

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL
2 For: Rep. Taylor, et al
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5 Date: February 8, 2016
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9 **A BILL**

10
11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
12 1976, SO AS TO ENACT THE "SOUTH CAROLINA HIGHER
13 EDUCATION GOVERNANCE ACT"; TO AMEND SECTION
14 2-47-40, AS AMENDED, RELATING TO INFORMATION
15 THAT AGENCIES MUST FURNISH THE JOINT BOND
16 REVIEW COMMITTEE, SO AS TO DELETE SPECIFICATIONS
17 OF THE PRIORITY OF EACH PROJECT AMONG THOSE
18 PROPOSED, AND SPECIFICATIONS FOR
19 RECOMMENDATIONS OF THE COMMISSION ON HIGHER
20 EDUCATION; TO AMEND SECTION 8-17-380, RELATING TO
21 GRIEVANCE AND PERFORMANCE APPRAISAL
22 PROCEDURES FOR ACADEMIC EMPLOYEES, SO AS TO
23 DELETE REFERENCES TO THE COMMISSION ON HIGHER
24 EDUCATION; TO AMEND SECTION 59-53-40, RELATING TO
25 OBLIGATION OF THE STATE BOARD FOR TECHNICAL
26 AND COMPREHENSIVE EDUCATION TO COORDINATE
27 CERTAIN EFFORTS WITH OTHER ENTITIES, SO AS TO
28 DELETE REQUIREMENTS CONCERNING SUBMISSION OF
29 PROGRAMS AND COURSES TO THE COMMISSION ON
30 HIGHER EDUCATION AND THE REQUIRED APPROVAL OF
31 THE PROGRAMS AND DEGREES BY THE COMMISSION; TO
32 AMEND SECTION 59-59-190, AS AMENDED, RELATING TO
33 THE PROMOTION OF CAREER INFORMATION AND
34 EMPLOYMENT OPTIONS BY THE COMMISSION AND
35 CERTAIN OTHER AGENCIES, SO AS TO MODIFY THE
36 NATURE OF THE OBLIGATIONS; TO AMEND SECTION
37 59-59-210, RELATING TO THE REVIEW OF ARTICULATION
38 AGREEMENTS BETWEEN SCHOOL DISTRICTS AND
39 INSTITUTIONS OF HIGHER EDUCATION, SO AS TO
40 ELIMINATE THE ADVISORY COMMITTEE ON ACADEMIC
41 PROGRAMS AND REFERENCES TO THE COMMITTEE, AND
42 TO DELETE A RELATED ANNUAL REPORTING

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1 REQUIREMENT OF THE COMMISSION; TO AMEND
2 SECTION 59-101-150, RELATING TO MANDATORY
3 GENERAL ASSEMBLY APPROVAL OF NEW PROGRAMS
4 UNDERTAKEN AT PUBLIC INSTITUTIONS OF HIGHER
5 EDUCATION, SO AS TO PROVIDE THE COMMISSION MAY
6 RECOMMEND THE TERMINATION OF A PROGRAM TO
7 EDUCATION IN A CERTAIN MANNER AND TO PROVIDE
8 RELATED PROCEDURES FOR APPROVAL AND
9 DISAPPROVAL, AND TO REQUIRE THE COMMISSION TO
10 DEVELOP AND MAINTAIN POLICES AND PROCEDURES
11 FOR APPROVING NEW PROGRAMS AND TERMINATION OF
12 EXISTING PROGRAMS; TO AMEND SECTION 59-101-190,
13 RELATING TO THE DEAN'S COMMITTEE ON MEDICAL
14 EDUCATION, SO AS TO REVISE MANDATORY MEETING
15 REQUIREMENTS; TO AMEND SECTION 59-101-350,
16 RELATING TO MANDATORY ANNUAL REPORTS OF
17 PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO THE
18 COMMISSION, SO AS TO DELETE DATA CONCERNING
19 REMEDIAL COURSE STUDENTS FROM REPORTING
20 CONTENT REQUIREMENTS OF FOUR-YEAR
21 INSTITUTIONS AND TO REQUIRE DATA CONCERNING
22 REMEDIAL COURSE STUDENTS TO REPORTING CONTENT
23 REQUIREMENTS OF TWO-YEAR INSTITUTIONS; TO
24 AMEND SECTION 59-103-35, RELATING TO BUDGET
25 REQUEST REQUIREMENTS OF PUBLIC INSTITUTIONS OF
26 HIGHER EDUCATION, SO AS TO REVISE CRITERIA FOR
27 THE REQUESTS AND TO DELETE PROVISIONS
28 CONCERNING SUPPLEMENTAL REQUESTS AND PRIOR
29 APPROVAL OF NEW PROGRAMS BY THE COMMISSION;
30 TO AMEND SECTION 59-103-40, RELATING TO THE
31 COUNCIL OF PRESIDENTS OF STATE INSTITUTIONS OF
32 HIGHER LEARNING, SO AS TO REVISE MANDATORY
33 MEETING REQUIREMENTS; TO AMEND SECTION
34 59-103-45, RELATING TO THE DUTY OF THE COMMISSION
35 TO REVIEW MINIMUM UNDERGRADUATE ADMISSIONS
36 STANDARDS, SO AS TO CHANGE "REVIEW" TO "ENSURE";
37 TO AMEND SECTION 59-103-60, RELATING TO THE
38 RECOMMENDATION OF THE COMMISSION TO THE
39 GOVERNOR AND GENERAL ASSEMBLY, SO AS TO GIVE
40 THE COMMISSION EXCLUSIVE DISCRETION OVER
41 ASCERTAINING THE DESIRABILITY OF SUCH
42 RECOMMENDATIONS; TO AMEND SECTION 59-103-80,
43 RELATING TO EXPENSES OF THE COMMISSION AND

