for offering dual enrollment coursework and articulation to two-year and four-year colleges and universities for awarding of credit must be followed.

(C) The advisory committee, in collaboration with the Department of Education, shall coordinate work to study the content and rigor of high school courses in order to provide a seamless pathway to postsecondary education.

(D) The Commission on Higher Education shall report annually to the Education and Economic Development Coordinating Council regarding the committee's progress.

SECTION 59-26-20. Duties of State Board of Education and Commission on Higher Education.

The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall:

(a) develop and implement a plan for the continuous evaluation and upgrading of standards for program approval of undergraduate and graduate education training programs of colleges and universities in this State;

(b) adopt policies and procedures which result in visiting teams with a balanced composition of teachers, administrators, and higher education faculties;

(c) establish program approval procedures which shall assure that all members of visiting teams which review and approve undergraduate and graduate education programs have attended training programs in program approval procedures within two years prior to service on such teams;

(d) render advice and aid to departments and colleges of education concerning their curricula, program approval standards, and results on the examinations provided for in this chapter;

(e) adopt program approval standards so that all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination that is developed in compliance with this chapter before final admittance into the undergraduate teacher education program. These program approval standards shall include, but not be limited to, the following:

(1) A student initially may take the basic skills examination during his first or second year in college.

(2) Students may be allowed to take the examination no more than four times.

(3) If a student has not passed the examination, he may not be conditionally admitted to a teacher education program after December 1, 1996. After December 1, 1996, any person who has failed to achieve a passing score on all sections of the examination after two attempts may retake for a third time any test section not passed in the manner allowed by this section. The person shall first complete a remedial or developmental course from a post-secondary institution in the subject area of any test section not passed and provide satisfactory evidence of completion of this required remedial or developmental course to the State Superintendent of Education. A third administration of the examination then may be given to this person. If the person fails to pass the examination after the third attempt, after a period of three years, he may take the examination or any sections not passed for a fourth time under the same terms and conditions provided by this section of persons desiring to take the examination for a third time.

Provided, that in addition to the above approval standards, beginning in 1984-85, additional and upgraded approval standards must be developed, in consultation with the Commission on Higher Education, and promulgated by the State Board of Education for these teacher education programs.

(f) administer the basic skills examination provided for in this section three times a year;

(g) report the results of the examination to the colleges, universities, and student in such form that he will be provided specific information about his strengths and weaknesses and given consultation to assist in improving his performance;

(h) adopt program approval standards so that all colleges and universities in this State that offer undergraduate degrees in education shall require that students pursuing courses leading to teacher certification successfully complete one semester of student teaching and other field experiences and teacher development techniques directly related to practical classroom situations;

(i) adopt program approval standards whereby each student teacher must be evaluated and assisted by a representative or representatives of the college or university in which the student teacher is enrolled. Evaluation and assistance processes shall be locally developed or selected by colleges or universities in accordance with State Board of Education regulations. Processes shall evaluate and assist student teachers based on the criteria for teaching effectiveness developed in accordance with this chapter. All college and university representatives who are involved in the evaluation and assistance process shall receive appropriate training as defined by State Board of Education regulations. The college or university in

which the student teacher is enrolled shall make available assistance, training, and counseling to the student teacher to overcome any identified deficiencies;

(j) the Commission on Higher Education, in consultation with the State Department of Education and the staff of the South Carolina Student Loan Corporation, shall develop a loan program in which talented and qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the State in areas of critical need. Areas of critical need shall include both geographic areas and areas of teacher certification and must be defined annually for that purpose by the State Board of Education. The definitions used in the federal Perkins Loan Program shall serve as the basis for defining "critical geographical areas", which shall include special schools, alternative schools, and correctional centers as identified by the State Board of Education. The recipient of a loan is entitled to have up to one hundred percent of the amount of the loan plus the interest canceled if he becomes certified and teaches in an area of critical need. Should the area of critical need in which the loan recipient is teaching be reclassified during the time of cancellation, the cancellation shall continue as though the critical need area had not changed. Additionally, beginning with the 2000-2001 school year, a teacher with a teacher loan through the South Carolina Student Loan Corporation shall qualify, if the teacher is teaching in an area newly designated as a critical needs area (geographic or subject, or both). Previous loan payments will not be reimbursed. The Department of Education and the local school district are responsible for annual distribution of the critical needs list. It is the responsibility of the teacher to request loan cancellation through service in a critical needs area to the Student Loan Corporation by November first.

Beginning July 1, 2000, the loan must be canceled at the rate of twenty percent or three thousand dollars, whichever is greater, of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in either an academic critical need area or in a geographic need area. The loan must be canceled at the rate of thirty-three and one-third percent, or five thousand dollars, whichever is greater, of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in both an academic critical need area and a geographic need area. Beginning July 1, 2000, all loan recipients teaching in the public schools of South Carolina but not in an academic or geographic critical need area are to be charged an interest rate below that charged to loan recipients who do not teach in South Carolina.

Additional loans to assist with college and living expenses must be made available for talented and qualified state residents attending public or private colleges and universities in this State for the sole purpose and intent of changing careers in order to become certified teachers employed in the State in areas of critical need. These

loan funds also may be used for the cost of participation in the critical needs certification program pursuant to Section 59-26-30(A)(8). Such loans must be cancelled under the same conditions and at the same rates as other critical need loans.

In case of failure to make a scheduled repayment of an installment, failure to apply for cancellation of deferment of the loan on time, or noncompliance by a borrower with the intent of the loan, the entire unpaid indebtedness including accrued interest, at the option of the commission, shall become immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program, if implemented, pursuant to the South Carolina Education Improvement Act, is to be administered by the South Carolina Student Loan Corporation. Funds generated from repayments to the loan program must be retained in a separate account and utilized as a revolving account for the purpose that the funds were originally appropriated. Appropriations for loans and administrative costs incurred by the corporation are to be provided in annual amounts, recommended by the Commission on Higher Education, to the State Treasurer for use by the corporation. The Education Oversight Committee shall review the loan program annually and report to the General Assembly.

Notwithstanding another provision of this item:

(1) For a student seeking loan forgiveness pursuant to the Teacher Loan Program after July 1, 2004, "critical geographic area" is defined as a school that:

(a) has an absolute rating of below average or unsatisfactory;

(b) has an average teacher turnover rate for the past three years that is twenty percent or higher; or

(c) meets the poverty index criteria at the seventy percent level or higher.

(2) After July 1, 2004, a student shall have his loan forgiven based on those schools or districts designated as critical geographic areas at the time of employment.

(3) The definition of critical geographic area must not change for a student who has a loan, or who is in the process of having a loan forgiven before July 1, 2004.

(k) for special education in the area of vision, adopt program approval standards for initial certification and amend the approved program of specific course requirements for adding certification so that students receive appropriate training and can demonstrate competence in reading and writing braille;

(l) adopt program approval standards so that students who are pursuing a program in a college or university in this State which leads to certification as instructional or administrative personnel shall complete successfully training and teacher development experiences in teaching higher order thinking skills;

(m) adopt program approval standards so that programs in a college or university in this State which lead to certification as administrative personnel must include training in methods of making school improvement councils an active and effective force in improving schools;

(n) the Commission on Higher Education in consultation with the State Department of Education and the staff of the South Carolina Student Loan Corporation, shall develop a Governor's Teaching Scholarship Loan Program to provide talented and qualified state residents loans not to exceed five thousand dollars a year to attend public or private colleges and universities for the purpose of becoming certified teachers employed in the public schools of this State. The recipient of a loan is entitled to have up to one hundred percent of the amount of the loan plus the interest on the loan canceled if he becomes certified and teaches in the public schools of this State for at least five years. The loan is canceled at the rate of twenty percent of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in a public school. However, beginning July 1, 1990, the loan is canceled at the rate of thirty-three and one-third percent of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in both an academic critical need area and a geographic need area as defined annually by the State Board of Education. In case of failure to make a scheduled repayment of any installment, failure to apply for cancellation or deferment of the loan on time, or noncompliance by a borrower with the purpose of the loan, the entire unpaid indebtedness plus interest is, at the option of the commission, immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program must be administered by the South Carolina Student Loan Corporation. Funds generated from repayments to the loan program must be retained in a separate account and utilized as a revolving account for the purpose of making additional loans. Appropriations for loans and administrative costs must come from the Education Improvement Act of 1984 Fund, on the recommendation of the Commission on Higher Education to the State Treasurer, for use by the corporation. The Education Oversight Committee shall review this scholarship loan program annually and report its findings and recommendations to the General Assembly. For purposes of this item, a 'talented and qualified state resident' includes freshmen students who graduate in the top ten percentile of their high school class, or who receive a combined verbal plus mathematics Scholastic Aptitude Test score of at least eleven hundred and enrolled students who have completed one year (two semesters or the equivalent) of collegiate work and who have earned a cumulative grade point average of at least 3.5 on a 4.0 scale. To remain eligible for the loan while in college, the student must maintain at least a 3.0 grade point average on a 4.0 scale.

COMMENTARY AUTHORITY

SECTION 59-103-30. Critical success factors and performance indicators.

See the Budgetary Proviso referenced at the bottom of this statute which waives the majority of the reporting required.

This section lists critical success factors that should be measured in priority order. From a practical standpoint, CHE would use this list as a guide to review institutions of higher learning in South Carolina. These critical success factors should be measured with objective, measurable criteria when used for the purpose of funding recommendations. § 59-103-30(C). Further, the critical success factors developed and used for funding recommendations shall be those which are directly related to the missions of the particular type of institution as outlines in §59-103-15(B). The list of critical success factors is as follows in priority order:

- 1.Mission Focus;
- 2.Quality of Faculty;
- 3.Classroom Quality;
- 4.Institutional Cooperation and Collaboration;
- 5.Administrative Efficiency;
- 6.Entrance Requirements;
- 7.Graduates' Achievements;
- 8.User-Friendliness of the Institution;
- 9.Research Funding.

The Section also sets forth a list of performance indicators that CHE can use to measure the nine critical success factors listed above.

1. Mission Focus;
 - a. Expenditure of funds to achieve institutional mission;
 - b. Curricula offered to achieve mission;
 - c. Approval of a mission statement;
 - d. Adoption of a strategic plan to support the mission statement;
 - e. Attainment of goals of the strategic plan.
2. Quality of Faculty;
 - a. Academic and other credentials of professors and instructors;
 - b. Performance review system for faculty to include student and peer evaluations;
 - c. Post-tenure review for tenured faculty;
 - d. Compensation of faculty;

- e. Availability of faculty to students outside the classroom;
- f. Community and public service activities of faculty for which no extra compensation is paid.

3. Instructional quality (*This appears to be the same as Classroom Quality*)

- a. Class size and student/teacher ratios;
- b. Number of credit hours taught by faculty;
- c. Ratio of full-time faculty as compared to other full-time employees;
- d. Accreditation of degree-granting programs;
- e. Institutional emphasis on quality teacher education and reform.

4. Institutional Cooperation and Collaboration;

- a. Sharing and use of technology, programs, equipment, supplies, and source matter experts within the institution, with other institutions, and with the business community;
- b. Cooperation and collaboration with private industry.

5. Administrative Efficiency;

- a. Percentage of administrative costs as compared to academic costs;
- b. Use of best management practices;
- c. Elimination of unjustified duplication of and waste in administrative and academic programs;
- d. Amount of general overhead costs.

6. Entrance Requirements;

- a. SAT and ACT scores of student body;
- b. High school class standing, grade point averages, and activities of student body;
- c. Post-secondary nonacademic achievements of student body;
- d. Priority on enrolling in-state residents.

7. Graduates' Achievements;

- a. Graduation rate;
- b. Employment rate for graduates;
- c. Employer feedback on graduates who were employed or not employed;
- d. Scores of graduates on post-undergraduate professional, graduate, or employment-related examinations and certification tests;
- e. Number of graduates who continued their education;
- f. Credit hours earned of graduates.

8. User-Friendliness of the Institution;
 - a. Transferability of credits to and from the institution;
 - b. Continuing education programs for graduates and others;
 - c. Accessibility to the institutions for all citizens of the State.

9. Research Funding.
 - a. Financial support for reform in teacher education;
 - b. Amount of public and private sector grants.

*See **Budgetary Proviso 117.73.** Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.*

SECTION 59-103-35. Submission of budget, new and existing programs.

This Section is included under both Financial and Commentary authority sections because it requires commentary as well as necessary approval of CHE for any new program by any public institution of higher education.

All public institutions of higher learning shall submit annual budget requests to the commission in the manner set forth in this section.

The State Board for Technical and Comprehensive Education shall submit an annual budget request to the Commission representing the total requests of all area-wide technical and comprehensive educational institutions.

The budget submitted by each institution and the State Board for Technical and Comprehensive Education must include all state funds, federal grants, tuition, and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, from approved private practice plans, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State.

Fees established by the respective governing boards for programs, activities, and projects not covered by appropriations or other revenues may be retained and used by each institution as previously determined by the respective governing boards, subject to annual audit by the State.

The budget request for the public higher education system shall be submitted by the commission to the Governor and appropriate standing committees of the General Assembly in conjunction with the preparation of the annual general appropriations act for the applicable year.

Supplemental appropriations requests from any public institution of higher education must be submitted first to the commission.

- If the commission does not concur in the requests, the affected institution may request a hearing on the requests before the appropriate committee of the General Assembly. The commission may appear at the hearing and present its own recommendations and findings to the same committee.

No new program may be undertaken by any public institution of higher education without the approval of the commission.

The provisions of this chapter apply to all college parallel, transferable, and associate degree programs of technical and comprehensive education institutions. All other programs and offerings of technical and comprehensive education institutions are excluded from this chapter.

SECTION 59-103-60. Recommendations to Governor's Office and General Assembly.

The commission shall make such recommendations to the Governor's Office and the General Assembly as to policies, programs, curricula, facilities, administration, and financing of all state-supported institutions of higher learning as may be considered desirable. The General Assembly... may refer to the commission for investigation, study, and report any requests of institutions of higher learning for new or additional appropriations for operating and for other purposes and for the establishment of new or expanded programs.

SECTION 59-103-70. Reports.

The Commission shall make reports to the Governor and the General Assembly at least annually on the status and progress of higher education in the State, with such recommendations as may be appropriate.

SECTION 59-103-130. Colleges and universities to emphasize teaching as career opportunity.

The Commission on Higher Education shall adopt guidelines whereby the publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and provide students interested in a teaching career with opportunities to tutor other students.

SECTION 59-101-150. Approval of new programs.

No new program shall be undertaken by any State-supported institution of higher learning without the approval of the Commission or the General Assembly.

This statute is also included in the Financial Authority Section.

SECTION 59-101-190. Deans' Committee on Medical Education.

There is created a Deans' Committee on Medical Education consisting of nine members as follows:

- (1) President, University of South Carolina or his designee;
- (2) President, Medical University of South Carolina or his designee;
- (3) Dean or acting dean, School of Medicine, University of South Carolina;
- (4) Dean or acting dean, School of Medicine, Medical University of South Carolina;
- (5) two members appointed by the Commission on Higher Education, one of whom must be a physician with experience in medical education and one of whom must be a representative of the business community;
- (6) three members of the Area Health Education Consortium medical education director's committee, who shall represent graduate medical education, to be appointed by the Commission on Higher Education.

The terms of the members selected under items (5) and (6) above shall be for four years and until their successors are appointed and qualify. In making these appointments, the Commission on Higher Education, to the extent possible, shall ensure geographic representation of all regions of the State. Vacancies shall be filled in the manner of original appointment.

The Deans' Committee on Medical Education may also contain nonvoting members invited to attend meetings by the committee on an ad hoc basis. The chairmanship of the deans' committee shall alternate between the Dean of the School of Medicine of the University of South Carolina and the Dean of the College of Medicine of the Medical University of South Carolina. The term of the chairman shall be two years, and the committee at its first meeting after the effective date of this provision shall determine by majority vote the person who will first serve as chairman. Meetings shall be held at least quarterly during each year.

The purpose of the committee is to ensure and coordinate the development and implementation of a strategic plan for effective and efficient medical education, research, and related clinical service programs to best meet the needs of the State of South Carolina. Adoption of the strategic plan shall require at least one vote of a member representing USC and MUSC and a total of at least seven votes of the entire committee. Any strategic plan approved by the deans' committee also must be approved by the Commission on Higher Education if it contains any proposal for the consolidation, elimination, or change of medical education programs.

The committee shall report to the Commission on Higher Education through the commission's Committee on Academic Affairs. The deans' committee shall provide oversight of the Area Health Education Consortium and the consortium of teaching hospitals by reviewing and approving its strategic plan and budget. The Commission on Higher Education shall furnish adequate meeting space and professional and secretarial assistance for the committee.

SECTION 2-47-40. Information to be furnished by agencies and institutions.

This is for the financing of permanent improvements.

(A) To assist the authority and the Joint Bond Review Committee in carrying out their respective responsibilities, any agency or institution requesting or receiving funds from any source for use in the financing of any permanent improvement project, as a minimum, shall provide to the authority, in such form and at such times as the authority, after review by the committee, may prescribe:

- (1) a complete description of the proposed project;
- (2) a statement of justification for the proposed project;
- (3) a statement of the purposes and intended uses of the proposed project;
- (4) the estimated total cost of the proposed project;

- (5) an estimate of the additional future annual operating costs associated with the proposed project;
- (6) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project;
- (7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and
- (8) the specification of the priority of each project among those proposed.

(B) All institutions of higher learning shall submit permanent improvement project proposal and justification statements to the authority, through the **Commission on Higher Education**, which shall forward all such statements and all supporting documentation received to the authority together with its comments and recommendations. The recommendations of the **Commission on Higher Education**, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the **Commission on Higher Education** without regard to the sources of funds proposed for the financing of the projects requested.

The authority shall forward a copy of each project proposal and justification statement and supporting documentation received together with the authority's recommendations on such projects to the committee for its review and action. The recommendations of the **Commission on Higher Education** shall be included in the materials forwarded to the committee by the authority.

SECTION 2-47-55. Comprehensive Permanent Improvement Plan.

(A) All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan (CPIP) to the Joint Bond Review Committee and the authority. The CPIP must include all of the agency's permanent improvement projects anticipated and proposed over the next five years beginning with the fiscal year starting July first after submission. The purpose of the CPIP process is to provide the authority and the committee with an outline of each agency's permanent improvement activities for the next five years. Agencies must submit a CPIP to the committee and the authority on or before a date to be determined by the committee and the authority. **The CPIP for each higher education agency, including the technical colleges, must be submitted through the Commission on Higher Education which must review**

the CPIP and provide its recommendations to the authority and the committee. The authority and the committee must approve the CPIP after submission and may develop policies and procedures to implement and accomplish the purposes of this section.

SECTION 59-54-20. State Occupational Training Advisory Committee; duties and recommendations.

This Section is a part of the South Carolina Employment Revitalization Act.

(A)

(B) The **Commission on Higher Education** shall serve as the State Occupational Training Advisory Committee and in this regard shall make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for:

- (1) improving the coordination among the state's plans and programs for adult career and technology education, adult basic and adult secondary education, post-secondary technical education, and secondary career and technology education;
- (2) assuring the compatibility of these educational plans and programs with the state's economic development strategies;
- (3) improving the articulation between secondary career and technology education and post-secondary technical education and between post-secondary technical education and four-year degree programs;
- (4) improving service to groups or communities in the State which are unserved or underserved and need additional training and education to be employed or to move into the work force and off of public assistance;
- (5) improving the accountability systems and effectiveness of the adult career and technology education, adult basic and adult secondary education, post-secondary technical education, and secondary career and technology education programs;
- (6) improving the implementation of the South Carolina Employment Revitalization Act of 1986.

SECTION 59-105-60. Model sexual assault policy.

The **Commission on Higher Education** shall develop, print, and distribute a model sexual assault policy for institutions of higher learning, which complies with the requirements herein. The model policy shall be distributed to all institutions of higher learning in the State for their use as a reference in formulating their sexual assault policy.

SECTION 59-111-330. Rules and regulations.

This section pertains to Free Tuition for Residents Sixty Years of Age or older.

The State **Commission on Higher Education** shall promulgate rules and regulations necessary for the implementation of the provisions of this article.

11.41. (CHE: Technical College Study) (A) The Commission on Higher Education shall examine the viability of a program that allows a student who graduated from a high school in this state or who attained the state educational equivalency of a high school diploma to attend a state technical college without paying tuition and fees at the institution for a specified period. When conducting the examination, the commission shall identify and consider:

- (1) The anticipated number of students who will participate in the program;
- (2) The anticipated annual cost of the program and federal, state and other sources of funding that could be used to pay the costs of the program;
- (3) Current capacity available at state technical colleges to enroll additional students;
- (4) The ability of the program to increase the state's pool of skilled workers and meet projected workforce demands;
- (5) The impact of the program to increase educational attainment in the state;
- (6) The regions of the state the program would likely significantly increase educational attainment and workforce readiness;
- (7) Potential eligibility criteria for students participating in the program; and

(8) The possibility of requiring students to first use financial aid available to the students, including federal funding provided to low-income students for the purpose of paying for post-secondary education.

(B) The commission shall propose criteria for the program.

(C) **The commission shall submit a report that summarizes the findings to the General Assembly no later than January 31, 2016.** The report may include recommendations for legislation.

3.1. (LEA: Audit) Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.

For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October 1, 2015, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years.

The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function.

In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October 1 each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission's verification and/or audit activity during the prior fiscal year, if any. In addition, by January 15, 2016, the commission shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee a detailed estimate of the cost for the commission to establish a statewide state scholarship and grant tracking system for students.

For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines

shall be reported to the Executive Budget Office by October 1, 2015. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.

All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget Office by October 1, 2015.

The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.

SECTION 59-150-325. Education Lottery Oversight Committee; powers; duties; report of minority participation; demographic analysis.

(A)(1) There is created as a committee, the South Carolina Education Lottery Oversight Committee, to be composed of twelve members. The members of the committee must be appointed as follows: the Speaker of the House of Representatives appoints three members, one of whom must be the Chairman of the House Education and Public Works Committee; the President Pro Tempore of the Senate appoints three members, one of whom must be the Chairman of the Senate Education Committee; the Chairman of the South Carolina Commission on Higher Education appoints three members; and the Chairman of the South Carolina Education Oversight Committee appoints three members. The Speaker of the House of Representatives and the President Pro Tempore of the Senate must each appoint one co-chairman from the membership of the South Carolina Education Lottery Oversight Committee. The oversight committee must periodically, but at least annually, inquire into and review the operations of the commission and review and evaluate the success with which the commission is accomplishing its statutory duties and functions as provided in this chapter. The oversight committee must also hold an annual public hearing and may conduct an independent audit or investigation of the commission as necessary. *(The remainder of the statute was omitted)*

SECTION 59-113-10. Higher Education Tuition Grant Commission.

There is created a Higher Education Tuition Grant Commission consisting of eight representatives of the independent institutions of higher learning in the State who choose to come under the provisions of this chapter. In addition, the membership of the commission includes one ex officio member who must be the chief executive officer of the State Commission on Higher Education or his designee. The terms of the representatives of the institutions are for three years and

until their successors are selected and qualify. The membership of the commission must be rotated among the participating institutions. The commission shall administer the provisions of this chapter and shall make those regulations as may be necessary in order to carry out the intent of this chapter. The commission is responsible solely to the General Assembly and shall report to that body at least annually.

SECTION 13-17-40. Members of board; terms; vacancies; compensation; annual reports; meetings.

(A)(1) The SCRA shall consist of a board of twenty-four trustees that includes the following ex officio members: President of the Council of Private Colleges of South Carolina, Chairman of the South Carolina Commission on Higher Education, President of Clemson University, President of the Medical University of South Carolina, President of South Carolina State College, President of the University of South Carolina, Director of Savannah River National Laboratory, President of Francis Marion University, Chairman of the State Board for Technical and Comprehensive Education, Governor of South Carolina or his designee, Chairman of the House Ways and Means Committee or his designee, Chairman of the Senate Finance Committee or his designee, and the Secretary of Commerce or his designee.

(2) The Governor shall name the chairman who must not be a public official and who serves at the pleasure of the Governor. The remaining ten trustees must be elected by the board of trustees from a list of nominees submitted by an ad hoc committee named by the chairman and composed of the members serving as elected trustees. Each of the Congressional Districts of South Carolina must have at least one of the ten trustees.

(3) Terms of elected trustees are for four years, and half expire every two years. An elected trustee may not serve more than two consecutive four-year elected terms. Vacancies must be filled for the unexpired term in the manner of original appointment. A vacancy occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of a trustee.

(B)(1) The President of Clemson University, President of the Medical University of South Carolina, President of the University of South Carolina at Columbia, the Governor or his designee, the Chairman of the House Ways and Means Committee or his designee, the Chairman of the Senate Finance Committee or his designee, and the Chairman of the Board of Trustees shall serve on the executive committee of the board of trustees. The executive committee shall elect two additional members of the executive committee, who shall be trustees at the time of their election, by the affirmative vote of a majority of the members of the executive committee then serving. Each of the three university presidents, with respect to no more than two executive committee meetings each calendar year, may designate in his place that

university's chief research officer, as determined in the sole discretion of the designating president, to participate in and vote at executive committee meetings specified in the designation. The executive committee has all powers and authority of the board of trustees. The board shall have an advisory role only and shall advise the executive committee of the actions recommended by the board.

(2) Terms of elected executive committee members are for four years, and half expire every two years. An elected executive committee member may not serve more than two consecutive four-year elected terms. A vacancy must be filled for the unexpired term in the manner of original election, and occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of an elected executive committee member. An elected executive committee member need not continue to be a trustee in order to complete his term as an executive committee member. An elected executive committee member may be removed from office by the affirmative vote of two-thirds of the executive committee members serving.

(3) The executive committee shall appoint a business and science advisory board to include representatives from each research university, the venture capital industry, relevant industry leaders, and the Department of Commerce. The purpose of the advisory board is to advise the board of trustees when requested by it. The advisory board shall ensure that the authority has the input of the research and business communities in implementing its programs and services.

(C) A trustee may not receive a salary for his services as a trustee; however, a trustee must be reimbursed for actual expenses incurred in service to the authority.

(D) The board annually shall submit a report to the General Assembly including information on all acts of the board of trustees together with a financial statement and full information as to the work of the authority.

(E) The board shall hire an executive director of the SCRA who has administrative responsibility for the SCRA. The executive director shall maintain, through a designated agent, accurate and complete books and records of account, custody, and responsibility for the property and funds of the authority and control over the authority bank account. The executive director, with the approval of the board, has the power to appoint officers and employees, to prescribe their duties, and to fix their compensation. The board of trustees shall select a reputable certified public accountant to audit the books of account at least once each year.

(F) Regular meetings of the board of trustees must be held at a time and place the chairman may determine. Special meetings of the board of trustees may be called by the chairman when reasonable notice is given.

SECTION 59-50-20. Board of directors.

The school is governed by a board of directors composed of seventeen members, as follows:

- (1) one member from each congressional district, appointed by the Governor;
- (2) six members from the State at large, appointed by the Governor;
- (3) the Chairman of the Education Oversight Committee or his designee who serves ex officio;
- (4) the State Superintendent of Education or his designee who serves ex officio;
- (5) the Executive Director of the Commission on Higher Education or his designee who serves ex officio; and
- (6) the chairman of the school's foundation board or his designee who serves ex officio.

Members appointed by the Governor serve for terms of four years and until their successors are appointed and qualify. Members receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

In making the appointments, the Governor shall seek to obtain the most qualified persons from business, industry, and the educational and arts communities.

SECTION 59-48-20. Board of trustees; appointment; term of office; compensation.

(A)(1) The school is under the management and control of a board of trustees consisting of eleven members, as follows:

- (a) one member from each congressional district appointed by the Governor;
- (b) two members from this State at large appointed by the Governor;
- (c) the State Superintendent of Education, ex officio, or his designee; and
- (d) the Executive Director of the Commission on Higher Education, ex officio, or his designee.

(2) Members appointed by the Governor shall serve for four years and until their successors are appointed and qualify. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(3) In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.

(B) The board of trustees also shall include the following six members:

(1) the President of the South Carolina Governor's School of Science and Mathematics Foundation, Inc., ex officio;

(2) the provost or vice president for academic affairs from each of the following higher education research institutions, ex officio, or his designee:

- (a) Clemson University;
- (b) the University of South Carolina; and
- (c) the Medical University of South Carolina; and

(3) two members from the State at large appointed by the Governor to serve for terms of four years each and until their successors are appointed and qualify. Vacancies must be filled by appointment in the manner of original appointment for the remainder of the unexpired term.

(C) An ex officio member who is authorized to designate a person to serve on the board in his stead only may make the designation if he intends for the designee to serve continuously instead of intermittently with himself or another designee.

SECTION 59-53-40. Coordination with Commission on Higher Education and others; budget; college parallel courses and associate degree programs.

The Board and local area commissions shall insure effective coordination with the public schools, other state agencies, literary councils, and private and nonprofit training organizations to maximize opportunities to best meet local education and training needs. The Board shall maintain effective coordination with the Commission on Higher Education and other educational boards and state agencies.

The Board is required to submit to the Commission on Higher Education a budget and enrollment documentation for all existing and proposed college parallel courses or associate degree programs with college transfer credit by institutional location for review and comment prior to submission of the Board's total state budget request to the Governor.

All college parallel courses or associate degree programs are subject to the approval or termination by the Commission on Higher Education.

SECTION 12-6-3385. Income tax credit for tuition; definitions.

(A)(1) A student is allowed a refundable individual income tax credit equal to twenty-five percent, not to exceed eight hundred fifty dollars in the case of four-year institutions and twenty-five percent, not to exceed three hundred fifty dollars in the case of two-year institutions for tuition paid an institution of higher learning or a designated institution as provided in this section during a taxable year. The amount of the tax credit claimed up to the limits authorized in this section for any taxable year may not exceed the amount of tuition paid during that taxable year.

(2)(a) Tuition credits may not be claimed for more than four consecutive years after the student enrolls in an eligible institution.

(b) The credit period is suspended for a qualifying student required to withdraw from an institution of higher learning to serve on active military duty if the service member re-enrolls in an eligible institution within twelve months upon demobilization and provides official documentation from the Armed Forces to verify the dates of active duty military service.

(c) An extension of the credit period may be granted due to medical necessity as defined by the Commission on Higher Education.

(3) The credit may be claimed by the student or by an individual eligible to claim the student as a dependent on his federal income tax return, whoever actually paid the tuition. The department shall prescribe a form for claiming the credit.

(B) As used in this section:

(1) “Institution of higher learning” means a South Carolina public institution defined in Section 59-103-5 and an independent institution as defined in Section 59-113-50.

(2) A “designated institution” means a public or independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which has attained 501(c)(3) tax status and is accredited by the Southern Association of Colleges and Secondary Schools or the New England Association of Colleges and Schools; or a public or independent two-year institution which has attained 501(c)(3) tax status. Institutions whose sole purpose is religious or theological training, or the granting of professional degrees do not meet the definition of “institution of higher learning” or “designated institution” as defined in this section.

(3) “Student” means an individual enrolled in an institution of higher learning:

(a) eligible for in-state tuition and fees as determined pursuant to Chapter 112 of Title 59 and applicable regulations;

(b) who at the end of the taxable year for which the credit is claimed has completed at least thirty credit hours each year, or its equivalent, as determined by the Commission on Higher Education, and who is admitted, enrolled, and classified as a degree seeking undergraduate or enrolled in a certificate or diploma program of at least one year;

(c) who, within twelve months before enrolling:

(i) graduated from a high school in this State;

(ii) successfully completed a high school home school program in this State in the manner required by law; or

(iii) graduated from a preparatory high school outside this State while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent;

(d) not in default on a Federal Title IV or State of South Carolina educational loan, nor who owes a refund on a Federal Title IV or a State of South Carolina student financial aid program;

(e) who has not been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any alcohol or drug related offenses under the laws of this State, any other state or comparable jurisdiction, or the United States; except that a student who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to an alcohol or drug related misdemeanor offense is

ineligible only for the taxable year in which the adjudication, conviction, or plea occurred;

(f) who is in good standing at the institution attended;

(g) who is not a Palmetto Fellowship recipient;

(h) who is not a LIFE Scholarship recipient.

(4) "Tuition" means the amount charged, including required fees, necessary for enrollment. Higher education tuition at an independent institution means the average tuition at the four-year public institutions of higher learning as defined in Section 59-103-15(B)(2), but not more than the actual tuition charged. Before calculating the credit, there must be deducted from tuition any amounts received toward its payment by any other scholarship grants.

FINANCIAL AUTHORITY

SECTION 59-103-35. Submission of budget, new and existing programs.

This Section is included under both Financial and Commentary authority sections because it requires commentary as well as necessary approval of CHE for any new program by any public institution of higher education.

All public institutions of higher learning shall submit annual budget requests to the commission in the manner set forth in this section.

The State Board for Technical and Comprehensive Education shall submit an annual budget request to the Commission representing the total requests of all area-wide technical and comprehensive educational institutions.

The budget submitted by each institution and the State Board for Technical and Comprehensive Education must include all state funds, federal grants, tuition, and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, from approved private practice plans, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State.

Fees established by the respective governing boards for programs, activities, and projects not covered by appropriations or other revenues may be retained and used

by each institution as previously determined by the respective governing boards, subject to annual audit by the State.

The budget request for the public higher education system shall be submitted by the commission to the Governor and appropriate standing committees of the General Assembly in conjunction with the preparation of the annual general appropriations act for the applicable year.

Supplemental appropriations requests from any public institution of higher education must be submitted first to the commission.

- If the commission does not concur in the requests, the affected institution may request a hearing on the requests before the appropriate committee of the General Assembly. The commission may appear at the hearing and present its own recommendations and findings to the same committee.

No new program may be undertaken by any public institution of higher education without the approval of the commission.

The provisions of this chapter apply to all college parallel, transferable, and associate degree programs of technical and comprehensive education institutions. All other programs and offerings of technical and comprehensive education institutions are excluded from this chapter.

SECTION 59-103-45. Additional duties and functions of commission regarding public institutions of higher learning.

This section is included in both the Coordinating and Financial authority sections.

(1) Establish procedures for the transferability of courses at the undergraduate level between two-year and four-year institutions or schools;

(2) Coordinate with the State Board of Education in the approval of secondary education courses for the purpose of determining minimum college entrance requirements, and define minimum academic expectations for prospective post-secondary students, communicate these expectations to the State Board of Education, and work with the state board to ensure these expectations are met;

(3) Review minimum undergraduate admissions standards for in-state and out-of-state students;

(4)(a) Develop standards for determining how well an institution has met or achieved the performance indicators for quality academic success as enumerated in Section 59-103-30, and develop mechanisms for measuring the standards of achievement of particular institutions.

- These standards shall be developed in consultation and cooperation with, at a minimum but not limited to the Council of Presidents of State Institutions, the chairmen of the governing boards of the various institutions and the business community.

(b) Base the higher education funding formula in part on the achievement of the standards set for these performance indicators including base-line funding for institutions meeting the standards of achievement, incentive funding for institutions exceeding the standards of achievement, and reductions in funding for institutions which do not meet the standards of achievement,

(c) Promulgate regulations based on (a) and (b) above and submit to General Assembly for its review pursuant to the Administrative Procedures Act.

(d) Develop a higher education funding formula based entirely on an institution's achievement of the standards set for these performance indicators, this formula to be used beginning July 1, 1999. This new funding formula also must be contained in regulations promulgated by the commission and submitted to the General Assembly for its review in accordance with the Administrative Procedures Act;

*See **Budgetary Proviso 117.73.** Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.*

(5) **Reduce, expand, or consolidate** any institution of higher learning including those which do not meet the standards of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30, and ..., close any institution which does not meet the standards...enumerated in Section 59-103-30. The process to be followed for the closure, reduction, expansion, or consolidation of an institution under this item (5) shall be as promulgated in

regulations of the commission which shall be submitted to and approved by the General Assembly;

(6) Review and approve each institutional mission statement to ensure it is within the overall mission of that particular type of institution as stipulated by Section 59-103-15 and is within the overall mission of the State;

(7) Ensure access and equity opportunities at each institution of higher learning for all citizens of this State regardless of race, gender, color, creed, or national origin within the parameters provided by law.

SECTION 59-103-65. Close of institution; reallocation of funds.

If an institution beginning July 1, 1999, is closed by the commission, the institution shall be treated as a terminated agency under Section 1-20-30 and as such terminated in the manner provided therein. However, any remaining funds shall not revert to the general fund as provided in Section 1-20-30 but instead shall be reallocated to higher education funding through use of the higher education funding formula in the manner the commission shall provide.

SECTION 59-103-80. Expenses; compensation of Commission members.

Funds for the necessary technical, administrative and clerical assistance and other expenses of the Commission, including stationery, shall be carried in the annual appropriation act for the State. The members of the Commission shall be allowed such per diem and mileage as authorized by law for members of boards, commissions and committees. The sum appropriated for the use of the Commission shall be expended upon warrants signed by the chairman.

This statute does not require any real action on behalf of CHE other than the execution of warrants signed by the chairman for the expense reimbursement and compensation.

SECTION 59-103-110. Approval for new construction; exemptions.

No public institution of higher learning shall be authorized to construct or purchase any new permanent facility at any location other than on a currently approved campus or on property immediately contiguous thereto unless such new location or purchase of improved or unimproved real property has been approved by the commission.

See: Budgetary Proviso 117.73. (GP: Printed Report Requirements) (A) For Fiscal Year 2015-16, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

SECTION 59-103-120. Accreditation and chartering of chiropractic colleges.

This Section in essence requires chiropractic colleges and schools to provide evidence of their accreditation.

One hundred and eighty days from the effective date of this act, the State Commission on Higher Education shall publish a list of the accrediting agency or agencies, which may include itself, approved by it for accreditation of chiropractic colleges or schools doing business in this State. Any chiropractic college or school doing business in this State shall, upon publication of said list of such accrediting agency or agencies, forthwith apply for such accreditation or candidate status and furnish the State Commission on Higher Education documented evidence of such application....

Provided, further, any college of chiropractic applying for a South Carolina charter must furnish the Commission on Higher Education with sufficient evidence that such school will qualify for required accreditation. Upon certification by the Commission on Higher Education to the Secretary of State, the Secretary of State may issue a charter; provided, further, however, that any college now chartered must attain required licensure before one hundred eighty days after the effective date of this act or have its charter revoked upon a finding by the Attorney General that such licensure has not been attained by such date. In addition to other existing criteria, licensure of all chiropractic colleges shall be renewable annually contingent upon supplying semiannual reports as to the progress of accreditation to the Commission on Higher Education and the Commission shall make a determination if such progress is satisfactory.

SECTION 59-103-140. Contracts with colleges and universities for provision of teacher training programs.

The Commission on Higher Education, in consultation with the State Board of Education, may contract with selected public or private colleges and universities, or groupings of such institutions, to provide centers of excellence in programs designed to train teachers.

The Commission shall devise guidelines and procedures by which institutions, or groups of institutions, may apply for such contracts by the Commission. Such guidelines and procedures shall include participation by local schools or school districts in such programs as may be appropriate.

Funds for implementing this activity shall be appropriated annually to the Commission on Higher Education which, in consultation with the State Board of Education, shall monitor the performance of participating institutions and may or may not elect to renew such contracts to any original college or university.

SECTION 59-103-162. South Carolina Manufacturing Extension Partnership; review of activities and board membership; budget recommendations.

The South Carolina Commission on Higher Education shall review annually the activities of the South Carolina Manufacturing Extension Partnership, make a budget recommendation to the General Assembly, and coordinate the allocation of funds among each participating institution.

The General Assembly transferred the funding that used to flow through CHE for the South Carolina Manufacturing Extension Partnership to Commerce. See Part 1B Proviso 50.15 for instructions provided to Commerce on this program.

The funds appropriated to the University of South Carolina - Columbia for the South Carolina Manufacturing Extension Partnership may not be used for any other purpose.

The Commission shall review the membership of the South Carolina Manufacturing Extension Partnership board to insure appropriate representation of each participating institution.

SECTION 59-104-220. Governor's Professor of the Year Award established.

The Governor's Professor of the Year Award is established as follows:

(1) Each public or private institution of higher learning in this State is eligible to nominate one faculty member for this award who has demonstrated exceptional teaching performance.

(2) The Governor's office in conjunction with the Commission on Higher Education shall establish a committee to choose the Professor of the Year from a

senior institution and a Professor of the Year from an institution offering no degree above the associate's degree. The committee must consist of representatives of the Governor's office, the commission, and appropriate civic, business, government, and academic organizations.

(3) Each award must include a citation and a payment of five thousand dollars. Up to ten finalists may be awarded five hundred dollars each by the Commission on Higher Education. The Governor's office shall host an appropriate ceremony at which the awards must be presented.

(4) The commission shall request annual state appropriations for the award.

SECTION 59-104-230. Endowed professorships program.

The Commission on Higher Education shall request state funds and establish procedures to implement a program of endowed professorships at senior public institutions of higher learning to enable the institutions to attract or retain productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.

Each professorship must be supported by the income from an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private funds specifically donated for this purpose.

The State Treasurer shall establish a separate fund consisting of any funds appropriated for all endowed professorships plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for endowed professorships. Funds in the specified amounts to support each endowment may be transferred by the commission to each eligible institution.

SECTION 59-104-240. Salary enhancement program for technical colleges and two-year campuses.

(A) The Commission on Higher Education shall request state funds to implement a program to endow salary enhancements for outstanding faculty in technical colleges and two-year campuses of the University of South Carolina. The purpose of the program is to enable the state's two-year college systems to retain and reward outstanding instructional personnel.

(B) The commission, in collaboration with the State Board for Technical and Comprehensive Education and the University of South Carolina, shall establish procedures to implement the program. Each salary enhancement must be supported by an endowment fund created especially for that purpose. Half of the corpus of each

fund must be provided by the commission through this program, and half must be provided by the institution from private sources specifically donated for this purpose.

(C) The State Treasurer shall establish a separate fund consisting of any funds appropriated for all salary enhancements plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for salary enhancements. Funds in the specified amounts to support each salary enhancement may be transferred by the commission to each eligible institution.

