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January 5, 2017

South Carolina Free Tuition for Residents Sixty Years of Age

Public Hearing on Regulatory Amendments for the 2017-18 Academic Year

Amendments to the regulation were necessary to provide further clarification of administrative procedures. The proposed regulation was presented to the SC Commission on Higher Education for approval on October 24, 2016.

Revisions to the existing regulation for the Regulation governing the Free Tuition for Residents Sixty Years of Age Program are being considered to clarify the policies and procedures for administering the program. In the adopted amendment, the requirement that a recipient of the tuition waiver cannot be full-time employed, is removed. The revisions seek to comply with recent changes to statute during the 2015-2016 Legislative Session (Act 50 of 2015).

Section 62-1110 Strikes language preventing recipient from working full-time.

Section 62-1130 Removes definition for "Full-time Employee".

Recommendation

The Committee on Access & Equity and Student Services recommends that the Commission on Higher Education approve the final regulation for the Free Tuition for Residents Sixty Years of Age Program. If approved by the Commission on Higher Education, the final regulation will be submitted to the Legislative Council, for General Assembly Review, on January 13, 2017.

Agency Name: Commission on Higher Education
Statutory Authority: 59-111-330
Document Number: 4728
Proposed in State Register Volume and Issue: 40/11
Status: Proposed
Subject: Free Tuition for Residents Sixty Years of Age

History: 4728

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	11/25/2016	Proposed Reg Published in SR		

Document No. 4728
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-111-330

62-1100 through 62-1170. Free Tuition for Residents Sixty Years of Age.

Preamble:

R.62-1100 through 62-1170 of Chapter 62 is being amended. Revisions to the existing regulation for the Regulation governing the Free Tuition for Residents Sixty Years of Age Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the requirement that a recipient of the tuition waiver cannot be full-time employed, is being removed. The revisions seek to comply with recent changes to statute during the 2015-2016 Legislative Session (Act 50 of 2015).

The proposed regulation will require legislative review.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on July 22, 2016.

Section-by-Section Discussion

Section 62-1110 Strikes language preventing recipient from working full-time.

Section 62-1130 Removes definition for “Full-time Employee”.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on January 5, 2017, to be held in the Main Conference Room at 1122 Lady Street, Suite 300, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 300, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on December 28, 2016. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on January 5, 2017, as noticed above. Comments received by the deadline shall be submitted to the Commission in summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased administrative costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 62-1100 through 62-1170. FREE TUITION FOR RESIDENTS SIXTY YEARS OF AGE.

Purpose: R.62-1100 through 62-1170 of Chapter 62 is being amended and replaced in its entirety. Revisions to the existing regulation for the Free Tuition for Residents Sixty Years of Age Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, language providing the requirement that a recipient of the tuition waiver cannot be working full-time, was removed. In addition, the definition of a full-time employee is removed, to be consistent with recently passed state law.

Legal Authority: The legal authority for R.62-1100 through 62-1170 is 1976 Code Section 59-111-330.

Plan for Implementation: The proposed regulation will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is needed to provide information to South Carolina residents concerning the requirements to receive in state tuition and fee classification and to provide guidance to state institutions when classifying students as in state students for tuition and fee purposes, based upon being at least 60 years of age.

DETERMINATION OF COSTS AND BENEFITS:

Promulgation of this regulation will not result in additional costs to the state or its political subdivisions. It is believed that the proposed regulation will benefit our state by providing students with requirements for receiving in state classification and institutions by providing guidance in determining student residency classification.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Not applicable.

Statement of Rationale:

R.62-1100 through 62-1170 of Chapter 62 is being amended. Revisions to the existing regulation for the Regulation governing the Free Tuition for Residents Sixty Years of Age Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendment, the requirement that a recipient of the tuition waiver cannot be full-time employed, is being removed. The revisions seek to promote consistency among the State institutions

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

FREE TUITION FOR RESIDENTS SIXTY YEARS OF AGE

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

- 62-1100. Authority.
- 62-1110. Eligibility.
- 62-1120. Authorization.
- 62-1130. Program Definitions.
- 62-1140. Proof of Eligibility.
- 62-1150. Inquiries and Appeals.
- 62-1160. Penalties for Misrepresenting Eligibility.
- 62-1170. Institutional Eligibility for State Support.

62-1100. Authority.

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

62-1110. Eligibility.

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

62-1120. Authorization.

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

62-1130. Program Definitions.

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

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

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

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

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

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

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

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

62-1140. Proof of Eligibility.

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

62-1150. Inquiries and Appeals.

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

62-1160. Penalties for Misrepresenting Eligibility.

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

62-1170. Institutional Eligibility for State Support.

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