1 COMPENSATION OF COMMISSIONERS, SO AS TO DELETE
2 ARCHAIC LANGUAGE; TO AMEND SECTION 59-103-160,
3 RELATING TO THE ENGLISH FLUENCY IN HIGHER
4 LEARNING ACT, SO AS TO DELETE OBLIGATIONS OF
5 INSTITUTIONS OF HIGHER EDUCATION AND THE
6 COMMISSION WITH RESPECT TO REPORTING POLICIES
7 CONCERNING THE ACT; TO AMEND SECTION 59-103-162,
8 RELATING TO THE SOUTH CAROLINA MANUFACTURING
9 EXTENSION PARTNERSHIP, SO AS TO PLACE REVIEW
10 OBLIGATIONS ON THE DEPARTMENT OF COMMERCE
11 INSTEAD OF THE COMMISSION; TO AMEND SECTION
12 59-103-165, RELATING TO POST-SECONDARY OPTION
13 INFORMATION PACKAGES FOR EIGHTH GRADE
14 STUDENTS AND THEIR PARENTS, SO AS TO EXPAND THE
15 BASE OF STUDENTS RECEIVING THESE PACKAGES TO
16 INCLUDE ALL MIDDLE SCHOOL STUDENTS AND HIGH
17 SCHOOL STUDENTS, TO INCLUDE STUDENT GUARDIANS
18 AMONG THOSE ENTITLED TO THE PACKETS, AND TO
19 RECHARACTERIZE THE "PACKAGES" AS "MATERIALS";
20 TO AMEND SECTION 59-103-180, RELATING TO THE
21 REQUIRED COOPERATION OF THE STATE BOARD OF
22 EDUCATION, STATE DEPARTMENT OF EDUCATION, AND
23 PUBLIC SCHOOL DISTRICTS WITH THE COMMISSION AND
24 INSTITUTIONS OF HIGHER EDUCATION IN EFFORTS TO
25 PROVIDE CERTAIN STUDENT AND FAMILY COUNSELING
26 CONCERNING POST-SECONDARY EDUCATION OPTIONS
27 AND RELATED MATTERS, SO AS TO CLARIFY THESE
28 INSTITUTIONS OF HIGHER LEARNING INCLUDE PUBLIC
29 AND INDEPENDENT INSTITUTIONS, AND TO DELETE THE
30 REQUIREMENT THAT STUDENTS BE URGED TO ATTEND
31 RELATED INFORMATION SESSIONS; TO AMEND SECTION
32 59-104-20, AS AMENDED, RELATING TO THE PALMETTO
33 FELLOWS SCHOLARSHIP PROGRAM, SO AS TO DELETE
34 THE REQUIREMENT THAT A CERTAIN PERCENTAGE OF
35 FUNDS BE ALLOCATED FOR STUDENTS ATTENDING
36 SOUTH CAROLINA INDEPENDENT COLLEGES OF HIGHER
37 LEARNING IN THIS STATE, AND TO PROVIDE
38 CIRCUMSTANCES IN WHICH STUDENTS MAY RECEIVE A
39 PALMETTO FELLOWS OR LIFE SCHOLARSHIP AWARD
40 DURING THE SUMMER, IN ADDITION TO FALL AND
41 SPRING SEMESTERS OF AN ACADEMIC YEAR; TO AMEND
42 SECTION 59-104-30, RELATING TO THE REQUIREMENT
43 THAT PUBLIC INSTITUTIONS OF HIGHER EDUCATION

