

# CHAPTER 62

## State Commission on Higher Education

### ARTICLE I LICENSING NONPUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS

(Statutory Authority: 1976 Code §§ 59-58-10 through 59-58-140)

#### **62-1. Authority to Issue Licenses to Certain Nonpublic Educational Institutions.**

A. Pursuant to the authority granted to the Commission on Higher Education by Chapter 58 of Title 59, South Carolina Code of Laws, 1976, as amended, regulations for the issuing of licenses to nonpublic educational institutions, and the issuing of permits to agents representing such institutions are hereby established.

B. A license to operate a nonpublic educational institution or a permit to act as an agent for a nonpublic educational institution will be granted only to persons, partnerships, or corporations that have complied with Chapter 58 of Title 59, South Carolina Code of Laws, 1976, as amended, and the procedures and regulations of the Commission on Higher Education.

**HISTORY:** Former Regulation 62-1 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 17, Issue No. 7, eff July 23, 1993.

#### **62-2. Definitions.**

As used in these regulations, terms are defined by Section 59-58-20, South Carolina Code of Laws, 1976, as amended.

The authority of the Commission under these regulations may be delegated by the Commission to the Commissioner or other designee.

**HISTORY:** Former Regulation 62-2 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

#### **62-3. Exclusions.**

As used in these regulations, the exclusions shall be those listed in Section 59-58-30 South Carolina Code of Laws, 1976, as amended.

**HISTORY:** Former Regulation 62-3 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 17, Issue No. 7, eff July 23, 1993.

#### **62-4. Institutional Licensing.**

The following specific regulations apply to nonpublic educational institutional licensing:

- A. An institution must not begin operation until a license has been granted.
- B. Students must not be solicited until an institution has been licensed.
- C. A license is not transferable. In the event of a change in ownership of a licensed institution, the new owner or governing body must secure a license.
- D. A license may be renewed if the institution submits its license renewal application and the required documentation in compliance with procedures to be provided by the Commission. The application and documentation must be submitted at least one-hundred twenty days before the

expiration of the current license for degree-granting institutions, and forty-five days before expiration of the current license for nondegree-granting institutions.

E. A license will be issued for each location and shall specify the courses or programs that the institution is authorized to offer, the sites at which these courses or programs may be offered, and the certificates, diplomas, and degrees that the institution is authorized to award. An institution that seeks to offer unauthorized programs, begin a new program, add a new site, or award a certificate, diploma, or degree for which a license has not been issued must file for amendment to its license. The Commission will not license new programs and/or new sites if the new activities may threaten the institution's financial stability or threaten its ability to continue operation or to make timely refunds. In the absence of extenuating circumstances and resources, the Commission will not license additional activities at a nondegree-granting institution until the institution has at least taught a complete program cycle or within six months of initial licensure or licensure of an additional site.

F. Each institution shall prominently display its license at its place of business.

G. No institution shall divide or structure a program of instruction or educational service to avoid the application of any provision of these regulations.

H. An entity that offers flight training with the statement or implication that their primary objective is to train persons for gainful employment must apply for a license.

I. The Commission may, as necessary, investigate any entity subject to, or believed by the Commission to be subject to, the jurisdiction of Chapter 58 of Title 59, South Carolina Code of Laws, 1976, as amended. Such investigation may include the physical inspection of the institution's facilities and records.

**HISTORY: Former Regulation 62-4 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.**

### **62-5. Effect of Licensing on State Plan to Improve Access and Equity.**

A. This regulation applies to degree-granting institutions only. The Commission may not license any institution to offer a degree if the Commission determines that the degree adversely affects the goals of its plan to improve access and equity minority affairs programs in public institutions of higher education. To help the Commission in making this determination, an institution seeking a license or seeking to amend a license to offer a new degree or to offer a degree at a new location shall provide the following information:

(1) Anticipated student enrollment for three years by race.

(2) Proposed faculty for three years by race.

(3) An explanation of how the proposed degree will affect efforts to afford equity and equal opportunity to postsecondary students in the State.

(4) A description of the anticipated effect of the offering on the racial composition of any similar degree or degrees offered by public colleges or universities in the State.

B. The Commissioner will evaluate the information provided by the proposing institution and will notify the appropriate committee of the Commission on Higher Education concerning the Commissioner's findings and recommendations.

**HISTORY: Former Regulation 62-5 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

### **62-6. Licensing Criteria.**

The Commission may license the institution after due investigation has revealed that the institution and its programs have met the following criteria:

A. The course, program, curriculum, and instruction are of quality, content, and length as may reasonably and adequately achieve the stated objective for which the course, program, curriculum or instruction is offered and in response to documented need. For specific program length and instructor qualifications, see Regulations 62-9 through 62-13.

i. An accrediting body recognized by the U. S. Department of Education or the Council for Higher Education Accreditation must accredit out-of-state degree-granting institutions.

ii. Within a period of time that the institution may reasonably expect to meet the requirements, an in-state degree-granting institution must gain candidate or applicant status as appropriate for accreditation and subsequently accreditation from an accrediting body approved by the Commission, typically one recognized by the U.S. Department of Education or the Council for Higher Education Accreditation. The period of time to gain candidate status (up to four years) and accreditation (up to a total of eight years) will be determined by the Commission in consultation with the institution. To determine the appropriate accrediting agency and length of time within which an institution must gain candidate/applicant status and accreditation, the Commission must take into consideration the objectives and length of the programs and requirements of the accrediting body.

iii. An accrediting body approved by the Commission must accredit an in-state nondegree-granting institution before the institution seeks licensure to offer programs leading to degrees.