SECTION 59-104-250. Technical college libraries shall convert to computer-based automated system compatible with State library systems.

All libraries in the technical colleges in this State shall convert to a computer-based automated system that is compatible with existing state library systems and allows for appropriate networking with public colleges and universities if funds are appropriated for this purpose. The Commission on Higher Education shall request special appropriations to accomplish the conversion.

The next three sections 59-104-410 through 59-104-440 is entitled "Excellence in Research For Economic Development."

SECTION 59-104-410. Research Investment Fund created.

A Research Investment Fund is created to establish or expand research programs in public institutions of higher learning in this State which are related to the continued economic development of South Carolina. The fund must consist of appropriations to the State Commission on Higher Education which it allocates to the institutions for research. The funds must be apportioned among the three senior universities and the four-year colleges in a manner that takes into account the previous year's expenditures of externally generated funds for research by the institutions as reported to the commission. However, the commission may make exceptions to accommodate economic development opportunities in any area of the State.

SECTION 59-104-420. Criteria for use of fund.

(A) The fund must be used for research which:

- (1) has a direct, positive impact on economic development, education, health, or welfare in this State;
- (2) has an existing base in faculty expertise, resources, and facilities;

(3) serves to improve the quality of undergraduate and graduate education for South Carolina citizens in accordance with the institutions' stated missions as given in the commission's master plan and as developed by the institution and approved by the commission as provided in Section 59-103-45(5).

(B) The fund must not be used for capital construction projects.

SECTION 59-104-430. Comprehensive reports to be made at the end of fiscal year.

At the end of each fiscal year, comprehensive reports must be made to the Commission on Higher Education on the expenditures of funds and the results realized from the research programs. At the end of two fiscal years and each fiscal year after that, the commission shall reexamine the process of appropriating funds for research and the results obtained from the expenditures and recommend changes and alterations in the funding of research by the State if the changes are considered advisable by the commission.

SECTION 59-104-440. Allocation of funds.

(A) With the exception of the University of South Carolina, Clemson University, and the Medical University of South Carolina, institutions seeking financial support from the fund for research projects shall submit proposals to the commission for its review and approval.

(B) The portion of the fund allocated to the three senior universities excepted in subsection (A) must be distributed in a manner that takes into account the previous year's expenditures of externally generated funds for research which each university reported to the commission.

(C) No funds allocated under the provisions of this chapter nor matching funds received pursuant to terms of this chapter may be used to increase an institution's future years' formula funding as computed by the Commission on Higher Education.

SECTION 59-101-150. Approval of new programs.

No new program shall be undertaken by any State-supported institution of higher learning without the approval of the Commission or the General Assembly.

This statute is also include in the Commentary Authority section.

SECTION 59-101-340. Allocation of funds appropriated for the "Cutting Edge: Research Investment Initiative".

Twenty-five percent of funds appropriated by the General Assembly for the “Cutting Edge: Research Investment Initiative” must be allocated to the state’s senior public colleges. If the number of quality proposals for funding submitted by the senior colleges does not require the full allocation, the balance of the allocation must be distributed by the Commission on Higher Education to the state’s public universities.

SECTION 59-101-345. Authority to reallocate funds between Palmetto Fellows Program and need-based grants; priority to students in custody of Department of Social Services.

In instances where the equal division of the appropriated funds between need-based grants and the Palmetto Fellows Program exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to reallocate the remaining funds between the two programs. Public and independent higher education institutions must give first priority for need-based grants to children and young adults in the custody of the State Department of Social Services. Institutions and the Commission on Higher Education shall accept written verification from the Department of Social Services that the child or young adult is in the custody of the Department of Social Services, and must provide the maximum amount allowed by law for that need-based grant.

SECTION 59-101-360. Certain revenue from tax on catalog sales creditable to Mail Order Sales Tax Fund; disposition.

(A) Sales tax revenue derived pursuant to Section 12-36-2620 from the tax on catalog sales which exceeds the total of revenue from such sales in fiscal year 1991-92 must be credited by the State Treasurer to the Mail Order Sales Tax Fund, which is separate and distinct from the general fund of the State. Revenues in this fund may not be used to supplant general fund appropriations for higher education, and must be appropriated according to the distribution formulas provided in subsections (B), (C), and (D).

(B) The first one hundred million dollars credited to the Mail Order Sales Tax Fund must be distributed as follows:

- (1) sixty-five percent for higher education formula funding;
- (2) five percent to public higher education institutions with teacher education programs according to a formula developed by the Commission on Higher Education;
- (3) twenty percent to the Education Improvement Act Fund;
- (4) ten percent for tuition grants as provided pursuant to Chapter 113 of this title.

(C) Amounts in excess of one hundred million dollars credited to the Mail Order Sales Tax Fund must be distributed as provided in subsection (B) with the exception of item (4) thereof, in which case the ten percent distribution must be for K-12 public school construction.

(D) At any time the higher education funding formula is fully funded, further distribution of that sixty-five percent share must be distributed as follows:

- (1) sixty-five percent for K-12 public school construction;
- (2) thirty-three and one-third percent for public higher education dedicated to academic equipment;
- (3) one and two-thirds percent to the higher education tuition grants program under Chapter 113 of this title.

SECTION 59-58-40. Authority and powers of commission; promulgation of rules and regulations.

This Section is included in both the Coordinating authority section and the Financial authority section.

The commission is the sole authority for licensing nonpublic educational institutions established in South Carolina and for those established elsewhere which want to operate in or confer degrees in this State. The commission may promulgate those regulations as may be necessary for the administration and enforcement of this chapter.

(1) The commission may license nonpublic educational institutions meeting the necessary standards and shall administer and enforce the provisions of this chapter. These standards must include, but are not limited to, course or program offerings, adequate facilities, financial stability, competent personnel, educational resources, refund policies, and legitimate operating practices.

(2) The commission shall formulate the criteria and standards for the approval of nonpublic educational institutions. Only those institutions meeting such standards may be licensed. The commissioner shall maintain a list of institutions that have been licensed according to this chapter.

(3) The commission shall formulate the standards for the approval of salesmen, agents, or representatives of institutions and issue permits to those applicants meeting such standards.

(4) The commissioner shall enforce all regulations for licensing nonpublic educational institutions. The commissioner may place an institution on probation. The commission shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.

SECTION 59-58-50. Licenses required; effect of changes in licensed institution; applications; term of license.

This section is included in both the Coordinating and the Financial authority sections.

(A) No nonpublic educational institution established in South Carolina or offering a course or program in South Carolina has the authority to operate, to solicit students for enrollment, or to confer degrees or other educational credentials unless a license is first secured from the commission. The commission shall approve through licensure the location of and programs offered by the institution. The commission shall promulgate regulations to amend a license for and changes in location and for additional or amended courses or programs. The commission shall not license any institution to offer a degree if the commission determines that the degree adversely affects the goals of the commission's plan to improve access and equity minority affairs programs in public institutions of higher education. The commission shall promulgate regulations to make the determination.

(B) After a license is issued, it is the institution's responsibility to notify immediately the commissioner of significant changes in either the course or program offerings, facilities, finances, or personnel.

(C) In the event of the sale of an institution, the license is not transferable. The new owner must comply with all the requirements of this chapter.

(D) Applications for licenses must be filed in the manner prescribed by the commission. The applications must be signed by the applicants and must contain that information as may be required.

(E) Licenses are restricted to the courses or programs of instruction specifically indicated on the license. Additional courses or programs of instruction may be approved during the effective period of the license if a supplementary approval application is submitted and the license is amended.

(F) Licenses for nondegree-granting institutions shall normally be granted for twelve months, renewable annually from date of issue, or other date in excess of twelve months set by the commission to stagger the renewal dates of all institutions. The commission may issue licenses to nondegree-granting institutions for less than twelve months as circumstances justify. Licenses and renewal of licenses for degree-granting institutions may be granted for periods not to exceed five years. Renewal is contingent upon filing appropriate applications for renewal with the commissioner. The institution and its courses or programs, facilities, faculty, and all other operations must meet the requirements for an original license at the effective date of the renewal.

SECTION 59-58-70. Fees.

The commission may set reasonable fees for administration of this chapter including, but not limited to, licenses, agent permits, renewals, penalties for late renewals, penalties for failure to provide information as required, penalties for repeat violations, consultants, complaint investigations, and supplementary applications for amendments of the license.

SECTION 59-58-80. Student tuition recovery fund; surety bonds by licensed institutions; use of funds for benefit of students.

(A) Before an institution is licensed under this chapter, the commission may require that a surety bond be provided by the institution in an amount in compliance with the regulations prescribed by the commission.

- The obligation of the bond is that the institution, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students.
- The bond must be issued by a company authorized to do business in the State of South Carolina. The bond must be to the commission, in that form as approved by the commission, and is to be used for the benefit of students who suffer financial losses of tuition and fees prepaid to an institution as a result of the closing of the institution.
- The commission may use the funds for these purposes to pay refunds to these students for unearned tuition and fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay expenses to store and maintain student records of these students.

(B) The bond company may not be relieved of liability on the bond unless it gives the institution and the commission ninety days' written notice of the company's intent to cancel the bond.

- If at any time the company that issued the bond cancels or discontinues the coverage, the institution's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commissioner.

(C) Instead of the surety bond required in subsection (A), the institution may pledge other means of collateral acceptable to the State Treasurer, in an aggregate market value of the required bond. The commission shall deliver a safekeeping

receipt of collateral to the State Treasurer to be held until the commission serves notice for its release to the commission.

(D) The commission may promulgate regulations establishing a student recovery fund for nonpublic educational institutions.

- The fund must be used to benefit students because an institution has failed to perform faithfully its contractual obligations for tuition and instructional fees in the event of an institution's closing.
- The commission may use the funds for these purposes to pay refunds to these students for unearned tuition and prepaid fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay expenses to store and maintain student records of these students.

SECTION 59-58-90. Permit required to solicit or sell courses.

(A) No person representing a nonpublic educational institution shall solicit students or sell any course or program of instruction unless he first secures a permit from the commission. The application for a permit must be accompanied by a nonrefundable fee as determined by the commission.

(B) The permit is valid for one year, and may be renewed by filing an application for renewal accompanied by a nonrefundable fee as determined by the commission.

(C) The commission may refuse to issue a permit to the applicant if he has pleaded guilty to or been convicted of a felony or a crime of moral turpitude under the laws of this or any other state.

SECTION 59-58-100. Contracts and notes void without license and permit.

All enrollment agreements, contracts, and promissory notes or other evidence of indebtedness entered into by nonpublic educational institutions with students or prospective students are void unless the institution holds a valid license, and the agent enrolling the student holds a valid permit as required by this chapter.

SECTION 59-58-110. Procedure for denial, revocation, or suspension of license; notice; probation.

(A) Before a final proceeding to deny, revoke, or suspend a license or permit, the commission shall give to the person to be affected by the decision notice of facts and conduct which warrant the intended action and an opportunity to show compliance with the minimum requirements for a license or permit. If the commission determines that the violations are habitual, wilful, and therefore likely to reoccur, the commission may proceed with denial or revocation though the institution complies or agrees to comply with the standards for licensure.

(B) In any final agency proceeding to deny a license or permit to any person properly applying for one, or to revoke or suspend the license or permit of any licensee or permit holder, the commission shall give the person to be affected by the intended action notice an **opportunity for a hearing** as provided in the Administrative Procedures Act.

(C) The commission may give the institution a period of probation if in its judgment any unsatisfactory condition can reasonably be corrected within such time. The commission may also require that an institution delay a new class term.

SECTION 59-58-120. Appeal of denial, revocation, or suspension of license.

A person aggrieved by the final decision of the commission in refusing to issue a license or permit, or revoking or suspending a license or permit previously granted, is entitled to appeal the commission's order to the Administrative Law Court in accordance with its appellate rules of procedure.

SECTION 59-58-130. Restraining violations of chapter or rules and regulations; civil penalties.

(A) Whenever it appears to the commission that any person is or has been violating any provisions of this chapter or the regulations promulgated hereunder, the commission shall request the Attorney General, the solicitor, or any appropriate official having jurisdiction in the county in which the nonpublic educational institution or its agent is located, to bring a civil action to restrain that person from the violation, and for other appropriate relief. The action may be brought in the court of common pleas in the county in which the person resides, has his principal place of business, or conducts or transacts business. The courts may issue orders and injunctions to restrain and prevent violations of this chapter, and these orders and injunctions must be issued without bond.

(B) If a court finds that any person is willfully violating or has willfully violated this chapter, the commission, upon petitioning the court, may recover a civil penalty not exceeding five thousand dollars for each violation.

Each degree, diploma, or certificate granted by an institution without the required license is a separate violation and each student enrolled by an agent is a separate violation for purposes of this section.

(C) The commission may bring a civil action against a person who violates the terms of an injunction issued under this section for a civil penalty of not more than fifteen thousand dollars. For purposes of this section, the court of common pleas issuing an injunction shall retain jurisdiction, and the cause may be continued and in these cases the commission may petition for recovery of civil penalties.

SECTION 59-143-30. Allocation for students attending independent colleges.

This statute is from the chapter establishing the Children's Education Endowment from which funding is directed for the Palmetto Fellows and Need-Based Grant Programs.

(1) Of the funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 of the 1976 Code for any year, a percentage thereof must be allocated for higher education scholarships and grants for students attending South Carolina independent colleges of higher learning in this State. This percentage shall be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time (FTE) enrollment of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.

(2) The allocation each year to students at the South Carolina independent colleges under item (1) above shall be used to provide tuition grants under Chapter 113 of Title 59 of the 1976 Code, and Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act. Of the funds allocated to independent college students, fifty percent shall be awarded for South Carolina Tuition Grants and fifty percent shall be awarded under the Palmetto Fellows Program. The funds allocated for South Carolina Tuition Grants to South Carolina independent colleges students under this subsection shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the

South Carolina Tuition Grants Commission in the amount prescribed in item (1) above. The funds allocated for Palmetto Fellows Scholarships to South Carolina independent college students under this subsection shall be included in the annual appropriation to the Commission on Higher Education and may only be awarded to eligible students attending South Carolina independent colleges.

(3) Independent colleges for purposes of this subsection means those institutions eligible to participate in the South Carolina Tuition Grants Program as defined by Section 59-113-50.

(4) Public institutions shall receive the remaining allocation each year of the funds made available for higher education scholarship grants under Section 59-143-10. One-half shall be used to provide higher education need-based grants as provided for in this act or otherwise provided for in state law, and one-half shall be used to provide Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act.

(5) The maximum amount of funding provided for awards to students attending South Carolina independent colleges from the Children's Education Endowment Fund for South Carolina Tuition Grants and Palmetto Fellows scholarships shall not exceed the percentage funding calculation described under item (1) above.

SECTION 2-77-20. Establishment of program; purpose; funding.

This section is included in both the Coordinating authority and the Financial Authority sections.

(A) There is hereby established the **South Carolina Higher Education Excellence Enhancement Program** for the general purpose of enhancing the educational opportunities of low-income and educationally disadvantaged students. The program must be administered by the Commission on Higher Education. The commission must enter into annual contracts with eligible institutions to accomplish the purposes of this program.

(B) The program must be funded by appropriations from the Education Lottery Account in an amount provided by the General Assembly.

(C) An institution seeking to qualify as an eligible institution must submit an annual application to the commission. The commission must certify the eligibility

of institutions seeking contracts pursuant to this section. The funds appropriated for this program must be allocated equally among the eligible institutions.

SECTION 2-75-10. Research Centers of Excellence Review Board; appointment of members; terms; responsibilities and duties.

There is created the Research Centers of Excellence Review Board. . . .The review board shall be responsible for providing annually to the **Commission on Higher Education** a schedule by which applications for funding are received and awarded on a competitive basis, the awarding of matching funds as provided in [Section 2-75-60](#), and for oversight and operation of the fund created by [Section 2-75-30](#). Members of the review board shall serve without compensation and must provide an annual report by November thirtieth of each calendar year to the General Assembly as well as the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and Executive Budget Office, which shall include an audit performed by an independent auditor. This annual report must include, but not be limited to, a complete accounting for total state appropriations to the endowment and total proposals awarded up to the previous fiscal year.

SECTION 2-75-70. Staff and support for operations of board and panels; reimbursement of expenses.

This section refers to the South Carolina Research Center of Economic Excellence.

Staff and support for the operations of the board and the panels must be provided by the **Commission on Higher Education**. The **Commission on Higher Education** shall approve all necessary funds for the prudent operation of the board, including per diem, subsistence, and mileage expenses of board members as provided by law for members of state boards, committees, and commissions, and for the costs and expenses of the panel members. The expenditures authorized by this section must be provided from the fund created by [Section 2-75-30](#) upon approval by the commission.

SECTION 11-51-125. Allocation and use of funds; authorization for additional bonds; project approval.

This is from the South Carolina Research University Infrastructure Act.

(A) Of the funds authorized pursuant to this act, public institutions of higher learning as defined in [Section 59-103-5](#), not including research universities, are authorized twelve percent of the total amount authorized under [Section 11-51-40](#). The eligible institutions may only use the funds authorized under this subsection for deferred maintenance projects. The twelve percent authorized for the institutions, not including research universities, must be allocated by the Commission of Higher Education to eligible institutions as follows:

- (1) sixty-five percent of the total twelve percent must be allocated based on a reported deferred maintenance needs list from each eligible institutions; and
- (2) thirty-five percent of the total twelve percent must be allocated by FTE student enrollment from the prior academic year at each eligible institution.

The Research Centers of Excellence Review Board has no jurisdiction over these projects and no matching requirement is imposed for these projects. The Joint Bond Review Committee must review and the State Fiscal Accountability Authority must approve all projects.

(B)(1) After the aggregate total of bonds issued pursuant to this chapter equals two hundred and fifty million dollars, all further proceeds of bonds authorized pursuant to this chapter must be authorized as follows:

- (a) eighty-eight percent for the research universities in the manner and for the purposes provided pursuant to this chapter;
- (b) twelve percent to public institutions of higher learning as defined in [Section 59-103-5](#), not including the research universities, for deferred maintenance projects allocated as follows:
 - (i) one-half for the state's ten comprehensive teaching universities distributed among them as provided in item (2) of this subsection; and
 - (ii) one-half for the state's two-year and technical colleges distributed among them as provided in item (2) of this subsection.

(2) The **Commission on Higher Education** shall distribute amounts allocated pursuant to item (1)(b)(i) and (ii) of this subsection among the two categories of eligible institutions as follows:

- (a) thirty-five percent in equal shares to each eligible institution; and
- (b) sixty-five percent based on FTE student enrollment from the prior academic year at eligible institutions.

(3) The Research Centers of Excellence Review Board has no jurisdiction over projects funded by bonds issued pursuant to item (1)(b) of this subsection and no matching requirement is imposed for these projects. All projects must be approved by the Joint Bond Review Committee and the State Budget and Control Board.

SECTION 59-110-20. Administration of fund; consultation.

This Section requires CHE to administer the provisions of the SC Critical Needs Nursing Initiative Act. Please see the remainder of Chapter 59-110 for the full details of the Act.

(A) The Commission on Higher Education shall administer the provisions of this chapter and the funding provided to the Critical Needs Nursing Initiative Fund to implement the initiatives provided in this chapter. The commission shall make disbursements from the Critical Needs Nursing Initiative Fund to the institutions or students in the manner and for the purposes provided by this chapter.

(B) To assist the commission in performing its duties related to this fund, the commission shall consult with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education.

SECTION 59-150-375. Scholarships for visual or hearing impaired or multi-handicapped students.

A visual or hearing impaired or multi-handicapped student who qualifies for state scholarship funds pursuant to Chapter 149 of Title 59, Section 59-104-20, [Section 59-150-360](#), or [Section 59-150-370](#) may receive state scholarship funds to attend an out-of-state institution that specializes in educating visual or hearing impaired or multi-handicapped students if the **Commission on Higher Education** certifies the student's impairment or multi-handicap and that no in-state institution exists to specifically meet the student's need.

SECTION 59-118-100. Proportionate shares; undistributed funds.

The **Commission on Higher Education** shall ensure that each qualifying college or university receives its proportionate share of the State Higher Education Matching Gift Fund based on the ratio of disbursements. Any monies in the State Higher Education Matching Gift Fund not distributed in any year shall be carried forward for the same purposes in future years and all earnings on monies in the State Higher Education Matching Gift Fund must be retained in the fund and used for its stated purposes.

Cross reference this with Section 59-118-90 included in the Coordination Section. These statutes are both a part of Academic Endowment Incentive Act.

SECTION 59-104-210. Competitive grants program established.

This is from the Article entitled Excellence in Instruction and Educational Services.

A competitive grants program is established to improve undergraduate education in South Carolina. The State **Commission on Higher Education** shall administer the program, promulgate appropriate regulations, and request annual state appropriations for this purpose. All public and private nonproprietary post-secondary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools are eligible to participate in this program.

SECTION 59-104-230. Endowed professorships program.

The **Commission on Higher Education** shall request state funds and establish procedures to implement a program of endowed professorships at senior public institutions of higher learning to enable the institutions to attract or retain productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.

Each professorship must be supported by the income from an endowment fund created especially for that purpose. Half of the corpus of each fund must be

provided by the commission through this program, and half must be provided by the institution from private funds specifically donated for this purpose.

The State Treasurer shall establish a separate fund consisting of any funds appropriated for all endowed professorships plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for endowed professorships. Funds in the specified amounts to support each endowment may be transferred by the commission to each eligible institution.

SECTION 59-104-240. Salary enhancement program for technical colleges and two-year campuses.

(A) The **Commission on Higher Education** shall request state funds to implement a program to endow salary enhancements for outstanding faculty in technical colleges and two-year campuses of the University of South Carolina. The purpose of the program is to enable the state's two-year college systems to retain and reward outstanding instructional personnel.

(B) The commission, in collaboration with the State Board for Technical and Comprehensive Education and the University of South Carolina, shall establish procedures to implement the program. Each salary enhancement must be supported by an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private sources specifically donated for this purpose.

(C) The State Treasurer shall establish a separate fund consisting of any funds appropriated for all salary enhancements plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for salary enhancements. Funds in the specified amounts to support each salary enhancement may be transferred by the commission to each eligible institution.

SECTION 59-150-380. Educational Lottery Teaching Scholarship Grants Program.

The **Commission on Higher Education**, in consultation with the State Department of Education, must develop an Education Lottery Teaching Scholarship Grants Program to provide certified teachers in the public schools of this State grants not to exceed one thousand dollars per year to attend public or private colleges and universities for the purposes of upgrading existing content area skills or obtaining a Master's Degree in the teacher's content area. If there are insufficient funds in the Education Lottery Account to provide the grant to each eligible recipient for a particular year, priority must be given to those teachers whose subject areas are critical subject needs as determined by the State Department of Education.

11.1. (CHE: Contract for Services Program Fees) The amounts appropriated in this section for “Southern Regional Education Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the Southern Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other purposes.

11.3. (CHE: African-American Loan Program) *This provision provides direction on the appropriation of the African-American Loan Program.* Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The **Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program.** Of the funds allocated according to this proviso, no more than ten percent shall be used for administrative purposes.

11.4. (CHE: GEAR-UP) Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.

11.42. (CHE: College and University Out of State Veteran Tuition Differential Reimbursement Fund) Of the funds appropriated to and/or authorized for the Commission on Higher Education for the Out of State Veteran Tuition Reimbursement, the Office of State Treasurer is directed to establish a fund, separate and distinct from the general fund and all other funds, entitled the College and University Out of State Veteran Tuition Differential Reimbursement Fund. Any funds appropriated and/or authorized in the current fiscal year for this purpose must be deposited into the fund and interest accrued by the fund must remain in the fund.

The purpose of the fund is to reimburse public institutions of higher learning, as defined in Section 59-103-5 of the 1976 Code, for revenue loss resulting from the provisions of Section 59-112-50(C). By March 1, 2016, a public institution of higher learning seeking a reimbursement from this fund must submit an application to the Commission on Higher Education to receive a reimbursement from the fund. The total reimbursement to a public institution may not exceed the difference between the amounts the institution would have charged but for Section 59-112-50(C), and the amounts the institution actually charged. The Commission on Higher Education may require any proof it determines necessary to verify the veracity of the application.

By June 15, 2016, the Commission on Higher Education must distribute the funds to those institutions that have applied pursuant to this provision. In the event that the total requested and verified reimbursements exceed the amount in the fund, the distribution to each public institution shall be reduced pro rata based on the institution's amount of verified reimbursements compared to the total amount of verified reimbursements of all institutions.

3.8. (LEA: Transfer for Veteran Differential Reimbursement Fund) The Commission on Higher Education is directed to transfer \$3,000,000 of unexpended National Guard Tuition Repayment Program funds carried forward from the prior fiscal year to the Office of State Treasurer for the College and University Out of State Veteran Tuition Differential Reimbursement Fund.

1A.7. (SDE-EIA: XII.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XII.F.2. for the Teacher Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must

be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers: and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those institutions and shall serve a two-year term on the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.

3.6. (LEA: FY 2015-16 Lottery Funding) There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education.

The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.

All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.

For Fiscal Year 2015-16 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:

- (1) Commission on Higher Education and State Board for Technical and Comprehensive Education Tuition Assistance \$47,400,000;
- (2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 \$171,896,844;
- (3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 \$8,565,373;
- (4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20 \$38,691,990;
- (5) Commission on Higher Education--Need-Based Grants \$13,000,000;
- (6) Department of Education--K-12 Technology Initiative \$18,870,793; and
- (7) South Carolina State University \$2,500,000.

Fiscal Year 2015-16 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.

The funds appropriated above for South Carolina State University shall be utilized by the Interim Board of Trustees for administrative functions of the interim board and for any other purpose deemed necessary by the interim board.

The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.

The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.

Fiscal Year 2015-16 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2015-16 are fully funded.

If the lottery revenue received for Fiscal Year 2015-16 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.

The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and to provide for a Scholarship Compliance Auditor.

The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.

(omitted portion for relevance)....

For Fiscal Year 2015-16, funds certified from unclaimed prizes are appropriated as follows:

- (1) Higher Education Tuition Grants Commission--Tuition Grants \$6,660,000;
- (2) Commission on Higher Education--National Guard Repayment Program as provided in Section 59-111-75 \$4,545,000;

(3) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services \$50,000;

(4) School for the Deaf and the Blind--Technology \$200,000;

(5) Commission on Higher Education--Higher Education Enhancement Program \$2,950,000; and

(6) Department of Education--School Buses \$595,000.

If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2015-16 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.

Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be appropriated as follows:

(1) Department of Education--School Buses \$6,000,000; and

(2) Department of Education--Instructional Materials \$6,000,000.

For Fiscal Year 2015-16, net lottery proceeds and investment earnings realized in the prior fiscal year above the amount needed to fund the appropriations in this provision are appropriated as follows in priority order:

(1) Department of Education--K-12 Technology Initiative \$10,418,183;

(2) Department of Education--School Buses \$4,300,000;

(3) Commission on Higher Education and State for Technical and Comprehensive Education--Tuition Assistance \$3,700,000;

(4) Higher Education Tuition Grants Commission--Tuition Grants \$1,598,764;

(5) Commission on Higher Education--Higher Education Excellence Enhancement Program \$1,028,053;

(6) Commission on Higher Education--Technology-Public Four-Year Institutions, Two-Year Institutions, and State Technical Colleges \$5,000,000; and

(7) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants \$5,000,000.

Of the funds appropriated to institutions of higher learning entitled "Technology-Public Four Year Institutions, Two Year Institutions, and State Technical Colleges," each institution shall use the amount appropriated only for technology repair and related technology maintenance that is necessary to support an institution's educational purpose.

Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement.

Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.

Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to certification from the Commission on Higher Education they continue to meet the requirement of this provision.

For Fiscal Year 2015-16, if net lottery proceeds and investment earnings realized in the prior fiscal year are above both the amount needed to fund the appropriations in this provision as well as the amount needed to fully fund the priority order above, the following items are appropriated on a pro rata basis:

(1) Department of Education--School Buses \$4,000,000;

(2) State Library--Aid to County Libraries \$1,700,000;

(3) Commission on Higher Education--Technology-Public -Year Universities, Two-Year Institutions, and State Technical Colleges \$2,500,000;

(4) Commission on Higher Education--Non-Profit, Bachelors Institution of Higher Learning, Established in 1894, is a Member of TRACS, with Sixty Percent or More Low-Income Students - Maintenance and Improvement in Classroom, Library, Laboratory, or Other Institutional Facilities \$50,000;

(5) Commission on Higher Education--Higher Education Excellence Enhancement Program \$658,084;

(6) Commission on Higher Education--PASCAL Program \$1,500,000;

(7) Commission on Higher Education--Non-Profit, Four-Year of Higher Learning, First Established as a College in 1908, is SACS Accredited, with Forty Percent or More Minority Enrollment-Support for Memorial Professorships for the of Helping the College Recruit and Retain Faculty Members Whose Research, Teaching and Service Uniquely Contribute to the Mission of the College \$50,000; and

(8) Commission on Higher Education--Maintenance-Critical Care and Replacement-1 to 1 Match \$3,000,000.

Of the funds appropriated in sub item (8) above for the Commission on Higher Education--Maintenance-Critical Care and Replacement-1 to 1 Match, each public four-year university, two-year branch campus and state technical college shall use the amount appropriated only for critical repair and related maintenance and/or other critical equipment and systems repair and maintenance that are necessary for the safe and efficient operation of an institution's physical plant in its support of the institution's educational purpose.

Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the institution for necessary repair and maintenance projects generally.

Matching funds exclude supplemental, capital reserve, lottery, or non-recurring state funds appropriated to an institution either in the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.

Prior to the distribution of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement.

Upon certification, the funds shall be distributed to institutions based on the distribution methodology described below provided that the distribution does not exceed an institution's pro rata share or the amount matched by the institution if less than that share. The distribution methodology to be used by the commission shall be based on each institution's or agency's proportion of general fund

appropriation in Part IA of Act 286 of 2014 as compared to the total general fund appropriation in that Act for all public four-year universities, two-year branch campuses and state technical colleges. Distribution of the share allocated to the state technical colleges is to be made by a formula to be developed by the State Board for Technical and Comprehensive Education in consultation with the colleges Chief Business Officers for approval by the State Board's Presidents Council.

Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.

Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to the matching requirement.

Statutory Authority of the Commission on Higher Education **Divided into Coordination, Commentary and Financial** **Authority**

Based on the work of outside counsel, CHE staff analyzed each statute to determine, on a paragraph by paragraph basis, the specific functional responsibility associated with the statute. Care was given to ensure that singular responsibility was assigned. Divisions of CHE were assigned responsibility so that GEN was assigned when the responsibility was at the agency level and administered under the direct authority of the Executive Director; AA was assigned when the responsibility was delegated to the Director of the Academic Affairs Division; FA was assigned when the responsibility was delegated to the Director of the Fiscal Affairs Division; SA was assigned when the responsibility was delegated to the Director of the Student Affairs Division; and EA was assigned when the responsibility was delegated to the Director of the External Affairs Division.

Once responsibility was determined, the status of the requirement was determined with “**YES**” indicating that the directive was being administered with CHE’s existing resources; “**PARTIAL**” was assigned when the directive was not fully satisfied within our existing resources; and “**NO**” was assigned when our resources did not permit us to address the directive or the directive was no longer valid..

Supporting information was added to provide context and/or to provide reference to related policy, regulation or guidance.

Although a priority for complying with the directive was included, we determined that each of the directives evaluated as “**PARTIAL**” or “**NO**” was in fact a law or legislative directive that could not be ignored. Accordingly, all directives requiring action were rated “HIGH”.

Finally, recommendations were made to amend or delete the directive to clarify the responsibility specific to the directive or to delete the directive if it was no longer relevant or was contrary to another statute that may have followed.

Statutory Authority of CHE Divided into Coordination, Commentary and Financial Authority

STATUTE – Statutory Authority identified in legal review. Statutes, regulations and budgetary provisos are characterized as Coordination, Commentary, and Financial to distinguish the different purposes of the statutes, regulations and budgetary provisos. The term Coordination is used to represent statues that require CHE to coordinate different groups to respond or act. The term Commentary is meant to refer to statutes that require CHE to comment or provide input on an item. Finally, the term Financial refers to CHE’s ability to approve the designation of resources.

The statutes and budgetary provisos have at times been rewritten, rearranged, or emphasis added in order to make their directives clearer. In addition, commentary has been added at times, which will appear in italics. Also, if a statute is lengthy and does not pertain in whole to CHE, the portion pertaining to CHE has been underlined to aid the reader or non-relevant portions of the statute may have been omitted, which is noted. Certain statutes and budgetary provisos that mention the CHE or are included in the CHE sections, but only provide definitions or do not specifically require action on the part of the Commission have not been included. **It is recommended that when referring to a particular statute, the reader should reference that statute as written in the Code.**

Notations:

FUNCTIONAL RESPONSIBILITY – Identifies agency area of responsibility: **(GEN)** denotes provisions that cut across all functional lines and a particular assignment is not specified; Functional divisions of the Commission on Higher Education include: **(AA)** - Academic Affairs and Licensing; **(FA)** - Fiscal Affairs; **(SA)** - Student Affairs; and **(EA)** - External Affairs.

STATUS – Identifies current status of statute or, if assigned to more than one functional area of responsibility, the status of the particular section: Yes indicates presently carried out. Partial indicates that some but not all being carried out; No indicates not presently active.

IMPLEMENTATION NOTES AND OTHER HISTORICAL CONTEXT – Provides contextual background information as relevant

RELATED POLICY OR REGULATION AS APPLICABLE – Identifies any related agency policy, guideline or State Regulation that may be applicable.

IDENTIFIED GAPS – Staff review of gaps relative to carrying out the statute

PRIORITIES – Staff Recommended prioritization of the statute

RECOMMENDATIONS – Staff recommendations upon review.

This version contains all statutes kept as is, deleted, or amended. If there is no notation in the recommendations column, the statute was kept as is. Words ~~struck~~ reflect language deleted. Words underlined reflect language amended. All revisions were unanimously approved by the Ad hoc Committee at its meeting on Thursday, Feb. 4, 2016.

OBS	STATUTE <i>(See notes above)</i>	FUNCTIONAL RESPONSIBILITY					STATUS	IMPLEMENTATION NOTES AND OTHER HISTORICAL CONTEXT	RELATED POLICY OR REGULATION, AS APPLICABLE,	IDENTIFIED GAPS	PRIORITY	RECOMMENDATIONS
		GEN	AA	FA	SA	EA	YES PARTIAL NO				HI MED LO	
COORDINATION AUTHORITY												
1)	SECTION 59-103-15 Higher Education Mission and Goals. (A)(1) The General Assembly has determined that the mission for higher education in South Carolina is to be a global leader in providing a coordinated, comprehensive system of excellence in education by	X					Yes					

<p>providing instruction, research, and life-long learning opportunities which are focused on economic development and benefit the State of South Carolina.</p> <p>(2) The goals to be achieved through this mission are:</p> <p>(a) High academic quality; (b) Affordable and accessible education; c) Instructional excellence; (d) Coordination and cooperation with public education; (e) cooperation among the General Assembly, Commission on Higher Education, Council of Presidents of State Institutions, institutions of higher learning, and the business community; (f) Economic growth; (g) Clearly defined mission.</p> <p>(B) The General Assembly has determined that the primary mission or focus for each type of institution of higher learning or other post-secondary school in this State is as follows:</p> <p>(1) Research institutions</p> <p>(a) college-level baccalaureate education, master's, professional, and doctor of philosophy degrees which lead to continued education or employment; (b) research through the use of government, corporate, nonprofit-organization grants, or state resources, or both; (c) public service to the State and the local community;</p> <p>(2) Four-year colleges and universities</p> <p>(a) college-level baccalaureate education and selected master's degrees which lead to employment or continued education, or both, except for doctoral degrees currently being offered;</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>(b) doctoral degree in Marine Science approved by the Commission on Higher Education; (c) limited and specialized research; (d) public service to the State and the local community;</p> <p>(3) Two-year institutions - branches of the University of South Carolina</p> <p>(a) college-level pre-baccalaureate education necessary to confer associates' degrees which lead to continued education at a four-year or research institution; (b) public service to the State and the local community;</p> <p>(4) State technical and comprehensive education system</p> <p>(a) all post-secondary vocational, technical, and occupational diploma and associate degree programs leading directly to employment or maintenance of employment and associate degree programs which enable students to gain access to other post-secondary education; (b) up-to-date and appropriate occupational and technical training for adults; (c) special school programs that provide training for prospective employees for prospective and existing industry in order to enhance the economic development of South Carolina; (d) public service to the State and the local community; (e) continue to remain technical, vocational, or occupational colleges with a mission as stated in item (4) and primarily focused on technical education and the economic development of the State.</p> <p>HISTORY: 1996 Act No. 359, Section 2; 2012 Act No.</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	213, Section 1, eff June 7, 2012.										
2)	<p>SECTION 59-103-20. Studies of institutions of higher learning.</p> <p>The commission shall meet regularly and shall have the authority and responsibility for a coordinated, efficient, and responsive higher education system in this State consistent with the missions of each type of institution as stipulated in Section 59-103-15. In meeting this responsibility and in performing its duties and functions, the commission shall coordinate and collaborate at a minimum with the Council of Presidents of State Institutions, the council of board chairs of the various public institutions of higher learning, and the business community. The commission also is charged with examining the state’s institutions of higher learning relative to both short and long-range programs and missions which include:</p> <p>(a) The role of state-supported higher education in serving the needs of the State and the roles and participation of the individual institutions in the statewide program;</p> <p>(b) Enrollment trends, student costs, business management practices, accounting methods, operating results and needs, and capital fund requirements;</p> <p>(c) The administrative setup and curriculum offerings of the several institutions and of the various departments, schools, institutes, and services within each institution and the respective relationships to the services and offerings of other institutions;</p> <p>(d) Areas of state-level coordination and cooperation with the objective of reducing duplication, increasing effectiveness, and achieving</p>	X				Yes					
		X				No				Hi	
		X				Yes					
				X		Partial				Hi	
			X			Partial				Hi	
			X			Partial				Hi	

	economies and eliminating sources of friction and misunderstanding; (e) Efforts to promote a clearer understanding and greater unity and good will among all institutions of higher learning, both public and private, in the interest of serving the educational needs of the people of South Carolina on a statewide level.	X					Partial				Hi	
3)	SECTION 59-103-25. Publication of legislation; standing committees. The commission shall compile and publish legislation applicable to it so that the relationships among the commission, the governing bodies of public institutions of higher education, the General Assembly and the executive branches of government may be more clearly established and understood. The commission shall create from among its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the commission. Special committees may be created and their duties prescribed by a majority vote of the membership of the commission. HISTORY: 1978 Act No. 410, Section 5				X		Partial	(Past annual reports are in CHE library)		This exercise will complete this requirement	Hi	
4)	SECTION 59-103-36. Military Students Included in Count of Full-Time Students. Military students in the senior colleges and universities of this State shall be included in the count of full-time equivalent students for the purpose of determining the appropriation of each institution. The Commission on Higher Education and the Revenue and Fiscal Affairs Office may make whatever audit adjustments are necessary to carry out this intent.			X		No		“Military Student” as defined in Residency Regulation is reported through CHEMIS as part of the enrollment data. HISTORY: 1981 Act No. 152, Section 1. Residency Regulation includes exception for military stationed in SC.				Delete 59-103-36 – Conflicts with 59-112-50.