1 DEVELOP PLANS FOR DEVELOPMENTAL EDUCATION,
2 AMONG OTHER THINGS, SO AS TO LIMIT THIS
3 REQUIREMENT TO SCHOOLS IN THE TECHNICAL
4 COLLEGE SYSTEM; TO AMEND SECTION 59-105-60,
5 RELATING TO THE MANDATORY OF A MODEL SEXUAL
6 ASSAULT POLICY BY THE COMMISSION UNDER THE
7 SOUTH CAROLINA CAMPUS SEXUAL ASSAULT
8 INFORMATION ACT, SO AS TO DELETE EXISTING
9 LANGUAGE AND PROVIDE EACH INSTITUTION OF
10 HIGHER EDUCATION SHALL DEVELOP AND DISTRIBUTE
11 A SEXUAL ASSAULT POLICY APPROVED BY ITS BOARD
12 OF TRUSTEES AND SUBSEQUENTLY PROVIDE THIS
13 POLICY TO THE COMMISSION, AND TO PROVIDE THE
14 COMMISSION SHALL PROVIDE A LINK TO THE POLICY AS
15 A SERVICE TO THE STUDENTS, PARENTS, AND
16 GUARDIANS ON THE INTERNET WEBSITE OF THE
17 COMMISSION; AND TO REPEAL SECTIONS 59-54-20
18 RELATING TO THE STATE OCCUPATIONAL TRAINING
19 ADVISORY COMMITTEE, 59-101-340 RELATING TO
20 "CUTTING EDGE: RESEARCH INVESTMENT INITIATIVE"
21 FUNDING ALLOCATIONS, 59-101-345 RELATING TO
22 AUTHORITY OF THE COMMISSION TO REALLOCATE
23 FUNDS BETWEEN THE PALMETTO FELLOWS PROGRAM
24 AND NEED-BASED GRANTS, 59-103-20 RELATING TO
25 STUDIES OF INSTITUTIONS OF HIGHER EDUCATION BY
26 THE COMMISSION, 59-103-36 RELATING TO THE
27 INCLUSION OF MILITARY STUDENTS IN THE COUNT OF
28 FULL-TIME EQUIVALENT STUDENTS FOR DETERMINING
29 THE APPROPRIATION TO FOUR-YEAR INSTITUTIONS OF
30 HIGHER EDUCATION, 59-103-50 RELATING TO THE
31 ADVISORY COUNCIL OF PRIVATE COLLEGE PRESIDENTS,
32 59-103-170 RELATING TO COURSEWORK COUNSELING
33 FOR EIGHTH GRADE STUDENTS AND RELATING TO
34 "EDUCATION OPTIONS WEEK", 59-104-40 RELATING TO
35 THE CONVERSION BY THE TECHNICAL EDUCATION
36 SYSTEM TO A SEMESTER CALENDAR AND RELATING TO
37 LIMITATIONS ON THE OFFERING OF CERTAIN COURSES
38 BY THE SYSTEM, 59-104-230 RELATING TO THE ENDOWED
39 PROFESSORSHIPS PROGRAM, 59-104-240 RELATING TO
40 THE SALARY ENHANCEMENT PROGRAM FOR
41 TECHNICAL COLLEGES AND TWO-YEAR CAMPUSES,
42 59-104-250 RELATING TO THE CONVERSION OF
43 TECHNICAL COLLEGE LIBRARIES TO COMPUTER-BASED

1 AUTOMATED SYSTEMS COMPATIBLE WITH STATE
2 LIBRARY SYSTEMS, 59-104-410 RELATING TO THE
3 CREATION OF THE RESEARCH INVESTMENT FUND,
4 59-104-420 RELATING TO CRITERIA FOR USE OF THE
5 RESEARCH INVESTMENT FUND, 59-104-430 RELATING TO
6 REPORTING REQUIREMENTS OF THE RESEARCH
7 INVESTMENT FUND, 59-104-440 RELATING TO
8 ALLOCATIONS UNDER THE RESEARCH INVESTMENT
9 FUND, 59-104-620 RELATING TO THE ADVISORY COUNCIL
10 ON PLANNING, 59-104-640 RELATING TO PROSPECTUS
11 FOR PLANNING BY THE COMMISSION, 59-142-20
12 RELATING TO MANDATORY PROMULGATION OF
13 REGULATIONS CONCERNING CERTAIN NEED-BASED
14 GRANT PROGRAMS BY THE COMMISSION, AND 59-143-30
15 RELATING TO THE ASSESSMENT OF NEED FOR CERTAIN
16 NEED-BASED GRANT PROGRAMS BY THE COMMISSION.

17
18 Be it enacted by the General Assembly of the State of South
19 Carolina:

20
21 SECTION 1. This act must be known and may be cited as the
22 “South Carolina Higher Education Governance Act”.