B. There is in the institution adequate space, equipment, instructional material, and appropriately qualified instructional personnel to provide training and education of good quality. The student-teacher ratio shall be reasonable at all times in keeping with generally accepted teaching modes for the subject matter. Skill training requires more attention, and thereby requires smaller classes. The institution must employ at least one full-time faculty for each major, curricular area, or concentration. This requirement may be met by faculty at the main campus and/or at locations within South Carolina. A full-time faculty member is one whose major employment is with the institution, whose primary assignment is in teaching and/or research, and whose employment is based on a contract for full-time employment. Institutions must ensure that each faculty member employed is proficient in oral and written communication in the language in which assigned courses will be taught. The institution must keep on file for each full-time and part-time faculty member documentation of academic preparation, such as official transcripts and, if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other qualifications. Institutions are encouraged to recruit and select faculty whose highest degree is earned from a broad representation of institutions.

C. The institution owns or makes available sufficient learning resources or, through formal agreements with institutional or other (where adequate) libraries to which students have access, ensures the provision of and access to adequate learning resources and services required to support the courses, programs and degrees offered. Formal agreements are defined and understood as written agreements in which each of the parties states clearly the resources and services it is willing and able to provide. Formal agreements shall be regularly reviewed and reaffirmed by participating parties.

D. A procedure exists for maintaining written records of the previous education and training of the applicant student clearly showing that appropriate credit is given by the institution, shortening the education and training period where warranted, and notifying the student. The policy must include the requirement for official transcripts of credit earned from institutions previously attended and qualitative and quantitative criteria for acceptability of transfer work. Institutions must award credit in accord with commonly accepted good practice in higher education. Institutions that award credit for experiential learning must do so under recognized guidelines that aid in evaluation for credit such as those prescribed by the American Council on Education. At least twenty-five percent of the program must be earned through instruction by the institution awarding the degree. Articulation agreements between associate and baccalaureate degree-granting institutions should be evaluated periodically to ensure an equitable and efficient transfer of students. "Inverted," "two plus two" and similar programs must include an adequate amount of advanced coursework in the subject field. Not more than sixty-four credit hours (approximately one-half) of a baccalaureate program may be transferred from a two-year (Level I accredited) institution. Out-of-state institutions offering programs at branch sites must grant transfer credit into the same programs at its principal location.

E. The institution has developed satisfactory course and program outline(s) including syllabi for each course specifying goals and requirements, course content, methods of evaluation, and bibliography; a schedule of tuition, fees, other charges and refund policy; attendance policy; grading policy including a policy for incomplete grades; rules of operation and conduct; and a policy for handling student complaints in compliance with Regulation 62-27.

F. The institution must award the student an appropriate certificate, diploma or degree showing satisfactory completion of the course, program, or degree.

G. Adequate records as prescribed by the Commission are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

H. The institution complies with all local, county, and state regulations, such as fire, building, and sanitation codes. The Commission may require evidence of such compliance.

I. The institution is financially sound and can fulfill its commitments for education or training.

J. The institution's owners and directors are appropriately experienced and educated and are of good reputation and character. Site directors should be credentialed at the same level as the highest degree conferred at the site. Chief Academic Officers (those who choose faculty) must be credentialed at the same level as required for faculty. Exceptions must be documented and approved by the Commission. All administrative officers must possess credentials, experience and/or demonstrated competence appropriate to their areas of responsibility. The effectiveness of all administrators must be evaluated periodically. A person is considered to be of good reputation if:

(1) The person has no felony convictions related to the operation of a school, and the person has been rehabilitated from any other felony convictions;

(2) The person has no convictions involving crimes of moral turpitude;

(3) Within the last ten years, the person has never been successfully sued for fraud or deceptive trade practice;

(4) The person is not a plaintiff or defendant in litigation that carries a significant risk to the ability of the institution to continue operation;

(5) The person does not own a school currently violating legal requirements; has never owned a school with habitual violations; or has never owned a school that closed with violations including, but not limited to, unpaid refunds; or

(6) The person has not knowingly falsified or withheld information from representatives of the Commission.

K. The institution has, maintains, and publishes in its catalog, bulletin, or brochure and in its enrollment contract the proper refund policy that complies with Regulation 62-18.

L. The institution does not use erroneous or misleading advertising by actual statement, omission, or intimation.

M. The institution does not use a name that is misleading, the same as or similar to that of an existing institution.

N. The institution publishes and enforces admission requirements consistent with the purposes of the institution. To be admitted to degree programs, applicants must show official high school transcripts or GED scores. Official transcripts and GED scores must be a part of the admitted student's file.

O. The institution does not owe a penalty under Chapter 58 of Title 59, South Carolina Code of Laws, 1976.

P. The institution provides to each student before enrollment a catalog, bulletin or brochure meeting the requirements of Regulation 62-16.

Q. Any student living quarters owned, maintained, or approved by the institution are appropriate, safe and adequate.

R. All new programs and all major program revisions have been reviewed and approved by the Commission before the proposed date of implementation.