	HISTORY: 1981 Act No. 152, Section 1-						Also see Act 11 of 2015				
5)	<p>SECTION 59-103-40. Council of Presidents of State Institutions of Higher Learning.</p> <p>The Commission shall establish a council of presidents consisting of the presidents of the State institutions of higher learning. The council of presidents shall appoint a chairman and such other officers and committees as it may see fit. It shall meet at least four times a year, of which two meetings will be held jointly with the Commission. The council shall meet upon the call of the chair and shall meet at least once annually with the Commission.</p> <p>The council of presidents shall establish committees consisting of qualified personnel representing the various State-supported institutions of higher learning, either upon request of the Commission or upon its own initiative, to investigate, study and report to the Commission on such subjects as:</p> <ul style="list-style-type: none"> (a) Academic planning (b) Business and financial coordination (c) Library utilization and coordination <p>HISTORY: 1962 Code Section 22-15.8; 1962 (52) 1956; 1967 (55) 261.</p>	X				Yes	Not active presently.				
		X				No	In recent years meetings have been held with all presidents.			Hi	Strike and replace: The council shall meet upon the call of the chair and shall meet at least once annually with the Commission.
6)	<p>SECTION 59-103-45. Additional duties and functions of commission regarding public institutions of higher learning.</p> <p>In addition to the powers, duties, and functions of the Commission on Higher Education as provided by law, the commission, notwithstanding any other provision of law to the contrary, shall have the following additional duties and functions with regard</p>										

	to the various public institutions of higher education:									
6a	(1) Establish procedures for the transferability of courses at the undergraduate level between two-year and four-year institutions or schools;		X				Yes		<u>Statewide Transfer Policy for Public Two-Year and Four-Year Institutions in South Carolina</u>	
6b	(2) Coordinate with the State Board of Education in the approval of secondary education courses for the purpose of determining minimum college entrance requirements, and define minimum academic expectations for prospective post-secondary students, communicate these expectations to the State Board of Education, and work with the state board to ensure these expectations are met;		X				Yes		<u>College Preparatory Course Prerequisite Requirements</u>	
6c	(3) Review Ensure minimum undergraduate admissions standards for in-state and out-of-state students;		X				Yes		<u>Report on the Review of Admissions Standards</u>	Change "Review" to "Ensure" to agree with 59-104-10.
6d	(4)(a) Develop standards for determining how well an institution has met or achieved the performance for quality academic success as enumerated in Section 59-103-30, and develop mechanisms for measuring the standards of indicators achievement of, the Council of Presidents of State Institutions, the chairmen of the governing boards of the particular institutions. These standards and measurement mechanisms shall be developed in consultation and cooperation with, at a minimum but not limited to various institutions and the business community;			X			Partial		<i>See Budgetary Proviso 117.73.</i>	Hi
	(b) Base the higher education funding formula in part on the achievement of the standards set for these performance indicators including base-line funding for institutions meeting the standards of				X		Yes			

	<p>achievement, incentive funding for institutions exceeding the standards of achievement, and reductions in funding for institutions which do not meet the standards of achievement, provided that each institution under the formula until July 1, 1999, must receive at least its fiscal year 1996-1997 formula amount;</p> <p>(c) Promulgate regulations to implement the provisions of sub-items (a) and (b) above and submit such regulations to the General Assembly for its review pursuant to the Administrative Procedures Act not later than the beginning of the 1997 Session of the General Assembly;</p> <p>(d) Develop a higher education funding formula based entirely on an institution's achievement of the standards set for these performance indicators, this formula to be used beginning July 1, 1999. This new funding formula also must be contained in regulations promulgated by the commission and submitted to the General Assembly for its review in accordance with the Administrative Procedures Act;</p>							Yes					
6e	<p>(5) Reduce, expand, or consolidate any institution of higher learning including those which do not meet the standards of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30, and beginning July 1, 1999, close any institution which does not meet the standards of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30. The process to be followed for the closure, reduction, expansion, or consolidation of an institution under this item (5) shall be as promulgated in regulations of the commission which shall be submitted to and approved by the General Assembly;</p>	X						Yes					
6f	<p>(6) Review and approve each institutional mission statement to ensure it is within the overall mission of that particular type of institution as stipulated by Section 59-103-15 and is within the overall mission of</p>	X						Yes					

	the State;									
6g	<p>(7) Ensure access and equity opportunities at each institution of higher learning for all citizens of this State regardless of race, gender, color, creed, or national origin within the parameters provided by law.</p> <p>HISTORY: 1995 Act No. 137, Section 2; 1996 Act No. 359, Section 6.</p>			X	No		Funding was lost in FY11 when veto was sustained.			Hi
7)	<p>SECTION 59-103-50. Advisory Council of Private College Presidents.</p> <p>— There shall be established, under the auspices of the commission, an Advisory Council of Private College Presidents to counsel with and advise the commission with regard to matters concerning nonpublic colleges and their role in overall programs of higher education in the State. The council shall consist of eight members selected by the South Carolina College Council. Terms of members shall be for two years. A chairman shall be elected by the members. The council shall meet upon the call of the chairman and shall meet at least once annually with the commission. The members of the council serving on this section's effective date may continue to serve until the expiration of their terms.</p> <p>HISTORY: 1962 Code Section 22-15-8:1; 1972 (57) 2627; 1992 Act No. 373, Section 2.</p>	X				Partial	Coordinated with independents through SC Independent Colleges and Universities Association (SCICU)			Delete. Matters coordinated with independents through SC Independent Colleges and Universities Association (SCICU). Private college president serves ex officio on the Commission.
8)	<p>SECTION 59-103-55. Representation of four-year colleges on commission councils, advisory groups, committees and task forces.</p> <p>Each four-year campus of each state-supported public institution of higher learning, as defined in Section 59-103-5, shall have equal representation on all formal and informal councils, advisory groups, committees, and task forces of the commission.</p>	X				Partial	On-going.			Hi

	<p>Independent four-year colleges shall have representation on all formal and informal committees and commissions dealing with higher education statewide issues.</p> <p>HISTORY: 2002 Act No. 356, Section 1, Part II.A.</p>										
9)	<p>SECTION 59-103-90. Professional staff.</p> <p>An executive director must be appointed by the commission to manage and carry out the duties of the commission as prescribed by law and assigned by the commission. The executive director is not subject to the State Employee Grievance Procedure Act of 1982 and may be dismissed without cause.</p> <p>A professional staff complement shall be established by the executive director who shall ensure that there are persons on the staff who have the professional competence and experience to carry out the duties assigned and to ensure that there are persons on the staff who are familiar with the problems and capabilities of all of the principal types of state-supported institutions in the State. Provision shall be made for persons of high competence and strong professional experience in the areas of academic affairs, public service and extension programs, business and financial affairs, institutional studies and long-range planning, student affairs, research and development, legal affairs, health affairs, institutional development, and for state and federal programs administered by the commission. The hiring of additional staff members to any position for which funds were not specifically appropriated by the General Assembly shall require prior approval by the General Assembly.</p> <p>HISTORY: 1978 Act No. 410 Section 6; 1995 Act No. 137, Section 4.</p>	X				Yes					

10)	<p>SECTION 59-103-160. English Fluency in Higher Learning Act.</p> <p>(A) This section may be cited as the English Fluency in Higher Learning Act.</p> <p>(B) The following words and phrases when used in this section have the meanings given to them unless the context clearly indicates otherwise: “Instructional faculty” means every member of a public institution of higher learning whose first language is not English, other than visiting faculty but including graduate teaching assistants, who teaches one or more undergraduate credit courses at a campus of that institution within this State except: (1) courses that are designed to be taught predominately in a foreign language; (2) student participatory and activity courses such as clinics, studios, and seminars; (3) special arrangement courses such as individualized instruction and independent study courses; and (4) continuing education courses.</p> <p>(C) Each public institution of higher learning shall establish policies to: (1) Ensure that the instructional faculty whose second language is English possess adequate proficiency in both the written and spoken English language. Student and faculty input is required in establishing these policies. (2) Provide students with a grievance procedure regarding an instructor who is not able to write or speak the English language.</p> <p>(D)(1) Each institution of higher learning must submit its policy or amendments to the Commission on Higher Education within six months from the effective date of this section. Any amendments to the policy must be promptly forwarded to the commission. The commission shall notify the chairmen of the Senate and House Education Committees of those institutions not submitting</p>		X				No	<i>Suspended per proviso since FY10</i>				Delete (D) (1). Covered under other processes.
-----	---	--	---	--	--	--	----	---	--	--	--	---

	<p>plans and any amendment to the commission.</p> <p>(2) Each institution of higher learning must report annually to the Commission on Higher Education and the chairmen of the Senate and House of Representatives Education Committees grievances filed by students under the requirement of subsection (C)(2) and the disposition of those grievances.</p> <p>HISTORY: 1991 Act No. 27, Section 1.</p>		X			No				Delete (D) (2). Covered under other processes.
11)	<p>SECTION 59-103-165. Information packages materials for eighth grade South Carolina students regarding higher education; pilot programs.</p> <p>The Commission on Higher Education is directed is to work with the state's public institutions of higher education, and private independent institutions of higher education, which wish to participate, to develop information packages materials for eighth grade middle and high school students and their parents or guardians on the options of post-secondary education available in South Carolina, the courses required to attend colleges and universities South Carolina public colleges and universities, and the financial requirements and assistance available for students pursuing additional education after high school.</p> <p>During 1991-92, the commission shall develop the information packages, and to the extent that funds are appropriated by the General Assembly, pilot test the program in a number of school districts. The commission shall report to the Senate Education Committee and the Education and Public Works Committee of the House on the pilot testing.</p> <p>HISTORY: 1992 Act No. 271, Section 2.</p>			X		Yes				<p>Technical language conformities and delete obsolete references:</p> <p>Delete obsolete language</p>
12)	<p>SECTION 59-103-170. Small group and one-on-one counseling sessions; Education Options Week.</p>			X		Yes				Delete obsolete language.

	<p>—After pilot testing, the Commission on Higher Education shall work with this state’s public institutions of higher education and private higher education institutions wishing to participate, to provide annually for the state’s eighth grade students and their parents or guardians small group and one on one counseling on required high school courses and post-secondary options, financial requirements, and assistance available for a post-secondary education. These sessions must be held at each of the state’s public schools which house an eighth grade class. The counseling may be provided during a week declared to be “Education Options Week” or at another time convenient to the school and the cooperating institution of higher education.</p> <p>The annual sessions will be phased in over two years and by school year 1993-94 will be in the individual schools in accordance with Sections 59-103-165 through 59-103-190.</p> <p>HISTORY: 1992 Act No. 271, Section 2.</p>											
13)	<p>SECTION 59-103-180. Participation of State Board of Education, State Department of Education, and public schools and districts.</p> <p>The State Board of Education, the State Department of Education, and the state’s public school districts and schools shall cooperate with the Commission on Higher Education and the <u>institutions public and independent institutions</u> of higher education in providing <u>the counseling post-secondary information materials</u>, and shall assist in any manner considered appropriate by them. The schools shall make special efforts to ensure that as many students and parents or guardians as possible are made aware of the opportunity, <u>are urged to attend the sessions, and receive the information to participate in post-</u></p>			X		Yes						<p>Technical language conformities and delete obsolete references</p>

	<u>secondary education.</u> HISTORY: 1992 Act No. 271, Section 2.										
14)	<p>SECTION 59-103-195. Regulation of culinary arts instruction requiring student under 21 to taste alcoholic beverage.</p> <p>The State Commission on Higher Education shall have review authority in order to determine the legitimacy and appropriateness of the tasting requirements pursuant to Sections 63-19-2440 and 63-19-2450. The commission shall also establish reasonable rules and restrictions through regulation, as appropriate, with regard to any proposed course of instruction in the culinary arts which any private or public institution desires to offer to students under twenty-one years of age in which the tasting of beer, ale, porter, wine, or other similar malt or fermented beverage or alcoholic liquor is required. Unless approved by the commission, no such course and no student under twenty-one years of age enrolled in such course shall qualify for the exceptions provided under Sections 63-19-2440, 63-19-2450, 61-6-4070, or 61-4-90. A course of instruction on bartending or any similar curriculum does not qualify for exception or approval by the commission under this section.</p> <p>HISTORY: 1999 Act No. 1, Section 6.</p>		X				Yes				
<p>Initiatives for Research and Academic Excellence: <i>This Chapter (59-104) describes the Palmetto Fellows Scholarship Program as well as other specific duties of the CHE to aid and support research as well as academic excellence in higher education in South Carolina.</i></p>											
15)	<p>SECTION 59-104-10. Admission standards; adoption of admission policies.</p> <p>(A) In consultation and coordination with the public institutions of higher learning in this State, the State Commission on Higher Education shall ensure that minimal admissions standards are maintained by the institutions.</p>		X				Yes				

<p><u>The commission, with the institutions, shall monitor the effect of compliance with admissions prerequisites that are effective at the institution.</u></p> <p>(B) The boards of trustees of each public institution of higher learning, excluding the State Board for Technical and Comprehensive Education, shall adopt admission policies reflecting the desired mix of in-state and out-of-state enrollment must be approved by the board of trustees of the affected institutions. The boards shall submit the policies to the commission by July 1, 1989, and any subsequent changes to the policies must be submitted to the commission. These admission policies and standards shall be reviewed by the commission as provided in Section 59-103-45(3). For purposes of this section enrollment must be calculated on a full-time equivalency basis with the equivalent of one full time student being a student enrolled for thirty credit hours in an academic year. Out-of-state students mean students who are not eligible for in-state rates for tuition and fees under Chapter 112 of Title 59.</p> <p><u>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</u></p>		X				No				Hi	
---	--	---	--	--	--	----	--	--	--	----	--

16)	<p>SECTION 59-104-20. Palmetto Fellows Scholarship Program established; adjudication of delinquency; drug and alcohol offenses.</p>			X		Yes		<p><u>CHE REG 62.300-375</u></p>			
	<p>(A) The Palmetto Fellows Scholarship Program is established to foster scholarship among the state's post-secondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. Measures must be taken to ensure equitable minority participation in this program. Recipients of these scholarships are designated Palmetto Fellows. Each Palmetto Fellow shall receive a scholarship in an amount not to exceed six thousand seven hundred dollars. These scholarships in combination with all other grants and scholarships shall not exceed the cost of attendance at the institution attended. The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.</p>							<p>Appeals: <u>CHE REG. 62.1000-1040</u></p>			
	<p>(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug-related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea.</p>										
	<p>(C) Of the funds made available for higher education Palmetto Fellows Scholarships for any year, a percentage thereof must be allocated for</p>										<p>Delete (C). Precedes Lottery funding. All eligible students in both</p>

<p>students attending South Carolina independent colleges of higher learning in this State. This percentage must be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time enrollment (FTE) of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.</p> <p>(D) After expending funds appropriated for Palmetto Fellows Scholarships from all other sources, there is automatically appropriated from the general fund of the State whatever amount is necessary to provide Palmetto Fellows Scholarships to all persons meeting the requirements of this section.</p> <p>(E) A Palmetto Fellows Scholarship is available to an eligible resident student who attends or will attend an eligible four-year public or independent institution.</p> <p>(F) For purposes of subsection (E):</p> <p>(1) "Public or independent institution" means a:</p> <p>(a) South Carolina public institution defined in Section 59-103-5, excluding a public two-year or technical institution, and an independent institution as defined in Section 59-113-50, excluding an eleemosynary junior or independent two-year institution; or</p> <p>(b) public or independent bachelor's level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.</p> <p>(2) "Resident student" means a:</p> <p>(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State,</p>																														<p>public and independent colleges and universities are eligible to receive Palmetto Fellows Scholarship funds.</p>
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

<p>while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and</p> <p>(b) student classified as a resident of South Carolina for in-state tuition purposes under Chapter 112 of this title at the time of enrollment at the institution.</p> <p>(G) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:</p> <p>(1) meet the following three criteria:</p> <p>(a) a minimum score of 1200 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;</p> <p>(b) a cumulative 3.5 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year; and</p> <p>(c) rank in the top six percent of the class at the end of the sophomore, junior, or senior year. When calculating eligibility for Palmetto Fellows Scholarships in schools where the top six percent of the graduating class is two students or less, the top two students must be considered for the scholarship regardless of class rank. The top six percent of the graduating class must meet all Palmetto Fellows Scholarship eligibility requirements in order to receive a scholarship. If the top six percent of the class is not a whole number of students, the Commission on Higher Education shall round up to the next whole number of students eligible; or</p> <p>(2) meet the following two criteria:</p> <p>(a) a minimum score of 1400 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score; and</p> <p>(b) a cumulative 4.0 grade point ratio on the Uniform Grading Scale at the end of the junior or senior year.</p> <p>Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline.</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>For the purposes of meeting the rank criteria pursuant to this subsection, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the Commission on Higher Education determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Scale, the state-approved standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship.</p> <p>(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out-of-state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection.</p> <p>(I) The Commission on Higher Education shall, by regulation, define alternative qualifications for an exceptionally gifted student who is a resident of South Carolina and is accepted into an institution of higher learning without</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>having attended or graduated from high school.</p> <p><u>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10; 1996 Act No. 458, Part II, Section 20B; 2000 Act No. 289, Section 3(A); 2002 Act No. 356, Section 3G; 2005 Act No. 162, Section 1, eff June 14, 2005; 2007 Act No. 103, Section 17, eff July 1, 2007; 2008 Act No. 178, Section 1, eff February 13, 2008; 2008 Act No. 353, Section 2, Pt 1.B.1, eff July 1, 2008.</u></p> <p>SECTION 59-104-25. Additional Palmetto Fellows Scholarship stipend.</p> <p>(A) A resident student who is at least a sophomore attending a four-year public or private institution of higher learning in this State, who is majoring in science or mathematics as defined below, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five-year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his science or mathematics major. In addition, during his freshman year, the student must have successfully completed a total of at least fourteen credit hours of instruction in mathematics</p>				X		Yes					
--	--	--	--	--	---	--	-----	--	--	--	--	--

<p>courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.</p> <p>(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.</p> <p>(C) If the additional Palmetto Fellows Scholarship stipend is lost, it may be regained in the same manner the underlying Palmetto Fellows Scholarship is regained if lost.</p> <p>(D) In addition, the amount of the Palmetto Fellows Scholarship for a recipient who does not receive the enhanced stipend provided by this section, beginning with the 2007 academic year, shall be increased to an amount equal to that received by a LIFE Scholarship recipient also receiving the enhanced stipend provided by Section 59-149-15.</p> <p>HISTORY: 2007 Act No. 115, Section 7.A, eff June 29, 2007; 2008 Act No. 235, Section 1, eff upon approval (became law without the Governor's signature on May 22, 2008).</p>		X				Yes					
				X		Yes					
				X		Yes					

17)	<p>SECTION 59-104-30. Developmental education plans, studies, and programs.</p> <p>Each public institution of higher learning The Technical College System in this State shall develop a plan for developmental education in accord with provisions, procedures, and requirements developed by in conjunction with the Commission on Higher Education. The commission shall conduct a study as well as evaluations and reviews of developmental education in this State. The commission shall develop appropriate methods of funding developmental education programs and courses.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>		X				Partial	Developmental education is administered by the Technical College System only.			Hi	<p>Technical language conformities and delete obsolete references</p>
18)	<p>SECTION 59-104-40. Technical education system shall convert to semester calendar; limitation on offering of certain courses.</p> <p>(A) The technical education system in this State shall convert from the quarter calendar to the semester calendar, if funds are appropriated for this purpose. The Commission on Higher Education shall request state appropriations for the conversion to be funded and completed over a two year period.</p> <p>(C) The State Board for Technical and Comprehensive Education, in consultation with the commission, shall limit the offering of courses designed for college transfer in those technical colleges that do not have approved college transfer programs. The offering of 'college parallel' general education courses in institutions not authorized to award the associate in arts or associate in science degree is limited to those necessary to support approved non-transfer programs. The commission, after consultation with the State Board for Technical and Comprehensive</p>		X				Yes					<p>Delete</p> <p>All institutions are on semester system. All technical colleges offer college transfer courses in accordance with course articulation requirements.</p>

	<p>Education and with public senior colleges and universities, shall establish rules and procedures by which this limitation must be regulated. The commission shall establish procedures concerning courses acceptable for transfer as provided in Section 59-103-45(1).</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>										
19)	<p>SECTION 59-104-220. Governor's Professor of the Year Award established.</p> <p>The Governor's Professor of the Year Award is established as follows:</p> <p>(1) Each public or private institution of higher learning in this State is eligible to nominate one faculty member for this award who has demonstrated exceptional teaching performance.</p> <p>(2) The Governor's office in conjunction with the Commission on Higher Education shall establish a committee to choose the Professor of the Year from a senior institution and a Professor of the Year from an institution offering no degree above the associate's degree. The committee must consist of representatives of the Governor's office, the commission, and appropriate civic, business, government, and academic organizations.</p> <p>(3) Each award must include a citation and a payment of five thousand dollars. Up to ten finalists may be awarded five hundred dollars each by the Commission on Higher Education. The Governor's office shall host an appropriate ceremony at which the awards must be presented.</p> <p>(4) The commission shall request annual state appropriations for the award.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10; 1996 Act No. 458, Part II, Section 74.</p>		X			No	<p>As required in statute, CHE asked for funding for FY16 (not provided) and is asking again for FY17</p> <p>Funding cut as of FY11.</p>			Hi	
20)	<p>SECTION 59-104-260. Commission shall encourage</p>		X			Yes					

	<p>development of joint programs.</p> <p>The Commission on Higher Education shall encourage the development of joint programs that take advantage of the strengths of the public colleges and universities and discourage the development of independent competitive programs. The programs must be developed through planning and cooperation among the institutions in both academic and nonacademic areas.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>											
21)	<p>SECTION 59-104-610. Statewide planning system.</p> <p>The State Commission on Higher Education shall maintain a statewide planning system to address strategic issues in public and private higher education. The system must focus upon the following goals to:</p> <p>(1) identify future directions for higher education in South Carolina and recommend appropriate methods for meeting the resultant challenges;</p> <p>(2) review major goals identified by the public and private institutions of higher learning in this State and ascertain their relationship to higher education in South Carolina;</p> <p>(3) assure the maintenance and continued development of the quality of higher education in South Carolina;</p> <p>(4) assure the maintenance and continued provision of access to and equality of educational opportunity in higher education in South Carolina;</p> <p>(5) measure and monitor an institution's</p>	X				Yes						

	standard of achievement in regard to the performance indicators for quality academic success as contained in Section 59-103-30. HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.										
22)	SECTION 59-104-620. Advisory Council on Planning. —(A) The Commission on Higher Education shall establish an Advisory Council on Planning to assist the commission and the institutions of higher learning in maintaining planning as a high priority. —(B) The advisory council shall report to the executive committee of the commission, which shall serve as the standing committee on planning for the commission. —(C) The advisory council shall submit to the executive committee of the commission its advice, reports, and draft plans. HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10	X				No					Delete. No longer needed as a separate initiative. All institutions have planning processes approved by the Boards of Trustees.
23)	SECTION 59-104-630. Individual planning process. The Commission on Higher Education shall ensure that each public institution of higher learning in this State maintains its individual planning process. HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.	X	.			No					
24)	SECTION 59-104-640. Prospectus for planning; statewide planning document; revisions. —(A) The chief executive officer of the Commission on Higher Education shall develop a prospectus for planning each year. —(B) In the initial year, the Advisory Council on Planning is responsible for developing a statewide	X				No					Delete. No longer needed as a separate initiative. All institutions have planning processes approved by their Boards of Trustees.

	<p>planning document for submission to the commission. —(C) After the initial year and annually thereafter, the advisory council shall prepare revisions of the planning document for consideration by the commission. The revisions must conform to, but need not be limited to, the prospectus provided by the commission.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>											
25)	<p>SECTION 59-104-650. Institutional effectiveness program.</p> <p>(A) The goals for maintaining an effective system of quality assessment by institutions of higher learning in South Carolina are to:</p> <p>(1) assure that a system for measuring institutional achievement in regard to the performance indicators for quality academic success as contained in Section 59-103-30 is in effect on every public college and university campus in this State;</p> <p>(2) provide a vehicle for disseminating the results of these measurements to the constituents within the State;</p> <p>(3) provide data relative to the effectiveness of each institution that can be used to initiate curriculum, programmatic, or policy changes within the institution necessary to meet the standards for these performance indicators.</p> <p>(B) The process by which these goals must be attained is as follows:</p> <p>(1) Each institution of higher learning is responsible for maintaining a system to measure institutional achievement in regard to the performance indicators for quality academic success in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The system for measuring such</p>		X				Partial	Partially suspended in FY10 with proviso.			Hi	

	<p>institutional achievement must include, but is not limited to, a description of criteria by which such institutional achievement is being assessed.</p> <p>(2) As a part of South Carolina’s statewide planning process, each institution shall provide the commission with an annual report on the results of its institutional achievement program.</p> <p>(3) The commission shall prepare a report that must include results of institutional achievement, including student assessment programs. Information from private colleges and universities must be included for those institutions that voluntarily provide the information to the commission.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>											
26)	<p>SECTION 59-104-660. State-supported institutions to establish procedures and programs to measure student achievement.</p> <p>(A) All state-supported institutions of higher learning shall establish their own procedures and programs to measure student achievement which must include, but are not limited to, the performance indicators contained in Section 59-103-30(B)(6) and (7). The procedures and programs must be submitted to the Commission on Higher Education as part of the plan for measuring institutional achievement and must:</p> <p>(1) derive from institutional initiatives, recognizing the diversity of South Carolina public colleges and universities, the tradition of institutional autonomy, and the capacity of faculty and administrators to identify their own problems and solve them creatively;</p> <p>(2) be consistent with each institution’s mission and educational objectives;</p> <p>(3) involve faculty in setting the standards of achievement, selecting the measurement instruments, and analyzing the results;</p>		X				No				Hi	

	<p>(4) follow student progress through the curriculum, as appropriate; (5) include follow-up of graduates.</p> <p>(B) As part of their annual report on institutional achievement, all state-supported colleges and universities shall describe their progress in developing assessment programs and submit information on student achievement to the commission.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section</p>									
27)	<p>SECTION 59-114-30. College assistance program grants; restrictions.</p> <p>Qualifying members of the National Guard may receive college assistance program grants up to an amount equal to one hundred percent of college tuition and fees, provided, however, the total of all grants received may not exceed eighteen thousand dollars. A member may not qualify for college assistance program grants for more than one hundred thirty semester hours or related quarter hours. Grants are not to be awarded for graduate degree courses. A new application must be submitted for each separate academic year prior to the beginning of the academic year. The annual maximum grant must be determined for each academic year based on the amount of available program funds.</p> <p>HISTORY: 1979 Act No. 199, Part II, Section 5; 1997 Act No. 155, Part II, Section 53A; 2007 Act No. 40, Section 1, eff June 4, 2007, applicable beginning with the 2007-2008 academic year; 2014 Act No. 151 (H.3784), Section 1, eff April 7, 2014.</p> <p>SECTION 59-114-40. Qualification requirements.</p>			X		Yes		CHE REG 62.250 – 62.263		
				X		Yes				

<p>(A) Members of the National Guard enrolled or planning to enroll in an eligible institution may apply to the commission for a college assistance program grant. To qualify, an applicant must:</p> <p>(1) be in good standing with the active National Guard at the beginning of each academic year and remain a member in good standing with the active National Guard throughout the entire academic year for which benefits are payable;</p> <p>(2) have valid tuition and fee expenses from an eligible institution;</p> <p>(3) maintain a cumulative grade point average that the institution requires to remain as a student; and</p> <p>(4) satisfy additional eligibility requirements as may be promulgated by the commission.</p> <p>(B) Individuals joining the National Guard become eligible for college assistance program grants upon completion of basic training and Advanced Individual Training (AIT). Enlisted personnel shall continue their service in the National Guard during the term of the courses covered by the grant received. Officers shall continue their service with the National Guard for at least four years after completion of the most recent grant awarded or degree completion.</p> <p>(C) National Guard members receiving a full Reserve Officer's Training Corps (ROTC) scholarship are not eligible for college assistance program grants.</p> <p>HISTORY: 1979 Act No. 199, Part II, Section 5; 1997 Act No. 155, Part II, Section 53B; 2007 Act No. 40, Section 1, eff June 4, 2007, applicable beginning with the 2007-2008 academic year; 2014 Act No. 151 (H.3784), Section 2, eff April 7, 2014.</p> <p>SECTION 59-114-65. Grants dependent on availability of funds; administration costs.</p> <p>Grants provided pursuant to this chapter are subject to the availability of funds appropriated by the General Assembly. Funds appropriated for the</p>					X	Yes					
---	--	--	--	--	---	-----	--	--	--	--	--

	<p>college assistance program may be carried forward and expended for the same purpose. If a mid-year budget reduction is imposed by the General Assembly or the Executive Budget Office, as appropriate, the appropriations for the college assistance program are exempt. Up to five percent of the amount appropriated to the college assistance program may be used to defray administrative costs incurred by the commission associated with the implementation of this chapter.</p> <p>HISTORY: 2007 Act No. 40, Section 1, eff June 4, 2007, applicable beginning with the 2007-2008 academic year; 2014 Act No. 151 (H.3784), Section 3, eff April 7, 2014.</p> <p>SECTION 59-114-75. Grants to institutions; recovery of funds upon withdrawal of student; promulgation of regulations.</p> <p>The commission shall disburse grants awarded pursuant to this chapter to the eligible institutions to be placed in an account established for each eligible student. In the event that a student who has received a grant withdraws, is suspended, or otherwise becomes ineligible, the institution must reimburse the college assistance program for the amount of the grant for the applicable term pursuant to the refund policies of the institution. The institution is responsible for collecting any amount due to the institution from the student. The commission shall administer the provisions of this chapter and shall promulgate regulations necessary to implement the provisions of this chapter.</p> <p>HISTORY: 2001 Act No. 41, Section 2; 2007 Act No. 40, Section 1, eff June 4, 2007, applicable beginning with the 2007-2008 academic year.</p>				X	Yes					
28)	SECTION 59-142-20. Promulgation of regulations.				X	Yes		CHE REG 62.450 - 505			Strike “-Consistent with

	<p>Consistent with this section, the Commissioner of Higher Education shall be responsible for making guidelines available for FY 96-97 and shall promulgate regulations necessary to administer the need-based grants program in accordance with the Administrative Procedures Act for years after 1996-97. The need-based grants program must be administered at the campus level.</p> <p>—Pursuant to Section 59-103-165, the commission shall incorporate information pertaining to the need-based grant program in the information packets concerning post-secondary education for eighth grade students and their parents or guardians.</p> <p><u>The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.</u></p> <p>HISTORY: 1996 Act No. 458, Part II, Section 20A.</p>												<p>this section, the Commissioner of Higher Education shall be responsible for making guidelines available for FY 96-97 and shall promulgate regulations necessary to administer the need-based grants program in accordance with the Administrative Procedures Act for years after 1996-97.” and “Pursuant to Section 59-103-165, the commission shall incorporate information pertaining to the need-based grant program in the information packets concerning post-secondary education for eighth grade students and their parents or guardians.” Insert “The commission shall promulgate regulations and establish procedures to administer the program and request annual state appropriations for the program.</p>
29)	<p>SECTION 59-58-30. Exclusions from definition of “nonpublic educational institution.”</p> <p>. The definition of “nonpublic educational institution” does not include:</p>		X				Yes			CHE REG 62.1 - 100			

<p>(1) Any degree-granting school, institute, college, junior college, university, or entity chartered by the Secretary of State before 1953;</p> <p>(2) Institutions that:</p> <ul style="list-style-type: none"> a. Are independent or church-related, b. Are two or four-year degree granting, c. Have their primary emphasis on liberal arts, d. Are accredited by the Southern Association of Colleges and Schools, e. Are nonprofit, and f. Have their primary place of business in South Carolina. <p>(3) Institutions offering courses of instruction only at the kindergarten through high school level;</p> <p>(4) Institutions whose sole purpose is religious or theological training;</p> <p>(5) Institutions offering noncredit bearing courses exclusively for avocational purposes, as determined by the commissioner;</p> <p>(6) Institutions directly supported, entirely or partly, by the State of South Carolina;</p> <p>(7) Aviation institutions or instructors that offer flight training with the statement or implication that their primary objective is to train persons for personal or recreational purposes and not for gainful employment;</p> <p>(8) Courses or programs regulated and licensed or approved under an occupational licensing law of the State of South Carolina;</p> <p>(9) Noncredit bearing courses or programs sponsored by employers solely for the training of their employees if:</p> <ul style="list-style-type: none"> a. The training is conducted by an employee of the sponsoring employer or if the sponsoring employer contracts with a provider to conduct the training; b. The sponsoring employer bears the expense of providing the training by paying the 																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>training provider directly, and this provision does not mean paying the employee after the employee pays; and</p> <p>c. The sponsoring employer allows employees to attend the training on company time if the training takes place during regular work hours.</p> <p>(10) Noncredit bearing courses or programs that do not prepare or qualify individuals for employment in any occupation or trade sponsored by recognized trade, business, or professional organizations solely for the instruction of their members;</p> <p>(11) Institutions that offer only noncredit bearing intensive review courses such as those designed to prepare students for certified public accountancy tests, law school aptitude tests, bar examinations, medical college admissions tests, and other license preparation tests;</p> <p>(12) Out-of-state institutions that formally collaborate with public South Carolina institutions in offering distance education coursework in this State and where the South Carolina institution offers the degree;</p> <p>(13) Institutions that offer programs and courses on federal military installations; and</p> <p>(14) Degree-granting institutions accredited by an accrediting agency recognized by the United States Department of Education that conduct occasional or incidental recruiting activities to include activities at high school recruiting fairs or through seasonal recruitment advertising rather than continuing and regular activities that would otherwise establish an actual presence in South Carolina as defined in this chapter.</p> <p>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 2; 2007 Act No. 20, Section 2, eff May 15, 2007.</p>											
30)	SECTION 59-58-40. Authority and powers of commission; promulgation of rules and regulations.		X			Yes						

<p>The commission is the sole authority for licensing nonpublic educational institutions established in South Carolina and for those established elsewhere which want to operate in or confer degrees in this State. The commission may promulgate those regulations as may be necessary for the administration and enforcement of this chapter.</p> <p>(1) The commission may license nonpublic educational institutions meeting the necessary standards and shall administer and enforce the provisions of this chapter. These standards must include, but are not limited to, course or program offerings, adequate facilities, financial stability, competent personnel, educational resources, refund policies, and legitimate operating practices.</p> <p>(2) The commission shall formulate the criteria and standards for the approval of nonpublic educational institutions. Only those institutions meeting such standards may be licensed. The commissioner shall maintain a list of institutions that have been licensed according to this chapter.</p> <p>(3) The commission shall formulate the standards for the approval of salesmen, agents, or representatives of institutions and issue permits to those applicants meeting such standards.</p> <p>(4) The commissioner shall enforce all regulations for licensing nonpublic educational institutions. The commissioner may place an institution on probation. The commission shall revoke or suspend the license of any institution failing to comply with the minimum requirements for licensure.</p> <p>HISTORY: 1992 Act No. 497, Section 1.</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

31)	<p>SECTION 59-58-50. Licenses required; effect of changes in licensed institution; applications; term of license.</p>		X				Yes					
<p>(A) No nonpublic educational institution established in South Carolina or offering a course or program in South Carolina has the authority to operate, to solicit students for enrollment, or to confer degrees or other educational credentials unless a license is first secured from the commission. The commission shall approve through licensure the location of and programs offered by the institution. The commission shall promulgate regulations to amend a license for and changes in location and for additional or amended courses or programs. The commission shall not license any institution to offer a degree if the commission determines that the degree adversely affects the goals of the commission's plan to improve access and equity minority affairs programs in public institutions of higher education. The commission shall promulgate regulations to make the determination.</p> <p>(B) After a license is issued, it is the institution's responsibility to notify immediately the commissioner of significant changes in either the course or program offerings, facilities, finances, or personnel.</p> <p>(C) In the event of the sale of an institution, the license is not transferable. The new owner must comply with all the requirements of this chapter.</p> <p>(D) Applications for licenses must be filed in the manner prescribed by the commission. The applications must be signed by the applicants and must contain that information as may be required.</p> <p>(E) Licenses are restricted to the courses or programs of instruction specifically indicated on the license. Additional courses or programs of instruction may be approved during the effective period of the license if a supplementary approval application is submitted and the license is amended.</p> <p>(F) Licenses for non-degree-granting institutions</p>												

	<p>shall normally be granted for twelve months, renewable annually from date of issue, or other date in excess of twelve months set by the commission to stagger the renewal dates of all institutions. The commission may issue licenses to non-degree-granting institutions for less than twelve months as circumstances justify. Licenses and renewal of licenses for degree-granting institutions may be granted for periods not to exceed five years. Renewal is contingent upon filing appropriate applications for renewal with the commissioner. The institution and its courses or programs, facilities, faculty, and all other operations must meet the requirements for an original license at the effective date of the renewal.</p> <p>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 3.</p>											
32)	<p>SECTION 59-58-60. Use of “college” or “university” in name.</p> <p>No individual, school, board, association, corporation, business, institution, or other entity may use the term “college” or “university” or use any other name, title, literature, catalogs, pamphlets, or descriptive matter which implies that it is an institution of higher learning or that it may grant educational credentials or credit or academic or professional degrees, except as follows:</p> <p>(A) An institution the commission licenses may use the term “college” in its name only if it offers at least one program leading to an associate or higher degree.</p> <p>(B) An institution may use the term “university” in its name if the institution is:</p> <ol style="list-style-type: none"> 1. Operating and licensed in South Carolina and using the term “university” in its name before the effective date of this chapter, or 2. An out-of-state institution that is chartered or licensed in its home state using the term 		X				Yes					

	<p>“university” in its name. Any other institution must petition the commission for approval to use the term “university” in its name.</p> <p><u>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 4</u></p>										
33)	<p>SECTION 2-77-20. Establishment of program; purpose; funding.</p> <p>(A) There is hereby established the South Carolina Higher Education Excellence Enhancement Program for the general purpose of enhancing the educational opportunities of low-income and educationally disadvantaged students. The program must be administered by the Commission on Higher Education. The commission must enter into annual contracts with eligible institutions to accomplish the purposes of this program.</p> <p>(B) The program must be funded by appropriations from the Education Lottery Account in an amount provided by the General Assembly.</p> <p>(C) An institution seeking to qualify as an eligible institution must submit an annual application to the commission. The commission must certify the eligibility of institutions seeking contracts pursuant to this section. The funds appropriated for this program must be allocated equally among the eligible institutions.</p> <p>(D) From the amounts allocated on an equal basis, an institution receiving an allocation of funds must first use the funds as the nonfederal match required by a federal funding program that provides funding for historic preservation or for capital improvements. In awarding funds based on merit, the commission shall give priority to those proposals that can be matched</p>		X		Yes			<p>Proviso 3.7 (LEA: Higher Education Excellence Enhancement Program Additions) Converse College and Columbia College shall be eligible to receive lottery funds under the Higher Education Excellence Enhancement Program.</p>			

	with funds from a federal funding program. HISTORY: 2003 Act No. 24, Section 1; 2011 Act No. 74, Pt VI, Section 16, eff August 1, 2011.									
34)	<p>SECTION 8-17-380. Grievance and performance appraisal procedure for academic employees.</p> <p>With respect to the teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institutions described in item (10) of § 8-17-370, each such institution, subject to the approval of the Director of the Department of Administration or its designee and the Commission on Higher Education, shall establish in writing:</p> <p>(a) A performance appraisal procedure which shall assure:</p> <p>(1) annual review and evaluation of such employees;</p> <p>(2) written findings;</p> <p>(3) review of evaluations with each covered employee;</p> <p>(4) retention of performance appraisals and written comments of such employee, if any, in a permanent file with right of full disclosure to the employee.</p> <p>(b) A grievance procedure which shall at an appropriate stage provide a hearing for such employees before an individual or committee designated for such purposes, at which the employee shall have the right to representation by counsel and the opportunity to present evidence in his behalf. Any such procedure shall include the right of the employee to appeal the post-hearing decision to the governing board of the institution, or a committee designated by the board for this purpose, such appeal to be limited to the record of the hearing. Discrimination in compensation, promotion, and work assignment shall be subjects for consideration by such grievance procedure. Dismissal of tenured or other permanent employees and dismissal prior to the end of an employment contract term shall be</p>		X			No	Activity managed by Department of Administration Division of State Human Resources.			Strike: "and the Commission on Higher Education". Provision is managed specifically by the Department of Administration, Division of State Human Resources.