23
24 SECTION 2. Section 2-47-40(A) and (B), as last amended by Act
25 121 of 2014, is further amended to read:

26
27 “(A) To assist the authority and the Joint Bond Review
28 Committee in carrying out their respective responsibilities, any
29 agency or institution requesting or receiving funds from any source
30 for use in the financing of any permanent improvement project, as a
31 minimum, shall provide to the authority, in such form and at such
32 times as the authority, after review by the committee, may prescribe:

- 33 (1) a complete description of the proposed project;
34 (2) a statement of justification for the proposed project;
35 (3) a statement of the purposes and intended uses of the
36 proposed project;
37 (4) the estimated total cost of the proposed project;
38 (5) an estimate of the additional future annual operating costs
39 associated with the proposed project;
40 (6) a statement of the expected impact of the proposed project
41 on the five-year operating plan of the agency or institution
42 proposing the project; and

1 (7) a proposed plan of financing the project, specifically
2 identifying funds proposed from sources other than capital
3 improvement bond authorizations; and

4 ~~(8) the specification of the priority of each project among~~
5 ~~those proposed.~~

6 (B)(1) All institutions of higher learning shall submit permanent
7 improvement project proposal and justification statements to the
8 authority, through the Commission on Higher Education, which
9 shall forward all such statements and all supporting documentation
10 received to the authority together with its comments and
11 recommendations. ~~The recommendations of the Commission on~~
12 ~~Higher Education, among other things, shall include all of the~~
13 ~~permanent improvement projects requested by the several~~
14 ~~institutions listed in the order of priority deemed appropriate by the~~
15 ~~Commission on Higher Education without regard to the sources of~~
16 ~~funds proposed for the financing of the projects requested.~~

17 (2) The authority shall forward a copy of each project
18 proposal and justification statement and supporting documentation
19 received together with the authority's recommendations on such
20 projects to the committee for its review and action. The
21 recommendations of the Commission on Higher Education shall be
22 included in the materials forwarded to the committee by the
23 authority.”

24
25 SECTION 3. Section 8-17-380 of the 1976 Code is amended to
26 read:

27
28 “Section 8-17-380. (A) With respect to the teaching and research
29 faculty, professional librarians, academic administrators, and all
30 other persons holding faculty appointments at any post-secondary
31 educational institutions described in ~~item (10) of~~ Section
32 8-17-370(10), each such institution, subject to the approval of the
33 Director of the Department of Administration or its designee ~~and the~~
34 ~~Commission on Higher Education~~, shall establish in writing:

35 (a1) a performance appraisal procedure which shall assure:

36 (4a) annual review and evaluation of such employees;

37 (2b) written findings;

38 (3c) review of evaluations with each covered employee; and

39 (4d) retention of performance appraisals and written
40 comments of such employee, if any, in a permanent file with right
41 of full disclosure to the employee; and

42 (b2) a grievance procedure which ~~shall~~ must at an appropriate
43 stage provide a hearing for such employees before an individual or

1 committee designated for such purposes, at which the employee
2 shall have the right to representation by counsel and the opportunity
3 to present evidence in his behalf. Any such procedure shall include
4 the right of the employee to appeal the post-hearing decision to the
5 governing board of the institution, or a committee designated by the
6 board for this purpose, such appeal to be limited to the record of the
7 hearing. Discrimination in compensation, promotion, and work
8 assignment shall be subjects for consideration by such grievance
9 procedure. Dismissal of tenured or other permanent employees and
10 dismissal prior to the end of an employment contract term ~~shall be~~
11 only must be for cause, and ~~shall be~~ is subject for consideration by
12 such grievance procedure. The granting or the failure to grant
13 tenured status to such employees or nonrenewal of employment
14 contracts at the end of the contract term shall not be subjects for
15 consideration by such grievance procedure.

16 (B) The grievance and performance appraisal procedure
17 provided for herein ~~shall~~ must be submitted to the Department of
18 Administration or its designee ~~and the Commission on Higher~~
19 ~~Education~~ for approval within six months after the establishment of
20 ~~any~~ a new institution.”

21
22 SECTION 4. Section 59-53-40 of the 1976 Code is amended to
23 read:

24
25 “Section 59-53-40. The board and local area commissions shall
26 insure effective coordination with the public schools, other state
27 agencies, literary councils, and private and nonprofit training
28 organizations to maximize opportunities to best meet local
29 education and training needs. The board shall maintain effective
30 coordination with the Commission on Higher Education and other
31 educational boards and state agencies.