S. The institution shall comply with such additional criteria as may be required by the Commission.

**HISTORY:** Former Regulation 62-6 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008.

### **62-6.1. Distance Education.**

Programs offered by distance education must meet the licensing requirements of the Nonpublic Postsecondary Institution License Act, this Chapter, and policies, guidelines, and procedures regarding distance education adopted by the Commission.

**HISTORY:** Added by State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

## 62-6.2. Evaluation and Assessment.

The institution must have a clearly defined process by which the curriculum is established, reviewed, and evaluated. The institution must provide for appropriate and regular evaluation of the institution and its program and course effectiveness including assessment of student learning, retention, graduation rates, and student, graduate, faculty, and employer satisfaction. The results must be used to ensure and improve quality of instruction.

**HISTORY:** Added by State Register Volume 27, Issue No. 3, eff March 28, 2003.

## 62-7. Bond Requirement.

A. Before an institution is licensed, a surety bond must be provided by the institution. The obligation of the bond will be that the institution, its officers, agents, and employees will 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 shall be issued by a company authorized to do business in the State. The bond shall be to the Commission, in such 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. The losses must be as a result of the closing of the institution. The Commission may use the funds to pay refunds of unearned tuition and fees, to pay for or subsidize the cost of providing facilities and instruction for students to complete their programs, or to pay expenses to store and maintain 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 notice by certified mail 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 Commission.

C. Before an original license is issued, the institution shall have executed a surety bond in an amount not less than ten percent of the projected annualized gross income of the proposed program(s) to be licensed, in ten thousand dollar increments. However, if the projected annualized gross tuition income of the proposed program(s) is less than five thousand dollars, the initial bond must be in an amount at least equal to the projected income, but in no event will the bond be less than five thousand dollars.

D. The minimum amount of bond to be submitted with a renewal application will be based on the annual gross tuition income from licensed programs for the previous year. No additional programs may be offered without appropriate adjustment to the bond amount.

(1)

Previous year's annual gross tuition income	Minimum bond
\$ 0 - \$100,000	\$10,000
\$101,000 - \$200,000	\$20,000
\$201,000 - \$300,000	\$30,000
\$301,000 and above	10%, calculated at \$100,000 increments

(2) For out-of-state institutions licensed to offer their program(s) to residents of the State, gross tuition income means that income generated from students enrolled in the State. The bond for an out-of-state institution shall not be less than \$20,000, unless otherwise specified by the Commission, but in no event shall be less than \$10,000.

E. Institutions shall provide a statement by a school official and written evidence confirming that the amount of the bond meets the requirements of this regulation. The Commission may require that such statement be verified by an independent certified public accountant if the Commission determines that the written evidence confirming that the amount of the bond is questionable.

F. Instead of the surety bond, the institution may pledge other means of collateral acceptable by 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.

**HISTORY:** Former Regulation 62-7 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 32, Issue No. 6, eff June 27, 2008.

## **62-8. Financial Resources.**

The adequacy of the financial resources of an institution shall be judged in relation to the basic purpose of the institution, the scope of its program(s), and the number of current or anticipated students. These resources shall be sufficient to show that the institution possesses adequate liquid assets to make potential refunds to students and to pay expenses in a timely fashion and can maintain continuity for an extended period. Evidence of adequate liquid assets for institutions applying for initial licensure may be in cash or other assets that may be readily converted into cash to buy goods and services or to satisfy obligations in an amount equal to start-up costs, expenses, and projected tuition income for the first term of enrollment. The financial management practices of the institution shall conform to the following standards:

A. Institutions shall maintain adequate financial records and exercise proper management, financial controls, and business practices.

B. All institutions must submit financial statements. If the statements are internally generated (not compiled by an independent certified public accountant or audited), a copy of the most recent income tax return must also be submitted. Accounting statements must be accrual. Institutions required to submit audited financial statements to the United States Department of Education must submit a copy of the statements to the Commission.

C. "Liabilities" shall include unearned tuition. "Current assets" shall not include any of the following:

- (1) Intangible assets, including goodwill, going concern value, organization expense, start-up costs, long-term repayment of deferred charges, and non-returnable deposits, or
- (2) State or federal grant funds that are not the property of the institution but are for future disbursement for the benefit of students.

D. Adequate insurance shall be carried to protect the institution's financial interests. The amount of insurance shall be sufficient to maintain the solvency of the institution in case of loss by fire or other causes, to protect the institution in instances of personal and public liability, and to assure continuity of the operation of the institution.

E. Degree-granting institutions shall maintain a sound plan for long-range financial development. The plan must be in writing and available for review.

F. Degree-granting institution's business and financial management shall be centralized under a qualified and bonded business officer responsible to the chief executive officer and charged with the supervision of the budget.

G. If the Commission determines that an institution is not financially sound, the Commission may, under terms and conditions prescribed by the Commission, require the institution to submit for its latest complete fiscal year and its current fiscal year, the following:

- (1) A financial audit of the institution conducted by a licensed certified public accountant, following generally accepted auditing standards, which provides a detailed and accurate picture of the financial status of the institution since the preceding audit. The audit shall be an unqualified audit. For management issues raised by an audit, the latest audit shall show resolution of exceptions noted in the previous audit.
- (2) The institution's financial plan for establishing financial responsibility.
- (3) Any other information requested by the Commission.

H. If the Commission believes that the financial condition of an institution has deteriorated to the detriment of its students, the Commission may, upon thirty days notice, require the submission of monthly operating statements and/or current financial information.

I. During the period of licensure, the method of computing financial statements shall not be changed without prior approval of the Commission.

