CHAPTER 113

Tuition Grants

**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.

HISTORY: 1962 Code Section 22‑91; 1970 (56) 2579; 1988 Act No. 464, Section 1; 1988 Act No. 629, Section 4; 1991 Act No. 248, Section 6.

CROSS REFERENCES

Distribution of certain sales tax revenues to higher education tuition grants program, see Section 59‑101‑360.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

NOTES OF DECISIONS

In general 1

1. In general

Expending public funds under this chapter for tuition grants to students attending any college or other institution which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization, is permanently restrained. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

**SECTION 59‑113‑20.** Qualifications of applicants for grants.

 The State of South Carolina shall grant an amount, as provided in this chapter, to any applicant who meets the following qualifications:

 (a) has been a resident of South Carolina for at least one year;

 (b) is of good moral character;

 (c) has demonstrated qualities of academic merit and financial need;

 (d) has been accepted by or is registered in a South Carolina independent institution of higher learning as a full‑time student whose academic programs are not comprised solely of sectarian instruction;

 (e) is not enrolled in a course of study leading to a degree in theology, divinity, or religious education; and

 (f) has not 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 South Carolina tuition grant, 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 grants after the expiration of one academic year from the date of the adjudication, conviction, or plea.

HISTORY: 1962 Code Section 22‑92; 1970 (56) 2579; 2000 Act No. 289, Section 3(B); 2007 Act No. 103, Section 18, eff July 1, 2007.

Effect of Amendment

The 2007 amendment, in item (f), added “second or subsequent” in two places.

CROSS REFERENCES

Distribution of certain sales tax revenues to higher education tuition grants program, see Section 59‑101‑360.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

Attorney General’s Opinions

All South Carolina students, without regard to subject major, enrolled at Allen University are eligible to apply and receive state tuition grant funds, provided these students meet the qualifications issued by the South Carolina Tuition Grants Agency; the effective date of eligibility for qualifying South Carolina students at Allen University is January 12, 1979, the date of approval by the South Carolina State Board of Education, which would encompass funds for Spring Semester 1979. 1979 Op Atty Gen, No 79‑21, p 31.

Neither Section 59‑113‑20, S.C. Const. art. XI, Section 4, nor the Establishment Clause of the United States Constitution appear to bar tuition grants assistance to otherwise eligible students at Columbia Bible College. 1994 Op Atty Gen, No. 94‑14, p. 34.

NOTES OF DECISIONS

In general 1

1. In general

Section 18 of the 1985 General Appropriations Act [Act 201 of 1985] providing that state tuition grants are to be made only to students who attend independent, nonprofit, postsecondary institutions is not unconstitutional as denying equal protection to a student attending an institution operated for profit. Talley v. South Carolina Higher Educ. Tuition Grants Committee (S.C. 1986) 289 S.C. 483, 347 S.E.2d 99.

**SECTION 59‑113‑30.** Students covered by chapter; amount of grants; adjustment for scholarships.

 (A) The provisions of this chapter apply to students entering college as freshmen during the 1970‑71 academic year.

 (B) The amount of the grant to be paid for each semester, or appropriate academic term, must be determined by the Higher Education Tuition Grant Commission and the Commission shall award the maximum amount permissible under its regulations or the determined need of the student, whichever is less.

 (C) The maximum amount may not exceed the average state appropriation for each full‑time student enrolled in the state‑supported institutions of higher learning with four‑year undergraduate degree programs in the previous year. The tuition grants must be calculated annually by the Commission.

 (D) The need of each applicant must be determined by acceptable need analysis such as the parents’ confidential statement and such other analyses as the Commission may determine.

 (E) An adjustment must be made in the tuition grant of any student awarded a scholarship from any other source if the combination of grants and awards exceeds the calculated need of the student. If the scholarship is for only a portion of tuition and fees, the student may qualify for a proportionate tuition grant in accordance with the provisions of this chapter.