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

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

41
42 SECTION 5. Section 59-59-190(A) of the 1976 Code, as last
43 amended by Act 149 of 2014, is further amended to read:

1
2 “(A) The South Carolina Department of Employment and
3 Workforce, ~~in collaboration with~~ shall assist the State Board for
4 Technical and Comprehensive Education ~~and the Commission on~~
5 ~~Higher Education, shall assist,~~ the Department of Education, and the
6 Commission on Higher Education in planning and promoting the
7 career information and employment options and preparation
8 programs provided for in this chapter by:

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

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

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

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

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

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

22
23 SECTION 6. Section 59-59-210 of the 1976 Code, as added by Act
24 88 of 2005, is amended to read:

25
26 “Section 59-59-210. (A) ~~By September 2005, the Commission~~
27 ~~on Higher Education shall convene the Advisory Committee on~~
28 ~~Academic Programs to address articulation agreements between~~
29 ~~school districts and public institutions of higher education in South~~
30 ~~Carolina to provide seamless pathways for adequately prepared~~
31 ~~students to move from high school directly into institutions of higher~~
32 ~~education. The committee shall review, revise, and recommend~~
33 ~~secondary to postsecondary articulation agreements and promote~~
34 ~~the development of measures to certify equivalency in content and~~
35 ~~rigor for all courses included in articulation agreements. The~~
36 ~~advisory committee shall include representatives from the research~~
37 ~~institutions, four year comprehensive teaching institutions,~~
38 ~~two year regional campuses, and technical colleges. The committee,~~
39 ~~for purposes pursuant to this chapter, shall include representation~~
40 ~~from the State Department of Education, and school district~~
41 ~~administrators, to include curriculum coordinators and guidance~~
42 ~~personnel.~~

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

14 ~~(CB) The advisory committee~~ Commission on Higher
15 Education, in collaboration with the Department of Education, shall
16 coordinate work to study the content and rigor of high school
17 courses in order to provide a seamless pathway to postsecondary
18 education.

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

22
23 SECTION 7. Section 59-101-150 of the 1976 Code is amended to
24 read:

25
26 "Section 59-101-150. ~~(A) No~~ A new program ~~shall~~ may not be
27 undertaken by ~~any~~ a state-supported institution of higher learning
28 without the approval of the Commission or the General Assembly.

29 (B) The commission may recommend the termination of an
30 existing program at an institution within the purview of this act, and
31 shall submit program termination recommendations to the Senate
32 Education Committee and the House Education and Public Works
33 Committee no later than the second Tuesday in January of each year.
34 An appeal of this recommendation must be made by the governing
35 board of an affected institution within sixty days to the Senate
36 Education Committee and the House Education and Public Works
37 Committee, which shall hear the parties to the appeal. If the
38 committees concur in the recommendation for termination, the
39 program will be terminated at a time to be determined by the
40 commission. The committees shall reach a decision within one
41 hundred and twenty days after the date of the filing of the appeal or
42 the decision of the commission prevails.

1 (C) The commission shall develop and maintain policies and
2 procedures for the approval of new programs and termination of
3 existing programs.”
4

5 SECTION 8. Section 59-101-190 of the 1976 Code is amended to
6 read:
7

8 “Section 59-101-190. (A) There is created a Deans’ Committee
9 on Medical Education consisting of nine members as follows:

- 10 (1) President, University of South Carolina or his designee;
11 (2) President, Medical University of South Carolina or his
12 designee;
13 (3) Dean or acting dean, School of Medicine, University of
14 South Carolina;
15 (4) Dean or acting dean, School of Medicine, Medical
16 University of South Carolina;
17 (5) two members appointed by the Commission on Higher
18 Education, one of whom must be a physician with experience in
19 medical education and one of whom must be a representative of the
20 business community; and
21 (6) three members of the Area Health Education Consortium
22 medical education director’s committee, who ~~shall~~ represent
23 graduate medical education, to be appointed by the Commission on
24 Higher Education.

25 (B)(1) The terms of the members selected under ~~items~~ subsection
26 (A)(5) and (6) above shall be are for four years and until their
27 successors are appointed and qualify. In making these appointments,
28 the Commission on Higher Education, to the extent possible, shall
29 ensure geographic representation of all regions of the State.

30 (2) Vacancies ~~shall~~ must be filled in the manner of original
31 appointment.

32 (C) The Deans’ Committee on Medical Education also may ~~also~~
33 contain nonvoting members invited to attend meetings by the
34 committee on an ad hoc basis. The chairmanship of the ~~deans’~~
35 committee ~~shall~~ must alternate between the Dean of the School of
36 Medicine of the University of South Carolina and the Dean of the
37 College of Medicine of the Medical University of South Carolina.
38 The term of the chairman ~~shall be~~ is two years, and the committee
39 at its first meeting after the effective date of this provision shall
40 determine by majority vote the person who will first serve as
41 chairman. Meetings ~~shall~~ must be held ~~at least quarterly during each~~
42 year at the call of the chair and not less than annually.