	<p>only for cause, and shall be subject for consideration by such grievance procedure. The granting or the failure to grant tenured status to such employees or nonrenewal of employment contracts at the end of the contract term shall not be subjects for consideration by such grievance procedure.</p> <p>The grievance and performance appraisal procedure provided for herein shall be submitted to the Department of Administration or its designee and the Commission on Higher Education for approval within six months after the establishment of any new institution.</p> <p>HISTORY: 1982 Act No. 402, Section 8.</p>										
35)	<p>SECTION 11-51-190. Exemption from state procurement process; alternative procurement procedures.</p> <p>The research universities while engaging in projects related to this act shall be exempt from the state procurement process, except that the research universities must work in conjunction with the State Fiscal Accountability Authority's Chief Procurement Officer to establish alternate procurement procedures, and must submit a procurement process to the State Commission on Higher Education to be forwarded to the State Fiscal Accountability Authority for approval. These processes shall include provisions for audit and recertification.</p> <p>HISTORY: 2004 Act No. 187, Section 9; 2014 Act No. 121 (S.22), Pt VII, Section 20.L.3, eff July 1, 2015.</p>			X		Yes	Statute implemented in 2004. Developed and submitted.				
36)	<p>SECTION 59-101-350. Commission on Higher Education annual report; submission of information by educational institutions for inclusion in report; alumni surveys.</p> <p>(A) The Commission on Higher Education shall</p>					X	No	Suspended per Proviso in FY 10			

<p>submit an annual report to the Governor and to the General Assembly. The annual report must be published before January fifteenth of each year and presented in a readable format so as to easily compare with peer institutions in South Carolina and other Southern Regional Education Board states the state's public, post-secondary institutions. Prior to publication, the Commission on Higher Education shall distribute a draft of the report to all public, post-secondary institutions and shall allow comment upon the draft report. The Commission on Higher Education shall develop and adopt a format for the report and shall ensure consistent reporting and collecting of the data in the report by the institutions.</p> <p>(B) Each four-year, post-secondary institution shall submit to the commission the following information for inclusion in the report, with the South Carolina Department of Corrections' students identified and reported separately:</p> <p>(1) the number and percentage of accredited programs and the number and percentage of programs eligible for accreditation;</p> <p>(2) the number and percentage of undergraduate and graduate students who completed their degree program;</p> <p>(3) the percent of lower division instructional courses taught by full-time faculty, part-time faculty, and graduate assistants;</p> <p>(4) the percent and number of students enrolled in remedial courses and the number of students exiting remedial courses and successfully completing entry level curriculum courses;</p> <p>(5) the percent of graduate and upper division undergraduate students participating in sponsored research programs;</p> <p>(6) placement data on graduates;</p> <p>(7) the percent change in the enrollment rate of students from minority groups and the change in the total number of minority students enrolled over the past five years;</p> <p>(8) the percent of graduate students who</p>											<p>Delete (B)(4). 4-Year institutions and 2-year regional campuses of USC no longer offer remedial courses. Move requirement to (C)(9).</p>
--	--	--	--	--	--	--	--	--	--	--	---

<p>received undergraduate degrees at the institution, within the State, within the United States, and from other nations;</p> <p>(9) the number of full-time students who have transferred from a two-year, post-secondary institution and the number of full-time students who have transferred to two-year, post-secondary institutions;</p> <p>(10) student scores on professional examinations with detailed information on state and national means, passing scores, and pass rates, as available, and with information on such scores over time, and the number of students taking each exam;</p> <p>(11) assessment information for the institution's Title II of the federal Higher Education Act of 1998 report that collects and analyzes data on applicant qualifications and the performance of the candidates and graduates;</p> <p>(12) appropriate information relating to each institution's role and mission to include policies and procedures to ensure that academic programs support the economic development needs in the State by providing a technologically skilled workforce;</p> <p>(13) any information required by the commission in order for it to measure and determine the institution's standard of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30.</p> <p>(C) Each two-year, post-secondary institution shall submit to the commission the following information for inclusion in the report:</p> <p>(1) the number and percentage of accredited programs and the number and percentage of programs eligible for accreditation;</p> <p>(2) the number and percentage of undergraduate students who completed their degree program;</p> <p>(3) the percent of courses taught by full-time faculty members, part-time faculty, and graduate assistants;</p> <p>(4) placement rate on graduates;</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>(5) the percent change in the enrollment rate of students from minority groups, the number of minority students enrolled, and the change in the total number of minority students enrolled over the past five years;</p> <p>(6) the number of students who have transferred into a four-year, post-secondary institution and the number of students who have transferred from four-year, post-secondary institutions;</p> <p>(7) appropriate information relating to the institution's role and mission to include policies and procedures to ensure that academic programs support the economic development needs in the State by providing a technologically skilled workforce;</p> <p>(8) any information required by the commission in order for it to measure and determine the institution's standard of achievement in regard to the performance indicators for quality academic success enumerated in Section 59-103-30;</p> <p><u>(9) the percent and number of students enrolled in remedial courses and the number of students exiting remedial courses and successfully completing entry-level curriculum courses.</u></p> <p>(D) The commission also shall develop with the cooperation of the public, post-secondary institutions, a uniform set of questions to be included in surveys to be used by each public, post-secondary institution in determining alumni satisfaction. The survey instruments must address the issues of overall satisfaction, satisfaction with major instruction, impact of general education, and current societal participation of alumni. Every two years, the graduating class of three years prior must be surveyed by each institution using appropriate statistical techniques. Information from these surveys must be included every two years in the annual report as required herein.</p> <p>(E) The commission shall make no funding decision, capital outlay decision, distribution or</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Moved from (B)(4) and created (C)(9)

	<p>certification on behalf of any public, post-secondary institution that has not submitted the information required pursuant to this section.</p> <p>(F) After discussions with the institutions, the Commission on Higher Education in consultation with the House Education and Public Works Committee and the Senate Education Committee shall develop the format for the higher education report as required herein.</p> <p>(G) The Commission on Higher Education also is required in the annual report to report on the progress of institutions of higher education in implementing assessment programs, in their achievement of effectiveness goals, and on each institution's standard of achievement in regard to the performance indicators for academic success established in Section 59-103-30.</p> <p>(H) The report required by this section must be filed in magnetic media form if the information is available in that form.</p> <p>HISTORY: 1992 Act No. 255, Section 1; 1996 Act No. 359, Section 11; 2001 Act No. 38, Section 1.</p>										
37)	<p>SECTION 59-112-100. Regulations.</p> <p>The Commission on Higher Education may prescribe uniform regulations for application of the provisions of this chapter and may provide for annual review of such regulations.</p> <p>HISTORY: 1978 Act No. 466, Section 10.</p>			X		Yes		CHE REG 62.600 - 612			
38)	<p>SECTION 59-118-90. Procedures for submission and documentation of requests.</p> <p>The Commission on Higher Education shall specify by regulation the procedures for submission and documentation of requests for matching state funds.</p> <p>HISTORY: 1997 Act No. 155, Part II, Section 21A</p>			X		Yes		CHE REG 62-820 - 900			

39)	SECTION 59-149-140. Enrollment reports. All institutions participating in the LIFE Scholarship Program must report their enrollment and other relevant data as solicited by the Commission on Higher Education which may audit these institutions to ensure compliance with this provision. HISTORY: 1998 Act No. 418, Section 1.			X			Yes		CHE REG. 62-1200.1-62-1200.70 CHE was provided funding to re-establish the audit function in FY 2015-16 and will be re-establishing this function as a result			
40)	11.5. (CHE: EPSCoR Committee Representation) With the intent that the four-year teaching institutions receive a portion of EPSCoR funding, the State EPSCoR Committee shall have an executive committee consisting of one representative from each of the research institutions and one representative from the four-year teaching university sector.			X			Yes	The Experimental Program to Stimulate Competitive Research (EPSCoR) is housed at USC. Funds flow through CHE's budget to the program.				
41)	11.7. (CHE: Performance Improvement Pool Allocation) Of the funds appropriated to the Commission on Higher Education under Section III. Other Agencies & Entities: Special Items: Performance Funding, eighty percent will be allocated to the EPSCoR program under the Commission on Higher Education to improve South Carolina's research capabilities and twenty percent will be allocated to support the management education programs of the School of Business at South Carolina State University.			X			Yes	Funds flow through CHE's budget to EPSCoR and SC State University.				
42)	11.9. (CHE: Need-Based Grants for Foster Youth) For the current academic year, youth in the custody of the Department of Social Services and attending a higher education institution in South Carolina are eligible for additional need-based grants funding of up to \$2,000 above the \$2,500 maximum. Foster youth must apply for these funds no later than May first, of the preceding year. All other grants, both				X		Yes					

	state and federal, for which these foster youth are eligible must be applied first to the cost of attendance prior to using the additional need-based grant funding. If the cost of attendance for a foster youth is met with other grants and scholarships, then no additional need-based grant may be used. The Department of Social Services, in cooperation with the Commission on Higher Education, will track the numbers of recipients of this additional need-based grant to determine its effectiveness in encouraging more foster youth to pursue a secondary education. No more than \$100,000 may be expended from currently appropriated need-based grants funding for this additional assistance.										
43)	<p>11.11. (CHE: LIFE and Palmetto Fellows Enhancement Stipends)</p> <p>In the current fiscal year before fall awards are made, to continue eligibility for LIFE and Palmetto Fellows Enhancement Stipends, students shall certify and the institutions shall verify that the student is meeting all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program and is making academic progress toward completion of the student's declared eligible major. These determinations are subject to the verification and audit of the Commission on Higher Education. Institutions shall return funds determined to have been awarded to ineligible students.</p>				X		Yes				
44)	<p>11.12. (CHE: Smart State)</p> <p>The Commission on Higher Education is prohibited from expending any source of funds on the marketing of the Smart State Program.</p>					X	Yes				
45)	<p>11.15. (CHE: College Transition Need-Based Grants)</p> <p>Of the currently appropriated need-based grants</p>				X		Yes				

	<p>funding, no more than \$179,178 shall be used to provide need-based grants to South Carolina resident students enrolled at a public institution of higher education in an established college transition program that serves students with intellectual disabilities. The Commission on Higher Education shall allocate the available funds to eligible institutions on the basis of student need and enrollment in the established college transition programs. All other grants and gift aid for which these students are eligible must be applied first to the cost of attendance prior to using the need-based grant funding. If the cost of attendance for an eligible student is met with all other grants and gift aid, the need-based grant shall not be used. The participating institutions, in cooperation with the Commission on Higher Education, shall track the number of grant recipients and other information determined necessary to evaluate the effectiveness of these grants in assisting students with intellectual disabilities in college transition programs.</p>											
46)	<p>11.19. (CHE: Scholarship Awards)</p> <p>A student may receive a Palmetto Fellows or LIFE scholarship award during the summer, in addition to fall and spring semesters of an academic year, provided continued eligibility requirements are met as of the end of the spring semester. Students must enroll full-time, which for purposes of the summer award will require enrollment in at least twelve hours over the course of the summer. The summer is defined as the period between the end of the spring term and prior to the opening of the fall term. The total summer award per student may not exceed half of the allowable academic year award up to the cost of attendance and must be reimbursed if less than twelve hours for academic credit are not attempted by the student during summer sessions. If awarded in the summer, a student's total award during his or her enrollment may not exceed the amount that</p>			X		Yes						Codify and delete in FY 17.

	would otherwise be provided under current semester limits applied for the scholarship awards. The Commission on Higher Education may provide additional guidelines necessary to ensure uniform implementation.										
47)	<p>11.25. (CHE: Other Funded FTE Revenue)</p> <p>Each institution of higher learning, when requesting additional other funded full-time equivalent positions shall ensure to the Commission on Higher Education, or its successor entity, that sufficient revenues exist to fund the salary and fringe benefits for the positions. In addition, the institution shall also ensure that in the calculation of the revenue required for the positions, future pay increases and future health insurance adjustments as may be mandated by the General Assembly are taken into consideration.</p>			X		No	<p>Proviso established in FY16</p> <p>CHE staff working with Executive Budget Office</p>			Hi	
48)	<p>11.29. (CHE: Abatements)</p> <p>By October 1st of each year, state supported institutions of higher learning must submit to the Commission on Higher Education, or its successor entity, the number of out-of-state students during the prior fiscal year that received abatement of rates pursuant to Section 59-112-70 of the 1976 Code. The report must include the geo-origin of the student, class of the student, comprehensive listing of all financial awards received by the student, number of semesters the student has received the abated rate, as well as the athletic status of the student. The report must also include the calculation method used to determine the abatement amount awarded to students as well as the number of students that received educational fee waivers pursuant to Section 59-101-620.</p>			X		Yes	<p>Proviso Established in FY16</p> <p>CHE reviewed proviso with legislative staff, issued instructions to institutions and requested data reported as of October 1.</p>				
49)	<p>11.30. (CHE: Outstanding Institutional Debt)</p> <p>By November first, institutions of higher learning</p>			X		Yes	<p>Proviso established in FY16</p> <p>Institutions reported as</p>				

	must submit to the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, and the Commission on Higher Education, or its successor entity, data on all outstanding institutional debt for their respective institution. Data shall include, but not be limited to, the amount of the initial debt, year in which the debt was incurred, the year in which the debt will be satisfied, the repayment schedule, and the purpose for which the debt was incurred.						requested.					
50)	<p>11.35. (CHE: Transferability)</p> <p>No later than May 2, 2016, the Commission on Higher Education’s Council of Presidents, or the council’s designees, in consultation with the State Board for Technical and Comprehensive Education, or its designees, shall make a recommendation(s) to the Chairman of the Senate Education Committee and the Chairman of the House Education and Public Works Committee concerning policy options for the state to consider with regards to the development of a more seamless transition for students with Associate Degrees from public two-year institutions of higher learning wishing to transfer to public research institutions and four-year colleges and universities. Recommendations must consider both the costs and opportunities of the option(s) presented including, but not limited to, impacts on institutional core requirements and accreditation standards. Nothing herein shall be construed as superseding any agreements, memorandums of understanding, or letters of intent that are in effect in the current fiscal year between or on behalf of one or more public institutions of higher learning in this state with another public institution or institutions of higher learning in this state regarding the transferability of students between institutions as described herein.</p>		X			Yes	Proviso established in FY16					
51)	1A.58. (SDE-EIA: XII.F.2 - CHE/CERRA)				X	Yes						

	<p>The Center for Educator Recruitment, Retention and Advancement (CERRA) must complete periodic evaluations of the institutions currently hosting a Teaching Fellows (TF) program and ensure that the TF programs at the current host institutions continue to meet the requirements for a TF program as set forth by the CERRA Board of Directors. Further, CERRA will continue implementing a long-range plan for approving additional TF programs at other public, four-year institutions who wish to be considered to host a TF program, provided the proposed programs meet the requirements set forth by the CERRA Board of Directors. CERRA will publish TF program criteria and requirements prominently on its website. Any institution who applies but is not selected to host a TF program will be informed in writing of the basis for the selection decision and be offered technical support if the institution elects to reapply. Any institution that applies but is not selected to host a TF program may appeal to the Commission on Higher Education.</p>											
52)	<p>1A.78. (SDE-EIA: Teacher Supply Study)</p> <p>With funds appropriated to the Center for Educator Recruitment, Retention, and Advancement (CERRA), in concert with the Commission on Higher Education, the Department of Education, and the Education Oversight Committee, CERRA shall initiate and conduct a study to identify and project the number of additional teachers needed annually in public school classrooms for grades K5 through 12, for school years beginning 2017 through 2027. The purpose of the study shall be to: (1) provide specific data and projections on the number of teachers expected to be needed as compared to the number available, by Subject Areas Taught as indicated in CERRA's annual Supply and Demand Report, and with a focus on critical need subject areas; (2) determine whether, individually and collectively, teaching programs at</p>		X				Yes	<p>New proviso in FY16.</p> <p>Lead entity on proviso is CERRA. CHE will collaborate as requested</p>				

	applicable institutions of higher learning in South Carolina have the capacity and infrastructure to fulfill projected needs in item (1); and (3) provide data for general use in estimating the fiscal impact of any new or revised programs being considered to incent more talented individuals to enter teacher training programs and more highly qualified teachers to remain in the profession for longer periods of time.									
53)	<p>117.64. (GP: Prosecutors and Defenders Public Service Incentive Program)</p> <p>The Office of Attorney General, the Prosecution Coordination Commission, and the Commission on Indigent Defense, in consultation with the South Carolina Student Loan Corporation and the Commission on Higher Education, shall develop and implement a Prosecutors and Defenders Public Service Incentive Program for attorneys employed by the Office of Attorney General, the Prosecution Coordination Commission, the Commission on Indigent Defense, a Circuit Solicitor’s Office or a county Public Defender’s Office.</p> <p>After more than three years of continuous service as a full-time attorney with any of these entities, qualifying attorneys may be reimbursed up to \$1,000 for payments made in the prior calendar year on outstanding law school loans. Reimbursements for law school loan payments may be increased by up to \$1,000 for each additional year of continuous service; however, such reimbursements shall not exceed \$5,000 in any year. The amount of law school loan payment reimbursement in any calendar year shall not exceed the amount of principal and interest paid on the loan in the prior calendar year.</p> <p>Reimbursements under the program may continue until all outstanding law school loans are satisfied; however, such reimbursements shall not exceed \$40,000 per qualifying attorney. Reimbursements shall be adjusted if necessary so as not to exceed</p>			X		No	Not sure this program is currently active.			Delete 117.64. Verified with SC Student Loan Corp. that program no longer exists.

	<p>appropriations for the program.</p> <p>The Prosecutors and Defenders Public Service Incentive Program must be administered by the South Carolina Student Loan Corporation, which shall pay for the cost of administration within the funds appropriated.</p> <p>(omitted portion....not relevant to CHE)</p>										
54)	<p>117.73. (GP: Printed Report Requirements)</p> <p>(A) For Fiscal Year 2015-16, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.</p> <p>Submission of the plans or reports required by Sections 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.</p> <p>(Omitted portions B, C, D)...</p>				X	Yes	Proviso implemented in FY10 to reduce reporting requirements during the Recession.				
55)	<p>117.131. (GP: Energy Efficiency Repair and Related Maintenance)</p> <p>The following funds appropriated by proviso 118.16 of Act 286 of 2014 for the Higher Education Efficiency, Effectiveness and Accountability Review and carried forward to be used for the same purpose shall be redirected for the purpose of energy efficiency repair and energy related maintenance as specified herein:</p>			X		Yes	<p>Proviso new in FY16.</p> <p>The purpose of the proviso is to release for use by the institutions funding appropriated directly to the institutions in FY15 for expenditure in FY16.</p> <p>PIPs are required</p>				Delete. FY 16 Specific.

<p>(1) H09 - The Citadel \$81,290;</p> <p>(2) H12 Clemson University \$ 596,066;</p> <p>(3) H15 - University of Charleston \$ 176,755;</p> <p>(4) H17 – Coastal Carolina University \$ 81,842;</p> <p>(5) H18 - Francis Marion University \$107,372;</p> <p>(6) H21 – Lander University \$55,958;</p> <p>(7) H27 – University of South Carolina-Columbia Campus \$971,902;</p> <p>(8) H29 - University of South Carolina-Aiken Campus \$58,922;</p> <p>(9) H34 - University of South Carolina-Upstate Campus \$82,157;</p> <p>(10) H36 - University of South Carolina-Beaufort Campus \$23,779;</p> <p>(11) H47 - Winthrop University \$81,917; and</p> <p>(12) H51 - Medical University of South Carolina \$352,825.</p> <p>Each institution shall use the amount identified above only for energy efficiency repair and energy related maintenance that is necessary for the safe and efficient operation of the institution's physical plant. In the event any portion of the funds specified above have been transferred for the Higher Education Efficiency, Effectiveness and Accountability Review, institutions shall utilize remaining funds, if any, for the purposes described in this provision.</p> <p>Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the institution for necessary energy efficiency repair and energy related maintenance projects generally.</p> <p>Matching funds exclude supplemental, capital</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>reserve, lottery, or non-recurring state funds appropriated to an institution either in the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.</p> <p>Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement.</p> <p>Not later than 120 days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.</p>										
56)	<p>1.17. (SDE: Teacher Data Collection)</p> <p>Of the non-program funds appropriated to the Department of Education, it and the Commission on Higher Education shall share data about the teaching profession in South Carolina. The data sharing should ensure (1) a systematic report on teacher supply and demand information and (2) data to determine classes being taught by public school teachers out of field of their preparation. The data collection should include but not be limited to: classes/subjects taught, number of students taught, percentage of teacher education graduates from South Carolina colleges/universities who go into teaching, percentage of teacher education graduates who teach in public schools in South Carolina, percentage of new teachers who leave the South Carolina teaching profession in the first three years of public school teaching due to unsuccessful evaluations, percentage of new teachers who leave the profession in the first three years of public school teaching in South Carolina who have successful evaluations, turnover rate of teachers and certification areas with highest vacancies. All database items should be set</p>		X		Yes	CHE provides information as necessary					

	up so that it can be disaggregated by ethnicity, gender, geographic location, etc.										
57)	<p>20.5. (USC: Palmetto College - Operating)</p> <p>The University of South Carolina is directed to allocate additional, recurring state appropriations totaling \$373,010 to the USC campuses at Lancaster, Salkehatchie, Sumter and Union in order to reduce the per-student funding disparity that exists between each of these campuses. The university shall determine the appropriate enrollment measure to guide the distribution of these additional, recurring state appropriations. The allocation of state funds shall be reported to the Commission on Higher Education, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways & Means Committee.</p>			X		Yes	Proviso established in FY16. Report not yet received.				Delete. FY 16 Specific.
58)	<p>SECTION 59-59-190. Assistance in planning and promoting career information and employment options.</p> <p>(A) The South Carolina Department of Employment and Workforce, <u>in collaboration with shall assist</u> the State Board for Technical and Comprehensive Education <u>and the Commission on Higher Education, the Department of Education, and the Commission on Higher Education</u> in planning and promoting the career information and employment options and preparation programs provided for in this chapter by:</p> <p>(1) identifying potential employers to participate in the career-oriented learning programs;</p> <p>(2) serving as a contact point for employees seeking career information and training;</p> <p>(3) providing labor market information including, but not limited to, supply and demand;</p> <p>(4) promoting increased career awareness and career counseling through the management and promotion of the South Carolina Occupational</p>					X	Partial	On-going research activity		Hi	<p>Revise to read: "shall assist the State Board for Technical and Comprehensive Education, the Department of Education, and the Commission on Higher Education" specifically in response to (A)(3).</p>

	<p>Information System; (5) collaborating with local agencies and businesses to stimulate funds; and (6) cooperating in the creation and coordination of workforce education programs. (B) The South Carolina Department of Employment and Workforce shall assist in providing a link between employers in South Carolina and youth seeking employment.</p> <p>HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005; 2014 Act No. 149 (H.3410), Section 2, eff April 7, 2014.</p>											
59)	<p>SECTION 59-59-210. Review of articulation agreements Review of Dual Enrollment courses between school districts and institutions of higher learning.</p> <p>(A) By September 2005, the Commission on Higher Education shall convene the Advisory Committee on Academic Programs to address articulation agreements between school districts and public institutions of higher education in South Carolina to provide seamless pathways for adequately prepared students to move from high school directly into institutions of higher education. The committee shall review, revise, and recommend secondary to postsecondary articulation agreements and promote the development of measures to certify equivalency in content and rigor for all courses included in articulation agreements. The advisory committee shall include representatives from the research institutions, four-year comprehensive teaching institutions, two-year regional campuses, and technical colleges. The committee, for purposes pursuant to this chapter, shall include representation from the State Department of Education, and school district administrators, to include curriculum coordinators and guidance personnel.</p>		X			Yes						<p>Strike "Review of articulation agreements" and revise to "Review of Dual Enrollment courses"</p> <p>Delete (A)</p>

	<p>(B) By July 2006, the Advisory Committee on Academic Programs shall make recommendations to the Commission on Higher Education regarding coursework that is acceptable statewide for dual enrollment to be accepted in transfer within a related course of study. Dual enrollment college courses offered to high school students by two-year and four-year colleges and universities must be equivalent in content and rigor to the equivalent college courses offered to college students and taught by appropriately credentialed faculty. Related policies and procedures established by the Commission on Higher Education for dual enrollment and guidelines for offering dual enrollment coursework and articulation to two-year and four-year colleges and universities for awarding of credit must be followed.</p> <p>(C) The advisory committee <u>Commission on Higher Education</u>, in collaboration with the Department of Education, shall coordinate work to study the content and rigor of high school courses in order to provide a seamless pathway to postsecondary education.</p> <p>(D) The Commission on Higher Education shall report annually to the Education and Economic Development Coordinating Council regarding the committee's progress.</p> <p>HISTORY: 2005 Act No. 88, Section 1, eff May 27, 2005.</p>											<p>Delete: "By July 2006, the Advisory Committee on Academic Programs shall make recommendations to the Commission on Higher Education regarding coursework that is acceptable statewide for dual enrollment to be accepted in transfer within a related course of study.</p> <p>Replace "the advisory committee" with "the Commission on Higher Education"</p> <p>Delete "D"</p>
60a)	<p>SECTION 59-26-20. Duties of State Board of Education and Commission on Higher Education.</p> <p>The State Board of Education, through the State Department of Education, and the Commission on Higher Education shall:</p> <p>(a) develop and implement a plan for the continuous evaluation and upgrading of standards for program approval of undergraduate and graduate education training programs of colleges and universities in this</p>	X				Yes		CHE approves new educator education programs.				

<p>State;</p> <p>(b) adopt policies and procedures which result in visiting teams with a balanced composition of teachers, administrators, and higher education faculties;</p> <p>(c) establish program approval procedures which shall assure that all members of visiting teams which review and approve undergraduate and graduate education programs have attended training programs in program approval procedures within two years prior to service on such teams;</p> <p>(d) render advice and aid to departments and colleges of education concerning their curricula, program approval standards, and results on the examinations provided for in this chapter;</p> <p>(e) adopt program approval standards so that all colleges and universities in this State that offer undergraduate degrees in education shall require that students successfully complete the basic skills examination that is developed in compliance with this chapter before final admittance into the undergraduate teacher education program. These program approval standards shall include, but not be limited to, the following:</p> <p>(1) A student initially may take the basic skills examination during his first or second year in college.</p> <p>(2) Students may be allowed to take the examination no more than four times.</p> <p>(3) If a student has not passed the examination, he may not be conditionally admitted to a teacher education program after December 1, 1996. After December 1, 1996, any person who has failed to achieve a passing score on all sections of the examination after two attempts may retake for a third time any test section not passed in the manner allowed by this section. The person shall first</p>		X					No	CHE withdrew from NCATE/CAPE partnership in 2008 due to lack of funding			Hi	
		X					No	Same as (b).			Hi	
		X					Partial	Academic Affairs reviews new program proposals, serves on the PRC, and provide advice as requested.			Hi	
		X					Partial	Same as (d).			Hi	

<p>complete a remedial or developmental course from a post-secondary institution in the subject area of any test section not passed and provide satisfactory evidence of completion of this required remedial or developmental course to the State Superintendent of Education. A third administration of the examination then may be given to this person. If the person fails to pass the examination after the third attempt, after a period of three years, he may take the examination or any sections not passed for a fourth time under the same terms and conditions provided by this section of persons desiring to take the examination for a third time.</p> <p>Provided, that in addition to the above approval standards, beginning in 1984-85, additional and upgraded approval standards must be developed, in consultation with the Commission on Higher Education, and promulgated by the State Board of Education for these teacher education programs.</p> <p>(f) administer the basic skills examination provided for in this section three times a year;</p> <p>(g) report the results of the examination to the colleges, universities, and student in such form that he will be provided specific information about his strengths and weaknesses and given consultation to assist in improving his performance;</p> <p>(h) adopt program approval standards so that all colleges and universities in this State that offer undergraduate degrees in education shall require that students pursuing courses leading to teacher certification successfully complete one semester of student teaching and other field experiences and teacher development techniques directly related to practical classroom situations;</p> <p>(i) adopt program approval standards whereby each student teacher must be evaluated and assisted by a representative or representatives of the college</p>								<p>Responsibility of Board of Education.</p> <p>Same as (f)</p> <p>Same as (f)</p> <p>Same as (f)</p>			<p>High</p> <p>High</p>	
--	--	--	--	--	--	--	--	---	--	--	-------------------------	--

	<p>or university in which the student teacher is enrolled. Evaluation and assistance processes shall be locally developed or selected by colleges or universities in accordance with State Board of Education regulations. Processes shall evaluate and assist student teachers based on the criteria for teaching effectiveness developed in accordance with this chapter. All college and university representatives who are involved in the evaluation and assistance process shall receive appropriate training as defined by State Board of Education regulations. The college or university in which the student teacher is enrolled shall make available assistance, training, and counseling to the student teacher to overcome any identified deficiencies;</p>											
60b)	<p>(j) the Commission on Higher Education, in consultation with the State Department of Education and the staff of the South Carolina Student Loan Corporation, shall develop a loan program in which talented and qualified state residents may be provided loans to attend public or private colleges and universities for the sole purpose and intent of becoming certified teachers employed in the State in areas of critical need. Areas of critical need shall include both geographic areas and areas of teacher certification and must be defined annually for that purpose by the State Board of Education. The definitions used in the federal Perkins Loan Program shall serve as the basis for defining “critical geographical areas”, which shall include special schools, alternative schools, and correctional centers as identified by the State Board of Education. The recipient of a loan is entitled to have up to one hundred percent of the amount of the loan plus the interest canceled if he becomes certified and teaches in an area of critical need. Should the area of critical need in which the loan recipient is teaching be reclassified during the time of cancellation, the cancellation shall continue as though the critical need area had not changed. Additionally, beginning with</p>				X	Yes	Same as (f)		CHE REG 62.510 - 522			

the 2000-2001 school year, a teacher with a teacher loan through the South Carolina Student Loan Corporation shall qualify, if the teacher is teaching in an area newly designated as a critical needs area (geographic or subject, or both). Previous loan payments will not be reimbursed. The Department of Education and the local school district are responsible for annual distribution of the critical needs list. It is the responsibility of the teacher to request loan cancellation through service in a critical needs area to the Student Loan Corporation by November first.

Beginning July 1, 2000, the loan must be canceled at the rate of twenty percent or three thousand dollars, whichever is greater, of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in either an academic critical need area or in a geographic need area. The loan must be canceled at the rate of thirty-three and one-third percent, or five thousand dollars, whichever is greater, of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in both an academic critical need area and a geographic need area. Beginning July 1, 2000, all loan recipients teaching in the public schools of South Carolina but not in an academic or geographic critical need area are to be charged an interest rate below that charged to loan recipients who do not teach in South Carolina.

Additional loans to assist with college and living expenses must be made available for talented and qualified state residents attending public or private colleges and universities in this State for the sole purpose and intent of changing careers in order to become certified teachers employed in the State in areas of critical need. These loan funds also may be used for the cost of participation in the critical needs certification program pursuant to Section 59-26-30(A)(8). Such loans must be cancelled under the same conditions and at the same rates as other

critical need loans.

In case of failure to make a scheduled repayment of an installment, failure to apply for cancellation of deferment of the loan on time, or noncompliance by a borrower with the intent of the loan, the entire unpaid indebtedness including accrued interest, at the option of the commission, shall become immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program, if implemented, pursuant to the South Carolina Education Improvement Act, is to be administered by the South Carolina Student Loan Corporation. Funds generated from repayments to the loan program must be retained in a separate account and utilized as a revolving account for the purpose that the funds were originally appropriated. Appropriations for loans and administrative costs incurred by the corporation are to be provided in annual amounts, recommended by the Commission on Higher Education, to the State Treasurer for use by the corporation. The Education Oversight Committee shall review the loan program annually and report to the General Assembly.

Notwithstanding another provision of this item:

(1) For a student seeking loan forgiveness pursuant to the Teacher Loan Program after July 1, 2004, "critical geographic area" is defined as a school that:

- (a) has an absolute rating of below average or unsatisfactory;
- (b) has an average teacher turnover rate for the past three years that is twenty percent or higher; or
- (c) meets the poverty index criteria at the seventy percent level or higher.

(2) After July 1, 2004, a student shall have his loan forgiven based on those schools or districts designated as critical geographic areas at the time of employment.

(3) The definition of critical geographic area must not change for a student who has a loan, or who is in the process of having a loan forgiven before July 1,

<p>2004.</p> <p>(k) for special education in the area of vision, adopt program approval standards for initial certification and amend the approved program of specific course requirements for adding certification so that students receive appropriate training and can demonstrate competence in reading and writing braille;</p> <p>(l) adopt program approval standards so that students who are pursuing a program in a college or university in this State which leads to certification as instructional or administrative personnel shall complete successfully training and teacher development experiences in teaching higher order thinking skills;</p> <p>(m) adopt program approval standards so that programs in a college or university in this State which lead to certification as administrative personnel must include training in methods of making school improvement councils an active and effective force in improving schools;</p> <p>(n) the Commission on Higher Education in consultation with the State Department of Education and the staff of the South Carolina Student Loan Corporation, shall develop a Governor's Teaching Scholarship Loan Program to provide talented and qualified state residents loans not to exceed five thousand dollars a year to attend public or private colleges and universities for the purpose of becoming certified teachers employed in the public schools of this State. The recipient of a loan is entitled to have up to one hundred percent of the amount of the loan plus the interest on the loan canceled if he becomes certified and teaches in the public schools of this State for at least five years. The loan is canceled at the rate of twenty percent of the total principal amount of the loan plus interest on the unpaid balance for each complete year of teaching service in a public school. However, beginning July 1, 1990, the loan is canceled at the rate of thirty-three and one-third percent of the total principal amount of the</p>	X				Partial				High	
	X				Partial				High	
	X				Partial				High	
			X		Partial				High	

<p>loan plus interest on the unpaid balance for each complete year of teaching service in both an academic critical need area and a geographic need area as defined annually by the State Board of Education. In case of failure to make a scheduled repayment of any installment, failure to apply for cancellation or deferment of the loan on time, or noncompliance by a borrower with the purpose of the loan, the entire unpaid indebtedness plus interest is, at the option of the commission, immediately due and payable. The recipient shall execute the necessary legal documents to reflect his obligation and the terms and conditions of the loan. The loan program must be administered by the South Carolina Student Loan Corporation. Funds generated from repayments to the loan program must be retained in a separate account and utilized as a revolving account for the purpose of making additional loans. Appropriations for loans and administrative costs must come from the Education Improvement Act of 1984 Fund, on the recommendation of the Commission on Higher Education to the State Treasurer, for use by the corporation. The Education Oversight Committee shall review this scholarship loan program annually and report its findings and recommendations to the General Assembly. For purposes of this item, a 'talented and qualified state resident' includes freshmen students who graduate in the top ten percentile of their high school class, or who receive a combined verbal plus mathematics Scholastic Aptitude Test score of at least eleven hundred and enrolled students who have completed one year (two semesters or the equivalent) of collegiate work and who have earned a cumulative grade point average of at least 3.5 on a 4.0 scale. To remain eligible for the loan while in college, the student must maintain at least a 3.0 grade point average on a 4.0 scale.</p> <p>HISTORY: 1979 Act No. 187 Section 2; 1981 Act No. 80, Sections 1, 2; 1984 Act No. 512, Part II, Section 9,</p>																										
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>Division II, Subdivision C, SubPart 1, Section 3, and SubPart 3, Sections 1, 3; 1989 Act No. 178, Section 1; 1989 Act No. 194, Sections 7, 28; 1990 Act No. 612, Part II, Section 11; 1992 Act No. 259, Sections 1, 2; 1992 Act No. 282, Section 1,; 1997 Act No. 72, Section 2; 1998 Act No. 400, Section 15; 2000 Act No. 393, Section 10; 2004 Act No. 307, Section 3, eff September 8, 2004; 2008 Act No. 353, Section 2, Pt 1.I.1, eff July 1, 2008.</p>												
61)	<p>SECTION 59-150-360. Tuition assistance to attend state technical college or public two-year institution; eligibility; county funding for technical colleges.</p> <p>(A) A person who qualifies for in-state tuition rates pursuant to Chapter 112, Title 59 may receive tuition assistance to attend a technical college of this State or a public two-year institution of higher learning. A person who qualifies for in-state tuition rates pursuant to this title may attend an independent two-year institution of higher learning and receive lottery tuition assistance each year limited to the highest amount of tuition assistance received by students at public two-year institutions. In order to qualify as a first time entering freshman and before attempting twenty-four academic credit hours, a student must:</p> <p>(1) be a South Carolina resident for a minimum of one year;</p> <p>(2) be enrolled and maintain six credit hours each semester in a certificate, degree, or diploma program;</p> <p>(3) make reasonable progress toward completion of the requirements for the certificate, degree, or diploma program;</p> <p>(4) complete a Free Application for Federal Student Aid (FAFSA) application. If a student feels that he will definitely not qualify to receive federal financial aid, the student may complete a simple form of minimum questions created by the State Board for Technical and Comprehensive Education</p>			X		Yes				<p><u>CHE REG.62.900.150 - 900</u></p>			

<p>and the Commission on Higher Education to determine if the student definitely will not qualify to receive federal financial aid. If it is determined that the student definitely will not qualify to receive federal financial aid, the student shall sign a form created by the State Board for Technical and Comprehensive Education and the Commission on Higher Education, and the student is exempted from completing the Free Application for Federal Student Aid. The State Board for Technical and Comprehensive Education and the Commission on Higher Education shall promulgate regulations to set thresholds for determining if a student definitely will not qualify to receive federal financial aid; and</p> <p>(5) not be the recipient of a LIFE Scholarship.</p> <p>Regulations for implementation of this section are the responsibility of the South Carolina State Board for Technical and Comprehensive Education, for the technical college system, and the Commission on Higher Education, for the two-year public and private institutions. These regulations must be developed in a coordinated effort, provide for the allocation of funds based on the tuition assistance granted at each institution, and be interchangeable between each of the institutions affected.</p> <p>(B) For purposes of this chapter, a “public or independent institution” which a student may attend to receive a scholarship as provided in this chapter includes South Carolina two-year public institutions, as defined in Section 59-103-5, including branch campuses and two-year independent institutions, as defined in Section 59-113-50.</p> <p>(C) Institutions whose sole purpose is religious or theological training, or the granting of professional degrees, do not meet the definition of “public or independent institution” for purposes of this chapter.</p> <p>(D) “Tuition Assistance” for purposes of this section means, to the extent funds are appropriated,</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>the amount charged for registering for credit hours of instruction and academic fees, less all federal grants and need-based grants, and does not include other fees, charges, or costs of textbooks.</p> <p>(E) Each county must maintain its level of funding for technical colleges. If any county fails to maintain this level of funding for its technical college, the college may add, for students who reside in that county, an impact fee sufficient to offset the reduction in county funds.</p> <p>(F) In order for a student to be eligible after attempting twenty-four academic credit hours the student must have earned a grade point average of 2.0 or better on a 4.0 grading scale.</p> <p>(G) Students shall not be eligible to receive tuition assistance for more than one certificate, diploma, or degree within any five-year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study.</p> <p>HISTORY: 2001 Act No. 59, Section 2; 2002 Act No. 356, Section 3E; 2005 Act No. 48, Section 1, eff May 3, 2005.</p>							<p>Responsibility of SC Technical College System.</p>				
62)	<p>SECTION 59-150-370. HOPE Scholarships; eligibility; administration; reporting requirement.</p> <p>(A) SC HOPE Scholarships are hereby established and are provided by the State. These scholarships are authorized in an amount of up to two thousand five hundred dollars, plus a three hundred dollar book allowance to cover the cost of attendance, as defined by the Commission on Higher Education by regulation, during the first year of attendance only, to an eligible student attending a four-year public or independent institution as defined in subsection (B) who does not also qualify for a LIFE Scholarship or a Palmetto Fellows Scholarship.</p> <p>(B) For purposes of this chapter, a “public or</p>			X		Yes			<p><u>CHE REG. 62.900.85 - 140</u></p>			

<p>independent institution” that a student may attend to receive a SC HOPE Scholarship includes the following:</p> <p>(1) a South Carolina four-year public institution as defined in Section 59-103-5 and a four-year independent institution as defined in Section 59-113-50;</p> <p>(2) a public or independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which is accredited by the Southern Association of Colleges and Secondary Schools; or an independent bachelor’s level institution which is accredited by the New England Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training, or the granting of professional degrees do not meet the definition of “public or independent institution” for purposes of this chapter.</p> <p>(C) A student is eligible to receive a SC HOPE Scholarship if he meets the criteria for receiving and maintaining the Legislative Incentives for Future Excellence (LIFE) Scholarship except that a minimum Scholastic Aptitude Test (SAT) or ACT score and requisite class rank are not required for eligibility for the SC HOPE Scholarship. These SC HOPE Scholarships must be granted and awarded as provided in this section.</p> <p>(D) These SC HOPE Scholarships in combination with all other grants and scholarships must not exceed the cost of attendance at the particular institutions referenced in subsection (B).</p> <p>(E) The Commission on Higher Education must promulgate regulations and establish procedures to administer the provisions of this section.</p> <p>(F) All institutions participating in the SC HOPE Scholarship Program must report their enrollment and other relevant data as solicited by the Commission on Higher Education which may audit these institutions to ensure compliance with this</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	provision. HISTORY: 2001 Act No. 59, Section 2; 2002 Act No. 356, Section 3F.										
COMMENTARY AUTHORITY											
63)	<p>SECTION 59-103-30. Critical success factors and performance indicators.</p> <p>(A) The General Assembly has determined that the critical success factors, in priority order, for academic quality in the several institutions of higher learning in this State are as follows:</p> <ol style="list-style-type: none"> 1) Mission Focus; 2) Quality of Faculty; 3) Classroom Quality; 4) Institutional Cooperation and Collaboration; 5) Administrative Efficiency; 6) Entrance Requirements; 7) Graduates' Achievements; 8) User-Friendliness of the Institution; 9) Research Funding. <p>B) The General Assembly has determined that whether or not an institution embodies these critical success factors can be measured by the following performance indicators as reflected under the critical success factors below:</p> <ol style="list-style-type: none"> 1) Mission Focus; <ol style="list-style-type: none"> a) expenditure of funds to achieve institutional mission; b) curricula offered to achieve mission; c) approval of a mission statement; d) adoption of a strategic plan to support the mission statement; e) attainment of goals of the strategic plan. 2) Quality of Faculty; <ol style="list-style-type: none"> a) academic and other credentials of professors and instructors; b) performance review system for faculty to 			X		No	<p>Statute added in 1996. CHE used this section as required in concert with above referenced statutes in developing a Performance Funding System as required which was put on hold in mid- to late-2000.</p> <p><i>Governor Haley re-visited this issue with CHE and institutions in 2011-2013 (legislation was not enacted)</i></p>	<p>CHE REG. 62.700 -750</p> <p><i>Partially suspended -- See Budgetary Proviso 117.73.</i></p> <p>Also see 59-103-45.</p>		Hi	Defer

<p>include student and peer evaluations; c) post-tenure review for tenured faculty; d) compensation of faculty; e) availability of faculty to students outside the classroom; f) community and public service activities of faculty for which no extra compensation is paid.</p> <p>3) Instructional Quality a) class size and student/teacher ratios; b) number of credit hours taught by faculty; c) ratio of full-time faculty as compared to other full-time employees; d) accreditation of degree-granting programs; e) institutional emphasis on quality teacher education and reform.</p> <p>4) Institutional Cooperation and Collaboration; a) Sharing and use of technology, programs, equipment, supplies, and source matter experts within the institution, with other institutions, and with the business community; b) cooperation and collaboration with private industry.</p> <p>5) Administrative Efficiency; a) percentage of administrative costs as compared to academic costs; b) use of best management practices; c) elimination of unjustified duplication of and waste in administrative and academic programs; d) amount of general overhead costs.</p> <p>6) Entrance Requirements; a) SAT and ACT scores of student body; b) high school class standing, grade point averages, and activities of student body; c) post-secondary nonacademic achievements of student body; d) priority on enrolling in-state residents.</p>																												<p>Best management practices include student evaluation and grievance policy.</p>
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

	<p>7) Graduates' Achievements; a) graduation rate; b) employment rate for graduates; c) employer feedback on graduates who were employed or not employed; d) scores of graduates on post-undergraduate professional, graduate, or employment-related examinations and certification tests; e) number of graduates who continued their education; f) credit hours earned of graduates.</p> <p>8) User-Friendliness of the Institution; a) transferability of credits to and from the institution; b) continuing education programs for graduates and others; c) accessibility to the institutions for all citizens of the State.</p> <p>9) Research Funding. a) Financial support for reform in teacher education; b) Amount of public and private sector grants.</p> <p>(C) The commission, when using the critical success factors for the purpose of funding recommendations for institutions of higher learning, is required to use objective, measurable criteria.</p> <p>(E) Critical success factors developed and used for the purpose of funding recommendations shall be those which are directly related to the missions of the particular type of institution as outlined in Section 59-103-15(B) and not those factors which are not relevant to the success factors of the particular type of institution.</p> <p>HISTORY: 1996 Act No. 359, Section 4.</p>											
64)	SECTION 59-103-35. Submission of budget, new and			X			No				Hi	Strike "new and existing"

<p>existing programs-</p> <p>All public institutions of higher learning shall submit annual budget requests to the commission in the manner set forth in this section.</p> <p>The State Board for Technical and Comprehensive Education shall submit an annual budget request to the commission representing the total requests of all area-wide technical and comprehensive educational institutions.</p> <p>The budget submitted Budget requests submitted to the commission by each institution and the State Board for Technical and Comprehensive Education must include all state funds, federal grants, and other funds tuition, and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, from approved private practice plans, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State. Such other financial information that may not be included in the initial budget requests shall be submitted to the commission upon request by each institution and the State Board for Technical and Comprehensive Education.</p> <p>Fees established by the respective governing boards for programs, activities, and projects not covered by appropriations or other revenues may be retained and used by each institution as previously determined by the respective governing boards, subject to annual audit by the State.</p> <p>The budget request Once approved, the budget requests for the public higher education system shall be submitted by the commission to the Governor and appropriate standing committees of the General Assembly in conjunction with the preparation of the</p>											<p>programs”</p> <p>Strike “The budget submitted” and insert “Budget requests submitted to the commission”, clarify funds included in the budget and strike exclusions.</p> <p>Insert “Such other financial information that may not be included in the initial budget requests shall be submitted to the commission upon request by each institution and the State Board for Technical and Comprehensive Education.”</p> <p>Strike “The budget request” and insert “Once approved, the budget requests”</p>
--	--	--	--	--	--	--	--	--	--	--	--