J. This regulation shall not prevent the Commission from taking any other actions authorized under these regulations.

**HISTORY:** Former Regulation 62-8 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

### **62-9. Program and Instructor Requirements for Certificate Programs.**

A. Certificate programs typically consist of one or more technical courses, usually completed in one to twenty-six weeks, with a single skill objective and at least twenty and no more than six hundred clock hours, thirty-six quarter credit hours or twenty-four semester credit hours. Generally, at least ninety percent of the program shall be in technical courses prescribed by the program's objectives.

B. Certificate program instructors must:

- (1) have appropriate academic preparation or
- (2) have a high school diploma or GED, and
- (3) have completed a training or degree program in the applicable occupational area, and
- (4) have a minimum of two years of practical experience in the occupation or subject or the equivalent, and
- (5) have training to teach, and
- (6) demonstrate up-to-date knowledge and continuing study of the particular subject field.

C. Notwithstanding section B above, modeling instructors must have:

- (1) appropriate academic preparation or
- (2) six months of acceptable experience in modeling or related specialized occupations and completion of a modeling or specialized program in the occupational area to be taught, or
- (3) one year of acceptable experience in the occupational area of the training offered.

D. Notwithstanding sections B and C above, tax preparation instructors must have:

- (1) appropriate academic preparation or
- (2) six months of tax preparation experience within the last five years of which two hundred hours are within the last twenty-four months or a suitable update course within the past twelve months.

E. Notwithstanding sections B, C and D above, the curricula and instructor requirements set by the Federal Aviation Administration for flight training will be the minimum standards.

**HISTORY: Former Regulation 62-9 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

### **62-10. Program and Instructor Requirements for Diploma Programs.**

A. Diploma programs typically shall range in length from more than six hundred clock hours but less than one thousand five hundred clock hours, more than forty but less than ninety quarter credit hours, or more than twenty-seven but less than sixty semester credit hours. Generally, at least eighty percent of the program shall be in the technical courses prescribed by the program's objectives. Diploma programs must include at least 40 clock hours (or equivalent credit hours) in each of the following areas: postsecondary English, math, and social or behavioral science for a total of at least 120 clock hours (or equivalent credit hours).

B. Diploma program instructors must:

- (1) have appropriate academic preparation or
- (2) have a high school diploma or GED, and
- (3) have completed a training or degree program in the applicable occupational area, and
- (4) have a minimum of two years of practical experience in the occupation or subject or the equivalent, and
- (5) have training to teach, and
- (6) demonstrate up-to-date knowledge and continuing study of the particular subject field.

C. Instructors assigned to teach general education courses in a diploma program shall hold a bachelor's degree in the subject matter or have a bachelor's degree with a minimum of eighteen semester hours of courses in the discipline. Exceptions to academic preparation may be made with the consent of the Commission.

D. Notwithstanding the requirements of this section, the Commission may license out-of-state institutions accredited by a recognized accrediting agency to recruit in South Carolina.

**HISTORY:** Former Regulation 62-10 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

## **62-11. Program and Instructor Requirements for Associate Degree Programs.**

A. Associate degree programs are lower-division college programs which typically consist of courses that full-time students may complete in a minimum of two academic years, i.e., six to eight academic quarters or four academic semesters. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. The curriculum shall consist of at least ninety quarter hours or sixty semester hours and, except for a highly specialized curriculum, a maximum generally of one hundred ten quarter credit hours or seventy-three semester credit hours of instruction. The curriculum must include a minimum of fifteen semester hours or equivalent in general education courses to include at least one (three semester-hour) course in each of the following areas: the humanities/fine arts, the social/behavioral sciences, and the natural sciences/mathematics. The curriculum must provide components designed to ensure competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers.

C. The Associate in Arts and Associate in Science degrees primarily prepare the student to transfer to an upper-division baccalaureate degree program. To qualify as a transfer program, a minimum of fifty percent of credit hours required for completion of that program shall consist of college-level courses in the arts and sciences.

D. Occupational degrees must include at least fifty percent of quarter or semester hours of related technical course instruction.

E. Associate degree programs designed primarily for immediate employment should be designated as an Associate in Applied Science degree, or other appropriate title, and identified with a specialty designation. This identification of a specialty or major implies relevant preparation for employment in a specific area of work (e.g., Associate in Applied Science, Computer Technology).

F. Remedial/developmental/deficiency/refresher courses shall not be credited toward a degree.

G. Faculty members who teach general education courses (humanities/fine arts, social/behavioral sciences and natural sciences/mathematics) or professional, occupational, and technical courses designed for college transfer must have completed at least eighteen graduate semester hours in the teaching discipline and hold at least a master's degree or hold the minimum of the master's degree with a major in the teaching discipline. Exceptions to academic preparation may be made only with the prior consent of the Commission.

H. Faculty members who teach courses in professional, occupational, and technical areas that do not usually result in college transfer or in the continuation of students in senior institutions, must possess appropriate academic preparation (usually a bachelor's degree) or academic preparation coupled with work experience. The minimum academic degree for faculty teaching in professional, occupational and technical areas must be in a related field and at the same level at which the faculty member is teaching. Exceptions to academic preparation may be made only with the prior consent of the Commission.

I. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Commission.

J. Notwithstanding the above requirements, the Commission may license out-of-state institutions accredited by a recognized accrediting agency to recruit in South Carolina.