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

12 (E) The committee shall report to the Commission on Higher
13 Education through the commission's Committee on Academic
14 Affairs. The deans' committee shall provide oversight of the Area
15 Health Education Consortium and the consortium of teaching
16 hospitals by reviewing and approving its strategic plan and budget.
17 The Commission on Higher Education shall furnish adequate
18 meeting space and professional and secretarial assistance for the
19 committee.”

20
21 SECTION 9. Section 59-101-350 (B) and (C) of the 1976 Code is
22 amended to read:

23
24 “(B) Each four-year, post-secondary institution shall submit to the
25 commission the following information for inclusion in the report,
26 with the South Carolina Department of Corrections' students
27 identified and reported separately:

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

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

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

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

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

39 ~~(6)~~ placement data on graduates;

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

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

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

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

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

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

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

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

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

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

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

32 (4) placement rate on graduates;

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

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

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

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

5 (9) the percent and number of students enrolled in remedial
6 courses and the number of students exiting remedial courses and
7 successfully completing entry-level curriculum courses."
8

9 SECTION 10. Section 59-103-35 of the 1976 Code is amended to
10 read:

11
12 "Section 59-103-35. All public institutions of higher learning
13 shall submit annual budget requests to the commission in the
14 manner set forth in this section. The State Board for Technical and
15 Comprehensive Education shall submit an annual budget request to
16 the commission representing the total requests of all area-wide
17 technical and comprehensive educational institutions. ~~The Budget~~
18 requests submitted to the commission by each institution and the
19 State Board for Technical and Comprehensive Education must
20 include all state funds, federal grants, tuition, and fees other than
21 funds derived wholly from athletic or other student contests, from
22 the activities of student organizations, from approved private
23 practice plans, and from the operation of canteens and bookstores
24 which may be retained by the institutions and be used as determined
25 by the respective governing boards, subject to annual audit by the
26 State. Such other financial information that may not be included in
27 the initial budget requests must be submitted to the commission
28 upon request by each institution and the State Board for Technical
29 and Comprehensive Education. Fees established by the respective
30 governing boards for programs, activities, and projects not covered
31 by appropriations or other revenues may be retained and used by
32 each institution as previously determined by the respective
33 governing boards, subject to annual audit by the State. Once
34 approved, the budget request for the public higher education system
35 ~~shall~~ must be submitted by the commission to the Governor and
36 appropriate standing committees of the General Assembly in
37 conjunction with the preparation of the annual general
38 appropriations act for the applicable year.

39 ~~Supplemental appropriations requests from any public institution~~
40 ~~of higher education must be submitted first to the commission. If the~~
41 ~~commission does not concur in the requests, the affected institution~~
42 ~~may request a hearing on the requests before the appropriate~~
43 ~~committee of the General Assembly. The commission may appear~~

1 at the hearing and present its own recommendations and findings to
2 the same committee. The provisions of this paragraph do not apply
3 to any capital improvement projects funded in whole or in part prior
4 to July 30, 1996.

5 No new program may be undertaken by any public institution of
6 higher education without the approval of the commission. The
7 provisions of this chapter apply to all college parallel, transferable,
8 and associate degree programs of technical and comprehensive
9 education institutions. All other programs and offerings of technical
10 and comprehensive education institutions are excluded from this
11 chapter.”

12
13 SECTION 11. Section 59-103-40 of the 1976 Code is amended to
14 read:

15
16 “Section 59-103-40. The commission shall establish a council of
17 presidents consisting of the presidents of the State institutions of
18 higher learning. The council of presidents shall appoint a chairman
19 and such other officers and committees as it may see fit. ~~It shall meet~~
20 ~~at least four times a year, of which two meetings will be held jointly~~
21 ~~with the Commission. The council shall meet upon the call of the~~
22 ~~chair and shall meet at least once annually with the commission.~~ The
23 council of presidents shall establish committees consisting of
24 qualified personnel representing the various State-supported
25 institutions of higher learning, either upon request of the
26 commission or upon its own initiative, to investigate, study and
27 report to the commission on such subjects as:

- 28 (a~~1~~) academic planning;
29 (b~~2~~) business and financial coordination; and
30 (c~~3~~) library utilization and coordination.”

31
32 SECTION 12. Section 59-103-45(3) of the 1976 Code is amended
33 to read:

34
35 “(3) ~~review~~ ensure minimum undergraduate admissions
36 standards for in-state and out-of-state students;”

37
38 SECTION 13. Section 59-103-60 of the 1976 Code is amended to
39 read:

40
41 “Section 59-103-60. The commission shall make such
42 recommendations to the ~~Governor’s~~ Office of the Governor and the
43 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 discretion
3 of the commission. The House Ways and Means Committee, the
4 Senate Finance Committee, and the Office of the Governor may
5 refer to the commission for investigation, study, and report any
6 requests of institutions of higher learning for new or additional
7 appropriations for operating and for other purposes and for the
8 establishment of new or expanded programs.”