	<p>annual general appropriations act for the applicable year.</p> <p>Supplemental appropriations requests from any public institution of higher education must be submitted first to the commission. If the commission does not concur in the requests, the affected institution may request a hearing on the requests before the appropriate committee of the General Assembly. The commission may appear at the hearing and present its own recommendations and findings to the same committee. The provisions of this paragraph do not apply to any capital improvement projects funded in whole or in part prior to July 30, 1996.</p> <p>No new program may be undertaken by any public institution of higher education without the approval of the commission.</p> <p>The provisions of this chapter apply to all college parallel, transferable, and associate degree programs of technical and comprehensive education institutions. All other programs and offerings of technical and comprehensive education institutions are excluded from this chapter.</p> <p>HISTORY: 1978 Act No. 410 Section 8; 1988 Act No. 629, Section 3; 1993 Act No. 178, Section 37; 1996 Act No. 359, Section 5.</p>						Yes					<p>Delete. Previous paragraph, once amended, will also cover supplemental requests.</p> <p>Strike. See 59-101-150.</p> <p>Strike. See 59-101-150.</p>
65)	<p>SECTION 59-103-60. Recommendations to Governor’s Office and General Assembly.</p> <p>The commission shall make such recommendations to the Governor’s Office and the General Assembly as to policies, programs, curricula, facilities, administration, and financing of all state-supported institutions of higher learning as may be considered</p>	X					Partial				High	<p>Insert “in the sole</p>

	desirable in the sole discretion of the commission. The House Ways and Means Committee, the Senate Finance Committee, and the Office of the Governor may refer to the commission for investigation, study, and report any requests of institutions of higher learning for new or additional appropriations for operating and for other purposes and for the establishment of new or expanded programs. HISTORY: 1962 Code Section 22-15.9; 1962(52) 1956, 1967(55) 261; 1978 Act No. 410, Section 7; 1995 Act No. 137, Section 3; 1996 Act No. 359, Section 7.										discretion of the commission”
66)	SECTION 59-103-70. Reports. The Commission shall make reports to the Governor and the General Assembly at least annually on the status and progress of higher education in the State, with such recommendations as may be appropriate. HISTORY: 1962 Code Section 22-15.10; 1962 (52) 1956; 1967 (55) 261.				X	No				Hi	Could be in the form of “A Closer Look” or the Accountability Report.
67)	SECTION 59-103-130. Colleges and universities to emphasize teaching as career opportunity. The Commission on Higher Education shall adopt guidelines whereby the publicly supported colleges and universities of this State shall emphasize teaching as a career opportunity and provide students interested in a teaching career with opportunities to tutor other students. HISTORY: 1984 Act No. 512, Part II, Section 9, Division II, Subdivision C, Subpart 1, Section 1(D).		X			No				Hi	
68)	SECTION 59-101-190. Deans’ Committee on Medical Education. There is created a Deans’ Committee on Medical Education consisting of nine members as follows:										

<p>(1) President, University of South Carolina or his designee; (2) President, Medical University of South Carolina or his designee; (3) Dean or acting dean, School of Medicine, University of South Carolina; (4) Dean or acting dean, School of Medicine, Medical University of South Carolina; (5) two members appointed by the Commission on Higher Education, one of whom must be a physician with experience in medical education and one of whom must be a representative of the business community; (6) three members of the Area Health Education Consortium medical education director’s committee, who shall represent graduate medical education, to be appointed by the Commission on Higher Education.</p> <p>The terms of the members selected under items (5) and (6) above shall be for four years and until their successors are appointed and qualify. In making these appointments, the Commission on Higher Education, to the extent possible, shall ensure geographic representation of all regions of the State. Vacancies shall be filled in the manner of original appointment.</p> <p>The Deans’ Committee on Medical Education may also contain nonvoting members invited to attend meetings by the committee on an ad hoc basis. The chairmanship of the deans’ committee shall alternate between the Dean of the School of Medicine of the University of South Carolina and the Dean of the College of Medicine of the Medical University of South Carolina. The term of the chairman shall be two years, and the committee at its first meeting after the effective date of this provision shall determine by majority vote the person who will first serve as chairman. Meetings shall be held <u>at least quarterly during each year at the call of the chair and not less than annually.</u></p> <p>The purpose of the committee is to ensure and</p>		X				No																Hi						Strike “at least quarterly during the year” and insert “at the call of the chair and not less than
--	--	---	--	--	--	----	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	----	--	--	--	--	--	--

	<p>coordinate the development and implementation of a strategic plan for effective and efficient medical education, research, and related clinical service programs to best meet the needs of the State of South Carolina. Adoption of the strategic plan shall require at least one vote of a member representing USC and MUSC and a total of at least seven votes of the entire committee. Any strategic plan approved by the deans' committee also must be approved by the Commission on Higher Education if it contains any proposal for the consolidation, elimination, or change of medical education programs.</p> <p>The committee shall report to the Commission on Higher Education through the commission's Committee on Academic Affairs. The deans' committee shall provide oversight of the Area Health Education Consortium and the consortium of teaching hospitals by reviewing and approving its strategic plan and budget. The Commission on Higher Education shall furnish adequate meeting space and professional and secretarial assistance for the committee.</p>											annually."
69)	<p>SECTION 2-47-40. Information to be furnished by agencies and institutions.</p> <p>(A) To assist the authority and the Joint Bond Review Committee in carrying out their respective responsibilities, any agency or institution requesting or receiving funds from any source for use in the financing of any permanent improvement project, as a minimum, shall provide to the authority, in such form and at such times as the authority, after review by the committee, may prescribe:</p> <p>(1) a complete description of the proposed project;</p> <p>(2) a statement of justification for the proposed project;</p> <p>(3) a statement of the purposes and intended uses of the proposed project;</p> <p>(4) the estimated total cost of the proposed project;</p> <p>(5) an estimate of the additional future annual operating costs associated with the proposed project;</p>			X			Yes					

<p>(6) a statement of the expected impact of the proposed project on the five-year operating plan of the agency or institution proposing the project;</p> <p>(7) a proposed plan of financing the project, specifically identifying funds proposed from sources other than capital improvement bond authorizations; and</p> <p>(8) the specification of the priority of each project among those proposed.</p> <p>(B) All institutions of higher learning shall submit permanent improvement project proposals and justification statements to the authority, through the Commission on Higher Education, which shall forward all such statements and all supporting documentation received to the authority together with its comments and recommendations. The recommendations of the Commission on Higher Education, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the Commission on Higher Education without regard to the sources of funds proposed for the financing of the projects requested.</p> <p>The authority shall forward a copy of each project proposal and justification statement and supporting documentation received together with the authority's recommendations on such projects to the committee for its review and action. The recommendations of the Commission on Higher Education shall be included in the materials forwarded to the committee by the authority.</p> <p>(C) No provision in this section or elsewhere in this chapter, shall be construed to limit in any manner the prerogatives of the committee and the General Assembly with regard to recommending or authorizing permanent improvement projects and the funding such projects may require.</p> <p>HISTORY: 1980 Act No. 518, Section 11; 2014 Act No.</p>																												<p>These suggestions conform the language to actual CPIP and Interim Capital Project approval processes.</p> <p>Amend to strike “(8) the specification of the priority of each project among those proposed.”</p> <p>Strike “the authority, through”</p> <p>Amend to strike “The recommendations of the Commission on Higher Education, among other things, shall include all of the permanent improvement projects requested by the several institutions listed in the order of priority deemed appropriate by the Commission on Higher Education without regard to the sources of funds proposed for the financing of the projects requested.”</p>
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	121 (S.22), Pt VII, Section 18.B, eff July 1, 2015											
70)	<p>SECTION 2-47-55. Comprehensive Permanent Improvement Plan.</p> <p>(A) All state agencies responsible for providing and maintaining physical facilities are required to submit a Comprehensive Permanent Improvement Plan (CPIP) to the Joint Bond Review Committee and the authority. The CPIP must include all of the agency's permanent improvement projects anticipated and proposed over the next five years beginning with the fiscal year starting July first after submission. The purpose of the CPIP process is to provide the authority and the committee with an outline of each agency's permanent improvement activities for the next five years. Agencies must submit a CPIP to the committee and the authority on or before a date to be determined by the committee and the authority. The CPIP for each higher education agency, including the technical colleges, must be submitted through the Commission on Higher Education which must review the CPIP and provide its recommendations to the authority and the committee. The authority and the committee must approve the CPIP after submission and may develop policies and procedures to implement and accomplish the purposes of this section.</p> <p>(B) The State shall define a permanent improvement only in terms of capital improvements, as defined by generally accepted accounting principles, for reporting purposes to the State.</p> <p>HISTORY: 1993 Act No. 178, Section 5, eff July 1, 1993; 2003 Act No. 5, Section 1; 2014 Act No. 121 (S.22), Pt VII, Section 18.B, eff July 1, 2015.</p>			X			Yes					
71)	SECTION 59-54-20. State Occupational Training Advisory Committee; duties and recommendations.			X			No	This committee is defunct.				Delete and reevaluate with SBTCE and the SDE to properly realign

<p>(A) The State Council on Vocational and Technical Education membership shall comply with all requirements of Section 112 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990. In addition, a majority of the council membership appointed by the Governor must be members of the Commission on Higher Education, provided that members of the commission meet the federal requirements of the establishment of the council. Further, at least four members of the council shall represent secondary career and technology education.</p> <p>(B) The Commission on Higher Education shall serve as the State Occupational Training Advisory Committee and in this regard shall make recommendations to the State Board of Education, the State Board for Technical and Comprehensive Education, the Governor's Office, and the public for:</p> <p>(1) improving the coordination among the state's plans and programs for adult career and technology education, adult basic and adult secondary education, post-secondary technical education, and secondary career and technology education;</p> <p>(2) assuring the compatibility of these educational plans and programs with the state's economic development strategies;</p> <p>(3) improving the articulation between secondary career and technology education and post-secondary technical education and between post-secondary technical education and four-year degree programs;</p> <p>(4) improving service to groups or communities in the State which are unserved or underserved and need additional training and education to be employed or to move into the work force and off of public assistance;</p> <p>(5) improving the accountability systems and effectiveness of the adult career and technology education, adult basic and adult secondary education, post-secondary technical education, and secondary career and technology education programs;</p>																												responsibilities.
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	-------------------

	(6) improving the implementation of the South Carolina Employment Revitalization Act of 1986. HISTORY: 1986 Act No. 394, Section 5; 1993 Act No. 164, Part II, Section 82A; 2005 Act No. 49, Section 12, eff May 3, 2005.									
72)	SECTION 59-105-60. Model sexual assault policy. Institutional sexual assault policies. The Commission on Higher Education shall develop, print, and distribute a model sexual assault policy for institutions of higher learning, which complies with the requirements herein. The model policy shall be distributed to all institutions of higher learning in the State for their use as a reference in formulating their sexual assault policy. Each institution of higher education must develop and distribute a sexual assault policy approved by the respective Board of Trustees. The policy, once approved or modified, must be provided to the Commission on Higher Education which will provide a link to the policy as a service to students, parents or guardians. HISTORY: 2002 Act No. 310, Section 1.			X	Yes	Campus Safety Advisory Committee reviewed statewide models. Per each institution's legal offices, policies retained at institutional level.				Strike and replace with "Institutional sexual assault policies." Each institution of higher education must develop and distribute a sexual assault policy approved by the respective Board of Trustees. The policy, once approved or modified, must be provided to the Commission on Higher Education which will provide a link to the policy as a service to students, parents or guardians.
73)	SECTION 59-111-330. Rules and regulations. The State Commission on Higher Education shall promulgate rules and regulations necessary for the implementation of the provisions of this article. HISTORY: 1962 Code Section 22-83; 1974 (58) 2844.			X	Yes	Pertains to Free Education for residents over 60 years of age.	CHE REG 62.1100 – 1170			

74)	<p>11.41. (CHE: Technical College Study) (A) <u>The Commission on Higher Education shall examine the viability of a program that allows a student who graduated from a high school in this state or who attained the state educational equivalency of a high school diploma to attend a state technical college without paying tuition and fees at the institution for a specified period. When conducting the examination, the commission shall identify and consider:</u></p> <p>(1) The anticipated number of students who will participate in the program;</p> <p>(2) The anticipated annual cost of the program and federal, state and other sources of funding that could be used to pay the costs of the program;</p> <p>(3) Current capacity available at state technical colleges to enroll additional students;</p> <p>(4) The ability of the program to increase the state's pool of skilled workers and meet projected workforce demands;</p> <p>(5) The impact of the program to increase educational attainment in the state;</p> <p>(6) The regions of the state the program would likely significantly increase educational attainment and workforce readiness;</p> <p>(7) Potential eligibility criteria for students participating in the program; and</p> <p>(8) The possibility of requiring students to first use financial aid available to the students, including federal funding provided to low-income students for the purpose of paying for post-secondary education.</p> <p>(B) The commission shall propose criteria for the program.</p> <p>(C) The commission shall submit a report that summarizes the findings to the General Assembly no later than January 31, 2016. The report may include</p>			X		Partial	<p>Proviso established in FY16</p> <p>CHE staff currently working on the study.</p>					Delete. FY 16 Specific.
-----	--	--	--	---	--	---------	---	--	--	--	--	-------------------------

	recommendations for legislation.										
75)	<p>3.1. (LEA: Audit)</p> <p>Each state agency receiving lottery funds shall develop and implement procedures to monitor the expenditures of lottery funds in order to ensure that lottery funds are expended in accordance with applicable state laws, rules, and regulations.</p> <p>For institutions of higher learning, adopted procedures to monitor expenditures of lottery funds shall be reported to the Commission on Higher Education and the Executive Budget Office by October, 1, 2015, and these expenditures are subject to annual verification and audit by the Commission on Higher Education on a rotational schedule not to exceed three years.</p> <p>The annual verification and audit shall be funded from the funds appropriated to or authorized for the Commission on Higher Education and the commission shall not assess a fee or charge institutions of higher learning for performing this function.</p> <p>In addition, the Commission on Higher Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee by October 1 each year summarizing, by institution, how lottery funds were expended in the prior fiscal year, issues and concerns as well as institution responses to those issues and concerns discovered as a result of the commission's verification and/or audit activity during the prior</p>			X		Yes					

fiscal year, if any.											
In addition, by January 15, 2016, the commission shall provide the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee a detailed estimate of the cost for the commission to establish a statewide state scholarship and grant tracking system for students.				X	Partial	Analysis in Process.				Hi	

	<p>For the Department of Education, adopted procedures to monitor expenditures of lottery funds that are allocated to the South Carolina school districts and other recipient institutions according to law and Department of Education guidelines shall be reported to the Executive Budget Office by October 1, 2015. In addition, the Department of Education shall provide a report to the Executive Budget Office, the Chairman of the Senate Finance Committee, and the Chairman of the House Ways and Means Committee on the amount of lottery funds the department distributed to each entity in the prior fiscal year.</p> <p>All other state agencies must submit their adopted procedures to monitor expenditures of lottery funds to the Executive Budget Office by October 1, 2015.</p> <p>The Executive Budget Office shall ensure that state agencies receiving lottery funds have procedures in place to monitor expenditures of lottery funds and that the monitoring procedures are operating effectively.</p>											
76)	<p>SECTION 59-150-325. Education Lottery Oversight Committee; powers; duties; report of minority participation; demographic analysis.</p> <p>(A)(1) There is created as a committee, the South Carolina Education Lottery Oversight Committee, to be composed of twelve members. The members of the committee must be appointed as follows: the Speaker of the House of Representatives appoints three members, one of whom must be the Chairman of the House Education and Public Works Committee; the President Pro Tempore of the Senate appoints three members, one of whom must be the Chairman of the Senate Education Committee; the Chairman of the South Carolina Commission on Higher Education appoints three members; and the Chairman of the</p>	X					Yes					

	<p>South Carolina Education Oversight Committee appoints three members. The Speaker of the House of Representatives and the President Pro Tempore of the Senate must each appoint one co-chairman from the membership of the South Carolina Education Lottery Oversight Committee. The oversight committee must periodically, but at least annually, inquire into and review the operations of the commission and review and evaluate the success with which the commission is accomplishing its statutory duties and functions as provided in this chapter. The oversight committee must also hold an annual public hearing and may conduct an independent audit or investigation of the commission as necessary. <i>(The remainder of the statute was omitted)</i></p>											
77)	<p>SECTION 59-113-10. Higher Education Tuition Grant Commission.</p> <p>There is created a Higher Education Tuition Grant Commission consisting of eight representatives of the independent institutions of higher learning in the State who choose to come under the provisions of this chapter. In addition, the membership of the commission includes one ex officio member who must be the chief executive officer of the State Commission on Higher Education or his designee. The terms of the representatives of the institutions are for three years and until their successors are selected and qualify. The membership of the commission must be rotated among the participating institutions. The commission shall administer the provisions of this chapter and shall make those regulations as may be necessary in order to carry out the intent of this chapter. The commission is responsible solely to the General Assembly and shall report to that body at least annually.</p> <p>HISTORY: 1962 Code Section 22-91; 1970 (56) 2579; 1988 Act No. 464, Section 1; 1988 Act No. 629,</p>	X				Yes						

	Section 4; 1991 Act No. 248, Section 6.										
78)	<p>SECTION 13-17-40. Members of board; terms; vacancies; compensation; annual reports; meetings.</p> <p>(A)(1) The SCRA shall consist of a board of twenty-four trustees that includes the following ex officio members: President of the Council of Private Colleges of South Carolina, Chairman of the South Carolina Commission on Higher Education, President of Clemson University, President of the Medical University of South Carolina, President of South Carolina State College, President of the University of South Carolina, Director of Savannah River National Laboratory, President of Francis Marion University, Chairman of the State Board for Technical and Comprehensive Education, Governor of South Carolina or his designee, Chairman of the House Ways and Means Committee or his designee, Chairman of the Senate Finance Committee or his designee, and the Secretary of Commerce or his designee.</p> <p>(2) The Governor shall name the chairman who must not be a public official and who serves at the pleasure of the Governor. The remaining ten trustees must be elected by the board of trustees from a list of nominees submitted by an ad hoc committee named by the chairman and composed of the members serving as elected trustees. Each of the Congressional Districts of South Carolina must have at least one of the ten trustees.</p> <p>(3) Terms of elected trustees are for four years, and half expire every two years. An elected trustee may not serve more than two consecutive four-year elected terms. Vacancies must be filled for the unexpired term in the manner of original appointment. A vacancy occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of a trustee.</p> <p>(B)(1) The President of Clemson University, President of the Medical University of South Carolina,</p>	X					Yes				

<p>President of the University of South Carolina at Columbia, the Governor or his designee, the Chairman of the House Ways and Means Committee or his designee, the Chairman of the Senate Finance Committee or his designee, and the Chairman of the Board of Trustees shall serve on the executive committee of the board of trustees. The executive committee shall elect two additional members of the executive committee, who shall be trustees at the time of their election, by the affirmative vote of a majority of the members of the executive committee then serving. Each of the three university presidents, with respect to no more than two executive committee meetings each calendar year, may designate in his place that university's chief research officer, as determined in the sole discretion of the designating president, to participate in and vote at executive committee meetings specified in the designation. The executive committee has all powers and authority of the board of trustees. The board shall have an advisory role only and shall advise the executive committee of the actions recommended by the board.</p> <p>(2) Terms of elected executive committee members are for four years, and half expire every two years. An elected executive committee member may not serve more than two consecutive four-year elected terms. A vacancy must be filled for the unexpired term in the manner of original election, and occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of an elected executive committee member. An elected executive committee member need not continue to be a trustee in order to complete his term as an executive committee member. An elected executive committee member may be removed from office by the affirmative vote of two-thirds of the executive committee members serving.</p> <p>(3) The executive committee shall appoint a business and science advisory board to include representatives from each research university, the</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>venture capital industry, relevant industry leaders, and the Department of Commerce. The purpose of the advisory board is to advise the board of trustees when requested by it. The advisory board shall ensure that the authority has the input of the research and business communities in implementing its programs and services.</p> <p>(C) A trustee may not receive a salary for his services as a trustee; however, a trustee must be reimbursed for actual expenses incurred in service to the authority.</p> <p>(D) The board annually shall submit a report to the General Assembly including information on all acts of the board of trustees together with a financial statement and full information as to the work of the authority.</p> <p>(E) The board shall hire an executive director of the SCRA who has administrative responsibility for the SCRA. The executive director shall maintain, through a designated agent, accurate and complete books and records of account, custody, and responsibility for the property and funds of the authority and control over the authority bank account. The executive director, with the approval of the board, has the power to appoint officers and employees, to prescribe their duties, and to fix their compensation. The board of trustees shall select a reputable certified public accountant to audit the books of account at least once each year.</p> <p>(F) Regular meetings of the board of trustees must be held at a time and place the chairman may determine. Special meetings of the board of trustees may be called by the chairman when reasonable notice is given.</p> <p>HISTORY: 1983 Act No. 50 Section 2, eff April 29, 1983; 1984 Act No. 309, Section 2, eff March 23, 1984; 1991 Act No. 248, Section 6, effective January 1, 1992, and governs only transactions which take place after December 31, 1991; 2002 Act No. 172, Section 2, eff February 8, 2002; 2005 Act No. 133,</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	Section 1, eff June 7, 2005; 2006 Act No. 319, Section 4, eff June 1, 2006; 2007 Act No. 83, Section 7, eff June 19, 2007; 2012 Act No. 209, Section 2, eff June 7, 2012; 2012 Act No. 279, Section 7, eff June 26, 2012.										
79)	<p>SECTION 59-50-20. Board of directors.</p> <p>The school is governed by a board of directors composed of seventeen members, as follows:</p> <p>(1) one member from each congressional district, appointed by the Governor;</p> <p>(2) six members from the State at large, appointed by the Governor;</p> <p>(3) the Chairman of the Education Oversight Committee or his designee who serves ex officio;</p> <p>(4) the State Superintendent of Education or his designee who serves ex officio;</p> <p>(5) the Executive Director of the Commission on Higher Education or his designee who serves ex officio; and</p> <p>(6) the chairman of the school's foundation board or his designee who serves ex officio.</p> <p>Members appointed by the Governor serve for terms of four years and until their successors are appointed and qualify. Members receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.</p> <p>In making the appointments, the Governor shall seek to obtain the most qualified persons from business, industry, and the educational and arts communities.</p> <p>HISTORY: 1994 Act No. 447, Section 1; 2005 Act No. 84, Section 1, eff May 26, 2005; 2012 Act No. 176, Section 4, eff May 25, 2012.</p>	X					Yes	Statute pertains to the Governor's School for Science and Mathematics.			
80)	SECTION 59-48-20. Board of trustees; appointment; term of office; compensation.	X					Yes	Statute pertains to the Governor's School for Science and Mathematics.			

<p>(A)(1) The school is under the management and control of a board of trustees consisting of eleven members, as follows:</p> <ul style="list-style-type: none"> (a) one member from each congressional district appointed by the Governor; (b) two members from this State at large appointed by the Governor; (c) the State Superintendent of Education, ex officio, or his designee; and (d) the Executive Director of the Commission on Higher Education, ex officio, or his designee. <p>(2) Members appointed by the Governor shall serve for four years and until their successors are appointed and qualify. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.</p> <p>(3) In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.</p> <p>(B) The board of trustees also shall include the following six members:</p> <ul style="list-style-type: none"> (1) the President of the South Carolina Governor's School of Science and Mathematics Foundation, Inc., ex officio; (2) the provost or vice president for academic affairs from each of the following higher education research institutions, ex officio, or his designee: <ul style="list-style-type: none"> (a) Clemson University; (b) the University of South Carolina; and (c) the Medical University of South Carolina; <p>and</p> <ul style="list-style-type: none"> (3) two members from the State at large appointed by the Governor to serve for terms of four years each and until their successors are appointed and qualify. Vacancies must be filled by appointment in the manner of original appointment for the remainder of the unexpired term. <p>(C) An ex officio member who is authorized to designate a person to serve on the board in his stead</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>only may make the designation if he intends for the designee to serve continuously instead of intermittently with himself or another designee.</p> <p>HISTORY: 1987 Act No. 170, Part II, Section 23; 1990 Act No. 319, Section 1; 1991 Act No. 248, Section 6; 2000 Act No. 387, Part II, Section 46; 2012 Act No. 176, Section 3, eff May 25, 2012; 2014 Act No. 181 (H.4646), Section 1, eff May 16, 2014.</p>													
81)	<p>SECTION 59-53-40. Coordination with Commission on Higher Education and others; budget; college parallel courses and associate degree programs.</p> <p>The Board and local area commissions shall insure effective coordination with the public schools, other state agencies, literary councils, and private and nonprofit training organizations to maximize opportunities to best meet local education and training needs. The Board shall maintain effective coordination with the Commission on Higher Education and other educational boards and state agencies.</p> <p>The Board is required to submit to the Commission on Higher Education a budget and enrollment documentation for all existing and proposed college parallel courses or associate degree programs with college transfer credit by institutional location for review and comment prior to submission of the Board's total state budget request to the Governor.</p> <p>All college parallel courses or associate degree programs are subject to the approval or termination by the Commission on Higher Education.</p> <p>HISTORY: 1962 Code Section 21-704.14; 1972 (57) 2469; 1976 Act No. 654, Section 4; 1986 Act No. 394, Section 8.</p>									<p>Responsibility of the SC Technical College System.</p>				<p>Hi</p> <p>Strike “; budget; college parallel courses and associate degree programs.”</p> <p>Strike. See 59-101-150.</p> <p>Strike. See 59-101-150.</p>

82)	<p>SECTION 12-6-3385. Income tax credit for tuition; definitions.</p> <p>(A)(1) A student is allowed a refundable individual income tax credit equal to twenty-five percent, not to exceed eight hundred fifty dollars in the case of four-year institutions and twenty-five percent, not to exceed three hundred fifty dollars in the case of two-year institutions for tuition paid an institution of higher learning or a designated institution as provided in this section during a taxable year. The amount of the tax credit claimed up to the limits authorized in this section for any taxable year may not exceed the amount of tuition paid during that taxable year.</p> <p>(2)(a) Tuition credits may not be claimed for more than four consecutive years after the student enrolls in an eligible institution.</p> <p>(b) The credit period is suspended for a qualifying student required to withdraw from an institution of higher learning to serve on active military duty if the service member re-enrolls in an eligible institution within twelve months upon demobilization and provides official documentation from the Armed Forces to verify the dates of active duty military service.</p> <p>(c) An extension of the credit period may be granted due to medical necessity as defined by the Commission on Higher Education.</p> <p>(3) The credit may be claimed by the student or by an individual eligible to claim the student as a dependent on his federal income tax return, whoever actually paid the tuition. The department shall prescribe a form for claiming the credit.</p> <p>(B) As used in this section:</p> <p>(1) "Institution of higher learning" means a South Carolina public institution defined in Section 59-103-5 and an independent institution as defined in Section 59-113-50.</p> <p>(2) A "designated institution" means a public or independent bachelor's level institution chartered</p>						X	Yes				
-----	--	--	--	--	--	--	---	-----	--	--	--	--

<p>before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which has attained 501(c)(3) tax status and is accredited by the Southern Association of Colleges and Secondary Schools or the New England Association of Colleges and Schools; or a public or independent two-year institution which has attained 501(c)(3) tax status. Institutions whose sole purpose is religious or theological training, or the granting of professional degrees do not meet the definition of “institution of higher learning” or “designated institution” as defined in this section.</p> <p>(3) “Student” means an individual enrolled in an institution of higher learning:</p> <p>(a) eligible for in-state tuition and fees as determined pursuant to Chapter 112 of Title 59 and applicable regulations;</p> <p>(b) who at the end of the taxable year for which the credit is claimed has completed at least thirty credit hours each year, or its equivalent, as determined by the Commission on Higher Education, and who is admitted, enrolled, and classified as a degree seeking undergraduate or enrolled in a certificate or diploma program of at least one year;</p> <p>(c) who, within twelve months before enrolling:</p> <p>(i) graduated from a high school in this State;</p> <p>(ii) successfully completed a high school home school program in this State in the manner required by law; or</p> <p>(iii) graduated from a preparatory high school outside this State while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent;</p> <p>(d) not in default on a Federal Title IV or State of South Carolina educational loan, nor who owes a refund on a Federal Title IV or a State of South Carolina student financial aid program;</p> <p>(e) who has not been adjudicated delinquent or been convicted or pled guilty or nolo contendere</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>to any felonies or any alcohol or drug related offenses under the laws of this State, any other state or comparable jurisdiction, or the United States; except that a student who has been adjudicated delinquent or has been convicted or pled guilty or nolo contendere to an alcohol or drug related misdemeanor offense is ineligible only for the taxable year in which the adjudication, conviction, or plea occurred;</p> <p>(f) who is in good standing at the institution attended;</p> <p>(g) who is not a Palmetto Fellowship recipient;</p> <p>(h) who is not a LIFE Scholarship recipient.</p> <p>(4) "Tuition" means the amount charged, including required fees, necessary for enrollment. Higher education tuition at an independent institution means the average tuition at the four-year public institutions of higher learning as defined in Section 59-103-15(B)(2), but not more than the actual tuition charged. Before calculating the credit, there must be deducted from tuition any amounts received toward its payment by any other scholarship grants.</p> <p>HISTORY: 1998 Act No. 418, Section 2; 1999 Act No. 100, Part II, Section 73; 2006 Act No. 386, Section 11.A, eff June 14, 2006.</p>											
83)	<p>SECTION 48-52-865. Energy Independence and Sustainable Construction Advisory Committee; creation; membership; duties.</p> <p>(A)(1) There is established the Energy Independence and Sustainable Construction Advisory Committee. The committee shall consist of thirteen members, ten of which shall be appointed by the Governor for terms of four years until their successors are appointed and qualified. The committee shall be composed of the following:</p> <p>(a) the State Engineer, or his designee, who shall serve as chairman;</p>	X				Yes						

<p>(b) the Director of the State Energy Office, or his designee;</p> <p>(c) the Director of the Department of Health and Environmental Control, or his designee;</p> <p>(d) one member recommended by the Association of General Contractors;</p> <p>(e) two members recommended by the Commission on Higher Education, one of which shall be appointed from either a research university or a comprehensive teaching institution and one of which shall be appointed from either a regional two-year campus of the University of South Carolina or a technical college;</p> <p>(f) one member recommended by the South Carolina Manufacturer's Alliance;</p> <p>(g) one member recommended by the American Chemistry Council;</p> <p>(h) one member recommended by the South Carolina Chapter of the American Institute of Architects;</p> <p>(i) one member recommended by the South Carolina Forestry Association;</p> <p>(j) one member recommended by the South Carolina Council of Engineering and Surveying Societies;</p> <p>(k) one member recommended by the South Carolina Chapter of the American Society of Heating, Refrigerating and Air Conditioning Engineers; and</p> <p>(l) one member recommended by the conservation community.</p> <p>(2) When making appointments to the committee, the Governor shall appoint members that have subject area expertise related to the design, engineering, construction, operation, maintenance, management, energy management, or growing or manufacturing products used in major facility projects certified under this article.</p> <p>(B)(1) The committee shall:</p> <p>(a) review and analyze all rating systems referred to it by the board pursuant to Section 48-52-825;</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>(b) closely monitor the development of new rating systems, or updates to existing rating systems, to expedite review and analysis of the new or updated rating systems pursuant to sub-item (a);</p> <p>(c) review and analyze rating systems in use concerning the rating systems' effectiveness in meeting the goals set forth in Section 48-52-820;</p> <p>(d) make recommendations to the State Engineer concerning the promulgation of regulations concerning rating systems referred to it by the board pursuant to Section 48-52-825;</p> <p>(e) report to the board concerning the effectiveness of current rating systems in meeting the goals set forth in Section 48-52-820; and</p> <p>(f) develop and implement a methodology by which the cost-benefit ratio of the rating systems may be measured so that the State may consider the return on its investment for projects subject to this chapter.</p> <p>(2) The committee shall make recommendations to the board concerning the promulgation of regulations relating to rating systems referred to it by the board pursuant to Section 48-52-825 no later than thirty days after the referral. The thirty day review time shall commence on the day of referral.</p> <p>(C)(1) The committee shall meet as soon as practicable after being referred new rating systems pursuant to Section 48-52-820.</p> <p>(2) Except as provided in item (1), the committee shall meet quarterly, or more frequently as necessary upon the call of the chair or a majority of the membership.</p> <p>(3) Seven members constitutes a quorum to transact committee business.</p> <p>(D) Vacancies on the committee shall be filled in the manner of the original appointment.</p> <p>(E) Members of the committee shall not receive per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees.</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	HISTORY: 2014 Act No. 150 (H.3592), Section 2, eff April 7, 2014.											
FINANCIAL AUTHORITY												
84)	<p>SECTION 59-103-65. Close of institution; reallocation of funds.</p> <p>If an institution beginning July 1, 1999, is closed by the commission, the institution shall be treated as a terminated agency under Section 1-20-30 and as such terminated in the manner provided therein. However, any remaining funds shall not revert to the general fund as provided in Section 1-20-30 but instead shall be reallocated to higher education funding through use of the higher education funding formula in the manner the commission shall provide.</p> <p>HISTORY: 1996 Act No. 359, Section 8.</p>	X				Yes			CHE REG 62.700 - 750			
85)	<p>SECTION 59-103-80. Expenses; compensation of Commission members.</p> <p>Funds for the necessary technical, administrative and clerical assistance and other expenses of the Commission, including stationery, shall be carried in the annual appropriation act for the State. The members of the Commission shall be allowed such per diem and mileage as authorized by law for members of boards, commissions and committees.</p> <p>The sum appropriated for the use of the Commission shall be expended upon warrants signed by the chairman.</p> <p>HISTORY: 1962 Code Section 22-15.11; 1962 (52) 1956; 1967 (55) 261.</p>			X		Yes						Strike "The sum appropriated for the use of the Commission shall be expended upon warrants signed by the chairman."
86)	SECTION 59-103-110. Approval for new construction; exemptions.			X		Yes						

	No public institution of higher learning shall be authorized to construct or purchase any new permanent facility at any location other than on a currently approved campus or on property immediately contiguous thereto unless such new location or purchase of improved or unimproved real property has been approved by the commission. HISTORY: 1978 Act No. 410, Section 9; 1996 Act No. 359, Section 9.									
87)	SECTION 59-103-120. Accreditation and chartering of chiropractic colleges. —One hundred and eighty days from the effective date of this act, the State Commission on Higher Education shall publish a list of the accrediting agency or agencies, which may include itself, approved by it for accreditation of chiropractic colleges or schools doing business in this State. Any chiropractic college or school doing business in this State shall, upon publication of said list of such accrediting agency or agencies, forthwith apply for such accreditation or candidate status and furnish the State Commission on Higher Education documented evidence of such application. —Failure to obtain such accreditation or candidate status within nineteen months after publication of the list of approved agencies shall result in the Commission on Higher Education revoking the status of such college or school as a recognized college or school of chiropractic. —Provided, further, any college of chiropractic applying for a South Carolina charter must furnish the Commission on Higher Education with sufficient evidence that such school will qualify for required accreditation. Upon certification by the Commission on Higher Education to the Secretary of State, the Secretary of State may issue a charter; provided,	X			Yes	1980/81 policy obsolete				Delete. Licensing and program approval process covers this requirement.

	further, however, that any college now chartered must attain required licensure before one hundred eighty days after the effective date of this act or have its charter revoked upon a finding by the Attorney General that such licensure has not been attained by such date. In addition to other existing criteria, licensure of all chiropractic colleges shall be renewable annually contingent upon supplying semiannual reports as to the progress of accreditation to the Commission on Higher Education and the Commission shall make a determination if such progress is satisfactory.										
88)	<p>SECTION 59-103-140. Contracts with colleges and universities for provision of teacher training programs.</p> <p>The Commission on Higher Education, in consultation with the State Board of Education, may contract with selected public or private colleges and universities, or groupings of such institutions, to provide centers of excellence in programs designed to train teachers.</p> <p>The Commission shall devise guidelines and procedures by which institutions, or groups of institutions, may apply for such contracts by the Commission. Such guidelines and procedures shall include participation by local schools or school districts in such programs as may be appropriate.</p> <p>Funds for implementing this activity shall be appropriated annually to the Commission on Higher Education which, in consultation with the State Board of Education, shall monitor the performance of participating institutions and may or may not elect to renew such contracts to any original college or university.</p>		X			Yes					
89)	SECTION 59-103-162. South Carolina Manufacturing Extension Partnership; review of activities and board			X		No	In FY12-13, Funding was transferred by General				Strike and replace "South Carolina Commission on

	<p>membership; budget recommendations.</p> <p>The South Carolina Commission on Higher Education Department of Commerce shall review annually the activities of the South Carolina Manufacturing Extension Partnership, make a budget recommendation to the General Assembly, and coordinate the allocation of funds among each participating institution. The funds appropriated to the University of South Carolina - Columbia for the South Carolina Manufacturing Extension Partnership may not be used for any other purpose. The Commission shall review the membership of the South Carolina Manufacturing Extension Partnership board to insure appropriate representation of each participating institution.</p>						<p>Assembly through the Appropriations Act from CHE's budget to Commerce and a proviso was implemented providing instruction.</p> <p>Revise statute to transfer responsibility to Dept. of Commerce.</p>			<p>Higher Education" with "South Carolina Department of Commerce"</p>
90)	<p>SECTION 59-104-230. Endowed professorships program.</p> <p>—The Commission on Higher Education shall request state funds and establish procedures to implement a program of endowed professorships at senior public institutions of higher learning to enable the institutions to attract or retain productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.</p> <p>—Each professorship must be supported by the income from an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private funds specifically donated for this purpose.</p> <p>—The State Treasurer shall establish a separate fund consisting of any funds appropriated for all endowed professorships plus accrued interest received. Any amount remaining in the established fund at the end</p>		X			No	<p>Program included in 1988 legislation. No longer funded</p>			<p>Delete.</p> <p>The program is no longer funded and most institutions have processes in place to accomplish the goal of attracting or retaining productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.</p>

	<p>of any fiscal year must be carried forward to the next fiscal year to be used for endowed professorships. Funds in the specified amounts to support each endowment may be transferred by the commission to each eligible institution.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>									
91)	<p>SECTION 59-104-250. Technical college libraries shall convert to computer based automated system compatible with State library systems.</p> <p>—All libraries in the technical colleges in this State shall convert to a computer based automated system that is compatible with existing state library systems and allows for appropriate networking with public colleges and universities if funds are appropriated for this purpose. The Commission on Higher Education shall request special appropriations to accomplish the conversion.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>		X			Yes	Completed			<p>Delete. Statute no longer needed as all comply.</p>
92)	<p>SECTION 59-104-410. Research Investment Fund created.</p> <p>—A Research Investment Fund is created to establish or expand research programs in public institutions of higher learning in this State which are related to the continued economic development of South Carolina. The fund must consist of appropriations to the State Commission on Higher Education which it allocates to the institutions for research. The funds must be apportioned among the three senior universities and the four year colleges in a manner that takes into account the previous year's expenditures of externally generated funds for research by the institutions as reported to the commission. However, the commission may make exceptions to</p>			X		Yes	<p>Program defunct. Also applicable to sections 420, 430 and 440.</p>			<p>Delete 59-104-410 – 59-104-440. Program defunct. Funding was incorporated in the Mission Resource Requirements (MRR) Funding Formula.</p>

<p>accommodate economic development opportunities in any area of the State.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p> <p>SECTION 59-104-420. Criteria for use of fund.</p> <p>(A) The fund must be used for research which:</p> <p>(1) has a direct, positive impact on economic development, education, health, or welfare in this State;</p> <p>(2) has an existing base in faculty expertise, resources, and facilities;</p> <p>(3) serves to improve the quality of undergraduate and graduate education for South Carolina citizens in accordance with the institutions' stated missions as given in the commission's master plan and as developed by the institution and approved by the commission as provided in Section 59-103-45(5).</p> <p>(B) The fund must not be used for capital construction projects.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p> <p>SECTION 59-104-430. Comprehensive reports to be made at the end of fiscal year.</p> <p>At the end of each fiscal year, comprehensive reports must be made to the Commission on Higher Education on the expenditures of funds and the results realized from the research programs. At the end of two fiscal years and each fiscal year after that, the commission shall reexamine the process of appropriating funds for research and the results obtained from the expenditures and recommend</p>														
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--

	<p>changes and alterations in the funding of research by the State if the changes are considered advisable by the commission.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p> <p>SECTION 59-104-440. Allocation of funds.</p> <p>(A) With the exception of the University of South Carolina, Clemson University, and the Medical University of South Carolina, institutions seeking financial support from the fund for research projects shall submit proposals to the commission for its review and approval.</p> <p>(B) The portion of the fund allocated to the three senior universities excepted in subsection (A) must be distributed in a manner that takes into account the previous year's expenditures of externally generated funds for research which each university reported to the commission.</p> <p>(C) No funds allocated under the provisions of this chapter nor matching funds received pursuant to terms of this chapter may be used to increase an institution's future years' formula funding as computed by the Commission on Higher Education.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>											
93)	<p>SECTION 59-101-150. Approval of new programs <u>and program termination authority.</u></p> <p>No new program shall be undertaken by any State-supported institution of higher learning without the approval of the Commission or the General Assembly.</p> <p><u>The commission shall have the authority to</u></p>		X				Yes					Amend by adding new language, which is similar to timelines for Legislative approval of Regulations, and also provides for appeals processes.