**HISTORY:** Former Regulation 62-11 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.



## **62–12. Program and Instructor Requirements for Baccalaureate Degree Programs.**

A. Baccalaureate degree programs typically consist of technical and general education courses in which full-time students may complete their requirements in a minimum of four academic years, twelve academic quarters or eight academic semesters. Each educational program leading to a baccalaureate degree normally has courses totaling a minimum of one-hundred eighty quarter credit hours or one-hundred twenty semester credit hours. The curriculum must include a minimum of thirty semester hours or equivalent in general education courses to include at least one (three semester-hour) course in each of the following areas: the humanities/fine arts, the social/behavioral sciences, and the natural sciences/mathematics. The curriculum must provide components designed to ensure competence in reading, writing, oral communication, fundamental mathematical skills, and basic use of computers. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. Faculty members who teach lower-division courses must meet the requirements specified in Regulation 62–11.

C. There should be an appropriate number of faculty members who hold terminal degrees, usually an earned doctorate, especially department chairpersons; all others who teach upper-division courses should hold master's degrees with at least eighteen graduate semester hours in the teaching discipline, or a master's degree with a major in the teaching discipline. In exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented instead of formal academic preparation. Such exceptions must be justified by the institution on an individual basis.

D. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made only with the prior consent of the Commission.

E. Teacher education and school personnel preparation programs must meet the requirements of the Commission on Higher Education and the program approval standards of the South Carolina Department of Education.

**HISTORY: Former Regulation 62-12 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.**

## **62–13. Program and Instructor Requirements for Graduate Programs.**

A. Master's degree programs normally require satisfactory completion of full-time study for one or more academic years beyond the baccalaureate degree. An institution must establish qualitative and quantitative requirements which result in the admission of students whose educational preparation indicates the potential for a high level of performance. Graduate study must be at a level of complexity and specialization that extends the knowledge and intellectual maturity of the student. Courses offered in non-traditional formats, e.g., concentrated or abbreviated time periods, must be designed to ensure an opportunity for preparation, reflection, and analysis concerning the subject matter. At least one calendar week of reflection and analysis should be provided to students for each semester hour of graduate credit awarded (or equivalent for a quarter schedule so that a four-and-one-half quarter hour course could be offered in no less than three weeks or a three quarter-hour course could be offered in no less than two weeks).

B. With rare exception, graduate faculty members shall hold a terminal degree, usually an earned doctorate, in the field in which they teach. Students shall have sufficient access to these faculty members to provide meaningful interaction. An institution must employ faculty members whose highest earned degree presented as the credential qualifying the faculty member to teach at the institution is from an institution accredited by an accrediting body recognized by the U.S. Department of Education. Exceptions may be made with the prior consent of the Commission.

C. A doctoral degree program normally requires satisfactory completion of three or more academic years of full-time study beyond the baccalaureate degree and evidence, usually a doctoral dissertation, of competence in independent research.

D. Teacher education and school personnel preparation programs must meet the requirements of the Commission on Higher Education and the program approval standards of the South Carolina Department of Education.

**HISTORY: Former Regulation 62-13 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.**

#### **62-14. Library.**

The institution shall maintain or ensure via current and formal written agreements with other libraries or from other resources that students have adequate access to a library with a collection, staff, services, equipment, and facilities that are adequate and appropriate for the purpose and enrollment of the institution. Copies of objectives, policies, and contractual agreements with other libraries shall be available in writing. Institutions offering graduate work shall provide library resources that include basic reference and bibliographic works in each field where work is offered and the major journal and serial sets for maintaining currency in each discipline.

**HISTORY: Former Regulation 62-14 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.**

#### **62-15. On-site Examination of Institution.**

The Commission shall make, or cause to be made, an initial visit within the first year of licensing and subsequent annual visits to the institution's facilities when appropriate. The purpose of the visit is to confirm the documentation furnished by the institution and to find out whether the institution meets, or continues to meet, standards specified by the Commission. The facilities must be approved as a prerequisite to licensing. The Commission may waive on-site evaluation for an institution located outside the State or an institution offering home study or correspondence courses. If an examination is necessary to an out-of-state institution, the actual expenses incurred by the representative or representatives will be borne by the institution requesting licensing.

**HISTORY: Former Regulation 62-15 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

#### **62-16. Catalog/Bulletin/Brochure Requirements.**

Each institution shall provide students, prospective students, and other interested persons a catalog, bulletin or brochure containing, as a minimum, the following:

- A. Name, address and telephone number of the institution.
- B. Date of publication and volume number.
- C. Table of contents, if justified by the length of the publication.
- D. Names of owners and officers, including any governing boards, and full-time faculty and degrees held.
- E. The institution's statement of purpose.
- F. A brief description of the institution's physical facilities, equipment to be used in class, and the maximum or usual class size.
- G. A realistic description of student living quarters if owned, maintained or approved by the institution, and full disclosure of conditions and fees.
- H. A statement in the catalog, bulletin or brochure to read, "Licensed by the South Carolina Commission on Higher Education," the Commission's mailing address and telephone number, and a statement similar to the following: "Licensure indicates that minimum standards have been met; it is not equal to or synonymous with regional or specialized accreditation."

I. If the institution is accredited or if any of its programs are accredited and the institution makes reference to accreditation in its publications, the accrediting agency's name, address and telephone number.