9
10 SECTION 14. Section 59-103-80 of the 1976 Code is amended to
11 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 sum~~
19 ~~appropriated for the use of the commission shall be expended upon~~
20 ~~warrants signed by the chairman.”~~

21
22 SECTION 15. Section 59-103-160 of the 1976 Code is amended
23 to read:

24
25 “Section 59-103-160. (A) This section may be cited as the
26 English Fluency in Higher Learning Act.

27 (B) The following words and phrases when used in this section
28 have the meanings given to them unless the context clearly indicates
29 otherwise:

30 ‘Instructional faculty’ means every member of a public
31 institution of higher learning whose first language is not English,
32 other than visiting faculty but including graduate teaching assistants,
33 who teaches one or more undergraduate credit courses at a campus
34 of that institution within this State except:

35 (1) courses that are designed to be taught predominately in
36 a foreign language;

37 (2) student participatory and activity courses such as
38 clinics, studios, and seminars;

39 (3) special arrangement courses such as individualized
40 instruction and independent study courses; and

41 (4) continuing education courses.

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

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

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

7 ~~(D)(1) Each institution of higher learning must submit its policy~~
8 ~~or amendments to the Commission on Higher Education within six~~
9 ~~months from the effective date of this section. Any amendments to~~
10 ~~the policy must be promptly forwarded to the commission. The~~
11 ~~commission shall notify the chairmen of the Senate and House~~
12 ~~Education Committees of those institutions not submitting plans and~~
13 ~~any amendment to the commission.~~

14 ~~(2) Each institution of higher learning must report annually to~~
15 ~~the Commission on Higher Education and the chairmen of the~~
16 ~~Senate and House of Representatives Education Committees~~
17 ~~grievances filed by students under the requirement of subsection~~
18 ~~(C)(2) and the disposition of those grievances.”~~

19
20 SECTION 16. Section 59-103-162 of the 1976 Code is amended
21 to read:

22
23 “Section 59-103-162. The South Carolina ~~Commission on Higher~~
24 ~~Education Department of Commerce annually~~ shall review annually
25 the activities of the South Carolina Manufacturing Extension
26 Partnership, make a budget recommendation to the General
27 Assembly, and coordinate the allocation of funds among each
28 participating institution. The funds appropriated to the University of
29 South Carolina - Columbia for the South Carolina Manufacturing
30 Extension Partnership may not be used for any other purpose. The
31 ~~Commission department also~~ shall review the membership of the
32 South Carolina Manufacturing Extension Partnership board to
33 insure appropriate representation of each participating institution.”

34
35 SECTION 17. Section 59-103-165 of the 1976 Code is amended
36 to read:

37
38 “Section 59-103-165. The Commission on Higher Education is
39 directed to work with the state’s public institutions of higher
40 education, and ~~private independent~~ institutions of higher education
41 which wish to participate, to develop information ~~packages~~
42 ~~materials~~ for ~~eighth-grade middle school and high school~~ students
43 and their parents or guardians on the options of post-secondary

1 education available in South Carolina, the courses required to attend
2 South Carolina public colleges and universities, and the financial
3 requirements and assistance available for students pursuing
4 additional education after high school.

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

11
12 SECTION 18. Section 59-103-180 of the 1976 Code is amended
13 to read:

14
15 “Section 59-103-180. The State Board of Education, the State
16 Department of Education, and the state’s public school districts and
17 schools shall cooperate with the Commission on Higher Education
18 and the public and independent institutions of higher education in
19 providing the counseling post-secondary information materials and
20 shall assist in any manner considered appropriate by them. The
21 schools shall make special efforts to ensure that as many students
22 and parents or guardians as possible are made aware of the
23 opportunity, ~~are urged to attend the sessions, and receive the~~
24 ~~information to participate in post-secondary education.”~~

25
26 SECTION 19. Section 59-104-20 of the 1976 Code, as last
27 amended by Act 353 of 2008, is further amended to read:

28
29 “Section 59-104-20. (A) The Palmetto Fellows Scholarship
30 Program is established to foster scholarship among the state’s
31 post-secondary students and retain outstanding South Carolina high
32 school graduates in the State through awards based on scholarship
33 and achievement. Measures must be taken to ensure equitable
34 minority participation in this program. Recipients of these
35 scholarships are designated Palmetto Fellows. Each Palmetto
36 Fellow shall receive a scholarship in an amount not to exceed six
37 thousand seven hundred dollars. These scholarships in combination
38 with all other grants and scholarships shall not exceed the cost of
39 attendance at the institution attended. The commission shall
40 promulgate regulations and establish procedures to administer the
41 program and request annual state appropriations for the program.