	<p><u>recommend the termination of an existing program at any institution within the purview of this act and shall submit program termination recommendations to the Senate Education Committee and the House Education and Public Works Committee no later than the second Tuesday in January of each year. An appeal of this recommendation may be made by the governing board of an affected institution within sixty days to the Senate Education Committee and the House Education and Public Works Committee which will hear the parties to the appeal. If the committees concur in the recommendation for termination, the program will be terminated at a time to be determined by the commission. A decision shall be reached by the committees within one hundred and twenty days from the date of the filing of the appeal. Should the committees fail to reach a decision within one hundred and twenty days, the decision of the commission will prevail.</u></p> <p><u>The commission shall maintain policies and procedures for the approval of new programs and termination of existing programs.</u></p> <p><u>The provisions of this chapter apply to all college parallel, transferable, and associate degree programs of technical and comprehensive education institutions. All other programs and offerings of technical and comprehensive education institutions are excluded from this chapter.</u></p> <p>HISTORY: 1962 Code Section 22-11.1; 1973 (58) 691.</p>											<p>Relocate provision from 59-103-35 in its entirety.</p>
94)	<p>SECTION 59-101-340. Allocation of funds appropriated for the “Cutting Edge: Research Investment Initiative”.</p> <p>—Twenty five percent of funds appropriated by the General Assembly for the “Cutting Edge: Research Investment Initiative” must be allocated to the state’s senior public colleges. If the number of quality</p>		X				No	Program no longer funded.				<p>Delete. No longer funded.</p>

	<p>proposals for funding submitted by the senior colleges does not require the full allocation, the balance of the allocation must be distributed by the Commission on Higher Education to the state's public universities.</p> <p>HISTORY: 1989 Act No. 189, Part II, Section 44.</p>									
95)	<p>SECTION 59-101-345. Authority to reallocate funds between Palmetto Fellows Program and need based grants; Priority to students in custody of Department of Social Services.</p> <p>— In instances where the equal division of the appropriated funds between need based grants and the Palmetto Fellows Program exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to reallocate the remaining funds between the two programs. Public and independent higher education institutions must give first priority for need-based grants to children and young adults in the custody of the State Department of Social Services. Institutions and the Commission on Higher Education shall accept written verification from the Department of Social Services that the child or young adult is in the custody of the Department of Social Services, and must provide the maximum amount allowed by law for that need-based grant.</p> <p>HISTORY: 2002 Act No. 356, Section 1, Part II.E.</p>			X		No				<p>Delete. Portion of statute reallocation pre-dates Education Lottery and is no longer necessary.</p>
96)	<p>SECTION 59-101-360. Certain revenue from tax on catalog sales creditable to Mail Order Sales Tax Fund; disposition.</p> <p>(A) Sales tax revenue derived pursuant to Section 12-36-2620 from the tax on catalog sales which exceeds the total of revenue from such sales in fiscal year 1991-92 must be credited by the State Treasurer</p>			X		No	Historical provision likely no longer applicable.			<p>Defer. Need to verify with state treasurer.</p> <p>There is no record of any deposits ever to this fund per the State Treasurer's office and DOR.</p>

<p>to the Mail Order Sales Tax Fund, which is separate and distinct from the general fund of the State. Revenues in this fund may not be used to supplant general fund appropriations for higher education, and must be appropriated according to the distribution formulas provided in subsections (B), (C), and (D).</p> <p>(B) The first one hundred million dollars credited to the Mail Order Sales Tax Fund must be distributed as follows:</p> <p>(1) sixty-five percent for higher education formula funding;</p> <p>(2) five percent to public higher education institutions with teacher education programs according to a formula developed by the Commission on Higher Education;</p> <p>(3) twenty percent to the Education Improvement Act Fund;</p> <p>(4) ten percent for tuition grants as provided pursuant to Chapter 113 of this title.</p> <p>(C) Amounts in excess of one hundred million dollars credited to the Mail Order Sales Tax Fund must be distributed as provided in subsection (B) with the exception of item (4) thereof, in which case the ten percent distribution must be for K-12 public school construction.</p> <p>(D) At any time the higher education funding formula is fully funded, further distribution of that sixty-five percent share must be distributed as follows:</p> <p>(1) sixty-five percent for K-12 public school construction;</p> <p>(2) thirty-three and one-third percent for public higher education dedicated to academic equipment;</p> <p>(3) one and two-thirds percent to the higher education tuition grants program under Chapter 113 of this title.</p> <p>HISTORY: 1992 Act No. 501, Part II, Section 35A; 1993 Act No. 164, Part II, Section 78A.</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

97)	<p>SECTION 59-58-70. Fees.</p> <p>The commission may set reasonable fees for administration of this chapter including, but not limited to, licenses, agent permits, renewals, penalties for late renewals, penalties for failure to provide information as required, penalties for repeat violations, consultants, complaint investigations, and supplementary applications for amendments of the license.</p> <p>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 5.</p>		X				Yes	Statute relates to Licensing of for profit institutions.				
98)	<p>SECTION 59-58-80. Student tuition recovery fund; surety bonds by licensed institutions; use of funds for benefit of students.</p> <p>(A) Before an institution is licensed under this chapter, the commission may require that a surety bond be provided by the institution in an amount in compliance with the regulations prescribed by the commission.</p> <p>The obligation of the bond is that the institution, its officers, agents, and employees shall faithfully perform the terms and conditions of contracts for tuition and other instructional fees entered into between the institution and persons enrolling as students.</p> <p>The bond must be issued by a company authorized to do business in the State of South Carolina. The bond must be to the commission, in that form as approved by the commission, and is to be used for the benefit of students who suffer financial losses of tuition and fees prepaid to an institution as a result of the closing of the institution.</p> <p>The commission may use the funds for these purposes to pay refunds to these students for unearned tuition and fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay</p>		X				Yes		CHE REG 62.1 - 100			

<p>expenses to store and maintain student records of these students.</p> <p>(B) The bond company may not be relieved of liability on the bond unless it gives the institution and the commission ninety days' written notice of the company's intent to cancel the bond.</p> <p>If at any time the company that issued the bond cancels or discontinues the coverage, the institution's license is revoked as a matter of law on the effective date of the cancellation or discontinuance of bond coverage, unless a replacement bond is obtained and provided to the commissioner.</p> <p>(C) Instead of the surety bond required in subsection (A), the institution may pledge other means of collateral acceptable to the State Treasurer, in an aggregate market value of the required bond. The commission shall deliver a safekeeping receipt of collateral to the State Treasurer to be held until the commission serves notice for its release to the commission.</p> <p>(D) The commission may promulgate regulations establishing a student recovery fund for nonpublic educational institutions.</p> <p>The fund must be used to benefit students because an institution has failed to perform faithfully its contractual obligations for tuition and instructional fees in the event of an institution's closing.</p> <p>The commission may use the funds for these purposes to pay refunds to these students for unearned tuition and prepaid fees, to pay for or subsidize the cost of providing facilities and instruction for these students to complete their programs, or to pay expenses to store and maintain student records of these students.</p>												
--	--	--	--	--	--	--	--	--	--	--	--	--

	HISTORY: 1992 Act No. 497, Section 1; 2007 Act No. 20, Section 3, eff May 15, 2007.									
99)	<p>SECTION 59-58-90. Permit required to solicit or sell courses.</p> <p>(A) No person representing a nonpublic educational institution shall solicit students or sell any course or program of instruction unless he first secures a permit from the commission. The application for a permit must be accompanied by a non-refundable fee as determined by the commission.</p> <p>(B) The permit is valid for one year, and may be renewed by filing an application for renewal accompanied by a nonrefundable fee as determined by the commission.</p> <p>The commission may refuse to issue a permit to the applicant if he has pleaded guilty to or been convicted of a felony or a crime of moral turpitude under the laws of this or any other state.</p> <p>HISTORY: 1992 Act No. 497, Section 1.</p>		X			Yes		CHE REG 62.1 - 100		
100)	<p>SECTION 59-58-100. Contracts and notes void without license and permit.</p> <p>All enrollment agreements, contracts, and promissory notes or other evidence of indebtedness entered into by nonpublic educational institutions with students or prospective students are void unless the institution holds a valid license, and the agent enrolling the student holds a valid permit as required by this chapter.</p> <p>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 6.</p>		X			Yes		CHE REG 62.1 - 100		

101)	<p>SECTION 59-58-110. Procedure for denial, revocation, or suspension of license; notice; probation.</p> <p>(A) Before a final proceeding to deny, revoke, or suspend a license or permit, the commission shall give to the person to be affected by the decision notice of facts and conduct which warrant the intended action and an opportunity to show compliance with the minimum requirements for a license or permit. If the commission determines that the violations are habitual, wilful, and therefore likely to reoccur, the commission may proceed with denial or revocation though the institution complies or agrees to comply with the standards for licensure.</p> <p>(B) In any final agency proceeding to deny a license or permit to any person properly applying for one, or to revoke or suspend the license or permit of any licensee or permit holder, the commission shall give the person to be affected by the intended action notice an opportunity for a hearing as provided in the Administrative Procedures Act.</p> <p>(C) The commission may give the institution a period of probation if in its judgment any unsatisfactory condition can reasonably be corrected within such time. The commission may also require that an institution delay a new class term.</p> <p>HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 7.</p>		X				Yes		CHE REG 62.1 - 100			
102)	<p>SECTION 59-58-120. Appeal of denial, revocation, or suspension of license.</p> <p>A person aggrieved by the final decision of the commission in refusing to issue a license or permit, or revoking or suspending a license or permit previously granted, is entitled to appeal the commission's order to the Administrative Law Court in accordance with its appellate rules of procedure.</p>		X				Yes		CHE REG 62.1 - 100			

	HISTORY: 1992 Act No. 497, Section 1; 2006 Act No. 387, Section 46, eff July 1, 2006.										
103)	<p>SECTION 59-58-130. Restraining violations of chapter or rules and regulations; civil penalties.</p> <p>(A) Whenever it appears to the commission that any person is or has been violating any provisions of this chapter or the regulations promulgated hereunder, the commission shall request the Attorney General, the solicitor, or any appropriate official having jurisdiction in the county in which the nonpublic educational institution or its agent is located, to bring a civil action to restrain that person from the violation, and for other appropriate relief. The action may be brought in the court of common pleas in the county in which the person resides, has his principal place of business, or conducts or transacts business. The courts may issue orders and injunctions to restrain and prevent violations of this chapter, and these orders and injunctions must be issued without bond.</p> <p>(B) If a court finds that any person is willfully violating or has willfully violated this chapter, the commission, upon petitioning the court, may recover a civil penalty not exceeding five thousand dollars for each violation. Each degree, diploma, or certificate granted by an institution without the required license is a separate violation and each student enrolled by an agent is a separate violation for purposes of this section.</p> <p>(C) The commission may bring a civil action against a person who violates the terms of an injunction issued under this section for a civil penalty of not more than fifteen thousand dollars. For purposes of this section, the court of common pleas issuing an injunction shall retain jurisdiction, and the cause may be continued and in these cases the commission may</p>		X			Yes		CHE REG 62.1 - 100			

	<p>petition for recovery of civil penalties.</p> <p>(D) For purposes of this section, a wilful violation occurs when the person committing the violation knew or should have known that his conduct was a violation of this chapter.</p> <p>HISTORY: 1992 Act No. 497, Section 1.</p>									
104)	<p>SECTION 59-143-30. Allocation for students attending independent colleges-</p> <p>(1) Of the funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 of the 1976 Code for any year, a percentage thereof must be allocated for higher education scholarships and grants for students attending South Carolina independent colleges of higher learning in this State. This percentage shall be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full time (FTE) enrollment of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education and the South Carolina Tuition Grants Commission.</p> <p>(2) The allocation each year to students at the South Carolina independent colleges under item (1) above shall be used to provide tuition grants under Chapter 113 of Title 59 of the 1976 Code, and Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act. Of the funds allocated to independent college students, fifty percent shall be awarded for South Carolina Tuition Grants and fifty percent shall be awarded under the Palmetto Fellows Program. The funds allocated for South Carolina Tuition Grants to South Carolina independent colleges students under this</p>			X		Partial	<p>This statute refers to funds provided from the Academic Endowment Fund. This fund was originally supported by revenue from the Barnwell Nuclear Site. This source precedes scholarship/ grant support from the Education Lottery. Also see 59-143-10.</p>	See 59-104-20.		<p>Strike para 1-5, Superseded by paragraph (D) of 59-104-20 which made the program open-ended and guaranteed funding for all eligible students. Insert para 1 & 2 to provide for guidance on distribution of funds between PF and NBG and calculation of TG portion.</p>

<p>subsection shall be included in the annual appropriation to the Commission on Higher Education and transferred annually into the budget of the South Carolina Tuition Grants Commission in the amount prescribed in item (1) above. The funds allocated for Palmetto Fellows Scholarships to South Carolina independent college students under this subsection shall be included in the annual appropriation to the Commission on Higher Education and may only be awarded to eligible students attending South Carolina independent colleges.</p> <p>(3) Independent colleges for purposes of this subsection means those institutions eligible to participate in the South Carolina Tuition Grants Program as defined by Section 59-113-50.</p> <p>(4) Public institutions shall receive the remaining allocation each year of the funds made available for higher education scholarship grants under Section 59-143-10. One half shall be used to provide higher education need based grants as provided for in this act or otherwise provided for in state law, and one half shall be used to provide Palmetto Fellows Scholarships under Section 59-104-20 of the 1976 Code in the manner the General Assembly shall provide in the annual general appropriations act.</p> <p>(5) The maximum amount of funding provided for awards to students attending South Carolina independent colleges from the Children's Education Endowment Fund for South Carolina Tuition Grants and Palmetto Fellows scholarships shall not exceed the percentage funding calculation described under item (1) above.</p> <p><u>(1) Of the funds made available for higher education scholarship grants from the higher education scholarship grant allocation under Section 59-143-10 of the 1976 Code for any year, fifty percent shall be</u></p>												
---	--	--	--	--	--	--	--	--	--	--	--	--

	<p>made available for Need-based Grants and fifty percent shall be made available for Palmetto Fellows Scholarships under Section 59-104-20.</p> <p><u>(2) Of the fifty percent available for Need-based grants to the public institutions, a percentage shall be allocated to the South Carolina Tuition Grants Commission for need-based grants to eligible students attending South Carolina independent colleges of higher learning. The percentage shall be equivalent to the percentage of the independent colleges' share of the total South Carolina resident undergraduate full-time (FTE) enrollment of all public and independent higher education institutions in South Carolina based on the previous year's data as determined by the Commission on Higher Education. Independent colleges for purposes of this subsection means those institutions eligible to participate in the South Carolina Tuition Grants Program as defined by Section 59-113-50.</u></p> <p>HISTORY: 1996 Act No. 458, Part II, Section 20C.</p>											
105)	<p>SECTION 2-75-10. Research Centers of Excellence Review Board; appointment of members; terms; responsibilities and duties.</p> <p>There is created the Research Centers of Excellence Review Board. The review board shall consist of eleven members. Of the eleven members, three must be appointed by the Governor, three must be appointed by the President Pro Tempore of the Senate, three must be appointed by the Speaker of the House of Representatives, one by the Chairman of the Senate Finance Committee, and one by the Chairman of the House Ways and Means Committee. The terms of members are three years and members are eligible to be appointed for no more than two additional terms. Of the members initially appointed by the Governor, the President Pro Tempore, and the Speaker of the House, one shall be appointed for a</p>					X	Yes	<p>CHE approves each year the administrative budget.</p> <p>Annual report and audit are required and submitted by Nov 30.</p>				

<p>term of one year, one for a term of two years, and one for a term of three years, the initial term of each member to be designated by the Governor, President Pro Tempore, and Speaker of the House when making the appointments. The Governor, the President Pro Tempore, and the Speaker of the House shall appoint persons with substantial experience in business, law, accounting, technology, manufacturing, engineering, or other professions and experience which provide an understanding of the purposes of this chapter. The review board shall be responsible for providing annually to the Commission on Higher Education a schedule by which applications for funding are received and awarded on a competitive basis, the awarding of matching funds as provided in Section 2-75-60, and for oversight and operation of the fund created by Section 2-75-30. Members of the review board shall serve without compensation and must provide an annual report by November thirtieth of each calendar year to the General Assembly as well as the State Fiscal Accountability Authority, Revenue and Fiscal Affairs Office, and Executive Budget Office, which shall include an audit performed by an independent auditor. This annual report must include, but not be limited to, a complete accounting for total state appropriations to the endowment and total proposals awarded up to the previous fiscal year.</p> <p>HISTORY: 2002 Act No. 356, Section 3C; 2008 Act No. 355, Section 2, eff June 25, 2008; 2010 Act No. 290, Section 31, eff January 1, 2011</p>												
---	--	--	--	--	--	--	--	--	--	--	--	--

106)	<p>SECTION 2-75-70. Staff and support for operations of board and panels; reimbursement of expenses.</p> <p>Staff and support for the operations of the board and the panels must be provided by the Commission on Higher Education. The Commission on Higher Education shall approve all necessary funds for the prudent operation of the board, including per diem, subsistence, and mileage expenses of board members as provided by law for members of state boards, committees, and commissions, and for the costs and expenses of the panel members. The expenditures authorized by this section must be provided from the fund created by Section 2-75-30 upon approval by the commission.</p> <p>HISTORY: 2002 Act No. 356, Section 3C.</p>					X	Yes					
107)	<p>SECTION 11-51-125. Allocation and use of funds; authorization for additional bonds; project approval.</p> <p>(A) Of the funds authorized pursuant to this act, public institutions of higher learning as defined in Section 59-103-5, not including research universities, are authorized twelve percent of the total amount authorized under Section 11-51-40. The eligible institutions may only use the funds authorized under this subsection for deferred maintenance projects. The twelve percent authorized for the institutions, not including research universities, must be allocated by the Commission of Higher Education to eligible institutions as follows:</p> <p>(1) sixty-five percent of the total twelve percent must be allocated based on a reported deferred maintenance needs list from each eligible institutions; and</p> <p>(2) thirty-five percent of the total twelve percent must be allocated by FTE student enrollment from the prior academic year at each eligible institution. The Research Centers of Excellence Review Board has no jurisdiction over these projects and no matching</p>			X			Yes	Bond funds were allocated as required in FY05 and capacity hasn't been available to issue another round.				

<p>requirement is imposed for these projects. The Joint Bond Review Committee must review and the State Fiscal Accountability Authority must approve all projects.</p> <p>(B)(1) After the aggregate total of bonds issued pursuant to this chapter equals two hundred and fifty million dollars, all further proceeds of bonds authorized pursuant to this chapter must be authorized as follows:</p> <p>(a) eighty-eight percent for the research universities in the manner and for the purposes provided pursuant to this chapter;</p> <p>(b) twelve percent to public institutions of higher learning as defined in Section 59-103-5, not including the research universities, for deferred maintenance projects allocated as follows:</p> <p>(i) one-half for the state's ten comprehensive teaching universities distributed among them as provided in item (2) of this subsection; and</p> <p>(ii) one-half for the state's two-year and technical colleges distributed among them as provided in item (2) of this subsection.</p> <p><u>(2)</u> The Commission on Higher Education shall distribute amounts allocated pursuant to item (1)(b)(i) and (ii) of this subsection among the two categories of eligible institutions as follows:</p> <p>(a) thirty-five percent in equal shares to each eligible institution; and</p> <p>(b) sixty-five percent based on FTE student enrollment from the prior academic year at eligible institutions.</p> <p>(3) The Research Centers of Excellence Review Board has no jurisdiction over projects funded by bonds issued pursuant to item (1)(b) of this subsection and no matching requirement is imposed for these projects. All projects must be approved by the Joint Bond Review Committee and the State Budget and Control Board.</p> <p>HISTORY: 2004 Act No. 187, Section 9; 2014 Act No. 121 (S.22), Pt VII, Section 20.L.2, eff July 1, 2015.</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

108)	<p>SECTION 59-110-20. Administration of fund; consultation.</p> <p>(A) The Commission on Higher Education shall administer the provisions of this chapter and the funding provided to the Critical Needs Nursing Initiative Fund to implement the initiatives provided in this chapter. The commission shall make disbursements from the Critical Needs Nursing Initiative Fund to the institutions or students in the manner and for the purposes provided by this chapter.</p> <p>(B) To assist the commission in performing its duties related to this fund, the commission shall consult with members of the Advisory Committee on Academic Programs (ACAP) from institutions with accredited nursing programs and the chairperson, or designee, of the South Carolina Council of Deans and Directors in Nursing Education.</p> <p>HISTORY: 2008 Act No. 276, Section 2, eff June 5, 2008.</p>			X			Yes	Not currently funded.				
109)	<p>SECTION 59-150-375. Scholarships for visual or hearing impaired or multi-handicapped students.</p> <p>A visual or hearing impaired or multi-handicapped student who qualifies for state scholarship funds pursuant to Chapter 149 of Title 59, Section 59-104-20, Section 59-150-360, or Section 59-150-370 may receive state scholarship funds to attend an out-of-state institution that specializes in educating visual or hearing impaired or multi-handicapped students if the Commission on Higher Education certifies the student's impairment or multi-handicap and that no in-state institution exists to specifically meet the student's need.</p> <p>HISTORY: 2005 Act No. 95, Section 1, eff June 1, 2005.</p>				X		Yes	Applies to Palmetto Fellows & LIFE				

110)	<p>SECTION 59-118-100. Proportionate shares; undistributed funds.</p> <p>The Commission on Higher Education shall ensure that each qualifying college or university receives its proportionate share of the State Higher Education Matching Gift Fund based on the ratio of disbursements. Any monies in the State Higher Education Matching Gift Fund not distributed in any year shall be carried forward for the same purposes in future years and all earnings on monies in the State Higher Education Matching Gift Fund must be retained in the fund and used for its stated purposes.</p> <p>HISTORY: 1997 Act No. 155, Part II, Section</p>			X			Yes	Academic Endowment Incentive Program				
111)	<p>SECTION 59-104-210. Competitive grants program established.</p> <p><i>This is from the Article entitled Excellence in Instruction and Educational Services.</i></p> <p>A competitive grants program is established to improve undergraduate education in South Carolina. The State Commission on Higher Education shall administer the program; promulgate appropriate regulations, and request annual state appropriations for this purpose. All public and private nonproprietary post-secondary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools are eligible to participate in this program.</p>		X				No	Program was introduced in 1988 and <u>no longer funded.</u>	CHE Reg. 62.400-401			
112)	<p>SECTION 59-104-240. Salary enhancement program for technical colleges and two-year campuses.</p> <p>(A) The Commission on Higher Education shall request state funds to implement a program to endow salary enhancements for outstanding faculty in technical colleges and two-year campuses of the</p>			X			No	Program was introduced in 1988 and <u>no longer funded.</u>				Delete. No longer funded. Faculty salaries are provided as a component of the Mission Resource Requirement (MRR).

	<p>University of South Carolina. The purpose of the program is to enable the state's two-year college systems to retain and reward outstanding instructional personnel.</p> <p>(B) The commission, in collaboration with the State Board for Technical and Comprehensive Education and the University of South Carolina, shall establish procedures to implement the program. Each salary enhancement must be supported by an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private sources specifically donated for this purpose.</p> <p>(C) The State Treasurer shall establish a separate fund consisting of any funds appropriated for all salary enhancements plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for salary enhancements. Funds in the specified amounts to support each salary enhancement may be transferred by the commission to each eligible institution.</p> <p>HISTORY: 1988 Act No. 629, Section 1; 1996 Act No. 359, Section 10.</p>											
113)	<p>SECTION 59-150-380. Educational Lottery Teaching Scholarship Grants Program.</p> <p>The Commission on Higher Education, in consultation with the State Department of Education, must develop an Education Lottery Teaching Scholarship Grants Program to provide certified teachers in the public schools of this State grants not to exceed one thousand dollars per year to attend public or private colleges and universities for the purposes of upgrading existing content area skills or obtaining a Master's Degree in the teacher's content area. If</p>		X				Yes	Program initiated with the lottery in 2002-03. No longer funded.				

	<p>there are insufficient funds in the Education Lottery Account to provide the grant to each eligible recipient for a particular year, priority must be given to those teachers whose subject areas are critical subject needs as determined by the State Department of Education.</p> <p>HISTORY: 2001 Act No. 59, Section 2.</p>									
114)	<p>11.1. (CHE: Contract for Services Program Fees)</p> <p>The amounts appropriated in this section for “Southern Regional Education Board Contract Programs” and “Southern Regional Education Board Dues” are to be used by the commission to pay to the Southern Regional Education Board the required contract fees for South Carolina students enrolled under the Contract for Services program of the Southern Regional Education Board, in specific degree programs in specified institutions and the Southern Regional Education Board membership dues. The funds appropriated may not be reduced to cover any budget reductions or be transferred for other purposes.</p>				X	Yes				
115)	<p>11.3. (CHE: African-American Loan Program)</p> <p>Of the funds appropriated to the Commission on Higher Education for the African-American Loan Program, 73.7 percent shall be distributed to South Carolina State University and 26.3 percent shall be distributed to Benedict College, and must be used for a loan program with the major focus of attracting African-American males to the teaching profession. The Commission of Higher Education shall act as the monitoring and reporting agency for the African-American Loan Program. Of the funds allocated according to this proviso, no more than ten percent shall be used for administrative purposes.</p>				X	Yes		CHE REG 62.540-590		

116)	<p>11.4. (CHE: GEAR-UP)</p> <p>Funds appropriated for GEAR-UP shall be used for state grants programs to reach disadvantaged middle school students to improve their preparation for college. Eligible South Carolina public schools and public institutions of higher education shall cooperate with the Commission on Higher Education in the provision of services under the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.</p>				X		Yes					
117)	<p>11.42. (CHE: College and University Out of State Veteran Tuition Differential Reimbursement Fund)</p> <p>Of the funds appropriated to and/or authorized for the Commission on Higher Education for the Out of State Veteran Tuition Reimbursement, the Office of State Treasurer is directed to establish a fund, separate and distinct from the general fund and all other funds, entitled the College and University Out of State Veteran Tuition Differential Reimbursement Fund. Any funds appropriated and/or authorized in the current fiscal year for this purpose must be deposited into the fund and interest accrued by the fund must remain in the fund.</p> <p>The purpose of the fund is to reimburse public institutions of higher learning, as defined in Section 59-103-5 of the 1976 Code, for revenue loss resulting from the provisions of Section 59-112-50(C). By March 1, 2016, a public institution of higher learning seeking a reimbursement from this fund must submit an application to the Commission on Higher Education to receive a reimbursement from the fund. The total reimbursement to a public institution may not exceed the difference between the amounts the institution would have charged but for Section 59-112-50(C), and the amounts the institution actually charged. The Commission on Higher Education may require any proof it determines necessary to verify the veracity of the application.</p>				X		Yes					

	By June 15, 2016, the Commission on Higher Education must distribute the funds to those institutions that have applied pursuant to this provision. In the event that the total requested and verified reimbursements exceed the amount in the fund, the distribution to each public institution shall be reduced pro rata based on the institution's amount of verified reimbursements compared to the total amount of verified reimbursements of all institutions.										
118)	<p>3.8. (LEA: Transfer for Veteran Differential Reimbursement Fund)</p> <p>The Commission on Higher Education is directed to transfer \$3,000,000 of unexpended National Guard Tuition Repayment Program funds carried forward from the prior fiscal year to the Office of State Treasurer for the College and University Out of State Veteran Tuition Differential Reimbursement Fund.</p>			X		Yes	Funds transferred and are pending use as designated.				Delete. FY 16 specific.
119)	<p>1A.7. (SDE-EIA: XII.F.2-CHE/Teacher Recruitment)</p> <p>Of the funds appropriated in Part IA, Section 1, XII.F.2. for the Teacher Recruitment Program, the South Carolina Commission on Higher Education shall distribute a total of ninety-two percent to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which at least seventy-eight percent must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers, and of which twenty-two percent must be used for other aspects of the state teacher recruitment program, including the Teacher Cadet Program and \$166,302 which must be used for specific programs to recruit minority teachers; and shall distribute eight percent to South Carolina State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their</p>			X		Yes					

<p>established general education programs. Working with districts with an absolute rating of At-Risk or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October first to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The South Carolina Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The South Carolina State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October first annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.</p> <p>With the funds appropriated CERRA shall also appoint and maintain the South Carolina Teacher Loan Advisory Committee. The Committee shall be composed of one member representing each of the following: (1) Commission on Higher Education; (2) State Board of Education; (3) Education Oversight Committee; (4) Center for Educator Recruitment, Retention, and Advancement; (5) South Carolina Student Loan Corporation; (6) South Carolina Association of Student Financial Aid Administrators; (7) a local school district human resources officer; (8) a public higher education institution with an approved teacher education program; and (9) a</p>				X		Partial				Hi	
---	--	--	--	---	--	---------	--	--	--	----	--

	private higher education institution with an approved teacher education program. The members of the committee representing the public and private higher education institutions shall rotate among those intuitions and shall serve a two-year term on the committee. The committee must be staffed by CERRA, and shall meet at least twice annually. The committee's responsibilities are limited to: (1) establishing goals for the Teacher Loan Program; (2) facilitating communication among the cooperating agencies; (3) advocating for program participants; and (4) recommending policies and procedures necessary to promote and maintain the program.									
120)	<p>3.6. (LEA: FY 2015-16 Lottery Funding)</p> <p>There is appropriated from the Education Lottery Account for the following education purposes and programs and funds for these programs and purposes shall be transferred by the Executive Budget Office as directed below. These appropriations must be used to supplement and not supplant existing funds for education.</p> <p>The Executive Budget Office is directed to prepare the subsequent Lottery Expenditure Account detail budget to reflect the appropriations of the Education Lottery Account as provided in this section.</p> <p>All Education Lottery Account revenue shall be carried forward from the prior fiscal year into the current fiscal year including any interest earnings, which shall be used to support the appropriations contained below.</p> <p>For Fiscal Year 2015-16 certified net lottery proceeds and investment earnings and any other proceeds identified by this provision are appropriated as follows:</p> <p>(1) Commission on Higher Education and State Board for Technical and Comprehensive Education Tuition Assistance \$47,400,000;</p>			X		Yes				Revised annually to distribute Lottery appropriations.

<p>(2) Commission on Higher Education--LIFE Scholarships as provided in Chapter 149, Title 59 \$171,896,844;</p> <p>(3) Commission on Higher Education--HOPE Scholarships as provided in Section 59-150-370 \$8,565,373;</p> <p>(4) Commission on Higher Education--Palmetto Fellows Scholarships as provided in Section 59-104-20 \$38,691,990;</p> <p>(5) Commission on Higher Education--Need-Based Grants \$13,000,000;</p> <p>(6) Department of Education--K-12 Technology Initiative \$18,870,793; and</p> <p>(7) South Carolina State University \$2,500,000.</p> <p>Fiscal Year 2015-16 funds appropriated to the Commission on Higher Education for Tuition Assistance must be distributed to the technical colleges and two-year institutions as provided in Section 59-150-360. Annually the State Board for Technical and Comprehensive Education and the Commission on Higher Education shall develop the Tuition Assistance distribution of funds.</p> <p>The funds appropriated above for South Carolina State University shall be utilized by the Interim Board of Trustees for administrative functions of the interim board and for any other purpose deemed necessary by the interim board.</p> <p>The provisions of Section 2-75-30 of the 1976 Code regarding the aggregate amount of funding provided for the Centers of Excellence Matching Endowment are suspended for the current fiscal year.</p> <p>The Commission on Higher Education is authorized to temporarily transfer funds between appropriated line items in order to ensure the timely receipt of</p>												
--	--	--	--	--	--	--	--	--	--	--	--	--

<p>scholarships and tuition assistance. It is the goal of the General Assembly to fund the Tuition Assistance program at such a level to support at least \$996 per student per term for full time students.</p> <p>Fiscal Year 2015-16 net lottery proceeds and investment earnings in excess of the certified net lottery proceeds and investment earnings for this period are appropriated and must be used to ensure that all LIFE, HOPE, and Palmetto Fellows Scholarships for Fiscal Year 2015-16 are fully funded.</p> <p>If the lottery revenue received for Fiscal Year 2015-16 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis, except that a reduction must not be applied to the funding of LIFE, HOPE, and Palmetto Fellows Scholarships.</p> <p>The Commission on Higher Education is authorized to use up to \$345,000 of the funds appropriated in this provision for LIFE, HOPE, and Palmetto Fellows scholarships to provide the necessary level of program support for the scholarship award process and to provide for a Scholarship Compliance Auditor.</p> <p>The Higher Education Tuition Grants Commission is authorized to use up to \$70,000 of the funds appropriated in this provision for Tuition Grants to provide the necessary level of program support for the grants award process.</p> <p>(omitted portion for relevance)....</p> <p>For Fiscal Year 2015-16, funds certified from unclaimed prizes are appropriated as follows:</p> <p>(1) Higher Education Tuition Grants Commission--Tuition Grants \$6,660,000;</p> <p>(2) Commission on Higher Education--National Guard Tuition Repayment Program as provided in Section 59-111-75 \$4,545,000;</p>																												
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>(3) Department of Alcohol and Other Drug Abuse Services--Gambling Addiction Services \$50,000;</p> <p>(4) School for the Deaf and the Blind--Technology \$200,000;</p> <p>(5) Commission on Higher Education--Higher Education Excellence Enhancement Program \$2,950,000; and</p> <p>(6) Department of Education--School Buses \$595,000.</p> <p>If the lottery revenue received from certified unclaimed prizes for Fiscal Year 2015-16 is less than the amounts appropriated, the projects and programs receiving appropriations for any such year shall have their appropriations reduced on a pro rata basis.</p> <p>Any unclaimed prize funds available in excess of the Board of Economic Advisors estimate shall be appropriated as follows:</p> <p>(1) Department of Education--School Buses \$6,000,000; and</p> <p>(2) Department of Education--Instructional Materials \$6,000,000.</p> <p>For Fiscal Year 2015-16, net lottery proceeds and investment earnings realized in the prior fiscal year above the amount needed to fund the appropriations in this provision are appropriated as follows in priority order:</p> <p>(1) Department of Education--K-12 Technology Initiative \$10,418,183;</p> <p>(2) Department of Education--School Buses \$4,300,000;</p> <p>(3) Commission on Higher Education and State Board for Technical and Comprehensive Education--Tuition Assistance \$3,700,000;</p>																												
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>(4) Higher Education Tuition Grants Commission--Tuition Grants \$1,598,764;</p> <p>(5) Commission on Higher Education--Higher Education Excellence Enhancement Program \$1,028,053;</p> <p>(6) Commission on Higher Education--Technology-Public Four-Year Institutions, Two-Year Institutions, and State Technical Colleges \$5,000,000; and</p> <p>(7) State Board for Technical and Comprehensive Education--Workforce Scholarships and Grants \$5,000,000.</p> <p>Of the funds appropriated to institutions of higher learning entitled "Technology-Public Four Year Institutions, Two Year Institutions, and State Technical Colleges," each institution shall use the amount appropriated only for technology repair and related technology maintenance that is necessary to support an institution's educational purpose.</p> <p>Prior to the utilization of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement.</p> <p>Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.</p> <p>Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to certification from the Commission on Higher Education they continue to meet the requirement of this provision.</p> <p>For Fiscal Year 2015-16, if net lottery proceeds and investment earnings realized in the prior fiscal year</p>												
---	--	--	--	--	--	--	--	--	--	--	--	--

<p>are above both the amount needed to fund the appropriations in this provision as well as the amount needed to fully fund the priority order above, the following items are appropriated on a pro rata basis:</p> <p>(1) Department of Education--School Buses \$4,000,000;</p> <p>(2) State Library--Aid to County Libraries \$1,700,000;</p> <p>(3) Commission on Higher Education--Technology-Public Four-Year Universities, Two-Year Institutions, and State Technical Colleges \$2,500,000;</p> <p>(4) Commission on Higher Education--Non-Profit, Bachelors Level Institution of Higher Learning, Established in 1894,is a Member of TRACS, with Sixty Percent or More Low-Income Students - Maintenance and Improvement in Classroom, Library, Laboratory, or Other Institutional Facilities \$50,000;</p> <p>(5) Commission on Higher Education--Higher Education Excellence Enhancement Program \$658,084;</p> <p>(6) Commission on Higher Education--PASCAL Program \$1,500,000;</p> <p>(7) Commission on Higher Education--Non-Profit, Four-Year Comprehensive Institution of Higher Learning, First Established as a College in 1908, is SACS Accredited, with Forty Percent or More Minority Enrollment-Support for Memorial Professorships for the Purpose of Helping the College Recruit and Retain Faculty Members Whose Research, Teaching and Service Uniquely Contribute to the Mission of the College \$50,000; and</p> <p>(8) Commission on Higher Education--Maintenance-Critical Care and Replacement-1 to 1 Match \$3,000,000.</p> <p>Of the funds appropriated in sub item (8) above for the Commission on Higher Education--</p>																														
--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

<p>Maintenance-Critical Care and Replacement-1 to 1 Match, each public four-year university, two-year branch campus and state technical college shall use the amount appropriated only for critical repair and related maintenance and/or other critical equipment and systems repair and maintenance that are necessary for the safe and efficient operation of an institution's physical plant in its support of the institution's educational purpose.</p> <p>Funds must not be used for new construction and may only be utilized by an institution to the extent the funds are matched by the institution for necessary repair and maintenance projects generally.</p> <p>Matching funds exclude supplemental, capital reserve, lottery, or non-recurring state funds appropriated to an institution either in the current fiscal year or from a prior fiscal year for repair and maintenance or deferred maintenance projects.</p> <p>Prior to the distribution of these funds, institutions must certify to the Commission on Higher Education, in a manner it prescribes, the extent to which they have met this requirement, including the sources of funds utilized to meet this requirement.</p> <p>Upon certification, the funds shall be distributed to institutions based on the distribution methodology described below provided that the distribution does not exceed an institution's pro rata share or the amount matched by the institution if less than that share. The distribution methodology to be used by the commission shall be based on each institution's or agency's proportion of general fund appropriation in Part IA of Act 286 of 2014 as compared to the total general fund appropriation in that Act for all public four year universities, two year branch campuses and state technical colleges. Distribution of the share allocated to the state technical colleges is to be made by a formula to be developed by the State Board for Technical and Comprehensive Education in consultation with the colleges Chief Business Officers</p>											<p>Strike and replace to read "The distribution of the funds shall be based on a formula derived by the Commission on Higher Education such that institutions participating in the distribution must demonstrate that a Maintenance Reserve Account has been established; that student tuition and fees include a dedicated maintenance fee; and that out-of-state students are assessed an</p>
---	--	--	--	--	--	--	--	--	--	--	---

	<p>for approval by the State Board's Presidents Council.</p> <p><u>The distribution of the funds shall be based on a formula derived by the Commission on Higher Education such that institutions participating in the distribution must demonstrate that a Maintenance Reserve Account has been established; that student tuition and fees include a dedicated maintenance fee; and that out-of-state students are assessed an amount greater than or equal to their share of the maintenance program costs.</u></p> <p>Not later than one hundred twenty days after the close of the fiscal year, the Commission on Higher Education shall report to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee regarding the utilization of this provision.</p> <p>Funds not expended in the prior fiscal year may be carried forward into the current fiscal year and utilized for the same purpose, subject to the matching requirement.</p>											<p>amount greater than or equal to their share of the maintenance program costs.</p> <p>Strike "not expended in the prior fiscal year" and "into the current fiscal year"</p>
--	---	--	--	--	--	--	--	--	--	--	--	---

Statutory Authority of the Commission on Higher Education **Divided into Coordination, Commentary and Financial** **Authority**

Following the analysis of the statutes and provisos by CHE staff and determination of responsibility, status, and priority, an EXCEL summary was created to summarize the results. The summary captured each part and sub-part of each statute and proviso and created a colored pictorial of the status assigned to each classification where **RED** was assigned when our resources did not permit us to address the directive or the directive was no longer valid; **YELLOW** was assigned when the directive was not fully satisfied within our existing resources; and **Green** was assigned when CHE's existing resources allowed us to fully address the directive.

The EXCEL summary identified 163 unique directives. Of these, 104 were assessed as **Green**, 25 as **Yellow**, and 36 as **Red**.