HISTORY: 1962 Code Section 22‑93; 1970 (56) 2579; 1988 Act No. 464, Section 2.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑113‑40.** Misapplication of grants.

 It shall be unlawful for any person to obtain, attempt to obtain, expend or attempt to expend, any tuition grant provided by this chapter for any purpose other than in payment of, or reimbursement for, the tuition cost of the student to whom such scholarship has been awarded at the institution the student is authorized to attend under the tuition grant.

HISTORY: 1962 Code Section 22‑94; 1970 (56) 2579.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑113‑45.** Disbursement of funds; awards of accrued interest on undisbursed funds.

 South Carolina Tuition Grant funds shall be disbursed to eligible students on a semester‑by‑semester basis. Interest accruing on the balance of undisbursed tuition grant funds on deposit with the State Treasurer’s office from September fifteenth through December thirty‑first shall be calculated by the State Treasurer’s office and transferred within thirty days to the South Carolina Tuition Grant Commission to be awarded as tuition grants to eligible students.

HISTORY: 1998 Act No. 419, Part II, Section 8A.

LIBRARY REFERENCES

Colleges and Universities 9.25(1).

Westlaw Key Number Search: 81k9.25(1).

C.J.S. Colleges and Universities Section 33.

**SECTION 59‑113‑47.** Exemption from mid‑year budget reductions.

 The grant funds appropriated pursuant to this chapter are exempt from mid‑year budget reductions.

HISTORY: 2008 Act No. 353, Section 2, Pt 2.A, eff July 1, 2009.

**SECTION 59‑113‑50.** “Independent institution of higher learning” defined.

 For the purposes of this chapter, an independent institution of higher learning means an:

 (1) independent eleemosynary junior or senior college in South Carolina whose major campus and headquarters are located within South Carolina and which is accredited by the Southern Association of Colleges and Secondary Schools; or

 (2) independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina.

HISTORY: 1962 Code Section 22‑95; 1970 (56) 2579; 1988 Act No. 464, Section 3; 2007 Act No. 42, Section 1, eff June 4, 2007.

Effect of Amendment

The 2007 amendment designated item (1) and added item (2).

CROSS REFERENCES

Availability of special licenses plates with college or university emblems and distribution of revenue from fees therefore, see Section 56‑3‑3710.

“Sponsor” defined, charter schools, see Section 59‑40‑40.

South Carolina National Guard College Assistance Program definitions, see S.C. Code of Regulations R. 62‑251.

Attorney General’s Opinions

The State’s disapproval of the teacher training program of an independent senior college (which is not accredited by the Southern Association) disqualifies all students for state tuition grants while attending such school during the period of disapproval. 1975‑76 Op Atty Gen, No 4430, p 285.

NOTES OF DECISIONS

In general 1

1. In general

Section 18 of the 1985 General Appropriations Act [Act 201 of 1985] providing that state tuition grants are to be made only to students who attend independent, nonprofit, postsecondary institutions is not unconstitutional as denying equal protection to a student attending an institution operated for profit. Talley v. South Carolina Higher Educ. Tuition Grants Committee (S.C. 1986) 289 S.C. 483, 347 S.E.2d 99.

One of the main purposes of the tuition grant is to reduce the cost to a student for attending the private colleges and thereby attract additional students to their campuses so as to fill the vacancies in their student body. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

And tuition grants were also intended as aid to the institution. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

While it is true that the tuition grant aids the student, it is also of material aid to the institution to which it is paid. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

Tuition grants provided under this chapter constitute aid to the participating schools. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

Expending public funds under this chapter for tuition grants to students attending any college or other institution which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization, is permanently restrained. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.

The use of public funds under this chapter to provide tuition grants to students attending participating religious institutions constitutes aid to such institutions within the meaning of, and prohibited by SC Const, Art XI, Section 9. Hartness v. Patterson (S.C. 1971) 255 S.C. 503, 179 S.E.2d 907.