42 (B) Students, either new or continuing, must not have been
43 adjudicated delinquent or been convicted or pled guilty or nolo

1 contendere to any felonies or any second or subsequent alcohol or
2 drug-related offenses under the laws of this or any other state or
3 under the laws of the United States in order to be eligible for a
4 Palmetto Fellows Scholarship, except that a high school or college
5 student otherwise qualified who has been adjudicated delinquent or
6 has been convicted or pled guilty or nolo contendere to a second or
7 subsequent alcohol or drug-related misdemeanor offense
8 nevertheless shall be eligible or continue to be eligible for such
9 scholarships after the expiration of one academic year from the date
10 of the adjudication, conviction, or plea.

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

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

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

29 ~~(F)~~ For purposes of subsection ~~(E)~~:

30 (1) 'Public or independent institution' means a:

31 (a) South Carolina public institution defined in Section
32 59-103-5, excluding a public two-year or technical institution, and
33 an independent institution as defined in Section 59-113-50,
34 excluding an eleemosynary junior or independent two-year
35 institution; or

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

39 (2) 'Resident student' means a:

40 (a) student who is either a member of a class graduating
41 from a high school located in this State, a home school student who
42 has successfully completed a high school home school program in
43 this State in the manner required by law, or a student graduating

1 from a preparatory high school outside this State, while a dependent
2 of a parent or guardian who is a legal resident of this State and has
3 custody of the dependent; and

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

7 ~~(F)~~(1) In addition to qualifications established by regulation,
8 to qualify for a Palmetto Fellows Scholarship, a student shall:

9 (1a) meet the following three criteria:

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

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

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

24 (2b) meet the following two criteria:

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

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

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

41 ~~(H)~~ Notwithstanding another provision of law, a student who
42 met the initial eligibility requirements to receive a Palmetto Fellows
43 Scholarship Award as a senior in high school and has met the

1 continuing eligibility requirements shall receive the award. A
2 student who received a Palmetto Fellows Scholarship Award as a
3 senior in high school but declined the award is eligible to reapply
4 for the annual scholarship, providing he meets all of the initial and
5 continuing academic eligibility requirements of the Palmetto
6 Fellows program, if he transfers to a qualifying South Carolina
7 institution of higher learning. The number of semesters or academic
8 years a student attended an out-of-state institution are to be deducted
9 from the number of semesters or academic years a student is eligible
10 for the scholarship. All funding provided for Palmetto Fellows
11 Scholarships regardless of its source or allocation must be used to
12 implement the provisions of this subsection.

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

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

35
36 SECTION 20. Section 59-104-30 of the 1976 Code is amended to
37 read:

38
39 “Section 59-104-30. ~~(A) Each public institution of higher~~
40 ~~learning~~ The technical college system in this State shall develop a
41 plan for developmental education in accord with provisions,
42 procedures, and requirements developed by the Commission on
43 Higher Education.

1 (B) The commission shall:
2 (1) conduct a study as well as evaluations and reviews of
3 developmental education in this State. ~~The commission shall; and~~
4 (2) develop appropriate methods of funding developmental
5 education programs and courses.”
6

7 SECTION 21. Section 59-105-60 of the 1976 Code is amended to
8 read:
9

10 “Section 59-105-60. ~~The Commission on Higher Education~~
11 ~~shall develop, print, and distribute a model sexual assault policy for~~
12 ~~institutions of higher learning, which complies with the~~
13 ~~requirements herein. The model policy shall be distributed to all~~
14 ~~institutions of higher learning in the State for their use as a reference~~
15 ~~in formulating their sexual assault policy~~ Each institution of higher
16 education shall develop and distribute a sexual assault policy
17 approved by its board of trustees. The policy, once approved or
18 modified, must be provided to the Commission on Higher
19 Education, which shall provide a link on the commission’s Internet
20 website to the policy as a service to the students, parents, and
21 guardians.”
22

23 SECTION 22. Sections 59-54-20, 59-101-340, 59-101-345,
24 59-103-20, 59-103-36, 59-103-50, 59-103-170, 59-104-40,
25 59-104-230, 59-104-240, 59-104-250, 59-104-410, 59-104-420,
26 59-104-430, 59-104-440, 59-104-620, 59-104-640, 59-142-20, and
27 59-143-30 of the 1976 Code are repealed.
28

29 SECTION 23. This act takes effect upon approval by the
30 Governor.
31

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