J. The admission requirements for each program and student application procedures.

K. The educational, academic or occupational objectives of each program; the requirements and procedures for obtaining any licensure, registration, or certification required or advantageous for the occupational field or information concerning access to the same.

L. The number of hours of instruction in each subject and the total program. For nondegree programs, the length of time in weeks or months normally required for completion.

M. A statement of the certificate, diploma or degree awarded upon graduation.

N. A calendar showing the class start and end dates, drop-add dates, holidays and vacations.

O. Policies relating to tardiness, absences, makeup work, conduct (including causes for dismissal and conditions for re-admission), termination, reentry, and other rules and regulations of the institution.

P. Standards of progress, including the grading system used, minimum scores required, academic probation policies (including re admission requirements), maintenance of progress records, and how progress is reported to students. Grades shall be reported to students no less often than after each term.

Q. A statement of tuition and other student charges related to the enrollment, such as deposits, fees, books and supplies, tools and equipment, and any other charges for which a student may be responsible.

R. The cancellation and refund policy of the institution, which must comply with Regulation 62-18.

S. A detailed and explicit description of job placement assistance available to students and/or graduates. If no placement assistance is offered, the institution shall so state.

T. The institution's procedures for handling student complaints, which must comply with Regulation 62-27.

U. A statement that enrollment in the institution or completion of the program does not guarantee employment.

V. A statement that the institution makes no claim or guarantee that credit earned will transfer to another institution.

W. Such other material facts concerning the institution and the program of instruction as are likely to affect the decision of the student enrolling therein.

X. Out-of-state truck driving institutions shall disclose that graduates should have attained the age of twenty-one before completion of the program of instruction. Those institutions admitting students between the ages of eighteen and twenty-one shall require all applicants to sign a statement of understanding that employment with truck driving companies operating interstate is not possible until the applicant attains the age of twenty-one.

Y. Supplemental page(s) may be used as a part of the catalog, bulletin or brochure provided they are used in such a way to become an effective part of the catalog, bulletin or brochure. Supplemental page(s) shall show an effective date and shall be presented to each prospective student before execution of any enrollment contract.

Z. The Commission may amend, modify, substitute, or alter these publication requirements as necessary and advisable because of the specialized nature and objective(s) of the institution.

**HISTORY:** Former Regulation 62-16 added by State Register Volume 2, effective April 10, 1978. Amended by State Register Volume 12, Issue No. 6, eff June 24, 1988; State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.

## **62-17. Tuition Policies.**

A. The total tuition for any specific program shall be the same for all persons enrolled at the same time. Group training contracts showing lower individual rates may be negotiated with business, industrial, or governmental agencies.

B. Tuition changes for programs shall be justifiable, effective on specific dates and applicable to all who enroll thereafter.

C. All extra charges and costs shall be revealed to the prospective student before he or she is enrolled.

D. Combination home study/resident program fees must be approximately proportionate, such that the home study portion of the fee is not front-loaded and the in-residence portion of the fee is adequate to pay the costs of the in-residence training portion of the program.

E. Charges for books, supplies and other fees must be reasonable to cover the institution's costs of the materials, plus a reasonable markup to pay overhead and profits. A set, predetermined charge for each term must be verifiable through the institution's financial records of expenses.

**HISTORY: Former Regulation 62-17 added by State Register Volume 2, effective April 10, 1978, repealed by State Register Volume 12, Issue No. 6, eff June 24, 1988, and former R62-20 renumbered as R62-17. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

## **62-18. Cancellation and Refund Policy.**

Institutions that the U. S. Department of Education has approved for eligibility for Title IV Student Financial Aid must comply with the federal regulations governing institutional refunds. The following applies in other instances:

A. Each institution must maintain a cancellation and refund policy that must provide a full refund of monies paid by a student if:

(1) The student cancels the enrollment agreement or contract within seventy-two hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student;

(2) The applicant is not accepted by the institution.

(3) For home study and combination home study/resident institutions, if lessons are distributed before the applicant is accepted by the institution or before the expiration of the seventy-two-hour cancellation period has expired, and the applicant is not accepted or cancels the contract within the cancellation period, a full refund will be made, even if a lesson (or lessons) have been completed.

B. The institutional refund policy shall provide for a pro rata refund calculation, except that this paragraph will not apply for any student whose date of withdrawal is after the sixty percent point (in time) in the period of enrollment for which the student has been charged.

(1) Pro rata refund is a refund for a student attending the institution for the first time of not less than that portion of the tuition, fees, room and board, and other charges assessed the student equal to the portion of the period of enrollment for which the student has been charged that remains on the last day of attendance by the student, rounded downward to the nearest ten percent of that period, less any unpaid charges owed for the period of enrollment for which the student has been charged, and less an administrative fee not to exceed one hundred dollars.

(2) The portion of the period of enrollment for which the institution charged that remains shall be determined:

(a) in the case of a program that is measured in credit hours, by dividing the total number of weeks comprising the period of enrollment for which the student has been charged into the number of weeks remaining in that period as of the last recorded day of attendance by the student;

(b) in the case of a program that is measured in clock hours, by dividing the total number of clock hours comprising the period of enrollment for which the student has been charged into the number of clock hours remaining to be completed by the student in that period as of the last recorded day of attendance by the student; and

(c) in the case of a correspondence program, by dividing the total number of lessons comprising the period of enrollment for which the institution has charged into the total number of such lessons not submitted by the student.