SWOT Key - Staff Review Statutory Authority

as of review 3-2-2016

# Sort	Statute	Authority Type	Pg from A.Hill Doc	Functional Responsibility					Status			Priority	Recommendation		
	(Note: Proviso # FY16 and not re- numbered FY17.)	Coordination Commentary Financial		GEN	AA	FA	SA	EA	Yes	No	Partial		Keep	Delete	Amend
1	59-103-15	Coordination	1	X					Yes				X		
2	59-103-20 - part 1	Coordination	4	X					Yes				X		
3	59-103-20 - part 2	Coordination	4	X						No		High	X		
4	59-103-20 - a	Coordination	4	X					Yes				X		
5	59-103-20 - b	Coordination	4			X					Partial	High	X		
6	59-103-20 - c	Coordination	4		X						Partial	High	X		
7	59-103-20 - d	Coordination	4		X						Partial	High	X		
8	59-103-20 - e	Coordination	5	X							Partial	High	X		
9	59-103-25 - part 1	Coordination	5					X			Partial	High	X		
10	59-103-25 - part 2	Coordination	5					X	Yes				X		
11	59-103-36	Coordination	5				X			No				X	
12	59-103-40 - part 1	Coordination	6	X					Yes						X
13	59-103-40 - part 2	Coordination	6	X						No		High	X		
14	59-103-45(1)	Coordination / See also Financial	7		X				Yes				X		
15	59-103-45(2)	Coordination / See also Financial	7		X				Yes				X		
16	59-103-45(3)	Coordination / See also Financial	7		X				Yes						X
17	59-103-45(4) a	Coordination / See also Financial	7			X					Partial	High	X		
18	59-103-45(4) b	Coordination / See also Financial	7			X			Yes				X		
19	59-103-45(4) c	Coordination / See also Financial	8			X			Yes				X		
20	59-103-45(4) d	Coordination / See also Financial	8			X			Yes				X		
21	59-103-45(5)	Coordination / See also Financial	8	X					Yes				X		
22	59-103-45(6)	Coordination	8		X				Yes				X		
23	59-103-45(7)	Coordination	9				X			No		High	X		
24	59-103-50	Coordination	9	X							Partial			X	
25	59-103-55	Coordination	9	X							Partial	High	X		
26	59-103-90	Coordination	10	X					Yes				X		
27	59-103-160	Coordination	11		X					No					X
28	59-103-165	Coordination	12				X		Yes						X
29	59-103-170	Coordination	12				X		Yes					X	
30	59-103-180	Coordination	13				X		Yes						X
31	59-103-195	Coordination	14		X				Yes				X		
32	59-104-10 a	Coordination	14		X				Yes				X		
33	59-104-10 b	Coordination	15		X					No		High	X		
34	59-104-20	Coordination	16				X		Yes						X

SWOT Key - Staff Review Statutory Authority

as of review 3-2-2016

# Sort	Statute	Authority Type	Pg from A.Hill Doc	Functional Responsibility					Status			Priority	Recommendation		
	(Note: Proviso # FY16 and not re- numbered FY17.)	Coordination Commentary Financial		GEN	AA	FA	SA	EA	Yes	No	Partial		Keep	Delete	Amend
35	59-104-25 a	Coordination	20				X		Yes				X		
36	59-104-25 b	Coordination	21		X				Yes				X		
37	59-104-25 c	Coordination	21				X		Yes				X		
38	59-104-25 d	Coordination	21				X		Yes				X		
39	59-104-30	Coordination	22		X						Partial	High			X
40	59-104-40	Coordination	22		X				Yes					X	
41	59-104-220	Coordination / See also Financial	23		X					No		High	X		
42	59-104-260	Coordination	23		X				Yes				X		
43	59-104-610	Coordination	24	X					Yes				X		
44	59-104-620	Coordination	25	X						No				X	
45	59-104-630	Coordination	25	X						No			X		
46	59-104-640	Coordination	25	X						No				X	
47	59-104-650	Coordination	26		X						Partial	High	X		
48	59-104-660	Coordination	27		X					No		High	X		
49	59-114-30	Coordination	28				X		Yes				X		
50	59-114-40	Coordination	28				X		Yes				X		
51	59-114-65	Coordination	29				X		Yes				X		
52	59-114-75	Coordination	30				X		Yes				X		
53	59-142-20	Coordination	30				X		Yes						X
54	59-58-30	Coordination	31		X				Yes				X		
55	59-58-40	Coordination / See also Financial	33		X				Yes				X		
56	59-58-50	Coordination / See also Financial	35		X				Yes				X		
57	59-58-60	Coordination	36		X				Yes				X		
58	2-77-20	Coordination / See also Financial	37			X			Yes				X		
59	8-17-380	Coordination	38		X					No					X
60	11-51-190	Coordination	39			X			Yes				X		
61	59-101-350	Coordination	39					X		No					X
62	59-112-100	Coordination	43				X		Yes				X		
63	59-118-90	Coordination	43			X			Yes				X		
64	59-149-140	Coordination	44			X			Yes				X		
65	Proviso 11.5	Coordination	44			X			Yes				X		
66	Proviso 11.7	Coordination	44			X			Yes				X		
67	Proviso 11.9	Coordination	44				X		Yes				X		
68	Proviso 11.11	Coordination	45				X		Yes				X		

SWOT Key - Staff Review Statutory Authority

as of review 3-2-2016

# Sort	Statute	Authority Type	Pg from A.Hill Doc	Functional Responsibility					Status			Priority	Recommendation		
	(Note: Proviso # FY16 and not re- numbered FY17.)	Coordination Commentary Financial		GEN	AA	FA	SA	EA	Yes	No	Partial		Keep	Delete	Amend
69	Proviso 11.12	Coordination	45					X	Yes				X		
70	Proviso 11.15	Coordination	45				X		Yes				X		
71	Proviso 11.19	Coordination	46				X		Yes						X
72	Proviso 11.25	Coordination	47			X				No		High	X		
73	Proviso 11.29	Coordination	47			X			Yes				X		
74	Proviso 11.30	Coordination	47			X			Yes				X		
75	Proviso 11.35	Coordination	48		X				Yes				X		
76	Proviso 1A.58	Coordination	48				X		Yes				X		
77	Proviso 1A.78	Coordination	49		X				Yes				X		
78	Proviso 117.64	Coordination	50				X			No				X	
79	Proviso 117.73	Coordination	51					X	Yes				X		
80	Proviso 117.131	Coordination	51			X			Yes					X	
81	Proviso 1.17	Coordination	53			X			Yes				X		
82	Proviso 20.5	Coordination	54			X			Yes					X	
83	59-59-190	Coordination	54					X			Partial	High			X
84	59-59-210	Coordination	55		X				Yes						X
85	59-26-20 a	Coordination	56		X				Yes				X		
86	59-26-20 b	Coordination	57		X					No		High	X		
87	59-26-20 c	Coordination	57		X					No		High	X		
88	59-26-20 d	Coordination	57		X						Partial	High	X		
89	59-26-20 e	Coordination	57		X						Partial	High	X		
90	59-26-20 h	Coordination	58		X						Partial	High	X		
91	59-26-20 i	Coordination	58		X						Partial	High	X		
92	59-26-20j	Coordination	59				X		Yes				X		
93	59-26-20k	Coordination	62		X						Partial	High	X		
94	59-26-20l	Coordination	62		X						Partial	High	X		
95	59-26-20m	Coordination	62		X						Partial	High	X		
96	59-26-20n	Coordination	62				X				Partial	High	X		
97	59-150-360	Coordination	64				X		Yes				X		
98	59-150-370	Coordination	66				X		Yes				X		
99	59-103-30	Commentary	68			X				No		High	X		
100	59-103-35 part 1	Commentary / See also Financial	70			X				No		High			X
101	59-103-35 part 2	Commentary / See also Financial	71		X				Yes						X
102	59-103-60	Commentary	72	X							Partial	High			X

SWOT Key - Staff Review Statutory Authority

as of review 3-2-2016

# Sort	Statute	Authority Type	Pg from A.Hill Doc	Functional Responsibility					Status			Priority	Recommendation		
	(Note: Proviso # FY16 and not re- numbered FY17.)	Coordination Commentary Financial		GEN	AA	FA	SA	EA	Yes	No	Partial		Keep	Delete	Amend
103	59-103-70	Commentary	73					X		No		High	X		
104	59-103-130	Commentary	73		X					No		High	X		
105	59-101-190	Commentary	73		X					No		High			X
106	2-47-40	Commentary	75			X			Yes						X
107	2-47-55	Commentary	77			X			Yes				X		
108	59-54-20	Commentary	77		X					No					X
109	59-105-60	Commentary	79				X		Yes						X
110	59-111-330	Commentary	79				X		Yes				X		
111	Proviso 11.41	Commentary	80				X				Partial			X	
112	Proviso 3.1 part 1	Commentary	81			X			Yes				X		
113	Proviso 3.1 part 2	Commentary	82				X				Partial	High	X		
114	59-150-325	Commentary	83	X					Yes				X		
115	59-113-10	Commentary	84	X					Yes				X		
116	13-17-40	Commentary	85	X					Yes				X		
117	59-50-20	Commentary	88	X					Yes				X		
118	59-48-20	Commentary	88	X					Yes				X		
119	59-53-40	Commentary	90		X						Partial	High			X
120	12-6-3385	Commentary	91				X		Yes				X		
121	48-52-865	Commentary	93	X					Yes				X		
122	59-103-65	Financial	96	X					Yes				X		
123	59-103-80	Financial	96			X			Yes						X
124	59-103-110	Financial	96			X			Yes				X		
125	59-103-120	Financial	97		X				Yes					X	
126	59-103-140	Financial	98		X				Yes				X		
127	59-103-162	Financial	98			X				No					X
128	59-104-230	Financial	99		X					No				X	
129	59-104-250	Financial	100		X				Yes					X	
130	59-104-410	Financial	100			X				No				X	
131	59-104-420	Financial	101			X				No				X	
132	59-104-430	Financial	101			X				No				X	
133	59-104-440	Financial	102			X				No				X	
134	59-101-150	Financial / Also see Commentary	102		X				Yes						X
135	59-101-340	Financial	103		X					No				X	
136	59-101-345	Financial	104			X				No					X

SWOT Key - Staff Review Statutory Authority

as of review 3-2-2016

# Sort	Statute <i>(Note: Proviso # FY16 and not re-numbered FY17.)</i>	Authority Type Coordination Commentary Financial	Pg from A.Hill Doc	Functional Responsibility					Status			Priority	Recommendation			
				GEN	AA	FA	SA	EA	Yes	No	Partial		Keep	Delete	Amend	
				137	59-101-360	Financial	104			X						No
138	59-58-70	Financial	106		X				Yes					X		
139	59-58-80	Financial	106		X				Yes					X		
140	59-58-90	Financial	108		X				Yes					X		
141	59-58-100	Financial	108		X				Yes					X		
142	59-58-110	Financial	109		X				Yes					X		
143	59-58-120	Financial	109		X				Yes					X		
144	59-58-130	Financial	110		X				Yes					X		
145	59-143-30	Financial	111				X				Partial				X	
146	2-75-10	Financial	113					X	Yes					X		
147	2-75-70	Financial	115					X	Yes					X		
148	11-51-125	Financial	115			X			Yes					X		
149	59-110-20 part 1	Financial	117			X			Yes					X		
150	59-110-20 part 2	Financial	117		X				Yes					X		
151	59-150-375	Financial	117				X		Yes					X		
152	59-118-100	Financial	118			X			Yes					X		
153	59-104-210	Financial	118		X					No				X		
154	59-104-240	Financial	118			X				No					X	
155	59-150-380	Financial	119		X				Yes					X		
156	Proviso 11.1	Financial	120					X	Yes					X		
157	Provisos 11.3	Financial	120				X		Yes					X		
158	Proviso 11.4	Financial	121				X		Yes					X		
159	Proviso 11.42	Financial	121				X		Yes					X		
160	Proviso 3.8	Financial	122			X			Yes						X	
161	Proviso 1A.7 part 1	Financial	122			X			Yes					X		
162	Proviso 1A.7 part 2	Financial	123				X				Partial	High		X		
163	Proviso 3.6	Financial	124			X			Yes							X

23	56	38	36	10	104	34	25	36	116	21	26
----	----	----	----	----	-----	----	----	----	-----	----	----

STATUS NOT YET ASSIGNED

23

64% 21% 15%

Recommendation not yet Determined

0 0 0

Statutory Authority of the Commission on Higher Education

SC Higher Education Governance Act

The collection of the statutes and provisos and their classification as Coordination, Commentary, and Financial; our staff analysis to identify responsibilities, status, and recommendations; and our SWOT analysis to determine our **REDS**, **YELLOWS**, and **GREENS** culminated in legislative action being recommended by the House Education and Public Works Committee – Higher Education Governance Ad Hoc Committee. Following unanimous approval of the staff recommendations, the Ad Hoc committee recommended the drafting of H. 4833 for consideration by the full House Education and Public Works Committee. Deliberation on H. 4833 is ongoing.

H.4833 SC Higher Education Governance Act- Summary

SECTION 1: Names as the “South Carolina Higher Education Governance Act”.

*SECTION 2: Creates §59-103-21, which moves program approval from Chapter 101 [formerly §59-101-150] to Chapter 103, and adds program termination authority and a legislative appeals process.

SECTION 3: Amends §2-47-40 (A) and (B) This conforms the language to actual Capital Permanent Improvement Process (CPIP) and Interim Capital Project approval processes.

SECTION 4: Amends §8-17-380 by removing CHE from human resources administration for academic employees; all of the processes for employee grievances are handled through the Department of Administration Division of State Human Resources.

SECTION 5: Amends §59-53-40 by aligning responsibilities with SC Technical College System.

SECTION 6: Amends §59-59-190(A) by allowing the Technical College System, the Department of Education and the CHE to work in planning and promotion of career information and employment options with DEW.

SECTION 7: Amends §59-59-210 by removing obsolete language concerning dual-enrollment policies and procedures.

SECTION 8: Amends §59-101-345 to remove obsolete Palmetto Fellows funding reference because Palmetto Fellows is now open-ended by statute.

SECTION 9: Amends §59-101-190 to allow the Deans’ Committee on Medical Education to meet at the call of the Chair but not less than once annually, which is more workable than requiring quarterly meetings.

SECTION 10: Amends §59-101-350 (B) & (C) by moving reporting of remedial courses from 4-year institutions (Section B) to the 2-year institutions (Section C).

SECTION 11: Amends §59-103-10 by adding the State Superintendent of Education or his designee to the State Commission on Higher Education membership; allows the Independent Colleges’ ex-officio member to have a designee.

*SECTION 12: Amends §59-103-35. Clarifies budget submission language and provides that institutions and the State Board for Technical and Comprehensive Education must provide further information about the Budget requests to CHE if it is requested.

SECTION 13: Amends §59-103-40 to allow the Council of Presidents to meet at the call of the Chair but not less than once annually with the Commission, which is more workable than requiring quarterly meetings.

H.4833 SC Higher Education Governance Act- Summary

SECTION 14: Amends §59-103-45(3) tasks CHE with ensuring minimum undergraduate admission standards instead of just reviewing the standards.

*SECTION 15: Amends §59-103-60 to add that CHE shall make recommendations in the sole discretion of the Commission on policies, programs, curricula, facilities, administration, and financing of state-supported institutions.

SECTION 16: Amends §59-103-80 by removing obsolete internal accounting references.

SECTION 17: Amends §59-103-160 by deleting a paragraph concerning English fluency of instructors and removes a paragraph establishing a student grievance process that is covered elsewhere through other processes at the institutions, including student surveys and complaints about faculty.

SECTION 18: Amends §59-103-162 by realigning the responsibilities to the Department of Commerce, which conforms to current funding.

SECTION 19: Amends §59-103-165 by modernizing language concerning marketing of post-secondary education opportunities to middle and high school students; deletes reference to completed pilot program.

SECTION 20: Amends §59-103-180 by updating language concerning marketing of post-secondary education opportunities to middle and high school students.

SECTION 21: Amends §59-104-20 Removes section (C) that allocates Palmetto Fellows Scholarship funds for a percentage of students attending independent colleges. Palmetto Fellows has open-ended appropriations through Lottery proceeds, and all eligible students receive this scholarship whether they go to a SC public or independent institution. Also adds paragraph (H) which codifies a proviso allowing Palmetto Fellows and LIFE scholarships to be used during the summer.

SECTION 22: Amends §59-104-30 to clarify that the Technical College System develops plans for developmental education (remediation).

SECTION 23: Amends §59-105-60 by placing the development of sexual assault policies with the individual institutions.

SECTION 24: Amends §59-142-20 by removing obsolete language concerning need-based grants; adds section to provide legal authority to promulgate regulations (as described in §1-23-110(A)(1)(c), establish procedures, and make budget requests for the program.

SECTION 25: Repeals the following:

1. Repeals 59-101-150. The language dealing with program approval and authorizing program termination has been moved to Section 59-103-21. *[See Section 2 of Bill]*

H.4833 SC Higher Education Governance Act- Summary

2. § 59-101-340 repeals the “Cutting Edge Research Investment Initiative” section, which is no longer funded.

3. § 59-103-36 (Military Students Included in Count of Full-Time Students) Deleted due to conflict with §59-112-10. A “Military Student” as defined in Residency Regulation is reported through CHEMIS as part of the enrollment data.

4. § 59-103-50 deletes the Advisory Council of Private College Presidents since business with the independents is coordinated through the SC Independent Colleges and Universities Association.

5. §59-103-120 concerning the accreditation and chartering of chiropractic colleges is deleted because this requirement is covered by the licensing and program approval process.

6. § 59-103-170 is repealed to delete reference to pilot program conducted in 1991-1992.

7. § 59-104-40 (Technical education system shall convert to semester calendar; limitation on offering of certain courses) is deleted as the majority of technical colleges have converted to semester calendars where practicable. Transfer courses are offered in accordance with course articulation requirements.

8. § 59-104-230 repeals the Endowed Professorships Program, which is no longer funded. Most institutions have since developed processes and programs to attract and retain productive faculty.

9. § 59-104-240 deletes statute relating to salary enhancement programs for technical colleges and two-year campuses. This program is no longer funded; faculty salaries are provided as a component of the Mission Resource Requirement (MRR).

10. § 59-104-250 deletes requirement for Technical college libraries to convert to computer-based automated systems that are compatible with the State Library. All are in compliance.

11. § 59-104-410 repeals Research Investment Fund statutes. The program is defunct and funding has since been incorporated in the Mission Resource Requirements (MRR) Funding Formula.

12. § 59-104-420 repeals Research Investment Fund statutes. The program is defunct.

13. § 59-104-430 repeals Research Investment Fund statutes. The program is defunct.

14. § 59-104-440 repeals Research Investment Fund statutes. The program is defunct.

15. § 59-104-620 is no longer needed as a separate initiative. All institutions have planning processes approved by the Boards of Trustees.

16. §59-104-640 is no longer needed as a separate initiative. All institutions have planning processes approved by the Boards of Trustees.

SECTION 23: Effective date: Upon approval of the Governor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

A BILL

H.4833 is amended by striking all and inserting:

/ SECTION 1. This act must be known and may be cited as the “South Carolina Higher Education Governance Act”.

SECTION 2. Article 1, Chapter 103, Title 59 of the 1976 Code is amended by adding:

“Section 59-103-21. (A) A new program may not be undertaken by a state-supported institution of higher learning without the approval of the commission or the General Assembly.

(B) The commission may recommend the termination of an existing program at an institution within the purview of this chapter, and shall submit program termination recommendations to the Senate Education Committee and the House Education and Public Works Committee no later than the second Tuesday in January of each year. An appeal of this recommendation must be made by the governing board of an affected institution within sixty days to the Senate Education Committee and the House Education and Public Works Committee, which shall hear the parties to the appeal. If the committees concur in the recommendation for termination, the program must be terminated at a time to be determined by the commission. The committees shall reach a decision within one hundred and twenty days after the date of the filing of the appeal or the decision of the commission prevails.

(C) The commission shall develop and maintain policies and procedures for the approval of new programs and termination of existing programs.”

SECTION 3. Section 2-47-40(A) and (B), as last amended by Act 121 of 2014, is further amended to read:

1 “(A) To assist the authority and the Joint Bond Review
2 Committee in carrying out their respective responsibilities, any
3 agency or institution requesting or receiving funds from any source
4 for use in the financing of any permanent improvement project, as
5 a minimum, shall provide to the authority, in such form and at such
6 times as the authority, after review by the committee, may
7 prescribe:

- 8 (1) a complete description of the proposed
9 project;
- 10 (2) a statement of justification for the
11 proposed project;
- 12 (3) a statement of the purposes and intended
13 uses of the proposed project;
- 14 (4) the estimated total cost of the proposed
15 project;
- 16 (5) an estimate of the additional future annual
17 operating costs associated with the proposed project;
- 18 (6) a statement of the expected impact of the
19 proposed project on the five-year operating plan of the agency or
20 institution proposing the project; and
- 21 (7) a proposed plan of financing the project,
22 specifically identifying funds proposed from sources other than
23 capital improvement bond authorizations; and
- 24 ~~(8) the specification of the priority of each~~
25 ~~project among those proposed.~~

26 (B)(1) All institutions of higher learning shall submit
27 permanent improvement project proposal and justification
28 statements to the authority, ~~through the Commission on Higher~~
29 Education, which shall forward all such statements and all
30 supporting documentation received to the authority together with
31 its comments and recommendations. ~~The recommendations of the~~
32 ~~Commission on Higher Education, among other things, shall~~
33 ~~include all of the permanent improvement projects requested by~~
34 ~~the several institutions listed in the order of priority deemed~~
35 ~~appropriate by the Commission on Higher Education without~~
36 ~~regard to the sources of funds proposed for the financing of the~~
37 ~~projects requested.~~

38 (2) The authority shall forward a copy of each
39 project proposal and justification statement and supporting
40 documentation received together with the authority’s
41 recommendations on such projects to the committee for its review
42 and action. The recommendations of the Commission on Higher

1 Education shall be included in the materials forwarded to the
2 committee by the authority.”

3
4 SECTION 4. Section 8-17-380 of the 1976 Code is
5 amended to read:

6
7 “Section 8-17-380. (A) With respect to the
8 teaching and research faculty, professional librarians, academic
9 administrators, and all other persons holding faculty appointments
10 at any post-secondary educational institutions described in ~~item~~
11 ~~(10)~~ of Section 8-17-370(10), each such institution, subject to the
12 approval of the Director of the Department of Administration or its
13 designee ~~and the Commission on Higher Education~~, shall establish
14 in writing:

15 (a1) a performance appraisal procedure which
16 shall assure:
17 (1a) annual review and evaluation of
18 such employees;
19 (2b) written findings;
20 (3c) review of evaluations with each
21 covered employee; and
22 (4d) retention of performance
23 appraisals and written comments of such employee, if any, in a
24 permanent file with right of full disclosure to the employee.; and
25 (b2) a grievance procedure which ~~shall~~ must at
26 an appropriate stage provide a hearing for such employees before
27 an individual or committee designated for such purposes, at which
28 the employee shall have the right to representation by counsel and
29 the opportunity to present evidence in his behalf. Any such
30 procedure shall include the right of the employee to appeal the
31 post-hearing decision to the governing board of the institution, or a
32 committee designated by the board for this purpose, such appeal to
33 be limited to the record of the hearing. Discrimination in
34 compensation, promotion, and work assignment shall be subjects
35 for consideration by such grievance procedure. Dismissal of
36 tenured or other permanent employees and dismissal prior to the
37 end of an employment contract term ~~shall be only~~ must be for
38 cause, and ~~shall be~~ is subject for consideration by such grievance
39 procedure. The granting or the failure to grant tenured status to
40 such employees or nonrenewal of employment contracts at the end
41 of the contract term shall not be subjects for consideration by such
42 grievance procedure.

1 (B) The grievance and performance appraisal
2 procedure provided for herein ~~shall~~ must be submitted to the
3 Department of Administration or its designee ~~and the Commission~~
4 ~~on Higher Education~~ for approval within six months after the
5 establishment of any a new institution.”

6
7 SECTION 5. Section 59-53-40 of the 1976 Code is
8 amended to read:

9
10 “Section 59-53-40. The board and local area
11 commissions shall insure effective coordination with the public
12 schools, other state agencies, literary councils, and private and
13 nonprofit training organizations to maximize opportunities to best
14 meet local education and training needs. The board shall maintain
15 effective coordination with the Commission on Higher Education
16 and other educational boards and state agencies.

17 ~~The Board is required to submit to the Commission on~~
18 ~~Higher Education a budget and enrollment documentation for all~~
19 ~~existing and proposed college parallel courses or associate degree~~
20 ~~programs with college transfer credit by institutional location for~~
21 ~~review and comment prior to submission of the Board’s total state~~
22 ~~budget request to the Governor.~~

23 ~~————All college parallel courses or associate degree programs~~
24 ~~are subject to the approval or termination by the Commission on~~
25 ~~Higher Education.”~~

26
27 SECTION 6. Section 59-59-190(A) of the 1976 Code,
28 as last amended by Act 149 of 2014, is further amended to read:

29
30 “(A) The South Carolina Department of Employment
31 and Workforce, ~~in collaboration with~~ shall assist the State Board
32 for Technical and Comprehensive Education ~~and the Commission~~
33 ~~on Higher Education, shall assist,~~ the Department of Education,
34 and the Commission on Higher Education in planning and
35 promoting the career information and employment options and
36 preparation programs provided for in this chapter by:

37 (1) identifying potential employers to
38 participate in the career-oriented learning programs;

39 (2) serving as a contact point for employees
40 seeking career information and training;

41 (3) providing labor market information
42 including, but not limited to, supply and demand;

1 (4) promoting increased career awareness and
2 career counseling through the management and promotion of the
3 South Carolina Occupational Information System;
4 (5) collaborating with local agencies and
5 businesses to stimulate funds; and
6 (6) cooperating in the creation and
7 coordination of workforce education programs.”
8

9 SECTION 7. Section 59-59-210 of the 1976 Code, as
10 added by Act 88 of 2005, is amended to read:

11
12 “Section 59-59-210. (A) ~~By September 2005, the~~
13 ~~Commission on Higher Education shall convene the Advisory~~
14 ~~Committee on Academic Programs to address articulation~~
15 ~~agreements between school districts and public institutions of~~
16 ~~higher education in South Carolina to provide seamless pathways~~
17 ~~for adequately prepared students to move from high school directly~~
18 ~~into institutions of higher education. The committee shall review,~~
19 ~~revise, and recommend secondary to postsecondary articulation~~
20 ~~agreements and promote the development of measures to certify~~
21 ~~equivalency in content and rigor for all courses included in~~
22 ~~articulation agreements. The advisory committee shall include~~
23 ~~representatives from the research institutions, four-year~~
24 ~~comprehensive teaching institutions, two-year regional campuses,~~
25 ~~and technical colleges. The committee, for purposes pursuant to~~
26 ~~this chapter, shall include representation from the State~~
27 ~~Department of Education, and school district administrators, to~~
28 ~~include curriculum coordinators and guidance personnel.~~

29 ~~(B) By July 2006, the Advisory Committee on~~
30 ~~Academic Programs shall make recommendations to the~~
31 ~~Commission on Higher Education regarding coursework that is~~
32 ~~acceptable statewide for dual enrollment to be accepted in transfer~~
33 ~~within a related course of study. Dual enrollment college courses~~
34 ~~offered to high school students by two-year and four-year colleges~~
35 ~~and universities must be equivalent in content and rigor to the~~
36 ~~equivalent college courses offered to college students and taught~~
37 ~~by appropriately credentialed faculty. Related policies and~~
38 ~~procedures established by the Commission on Higher Education~~
39 ~~for dual enrollment and guidelines for offering dual enrollment~~
40 ~~coursework and articulation to two-year and four-year colleges and~~
41 ~~universities for awarding of credit must be followed.~~

42 ~~(C) The advisory committee~~ Commission on Higher
43 Education, in collaboration with the Department of Education,

1 shall coordinate work to study the content and rigor of high school
2 courses in order to provide a seamless pathway to postsecondary
3 education.

4 ~~(D) — The Commission on Higher Education shall report
5 annually to the Education and Economic Development
6 Coordinating Council regarding the committee's progress."~~

7
8 SECTION 8. Section 59-101-345 of the 1976 Code is
9 amended to read:

10
11 "Section 59-101-345. ~~In instances where the equal~~
12 ~~division of the appropriated funds between need-based grants and~~
13 ~~the Palmetto Fellows Program exceeds the capacity to make~~
14 ~~awards in either program, the Commission on Higher Education~~
15 ~~has the authority to reallocate the remaining funds between the two~~
16 ~~programs.~~ Public and independent higher education institutions
17 must give first priority for need-based grants to children and young
18 adults in the custody of the State Department of Social Services.
19 Institutions and the Commission on Higher Education shall accept
20 written verification from the Department of Social Services that
21 the child or young adult is in the custody of the Department of
22 Social Services, and must provide the maximum amount allowed
23 by law for that need-based grant."

24
25 SECTION 9. Section 59-101-190 of the 1976 Code is
26 amended to read:

27
28 "Section 59-101-190. (A) There is created a Deans'
29 Committee on Medical Education consisting of nine members as
30 follows:

- 31 (1) President, University of South Carolina or his
32 designee;
33 (2) President, Medical University of South Carolina or
34 his designee;
35 (3) Dean or acting dean, School of Medicine,
36 University of South Carolina;
37 (4) Dean or acting dean, School of Medicine, Medical
38 University of South Carolina;
39 (5) two members appointed by the Commission on
40 Higher Education, one of whom must be a physician with
41 experience in medical education and one of whom must be a
42 representative of the business community; and

1 (6) three members of the Area Health Education
2 Consortium medical education director's committee, who shall
3 represent graduate medical education, to be appointed by the
4 Commission on Higher Education.

5 (B)(1) The terms of the members selected under ~~items~~
6 ~~subsection (A)(5) and (6) above shall be~~ are for four years and
7 until their successors are appointed and qualify. In making these
8 appointments, the Commission on Higher Education, to the extent
9 possible, shall ensure geographic representation of all regions of
10 the State.

11 (2) Vacancies ~~shall~~ must be filled in the
12 manner of original appointment.

13 (C) The Deans' Committee on Medical Education also
14 may also contain nonvoting members invited to attend meetings by
15 the committee on an ad hoc basis. The chairmanship of the deans'
16 committee ~~shall~~ must alternate between the Dean of the School of
17 Medicine of the University of South Carolina and the Dean of the
18 College of Medicine of the Medical University of South Carolina.
19 The term of the chairman ~~shall be~~ is two years, and the committee
20 at its first meeting after the effective date of this provision shall
21 determine by majority vote the person who will first serve as
22 chairman. Meetings shall must be held ~~at least quarterly during~~
23 ~~each year at the call of the chair and not less than annually.~~

24 (D) The purpose of the committee is to ensure and
25 coordinate the development and implementation of a strategic plan
26 for effective and efficient medical education, research, and related
27 clinical service programs to best meet the needs of the State of
28 South Carolina. Adoption of the strategic plan ~~shall require~~
29 requires at least one vote of a member representing USC and
30 MUSC and a total of at least seven votes of the entire committee.
31 Any A strategic plan approved by the deans' committee also must
32 be approved by the Commission on Higher Education if it contains
33 any proposal for the consolidation, elimination, or change of
34 medical education programs.

35 (E) The committee shall report to the Commission on
36 Higher Education through the commission's Committee on
37 Academic Affairs. The deans' committee shall provide oversight
38 of the Area Health Education Consortium and the consortium of
39 teaching hospitals by reviewing and approving its strategic plan
40 and budget. The Commission on Higher Education shall furnish
41 adequate meeting space and professional and secretarial assistance
42 for the committee."
43

1 SECTION 10. Section 59-101-350 (B) and (C) of the
2 1976 Code is amended to read:

3
4 “(B) Each four-year, post-secondary institution shall
5 submit to the commission the following information for inclusion
6 in the report, with the South Carolina Department of Corrections’
7 students identified and reported separately:

8 (1) the number and percentage of accredited
9 programs and the number and percentage of programs eligible for
10 accreditation;

11 (2) the number and percentage of
12 undergraduate and graduate students who completed their degree
13 program;

14 (3) the percent of lower division instructional
15 courses taught by full-time faculty, part-time faculty, and graduate
16 assistants;

17 ~~(4) the percent and number of students~~
18 ~~enrolled in remedial courses and the number of students exiting~~
19 ~~remedial courses and successfully completing entry level~~
20 ~~curriculum courses;~~

21 ~~(5) the percent of graduate and upper division~~
22 ~~undergraduate students participating in sponsored research~~
23 ~~programs;~~

24 ~~(65) placement data on graduates;~~

25 ~~(76) the percent change in the enrollment rate~~
26 ~~of students from minority groups and the change in the total~~
27 ~~number of minority students enrolled over the past five years;~~

28 ~~(87) the percent of graduate students who~~
29 ~~received undergraduate degrees at the institution, within the State,~~
30 ~~within the United States, and from other nations;~~

31 ~~(98) the number of full-time students who have~~
32 ~~transferred from a two-year, post-secondary institution and the~~
33 ~~number of full-time students who have transferred to two-year,~~
34 ~~post-secondary institutions;~~

35 ~~(109) student scores on professional~~
36 ~~examinations with detailed information on state and national~~
37 ~~means, passing scores, and pass rates, as available, and with~~
38 ~~information on such scores over time, and the number of students~~
39 ~~taking each exam;~~

40 ~~(110) assessment information for the~~
41 ~~institution’s Title II of the federal Higher Education Act of 1998~~
42 ~~report that collects and analyzes data on applicant qualifications~~
43 ~~and the performance of the candidates and graduates;~~

1 (~~4211~~) appropriate information relating to each
2 institution's role and mission to include policies and procedures to
3 ensure that academic programs support the economic development
4 needs in the State by providing a technologically skilled
5 workforce; and

6 (~~4312~~) any information required by the
7 commission in order for it to measure and determine the
8 institution's standard of achievement in regard to the performance
9 indicators for quality academic success enumerated in Section
10 59-103-30.

11 (C) Each two-year, post-secondary institution shall
12 submit to the commission the following information for inclusion
13 in the report:

14 (1) the number and percentage of accredited
15 programs and the number and percentage of programs eligible for
16 accreditation;

17 (2) the number and percentage of
18 undergraduate students who completed their degree program;

19 (3) the percent of courses taught by full-time
20 faculty members, part-time faculty, and graduate assistants;

21 (4) placement rate on graduates;

22 (5) the percent change in the enrollment rate
23 of students from minority groups, the number of minority students
24 enrolled, and the change in the total number of minority students
25 enrolled over the past five years;

26 (6) the number of students who have
27 transferred into a four-year, post- secondary institution and the
28 number of students who have transferred from four-year,
29 post-secondary institutions;

30 (7) appropriate information relating to the
31 institution's role and mission to include policies and procedures to
32 ensure that academic programs support the economic development
33 needs in the State by providing a technologically skilled
34 workforce;

35 (8) any information required by the
36 commission in order for it to measure and determine the
37 institution's standard of achievement in regard to the performance
38 indicators for quality academic success enumerated in Section
39 59-103-30; and

40 (9) the percent and number of students
41 enrolled in remedial courses and the number of students exiting
42 remedial courses and successfully completing entry-level
43 curriculum courses."

1

2 SECTION 11. Section 59-103-10 of the 1976 Code is
3 amended to read:

4

5 “Section 59-103-10. (A) There is created the State
6 Commission on Higher Education. The commission ~~shall~~ must
7 consist of ~~fifteen~~ sixteen members appointed by the Governor. The
8 membership must consist of one at-large member to serve as
9 chairman, one representative from each of the congressional
10 districts, three members appointed from the State at large, three
11 representatives of the public colleges and universities, and one
12 representative of the independent colleges and universities of
13 South Carolina, and the State Superintendent of education or his
14 designee.

15 (B) The membership of the Commission on Higher
16 Education must be as follows:

17 (1) Ten members, seven to represent each of
18 the congressional districts of this State appointed by the Governor
19 upon the recommendation of a majority of the senators and a
20 majority of the members of the House of Representatives
21 comprising the legislative delegation from the district and three
22 members appointed from the State at large upon the advice and
23 consent of the Senate. Each representative of a congressional
24 district must be a resident of the congressional district he
25 represents. In order to qualify for appointment, the representatives
26 from the congressional districts and those appointed at large must
27 have experience in at least one of the following areas: business, the
28 education of future leaders and teachers, management, or policy. A
29 member representing the congressional districts or appointed at
30 large must not have been, during the succeeding five years, a
31 member of a governing body of a public institution of higher
32 learning in this State and must not be employed or have immediate
33 family members employed by any of the public colleges and
34 universities of this State. These members must be appointed for
35 terms of four years and shall ~~not serve on the commission for more~~
36 ~~than two consecutive terms. However, the initial term of office for~~
37 ~~a member appointed from an even numbered congressional district~~
38 ~~shall be two years.~~ If the boundaries of the congressional districts
39 are changed, members serving on the commission shall continue to
40 serve until the expiration of their current terms, but successors to
41 members whose terms expire must be appointed from the newly
42 defined congressional districts. If a congressional district is added,

1 the commission must be enlarged to include a representative from
2 that district.

3 (2) Three members to serve ex officio to
4 represent the public colleges and universities appointed by the
5 Governor with the advice and consent of the Senate. It shall not be
6 a conflict of interest for any voting ex officio member to vote on
7 matters pertaining to their individual college or university. One
8 member must be serving on the board of trustees of one of the
9 public senior research institutions, one member must be serving on
10 the board of trustees of one of the four-year public institutions of
11 higher learning, and one member must be a member of one of the
12 local area technical education commissions or the State Board for
13 Technical and Comprehensive Education to represent the State
14 Board for Technical and Comprehensive Education. These
15 members must be appointed to serve terms of two years with terms
16 to rotate among the institutions.

17 (3) One ex officio member to represent the
18 independent colleges and universities by the Governor upon the
19 advice and consent of the Senate. The individual appointed must
20 be serving as ~~a member of the Advisory Council of Private College~~
21 ~~Presidents~~ the president of an independent college, or his designee.
22 This member must be appointed for a term of two years and shall
23 serve as a nonvoting member.

24 (4) One at-large member to serve as chairman
25 appointed by the Governor with the advice and consent of the
26 Senate. This member must be appointed for a term of four years
27 and may be reappointed for one additional term; however, he may
28 serve only one term as chairman.

29 (5) The State Superintendent of Education, or
30 his designee, who must serve coterminous with the superintendent.

31 (C) The Governor, by his appointments, shall assure
32 that various economic interests and minority groups, especially
33 women and blacks, are fairly represented on the commission and
34 shall attempt to assure that the graduates of no one public or
35 private college or technical college are dominant on the
36 commission.

37 (D) ~~Vacancies~~ A vacancy must be filled in the manner
38 of the original appointment for the unexpired portion of the term.

39 (E) ~~All members~~ A member of the commission shall
40 serve until their successors are his successor is appointed and
41 qualify qualified.”

42

1 SECTION 12. Section 59-103-35 of the 1976 Code is
2 amended to read:

3
4 “Section 59-103-35. All public institutions of higher
5 learning shall submit annual budget requests to the commission in
6 the manner set forth in this section. The State Board for Technical
7 and Comprehensive Education shall submit an annual budget
8 request to the commission representing the total requests of all
9 area-wide technical and comprehensive educational institutions.
10 The Budget requests submitted to the commission by each
11 institution and the State Board for Technical and Comprehensive
12 Education must include all state funds, federal grants, tuition, and
13 fees other than funds derived wholly from athletic or other student
14 contests, from the activities of student organizations, from
15 approved private practice plans, and from the operation of canteens
16 and bookstores which may be retained by the institutions and be
17 used as determined by the respective governing boards, subject to
18 annual audit by the State. Such other financial information that
19 may not be included in the initial budget requests must be
20 submitted to the commission upon request by each institution and
21 the State Board for Technical and Comprehensive Education. The
22 commission annually shall communicate to the institutions and the
23 State Board the date by which the budget requests must be
24 submitted to the commission for review, and a report of the entities
25 failing to meet this date must be submitted to the Chairmen of the
26 Senate Finance, Senate Education, House Ways and Means, and
27 House Education and Public Works Committees. Fees established
28 by the respective governing boards for programs, activities, and
29 projects not covered by appropriations or other revenues may be
30 retained and used by each institution as previously determined by
31 the respective governing boards, subject to annual audit by the
32 State. Once approved, the budget request for the public higher
33 education system ~~shall~~ must be submitted by the commission to the
34 Governor and appropriate standing committees of the General
35 Assembly in conjunction with the preparation of the annual general
36 appropriations act for the applicable year.

37 ~~Supplemental appropriations requests from any public~~
38 ~~institution of higher education must be submitted first to the~~
39 ~~commission. If the commission does not concur in the requests, the~~
40 ~~affected institution may request a hearing on the requests before~~
41 ~~the appropriate committee of the General Assembly. The~~
42 ~~commission may appear at the hearing and present its own~~
43 ~~recommendations and findings to the same committee. The~~

1 provisions of this paragraph do not apply to any capital
2 improvement projects funded in whole or in part prior to July 30,
3 1996.

4 ~~———— No new program may be undertaken by any public
5 institution of higher education without the approval of the
6 commission. The provisions of this chapter apply to all college
7 parallel, transferable, and associate degree programs of technical
8 and comprehensive education institutions. All other programs and
9 offerings of technical and comprehensive education institutions are
10 excluded from this chapter.”~~

11
12 SECTION 13. Section 59-103-40 of the 1976 Code is
13 amended to read:

14
15 “Section 59-103-40. The commission shall establish a
16 council of presidents consisting of the presidents of the State
17 institutions of higher learning. The council of presidents shall
18 appoint a chairman and such other officers and committees as it
19 may see fit. ~~It shall meet at least four times a year, of which two
20 meetings will be held jointly with the Commission. The council
21 shall meet upon the call of the chair and shall meet at least once
22 annually with the commission.~~ The council of presidents shall
23 establish committees consisting of qualified personnel representing
24 the various State-supported institutions of higher learning, either
25 upon request of the commission or upon its own initiative, to
26 investigate, study and report to the commission on such subjects
27 as:

- 28 (a~~1~~) academic planning;
29 (b~~2~~) business and financial coordination; and
30 (c~~3~~) library utilization and coordination.”

31
32 SECTION 14. Section 59-103-45(3) of the 1976 Code is
33 amended to read:

34
35 “(3) ~~review~~ ensure minimum undergraduate admissions
36 standards for in-state and out-of-state students;”

37
38 SECTION 15. Section 59-103-60 of the 1976 Code is
39 amended to read:

40
41 “Section 59-103-60. The commission shall make such
42 recommendations to the ~~Governor’s Office~~ of the Governor and
43 the General Assembly as to policies, programs, curricula, facilities,

1 administration, and financing of all state-supported institutions of
2 higher learning as may be considered desirable in the sole
3 discretion of the commission. The House Ways and Means
4 Committee, the Senate Finance Committee, and the Office of the
5 Governor may refer to the commission for investigation, study, and
6 report any requests of institutions of higher learning for new or
7 additional appropriations for operating and for other purposes and
8 for the establishment of new or expanded programs.”

9
10 SECTION 16. Section 59-103-80 of the 1976 Code is
11 amended to read:

12
13 “Section 59-103-80. Funds for the necessary technical,
14 administrative and clerical assistance and other expenses of the
15 commission, including stationery, shall be carried in the annual
16 appropriation act for the State. The members of the commission
17 ~~shall~~ must be allowed such per diem and mileage as authorized by
18 law for members of boards, commissions, and committees. ~~The~~
19 ~~sum appropriated for the use of the commission shall be expended~~
20 ~~upon warrants signed by the chairman.”~~

21
22 SECTION 17. Section 59-103-160 of the 1976 Code is
23 amended to read:

24
25 “Section 59-103-160. (A) This section may be cited
26 as the English Fluency in Higher Learning Act.

27 (B) The following words and phrases when used in
28 this section have the meanings given to them unless the context
29 clearly indicates otherwise:

30 ‘Instructional faculty’ means every member of a
31 public institution of higher learning whose first language is not
32 English, other than visiting faculty but including graduate teaching
33 assistants, who teaches one or more undergraduate credit courses
34 at a campus of that institution within this State except:

- 35 (1) courses that are designed to be
36 taught predominately in a foreign language;
37 (2) student participatory and activity
38 courses such as clinics, studios, and seminars;
39 (3) special arrangement courses such
40 as individualized instruction and independent study courses; and
41 (4) continuing education courses.