(3) After the student's first period of enrollment, a refund as provided in this section, except for room and board, must be made for students who withdraw in subsequent period(s) of enrollment due to mitigating circumstances. Mitigating circumstances are those that directly prohibit pursuit of

a program and which are beyond the student's control: serious illness of the student, death in the student's immediate family, or active duty military service, including active duty for training.

(4) After expiration of the seventy-two-hour cancellation privilege, if the student does not attend, not more than one hundred dollars shall be retained by the institution.

(5) All efforts will be made to refund prepaid amounts for books, supplies and other charges unless the student has consumed or used those items and they can no longer be used or sold to new students, or returned by the institution to the supplier as "new" merchandise.

(6) Refunds shall be paid within forty days after the effective date of termination.

C. The refund policy for correspondence programs must provide that:

(1) The effective date of termination for refund purposes will be the earliest of the following:

(a) the date of notification to the student if the student is terminated by the institution;

(b) the date of receipt of notice from the student; or

(c) the end of the sixth calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that the student wishes to remain enrolled. (In this event, the written notice from the student will be maintained in the student's permanent file.)

(2) If tuition is collected before any lessons have been completed, and if, after expiration of the seventy-two-hour cancellation privilege, the student fails to begin the program, no more than one hundred dollars shall be retained by the institution.

D. An institution is considered to have made a good faith effort to make a refund if the student's file contains evidence of the following attempts:

(1) Certified mail to the student's last known address;

(2) Certified mail to the student's permanent address; and

(3) Certified mail to the address of the student's parent or listed next of kin if different from the permanent address.

E. For programs consisting of a combination of home study lessons and resident training, not more than one hundred dollars will be retained by the institution for those students who fail to enter resident training.

**HISTORY: Former Regulation 62-18 added by State Register Volume 2, effective April 10, 1978; repealed by State Register Volume 12, Issue No. 6, eff June 24, 1988, and former R62-21 renumbered as R62-18. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.**

## **62-19. Student Contract/Enrollment Agreement.**

Nondegree granting institutions must enter into a written contract with each student outlining the obligations of both the institution and the student. A copy of the enrollment agreement must be furnished to the student at the time the agreement is executed. It must be clear that the agreement is a legally binding instrument. The enrollment agreement or contract must be in at least ten point type, and must include only the following:

A. The name, address and telephone number of the institution.

B. Basic student identification information such as the student's name, address and telephone number.

C. The name of the course or program of study, the number of hours or units of instruction or lessons, and the date training is to begin and end (anticipated).

D. The costs incurred by the student to complete the training. Such costs shall be itemized and totaled, and shall include tuition, fees, books, supplies where appropriate, and all other expenses necessary to complete the training. The student enrollment agreement shall outline the method of payment or the payment schedule and items subject to cost change without notice shall be clearly identified.

E. A statement acknowledging receipt of a copy of the institution catalog, bulletin or brochure and student enrollment agreement by the student.

F. A clear and conspicuous disclosure of the required cancellation and refund policy, which must meet the minimum requirements set forth in Regulation 62-18.

G. A clear and conspicuous disclosure of truth-in-lending requirements where the tuition is paid in installments.

H. A statement that enrollment in the institution or completion of the program does not guarantee employment.

I. A statement that the institution makes no claim or guarantee that credit earned will transfer to another institution.

J. Such other information as the Commission may from time to time deem appropriate, such as information required by the institution's accrediting agency or other regulatory agencies.

**HISTORY: Former Regulation 62-19 added by State Register Volume 2, effective April 10, 1978; renumbered as R62-16.C by State Register Volume 12, Issue No. 6, eff June 24, 1988, and renumbered former R62-22 as R62-19. Amended by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 20, Issue No. 2, eff February 23, 1996.**

## **62-20. Student Records.**

Institutions must store official student academic records in a secure vault or fireproof cabinet or store duplicates in a different building or at an off-site location. If the institution uses computer generated and stored records, it must have adequate security measures to protect and back up the data. The institution must have policies concerning retention and disposal of records and information-release policies which respect the rights of individual privacy, the confidentiality of records, and the best interests of the student and institution.

A. Each institution shall maintain, for a minimum of six years from graduation or termination or until no longer needed for reference as the Commission deems appropriate, student records that shall include at least the following:

(1) A copy of the enrollment agreement or contract and other instruments relating to the payment for educational services.

(2) Student information, including:

(a) student name;

(b) permanent or other address at which the student may be reached;

(c) records relating to financial payments and refunds;

(d) records relating to credit granted for prior education or experience; and

(e) record of attendance.

(3) Date of completion or termination and the reason(s) therefor.

(4) Record of any student grievance and subsequent resolution.

(5) Copies of correspondence and other records relating to the recruitment, enrollment and placement of the student.

B. Each institution shall provide upon request a transcript to the student who has satisfied all financial obligations currently due and payable to the institution. The transcript of the individual student's record of achievement must be maintained as a permanent record (minimum of 50 years from graduation or termination, or a shorter time as the Commission deems appropriate for programs or courses for which it is unlikely that students will need documentation of attendance) in a form that provides at least the following:

(1) Name of the student.

(2) Title of program, including total number of credit or clock hours of instruction received and dates of enrollment.

(3) Grade record of each course, lesson or unit of instruction and the cumulative grade for the program.

(4) Explanation of grading system.