42 (C) Each public institution of higher learning shall
43 establish policies to:

1 (1) ensure that the instructional faculty whose
2 second language is English possess adequate proficiency in both
3 the written and spoken English language. Student and faculty input
4 is required in establishing these policies.

5 (2) provide students with a grievance
6 procedure regarding an instructor who is not able to write or speak
7 the English language.

8 ~~(D)(1) Each institution of higher learning must submit its~~
9 ~~policy or amendments to the Commission on Higher Education~~
10 ~~within six months from the effective date of this section. Any~~
11 ~~amendments to the policy must be promptly forwarded to the~~
12 ~~commission. The commission shall notify the chairmen of the~~
13 ~~Senate and House Education Committees of those institutions not~~
14 ~~submitting plans and any amendment to the commission.~~

15 ~~_____ (2) Each institution of higher learning must~~
16 ~~report annually to the Commission on Higher Education and the~~
17 ~~chairmen of the Senate and House of Representatives Education~~
18 ~~Committees grievances filed by students under the requirement of~~
19 ~~subsection (C)(2) and the disposition of those grievances.”~~

20
21 SECTION 18. Section 59-103-162 of the 1976 Code is
22 amended to read:

23
24 “Section 59-103-162. The South Carolina ~~Commission~~
25 ~~on Higher Education~~ Department of Commerce annually shall
26 review annually the activities of the South Carolina Manufacturing
27 Extension Partnership, make a budget recommendation to the
28 General Assembly, and coordinate the allocation of funds among
29 each participating institution. The funds appropriated to the
30 University of South Carolina - Columbia for the South Carolina
31 Manufacturing Extension Partnership may not be used for any
32 other purpose. The ~~Commission~~ department also shall review the
33 membership of the South Carolina Manufacturing Extension
34 Partnership board to insure appropriate representation of each
35 participating institution.”

36
37 SECTION 19. Section 59-103-165 of the 1976 Code is
38 amended to read:

39
40 “Section 59-103-165. The Commission on Higher
41 Education is directed to work with the state’s public institutions of
42 higher education, and ~~private~~ independent institutions of higher
43 education which wish to participate, to develop information

1 ~~packages materials for eighth grade middle school and high school~~
2 ~~students and their parents or guardians on the options of~~
3 ~~post-secondary education available in South Carolina, the courses~~
4 ~~required to attend South Carolina public colleges and universities,~~
5 ~~and the financial requirements and assistance available for students~~
6 ~~pursuing additional education after high school.~~

7 ~~During 1991-92, the commission shall develop the~~
8 ~~information packages, and to the extent that funds are appropriated~~
9 ~~by the General Assembly, pilot test the program in a number of~~
10 ~~school districts. The commission shall report to the Senate~~
11 ~~Education Committee and the Education and Public Works~~
12 ~~Committee of the House on the pilot testing.”~~

13

14 SECTION 20. Section 59-103-180 of the 1976 Code is
15 amended to read:

16

17 “Section 59-103-180. The State Board of Education, the
18 State Department of Education, and the state’s public school
19 districts and schools shall cooperate with the Commission on
20 Higher Education and the public and independent institutions of
21 higher education in providing the counseling post-secondary
22 information materials and shall assist in any manner considered
23 appropriate by them. The schools shall make special efforts to
24 ensure that as many students and parents or guardians as possible
25 are made aware of the opportunity; ~~are urged to attend the sessions,~~
26 ~~and receive the information to participate in post-secondary~~
27 education.”

28

29 SECTION 21. Section 59-104-20 of the 1976 Code, as
30 last amended by Act 353 of 2008, is further amended to read:

31

32 “Section 59-104-20. (A) The Palmetto Fellows
33 Scholarship Program is established to foster scholarship among the
34 state’s post-secondary students and retain outstanding South
35 Carolina high school graduates in the State through awards based
36 on scholarship and achievement. Measures must be taken to ensure
37 equitable minority participation in this program. Recipients of
38 these scholarships are designated Palmetto Fellows. Each Palmetto
39 Fellow shall receive a scholarship in an amount not to exceed six
40 thousand seven hundred dollars. These scholarships in
41 combination with all other grants and scholarships shall not exceed
42 the cost of attendance at the institution attended. The commission
43 shall promulgate regulations and establish procedures to administer

1 the program and request annual state appropriations for the
2 program.

3 (B) Students, either new or continuing, must not have
4 been adjudicated delinquent or been convicted or pled guilty or
5 nolo contendere to any felonies or any second or subsequent
6 alcohol or drug-related offenses under the laws of this or any other
7 state or under the laws of the United States in order to be eligible
8 for a Palmetto Fellows Scholarship, except that a high school or
9 college student otherwise qualified who has been adjudicated
10 delinquent or has been convicted or pled guilty or nolo contendere
11 to a second or subsequent alcohol or drug-related misdemeanor
12 offense nevertheless shall be eligible or continue to be eligible for
13 such scholarships after the expiration of one academic year from
14 the date of the adjudication, conviction, or plea.

15 ~~(C) Of the funds made available for higher education~~
16 ~~Palmetto Fellows Scholarships for any year, a percentage thereof~~
17 ~~must be allocated for students attending South Carolina~~
18 ~~independent colleges of higher learning in this State. This~~
19 ~~percentage must be equivalent to the percentage of the independent~~
20 ~~colleges' share of the total South Carolina resident undergraduate~~
21 ~~full-time enrollment (FTE) of all public and independent higher~~
22 ~~education institutions in South Carolina based on the previous~~
23 ~~year's data as determined by the Commission on Higher Education~~
24 ~~and the South Carolina Tuition Grants Commission.~~

25 ~~(D)~~ After expending funds appropriated for Palmetto
26 Fellows Scholarships from all other sources, there is automatically
27 appropriated from the general fund of the State whatever amount is
28 necessary to provide Palmetto Fellows Scholarships to all persons
29 meeting the requirements of this section.

30 ~~(E)~~ A Palmetto Fellows Scholarship is available to an
31 eligible resident student who attends or will attend an eligible
32 four-year public or independent institution.

33 ~~(F)~~ For purposes of subsection ~~(E)~~:

34 (1) 'Public or independent institution' means
35 a:

36 (a) South Carolina public institution
37 defined in Section 59-103-5, excluding a public two-year or
38 technical institution, and an independent institution as defined in
39 Section 59-113-50, excluding an eleemosynary junior or
40 independent two-year institution; or

41 (b) public or independent bachelor's
42 level institution chartered before 1962 whose major campus and
43 headquarters are located within South Carolina.

1 (2) ‘Resident student’ means a:
2 (a) student who is either a member of
3 a class graduating from a high school located in this State, a home
4 school student who has successfully completed a high school home
5 school program in this State in the manner required by law, or a
6 student graduating from a preparatory high school outside this
7 State, while a dependent of a parent or guardian who is a legal
8 resident of this State and has custody of the dependent; and
9 (b) student classified as a resident of
10 South Carolina for in-state tuition purposes under Chapter 112 of
11 this title at the time of enrollment at the institution.

12 (1) In addition to qualifications established by
13 regulation, to qualify for a Palmetto Fellows Scholarship, a student
14 shall:

15 (1a) meet the following three criteria:
16 (a) a minimum score of 1200
17 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;
18 (b) a cumulative 3.5 grade
19 point ratio on the Uniform Grading Scale at the end of the junior or
20 senior year; and
21 (c) rank in the top six percent

22 of the class at the end of the sophomore, junior, or senior year.
23 When calculating eligibility for Palmetto Fellows Scholarships in
24 schools where the top six percent of the graduating class is two
25 students or less, the top two students must be considered for the
26 scholarship regardless of class rank. The top six percent of the
27 graduating class must meet all Palmetto Fellows Scholarship
28 eligibility requirements in order to receive a scholarship. If the top
29 six percent of the class is not a whole number of students, the
30 Commission on Higher Education shall round up to the next whole
31 number of students eligible; or

32 (2b) meet the following two criteria:
33 (a) a minimum score of 1400
34 on the Scholastic Aptitude Test (SAT) or an equivalent ACT score;
35 and
36 (b) a cumulative 4.0 grade
37 point ratio on the Uniform Grading Scale at the end of the junior or
38 senior year.

39 (2) Qualifying scores must be certified by the
40 high school on the Palmetto Fellows Scholarship application by
41 the scholarship application deadline. For the purposes of meeting
42 the rank criteria pursuant to this subsection, the existing high
43 school rank of a South Carolina resident attending an out-of-state

1 high school may be used provided it is calculated pursuant to a
2 state-approved, standardized grading scale at the respective
3 out-of-state high school. If the Commission on Higher Education
4 determines that a state-approved standardized grading scale
5 substantially deviates from the South Carolina Uniform Grading
6 Scale, the state-approved standardized grading scale shall not be
7 used to meet the eligibility requirements for the Palmetto Fellows
8 Scholarship.

9 (HG) Notwithstanding another provision of law, a
10 student who met the initial eligibility requirements to receive a
11 Palmetto Fellows Scholarship Award as a senior in high school
12 and has met the continuing eligibility requirements shall receive
13 the award. A student who received a Palmetto Fellows Scholarship
14 Award as a senior in high school but declined the award is eligible
15 to reapply for the annual scholarship, providing he meets all of the
16 initial and continuing academic eligibility requirements of the
17 Palmetto Fellows program, if he transfers to a qualifying South
18 Carolina institution of higher learning. The number of semesters or
19 academic years a student attended an out-of-state institution are to
20 be deducted from the number of semesters or academic years a
21 student is eligible for the scholarship. All funding provided for
22 Palmetto Fellows Scholarships regardless of its source or
23 allocation must be used to implement the provisions of this
24 subsection.

25 (H) A student may receive a Palmetto Fellows or LIFE
26 scholarship award during the summer, in addition to fall and spring
27 semesters of an academic year, provided continued eligibility
28 requirements are met as of the end of the spring
29 semester. Students must enroll full-time, which for purposes of the
30 summer award will require enrollment in at least twelve hours over
31 the course of the summer. The summer is defined as the period
32 between the end of the spring term and prior to the opening of the
33 fall term. The total summer award per student may not exceed half
34 of the allowable academic year award up to the cost of attendance
35 and must be reimbursed if less than twelve hours for academic
36 credit are not attempted by the student during summer sessions. If
37 awarded in the summer, a student's total award during his or her
38 enrollment may not exceed the amount that would otherwise be
39 provided under current semester limits applied for the scholarship
40 awards. The Commission on Higher Education may provide
41 additional guidelines necessary to ensure uniform implementation.

42 (I) The Commission on Higher Education shall, by
43 regulation, define alternative qualifications for an exceptionally

1 gifted student who is a resident of South Carolina and is accepted
2 into an institution of higher learning without having attended or
3 graduated from high school.”

4
5 SECTION 22. Section 59-104-30 of the 1976 Code is
6 amended to read:

7
8 “Section 59-104-30. (A) ~~Each public institution of~~
9 ~~higher learning~~ The technical college system in this State shall
10 develop a plan for developmental education in accord with
11 provisions, procedures, and requirements developed by the
12 Commission on Higher Education.

13 (B) The commission shall:

14 (1) conduct a study as well as evaluations and
15 reviews of developmental education in this State. The commission
16 shall; and

17 (2) develop appropriate methods of funding
18 developmental education programs and courses.”

19
20 SECTION 23. Section 59-105-60 of the 1976 Code is
21 amended to read:

22
23 “Section 59-105-60. ~~The Commission on Higher~~
24 ~~Education shall develop, print, and distribute a model sexual~~
25 ~~assault policy for institutions of higher learning, which complies~~
26 ~~with the requirements herein. The model policy shall be distributed~~
27 ~~to all institutions of higher learning in the State for their use as a~~
28 ~~reference in formulating their sexual assault policy~~ Each public
29 institution of higher education shall develop and distribute a sexual
30 assault policy approved by its board of trustees. The policy, once
31 approved or modified, must be provided to the Commission on
32 Higher Education, which shall provide a link on the commission’s
33 Internet website to the policy as a service to the students, parents,
34 and guardians.”

35
36 SECTION 24. Section 59-142-20 of the 1976 Code is
37 amended to read:

38
39 “Section 59-142-20. (A) ~~Consistent with this~~
40 ~~section, the Commissioner of Higher Education shall be~~
41 ~~responsible for making guidelines available for FY 96-97 and shall~~
42 ~~promulgate regulations necessary to administer the need-based~~
43 ~~grants program in accordance with the Administrative Procedures~~

1 ~~Act for years after 1996-97. The need-based grants program must~~
2 ~~be administered at the campus level.~~

3 ~~———— Pursuant to Section 59-103-165, the commission shall~~
4 ~~incorporate information pertaining to the need-based grant~~
5 ~~program in the information packets concerning post-secondary~~
6 ~~education for eighth grade students and their parents or guardians.~~

7 (B) The commission shall promulgate regulations and
8 establish procedures to administer the program and request annual
9 appropriations for the program.”

10

11 SECTION 25. Sections 59-101-150, 59-101-340,
12 59-103-36, 59-103-50, 59-103-120, 59-103-170, 59-104-40,
13 59-104-230, 59-104-240, 59-104-250, 59-104-410, 59-104-420,
14 59-104-430, 59-104-440, 59-104-620, and 59-104-640 of the 1976
15 Code are repealed.

16

17 SECTION 26. This act takes effect upon approval by the
18 Governor. /

19

20

21 Renumber sections to conform.

22 Amend title to conform.

23

24

25

----XX----

26

SC Commission on Higher Education Policy Manual

SECTION 1: General Information

Overview

Mission Statement

Organizational Chart

External

Internal

SECTION 2: Commission Rules

Membership

Meetings

Rules

Attendance

Quorum

Minutes

Responsibility and Ethics

Communication Policy

Internal

External

Communications statement

Media

Public Speaking

Legislature

Institutions

Committees

Disciplinary Policy

OVERVIEW

The South Carolina Commission on Higher Education (hereinafter referred to as either CHE or the Commission) was established in 1967, and serves as both a coordinating body to oversee SC higher education on behalf of the General Assembly and an advocate for higher education.

The major functions of the CHE can be categorized broadly into four areas: coordination and planning, research and information services, accountability and reporting, and program administration. Among the Commission's responsibilities are:

- Degree program review and approval
- Oversight of state-funded financial aid programs
- Facilities review and approval
- Data management and reporting
- Statewide coordination and planning
- Administration of federal grants
- Advocacy
- Access and equity services

The Commission works in partnership with South Carolina's institutions of higher education, state education, workforce and economic development agencies, the general public and the business community to increase opportunities for collaboration and cooperation, leading to:

- Higher levels of efficiency, effectiveness and quality
- Economic development through a highly prepared workforce and increased knowledge economy
- Increased educational access and attainment for all of the state's citizens

The CHE operates pursuant to the SC Code of Laws, and is governed by a board of fifteen Commissioners, appointed by the Governor. Commission members include:

- One at large member, appointed as chair
- Three statewide, at-large members
- A board member or trustee from a public research institution
- A board member or trustee from a public four-year institution
- A board member or trustee from the State Technical System
- Representatives from each of the seven Congressional districts
- A President from the independent colleges and universities

General Information

MISSION STATEMENT

The SC Commission on Higher Education is committed to promoting quality, efficiency, and affordability in the state system of higher education through coordination, regulation, advocacy and oversight, as directed by the General Assembly.

General Information

INSERT ORGANIZATIONAL CHARTS

COMMISSION MEMBERSHIP

In accordance with SC state law, the Commission on Higher Education shall be governed by a fifteen member Commission. Members shall be appointed by the Governor as follows:

One at-large member shall be appointed by the Governor to serve as Chair, with the advice and consent of the Senate. This member must be appointed for a term of four years, and may be reappointed for one additional term. He/she may, however, only serve one term as Chair.

One member shall be appointed from each of the seven Congressional Districts, upon the recommendation of a majority of the members of the legislative delegation from their district. Each member must be a resident of the district he/she represents and to qualify for appointment, must have experience in one of the following areas: business, the education of future leaders and teachers, management, or policy. Members must not, during the (preceding) five years, have been a member of a governing body of a public institution of higher learning in South Carolina, and must not be employed or have immediate family members employed by any of the public colleges and universities of this State. These members must be appointed for terms of four years, and shall not serve on the Commission for more than two consecutive terms.

Three members shall be appointed from the State at large, upon the advice and consent of the Senate

Three ex officio members shall represent the public colleges and universities. One member must be serving on the board of trustees of a public senior research institution, one shall be a trustee from a four-year public institution, and one shall serve on a local area technical education Commission or the State Board for Technical and Comprehensive Education. These members must be appointed with the advice and consent of the Senate for two-year terms, and appointments shall rotate among the institutions.

One ex officio member shall represent the independent colleges and universities. He/she shall be a non-voting member of the Commission, must be a current member of the Advisory Council of Private College Presidents, and shall be appointed for a term of two years upon the advice and consent of the Senate.

All members of the Commission shall serve until their successors are appointed and qualify.

Commission Rules

MEETINGS

Rules:

Meetings shall be set and conducted in accordance with Commission Bylaws. All meetings of both the full Commission and committees shall follow Roberts Rules of Order, and shall be conducted in accordance with state law and the Freedom of Information Act.

Attendance:

Commissioners are expected to attend all regularly scheduled and called meetings of the full Commission and its committees. State law (SC 1-3-245) requires that any member with three consecutive unexcused absences from regularly scheduled meetings shall be considered removed from the Commission, creating a vacancy. The Chair shall notify the Governor of the absences and resulting vacancy. This section does not apply to ex officio members.

Quorum:

In accordance with SC Code Section 30-4-20(e), a quorum is a simple majority of the number of members on the Commission.

Minutes:

Minutes of all meetings of the Commission and its committees shall be kept and distributed in accordance with SC law and the Bylaws of the Commission.

RESPONSIBILITY AND ETHICS

Commission members shall prepare for, regularly attend, and actively participate in board meetings, standing committees, and special assignments.

Commission members shall accept and abide by the rules and responsibilities of the Commission, as defined by statute, state regulations, Commission policies, and Commission bylaws.

Commission members shall not grant or make available to any person any consideration, information or favor beyond that which is available to the general public, nor shall they accept any favor or gratuity from any firm, person, or corporation which is engaged in, or attempting to engage in business transactions with the Commission, or any institution that is coordinated or regulated by the Commission, which might affect or give the appearance of affecting a member's judgment in the impartial performance of their duties.

Commission members shall be bound by the rules of conduct and reporting requirements of the State Ethics Commission, as defined in Title 8, Chapter 13 of the SC Code of Laws. The CHE adopts the applicable sections of the SC State Ethics Commission's Rules of Conduct as follows:

1. All public employees, public officeholders, and public members are expected to adhere to and follow the Rules of Conduct as outlined in the Ethics Reform Act. Anyone who is found guilty of violating these rules is subject to prosecution by the State Ethics Commission and the Attorney General's Office.
2. A public official, public member, or public employee may not knowingly use his official office, membership, or employment to influence a government decision to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated.
3. A person may not directly or indirectly give, offer, or promise anything of value to a public official, public member, or public employee with intent to influence

the public official's, public member's, or public employee's official responsibilities, nor is the public official, public member, or public employee to ask, demand, solicit, or accept anything of value for himself or for another person in return for fulfilling his official responsibilities or duties.

4. A public official, public member, or public employee may not receive anything of value for speaking before a public or private group in his/her official capacity. A meal can be accepted if provided in conjunction with the speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. A public official, public member or public employee may receive payment or reimbursement for actual expenses incurred.
5. Public officials, public members, or public employees may not receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.
6. No public official, public member, or public employee may disclose confidential information gained as a result of his responsibility as a public official, public member, or public employee that would affect an economic interest held by himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated.
7. No person may serve as a member of a governmental regulatory agency that regulates any business with which that person is associated.
8. No person shall serve on the governing body of a state; county; municipal; or political subdivision, board, or Commission and serve in a position on the same governing body which makes decisions affecting his economic interests.
9. A public official occupying a statewide office, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated may not knowingly represent another person before a governmental entity.

10. No member of the General Assembly or an individual with whom he is associated or business with which he is associated may represent a client for a fee in a contested case before an agency, a Commission, board, department, or other entity if the member of the General Assembly has voted in the election, appointment, recommendation, or confirmation of a member of the governing body of the agency, board, department, or other entity within the 12 preceding months.
11. A public member occupying statewide office, an individual with whom associated, or a business with which associated may not knowingly represent a person before the same unit or division of the governmental entity for which the public member has official responsibility.
12. A public official, public member, or public employee of a county or municipality, may not knowingly represent a person before any agency, unit, or subunit of that county or municipality.
13. A public employee, other than of a county or municipality, an individual with whom associated, or a business with which associated may not knowingly represent a person before an entity of the same level of government for which the public employee has official responsibility.
14. No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages. A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's or public employee's family member.
15. A former public official, former public member, or former public employee holding office, membership, or employment may not serve as a lobbyist or represent clients before the agency or department on which the public official, public member, or public employee formerly served in a matter in which he directly and substantially participated for one year after terminating his public service or employment.

16. It is a breach of ethical standards for a public official, public member, or public employee who participates directly in procurement to resign and accept employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibility.

17. No person may use government personnel, equipment, materials, or an office building in an election campaign. A person may use public facilities for a campaign purposes if they are available on similar terms to all candidates and committees. Likewise, government personnel may participate in election campaign on their own time and on non-government premises.

18. A public official, public member, or public employee may not have an economic interest in a contract with the state or its political subdivisions if the public official, public member, or public employee is authorized to perform an official function (including writing or preparing the contract, accepting bids, and awarding of the contracts) relating to the contract.

COMMUNICATIONS – INTERNAL

The Commission shall speak to the agency and the Executive Director through the policies set forth in this document.

Commission members are encouraged to develop relationships with staff members, and to seek their knowledge and input regarding issues that may affect higher education in South Carolina, and/or matters that may come before the Commission or a Committee.

In the event that a Commissioner requires assistance with a project or information that involves extensive research or work beyond the current scope of duties for any division, they shall direct such inquiries and requests to the Executive Director for prioritization and delegation.

Commission members recognize that the Executive Director and the administration are responsible to the Commission as a whole and not to individual Commissioners.

Committee chairs shall work with their appointed staff liaisons and other division members, as necessary, to complete the work of their committees. In the course of the work of the committee, chairs may assign tasks or projects to staff, but prioritization of all work shall remain the purview of the Executive Director.

COMMUNICATIONS - EXTERNAL

Communications Statement:

Members of the Commission are encouraged to establish lines of communication with constituents, legislators, representatives from institutions of higher education, the business community, and other agencies or organizations. This policy should in no way be construed as a limitation on individual Commissioners to develop positive relationships and dialogue with stakeholders or with organizations and individuals who may assist with the advancement of the Commission's goals and objectives.

When speaking on behalf of the Commission, however, members shall follow the rule of One Voice – One Message. The will of the Commission is expressed through its votes and when speaking as a member of the Commission, Commissioners shall represent those positions. This limitation shall not prohibit Commissioners from speaking publicly about their own personal votes on any particular matter.

Media

Unless otherwise directed by the Chair, Commissioners should refer all media inquiries to the Chair and/or the Executive Director.

Public Speaking Requests

Commission members are encouraged to accept public speaking engagements on higher education topics. Speaking requests must be cleared by the Chair.

Legislature

Questions, information requests or concerns presented by members of the General Assembly should be immediately brought to the attention of the Executive Director and/or Chair of the Commission. No member of the Commission shall advance any request or position on behalf of the Commission to members of the General Assembly without the prior approval of the Chair.

Institutions

Commission members are encouraged to visit campuses of South Carolina's institutions of higher education, in order to gain first hand knowledge of their challenges and successes.

Litigation, Audits, Investigations

It is the policy of the Commission not to comment on active or pending litigation, compliance audits, and/or ongoing investigations

Commission members shall not act as a spokesperson for the entire Commission or any committee of the Commission unless specifically authorized to do so. Commissioners recognize that the Chair of the Commission, or his/her designee, serves as the authorized spokesperson for the Commission, after consensus is sought from the Commission and/or the Executive Committee. The Executive Director, or his designee, serves as the primary spokesperson for the administration of the Commission.

Commission members shall have no legal, regulatory, or other authority outside of the meetings of the Commission, and shall conduct all relationships with governing bodies, public and private institutions, media and other interested entities and persons on the basis of that fact.

COMMITTEES

In accordance with state law, the Commission shall create from its membership such standing committees as it may deem necessary. The creation of the committees and their duties shall be prescribed by a two-thirds vote of the membership of the Commission. Special committees may be created and their duties prescribed by a majority vote of the Commission members. The Chair of the Commission may also appoint ad hoc committees as needed.

DISCIPLINARY POLICY

In the performance of their duties, Commissioners are bound by and subject to the relevant laws of the State of South Carolina and the policies enacted by the Commission.

Violation of Commission policies may result in discipline at the discretion of the Chair, including but not limited to: censure, removal from committees, and/or reporting of the offense to the appointing or recommending authority.

Commissioners may appeal any proposed disciplinary action by the chair through a protest to the full Commission.

The SC Commission on Higher Education is actively working with a number of nationally recognized experts in higher education to make recommendations on our regulatory and oversight capacity and to help design the structure for developing a comprehensive and coordinated statewide public agenda for higher education and a long-range strategic plan.

Dr. Tom Layzell is no stranger to South Carolina. In September of 2015, he appeared before the SC House Higher Education Governance Subcommittee on behalf of the Southern Region Education Board (SREB). Shortly thereafter, the Commission hired Dr. Layzell as a temporary employee. His reputation as a nationally recognized expert in higher education is well deserved, and his assistance has been invaluable. Dr. Layzell was Chancellor of the Illinois Board of Governors Universities system, Commissioner of Higher Education for the Mississippi Institutions of Higher Learning, and President of the Kentucky Council on Postsecondary Education. He has also served on two separate occasions as an advisor to the Louisiana Board of Regents, Interim President of the University of Louisiana System, and as the chief financial officer of a university, and of a multi-campus university system.

Dr. Layzell has served as president of the State Higher Education Executive Officers (SHEEO), the national association of the chief executives of statewide governing, policy, and coordinating boards of postsecondary education. He also served as president of the National Association of System Heads (NASH), the association of the chief executives of the 44 colleges and university systems of public higher education in the United States and Puerto Rico. He was also a member of the National Commission on Accountability in Higher Education, a member of the Illinois Legislative Study Commission on Higher Education Finance, and a member of the Association of Governing Boards Council of Presidents.

Dr. Layzell received a BA degree in History from Millikin University in Decatur, Illinois, and JD and MAPA degrees from the University of Illinois.

Dr. Richard G. Rhoda is also serving in a consulting capacity as a temporary employee to assist with the development of our updated public agenda for South Carolina. After 17 years of service, he retired in December 2014 as Executive Director of the Tennessee Higher Education Commission. In recognition of his successful tenure, the Commission elected Rhoda as Executive Director Emeritus. Rhoda dedicated his entire career to higher education in Tennessee, first joining the Tennessee Board of Regents as a graduate student in 1973. Over the next 12 years he assumed a progression of staff capacities, eventually becoming the executive assistant to the Chancellor. In 1985, Rhoda joined the administration of Tennessee State University, the state's 1890 land-grant university. He returned to the TBR in 1990 as vice chancellor for administration, where he assumed a series of interim appointments as president of Nashville State Community College, chancellor of the TBR, and president of Austin Peay State University. In 1995, Rhoda joined the faculty of Vanderbilt University and was the charter assistant director of the Peabody Center for Education Policy, which was created that year to be a national policy research center. In 1997, Rhoda briefly returned to the TBR as senior vice chancellor for academic affairs and strategic planning before being called upon to head the Tennessee Higher Education Commission. Over the span of his tenure at THEC, Rhoda chaired the legislative committee that designed the Lottery Scholarship program, assumed executive responsibility for the Tennessee Student Assistance Corporation, and contributed to the design and implementation of the Complete College Tennessee Act of 2010 and the Drive to 55. THEC is recognized for its leadership in public policy and higher education policy analysis.

Dr. Rhoda earned a BA in History, MA in Education, and PhD in higher education administration, all from Vanderbilt University.

We have also engaged the Association of Governing Boards (AGB) to assist with organizational development and planning. Through this relationship, we have specifically worked with two consultants:

Dr. Cecelia H. Foxley, former Commissioner with the Utah System of Higher Education, served as a consultant to facilitate a SC Commission on Higher Education's 2015 strategic planning session, and has assisted with legislative discussions.

Dr. Foxley served for over 10 years as commissioner of the Utah System of Higher Education and chief executive officer to the State Board of Regents. She subsequently completed a three-year Regents Professorship in the educational psychology department at the University of Utah. Prior to her appointment to the position of commissioner, she served as the deputy commissioner and associate commissioner for academic affairs. Her institutional experience includes faculty and administrative positions at the University of Utah, Utah State University, the University of Iowa, and the University of Minnesota.

As a consultant, Dr. Foxley focuses on strategic and long-range planning, effective organizational structures, enhanced communication, increased student success, improved academic quality, personnel evaluation, and executive recruitment. She has authored or coauthored six books and several journal articles on topics such as educational leadership and administration, non-sexist counseling, human relations education, and equal opportunity.

Dr. Foxley earned her Ph.D. in educational psychology with emphases in administration, teaching, research, and counseling from the University of Utah. She holds a BA in English from Utah State University and an MA in English from the University of Utah.

Ms. Emily M. Dickens, Vice President for Public Policy and Executive Director of the Center for Public Trusteeship and Governance, Association of Governing Boards of Universities and Colleges, assisted with our legislative discussions in November and December of 2015. She provides strategic direction for AGB's public policy initiatives and new federal advocacy agenda. Ms. Dickens work also focuses on strengthening public trusteeship and enhancing the relationships between public higher education and state governments. The SC House of Representatives Higher Education Governance Subcommittee sought her expertise during hearings in October 2015.

Ms. Dickens previously served as assistant vice president for federal relations at the University of North Carolina system, managing congressional and agency relationships and regulatory and legislative policy with emphasis on Titles II, V, and VII of the Higher Education Act; international education; visas/international students; immigration; athletics; and homeland security. She has also worked as the director of government and community affairs at Fayetteville State University.

Ms. Dickens holds bachelor's and master's degrees in history from North Carolina Central University and a JD from the North Carolina Central University School of Law. She is a member in good standing of the State Bar of North Carolina, the North Carolina 14th Judicial District Bar, and the North Carolina Bar Association.

Statutory Authority of the Commission on Higher Education

Recurring Discretionary Funding Available in FY 2015-16

To determine the financial resources available to CHE to address the directives identified by our analysis of the statutes and provisos, we examined the total budget authorized in FY 2015-16. Based on the comments of Dr. Tom Layzell that “there is never enough money”, we disaggregated our budget to determine exactly how much discretionary funding CHE had that could be directed to fulfilling our responsibilities to turn all **RED** and **YELLOW** indicators to **GREEN**.

The analysis determined that of the \$357,828,614 available to support all programs administered by CHE, only \$156,516 was available to support discretionary spending. In other words, CHE had \$156,516 that would be available to turn **RED** and **YELLOW** indicators to **GREEN** if no other spending occurred – no travel, no supplies, no printing or postage...

Analysis of FY 2015-16 Staffing

To carry out the duties and responsibilities of CHE per the current statutes, CHE is authorized full-time equivalency positions the annual Appropriations Act. At the beginning of FY 2015-16, CHE had 41 positions authorized in the Act. Because of our inability to carry no fewer than 10 vacant positions for the previous fiscal year, 1 position was lost as part of the annual FTE reconciliation performed by the State Budget Office. This left CHE with a total of 40 FTEs.

The table following the analysis of CHE’s discretionary funding is a listing of the positions currently funded, the vacancies for which we have funding, and the vacancies that cannot be filled. By the numbers, CHE has 19.30 FTEs currently filled using General Funds, 1.17 FTEs filled using Federal Funds, and 7.53 FTEs filled using Other Funds. We also have 4 FTEs currently being recruited or pending recruitment for which funding has been set aside for a total of 32 fundable positions.

Commission on Higher Education

Recurring Discretionary Funding Available in FY 2015-16

FY 2015-16 Budget	\$357,828,614	
Scholarships / Scholarship Administration (88%)	(314,788,947)	
Directed to Other Agencies / Entities (9%)	(33,187,990)	
Program Specific Appropriations / Federal Awards (2%)	(7,631,798)	Available
Salary and Employer Contributions	(1,934,359)	in FY 2007-
Operational Support	285,520	08
		<u>448,217</u>
State Portion of Building Rent	(118,469)	
State Portion of Phone	(10,535)	
Net Discretionary Funds	<u>\$156,516</u>	

Scholarships / Scholarship Administration

SREB Contract Programs	3,948,914
LIFE	200,106,098
Palmetto Fellows	59,827,986
HOPE	8,874,433
Need-based Grants	29,929,867
Scholarship Administration	424,505
LTA	3,510,874
National Guard CAP	5,166,270
Veteran's Tuition Differential	3,000,000
Total Scholarships / Scholarship Administration	<u>314,788,947</u>

Directed to Other Agencies / Entities

PASCAL	7,695,060
SmartState	2,610,247
University Center of Greenville	1,929,289
Academic Endowment	160,592
EPSCoR	1,279,330
SC State University	279,504
African American Loan Program	119,300
Allocations to Coker & Clinton	94,168
Lottery Technology	7,354,190
Lottery Maintenance Needs	2,825,028
HEEEP	4,597,755
EIA Teacher Recruitment	4,243,527
Total Directed to Other Agencies / Entities	<u>33,187,990</u>

Program Specific / Federal Awards

Licensing	354,299
EEDA	1,191,940
EIA Centers of Excellence	1,137,526
ITQ	753,842
SAA	308,813
GearUp	3,844,378
College Goal SC	41,000
	<u>7,631,798</u>

Commission on Higher Education

Personnel are assigned to **Unrestricted** (General Agency Support) or **Restricted** (Program Specific) activities.

General Funds are used to support **Unrestricted** and certain **Restricted** activities.

Federal and **Other Funds** are used to support **Restricted** activities.

In Summary, CHE's current funding provides the following:

Full-Time
Equivalencies (FTEs)

Positions Supported by the General Fund --

6.00	Positions assigned specifically to Unrestricted (General Agency Support) activities.
9.46	Positions with shared responsibility between Unrestricted and Restricted activities.
3.84	Positions assigned specifically to Restricted (Program Specific) activities.

19.30	Total Filled General Fund Positions (Funding Available)
--------------	--

Positions Supported by Federal (Program Specific) Funds --

0.10	State Approving Agency (SAA Federal Contract) Program Administration
0.87	Gaining Early Awareness and Readiness for Undergraduate Program (GearUp) Program Administration
0.20	Improving Teacher Quality (ITQ) Program Administration

1.17	Total Filled Federally Funded Positions (Funding Available)
-------------	--

Positions Supported by Other (Program Specific) Funds --

1.48	Positions assigned in support of Licensing Administration
4.35	Positions assigned in support of Scholarship Administration
0.30	Positions assigned in support of EIA Centers of Excellence Administration
1.40	Positions assigned in support of SmartState Administration

7.53	Total Filled Other Funded Positions (Funding Available)
-------------	--

Vacant Positions (Funding Available)

1.00	Executive Director - General Funds (Restricted)
0.67	Information Systems (IT) Analyst - General Funds (Unrestricted)
0.33	Information Systems (IT) Analyst - General Funds (Restricted)
2.00	Program Coordinators - Licensing - Other Funds (Restricted)

4.00	Total Vacant Positions (Funding Available)
-------------	---

32.00	Total Authorized FTEs with Funding Available
--------------	---

Vacant Positions (Funding NOT Available)

1.00	Program Assistant
1.00	Program Coordinator II
3.00	Program Manager I
3.00	Program Manager II

8.00	Total Authorized FTEs for which Funding is NOT Available
-------------	---

40.00	Total FTEs Currently Authorized
--------------	--

In addition to Authorized FTEs, the Commission has several Temporary Grant positions that are contingent on funding availability and do not carry an official authorization via the annual state appropriation. These include 3 Federal (Restricted) positions assigned to the SAA, 2 Federal (Restricted) positions funded by the GearUp grant, and 5 Other Funded (Restricted) positions in PASCAL (a separate entity for which CHE acts as the fiscal agent). 7 temporary positions are currently filled. These include 3 positions assigned to IT, 3 positions associated with consultant services, and 1 position in PASCAL.

Statutory Authority of the Commission on Higher Education **Funding Required to Comply with Core Mission Functions**

Knowing that CHE had \$156,516 in discretionary funding, we determined what would be needed in additional staff and staff support and we revised our FT 2016-17 budget request. Aligning the resources we need with the individual statute that would be affected, we determined that an increase of 16 FTEs and their related salary, employer contributions, and support costs would require \$1,572,700 to turn all indicators **GREEN**. Additionally, we needed support for legal staffing (\$250,000) and additional technology support (\$330,000). Thus, the total shortfall in resources to meet our legislative mandates, once all statutes recommended for deletion and all amendments needed to clarify our statutes were approved, the total shortfall in resources needed to reach our goal of being a fully functioning CHE – The ‘New CHE’ – was \$2,152,700.

Core Mission Functions	Funding needed to comply	Employer		Support	Total	
		Salaries	Contributions			
59-103-20	<p>Studies of Institutions of higher learning</p> <p>The commission is...charged with examining the state's institutions of higher learning relative to both short and long-range programs and missions which include:</p> <p>(b) Enrollment trends, student costs, business management practices, accounting methods, operating results and needs, and capital fund requirements</p> <p>(c) The administrative setup and curriculum offerings of the several institutions and of the various departments, schools, institutes, and services within each institution and the respective relationships to the services and offerings of other institutions</p> <p>(d) Areas of state-level coordination and cooperation with the objective of reducing duplication, increasing effectiveness, and achieving economies and eliminating sources of friction and misunderstanding</p>	<p>Add 2 Accounting Manager Is and 1 Data Coordinator II to FA</p> <p>Add 1 Program Manager II to AA</p>	<p>200,000</p> <p>75,000</p>	<p>60,000</p> <p>22,500</p>	<p>21,000</p> <p>10,000</p>	<p>281,000</p> <p>107,500</p>
59-103-35	<p>Submission of Budget</p> <p>All public institutions of higher learning shall submit annual budget requests to the commission in the manner set forth in this section.</p> <p>The State Board for Technical and Comprehensive Education shall submit an annual budget request to the Commission representing the total requests of all area-wide technical and comprehensive educational institutions.</p> <p>The budget submitted by each institution and the State Board for Technical and Comprehensive Education must include all state funds, federal grants, tuition, and fees other than funds derived wholly from athletic or other student contests, from the activities of student organizations, from approved private practice plans, and from the operation of canteens and bookstores which may be retained by the institutions and be used as determined by the respective governing boards, subject to annual audit by the State.</p>	Add 1 Program Manager II to FA	75,000	22,500	10,000	107,500
Sub-total					496,000	
59-104-30	<p>Developmental education plans, studies, and programs</p> <p>Each public institution of higher learning in the State shall develop a plan for developmental education in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The commission shall conduct a study as well as evaluations and review of developmental education in this State. The commission shall develop appropriate methods of funding developmental education programs and courses.</p>	Add 1 Program Manager I to AA	60,000	18,000	7,000	85,000
Sub-Total					85,000	

59-103-30	Critical Success Factors and Performance Indicators This section lists critical success factors that should be measured in priority order...	Add 1 Program Manager III - Director (net increase) to FA	101,000	30,300	12,000	143,300
		Add 1 Program Manager II - Research Director to FA	85,000	25,500	7,000	117,500
		Add 1 Program Manager I to FA	60,000	18,000	7,000	85,000
		Add 1 Program Manager I to FA	60,000	18,000	7,000	85,000
		Add 2 Program Manager Is- Auditors to FA	120,000	36,000	20,000	176,000
		Add 1 Program Coordinator I to FA	38,000	11,400	7,000	56,400
Sub-Total						663,200
59-104-650	Institutional Effectiveness Program Reinstate "A Closer Look"	Add 1 Program Manager II to AA	75,000	22,500	7,000	104,500
Sub-Total						104,500
Proviso 1.17	Teacher Data Collection	Reassign to AA using existing staff				0
Sub-Total						0
59-26-20	Duties of the State Board of Education and the Commission on Higher Education					
	a) Develop and implement a plan for the continuous evaluation and upgrading of standards for program approval of undergraduate and graduate education training programs	Add 1 Program Manager II to AA	75,000	22,500	7,000	104,500
	b) Adopt policies and procedures which result in visiting teams with a balanced composition of teachers, administrators, and higher education faculties	Reinstate funding for NCATE membership to AA				
	c) Establish program approval procedures which shall assure that all members of visiting teams...have attended training programs...					
	d) render Advice and aid to departments and colleges of education concerning their curricula, program approval standards, and results on...examinations...					
Sub-Total						104,500
59-103-70	Reports The Commission shall make reports to the Governor and the General Assembly at least annually on the status and progress of higher education in the State, with such recommendations as may be appropriate	Add 1 Program Manager II - Communications Director to AO	85,000	25,500	7,000	117,500
Sub-Total						117,500

59-101-190	Dean's Committee on Medical Education			
	...Any strategic plan approved by the dean's committee also must be approved by the Commission on Higher education if it contains any proposal for the consolidation, elimination, or change of medical education programs...	Support for annual meeting to AA	2,000	2,000

Sub-Total	2,000
-----------	-------

Total SWOT Adjustments		1,572,700
Agency Legal Staffing Support		250,000
Agency Technology Needs		330,000
Total needed to address legislative mandates		2,152,700
Governor's Professor of the Year		15,000
SREB Programs and Services		245,212
Need-based Grants (Annualization)	2,600,000	
Need-based Grants (Recurring Increase)	<u>1,937,078</u>	
Total Need-based Grants		4,537,078
College Transition Need-based Grants		170,822
State Electronic Library (PASCAL) (Annualization)		1,500,000
Veteran's Tuition Differential Support for Public Institutions (Actual TBD)		1
Maintenance Needs (Would offset individual institution requests)		\$19,900,000