C. In addition to the above, an out-of-state institution shall maintain records that include, but are not limited to, a list of the name and address of each student enrolled from within the State and such records shall be made available to the Commission upon request.

D. Each institution must have in place at all times the capability to transfer academic records for former and current students to a receiver. The records may be electronic or paper, and must be easily accessible in format and system. In the event of merger, consolidation, change of ownership, or dissolution of an institution, the institution owner or designee shall:

(1) Notify the Commission in writing at the time the decision is made to merge, consolidate, sell, or close, but as a minimum, seventy-two hours before such action.

(2) Submit a plan to provide for the retention and disposition of records. The plan shall provide for the assignment of the records to another institution or agency willing to accept responsibility for their safety, maintenance, distribution, and, where appropriate, disposal. If the institution cannot provide for assignment of the records to another institution or agency, the Commission may seize the records and, as necessary, negotiate for assignment of the records to another institution or agency that will accept responsibility for their safety, maintenance, distribution, and, where appropriate, disposal.

(3) Provide to the Commission a record of the names, addresses and financial records of students currently enrolled whose programs have not been completed.

(4) Surrender the License to the Commission.

**HISTORY: Former Regulation 62-20 added by State Register Volume 2, effective April 10, 1978; renumbered as R62-17 by State Register Volume 12, Issue No. 6, eff June 24, 1988. Added by State Register Volume 17, Issue No. 7, eff July 23, 1993; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.**

## **62-21. Agent Permits.**

A. Every agent or solicitor recruiting or enrolling students who are residents of the State for licensed program(s) off the premises of the institution, whether the institution is located in the State or outside the State, must secure a permit from the Commission. Application for the permit shall be made on forms prepared and furnished by the Commission. An applicant for a permit must not function as an agent or solicitor until he or she has been issued a permit.

B. The institution shall be responsible and liable for the acts of its agents acting within the scope of his or her authority. The institution must familiarize its agents with the provisions of these regulations and the Nonpublic Postsecondary Institution License Act. A signed statement from each agent that the agent is familiar with the provisions of these regulations must be obtained and maintained by the institution.

C. Agents must give a receipt for money collected and a copy of the enrollment agreement to each applicant at the time money is collected or the enrollment agreement is signed.

D. Agents must display or produce his or her permit when requested to do so by any student, prospective student, parent, guardian, or by a member of the Commission or Commission staff.

E. The permit is valid for one year, renewable annually from date of issue, if an application for renewal as prescribed by the Commission is filed thirty days before the expiration of the current permit and that the agent meets all the then applicable requirements of the Commission. Agents who continue to represent an institution after their permits have expired shall be subject to a penalty prescribed in Regulation 62-22.

F. No agent is permitted to use a title that misrepresents his or her duties and responsibilities.

G. Each applicant for an agent's permit shall furnish all information required by the Commission. The Commission may make such reasonable investigation of any applicant as it deems necessary to establish that the applicant is of good reputation and character. The Commission may deny, suspend or revoke the permit of a representative who has pleaded guilty or who has been convicted of a felony or of a crime of moral turpitude, whether within or without the State.

**HISTORY: Former Regulation 62-21 added by State Register Volume 2, effective April 10, 1978; renumbered as R62-18 by State Register Volume 12, Issue No. 6, eff June 24, 1988. Added by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

## **62-22. Revoking, Suspending, or Refusing to Issue a Permit.**

A. The Commission may revoke, suspend or refuse to issue a permit to any agent for any of the following:

- (1) Violation of any provision of the act or any regulation of the Commission.
- (2) Presenting or giving to a prospective student or his or her parent or guardian, information that is false, misleading, or fraudulent or that makes false or misleading representations concerning employment opportunities, or the possibility of receiving transfer credit at any other institution.
- (3) Failing to display a valid permit when requested by a prospective student, his or her parent, or guardian, or any member of the Commission or Commission staff.
- (4) Failing to provide information requested by the Commission while investigating a complaint.
- (5) Failing to comply with laws of any state outside the State in which the agent is soliciting students.

B. Permits shall be denied, revoked, suspended, or not renewed by the Commission according to procedures for notice, hearing, applicable depositions, subpoenas, other related due process matters and subsequent procedures in compliance with the Administrative Procedures Act, Chapter 23 of Title 1, South Carolina Code of Laws, 1976.

C. Any agent having a permit revoked shall be prohibited from soliciting students for any institution governed by these regulations for one year following the date of the revocation.

D. At the option of the student or his or her parent or guardian, all contracts, enrollment agreements, or promissory notes solicited from the student or prospective student shall be void unless the agent holds a valid permit as required by these regulations.

**HISTORY: Former Regulation 62-22 added by State Register Volume 2, effective April 10, 1978; renumbered as R62-19 by State Register Volume 12, Issue No. 6, eff June 24, 1988. Added by State Register Volume 17, Issue No. 7, eff July 23, 1993.**

## **62-23. Fees.**

A. Initial and annual institutional license fees are one-half of one percent of the actual or expected gross income of the licensed program(s), but not less than one hundred fifteen dollars or more than five thousand dollars per location. Gross annual income is computed after a normal tax accounting year of an institution. Any tuition earned for licensed programs during that twelve-month period shall be included as the gross annual income. The only expense that can be deducted from gross tuition is refunds made to students. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

B. Late filing fees are as follows:

(1) An institution submitting its application for renewal or its annual periodic reports more than five business days after the due date shall be assessed an additional charge of ten percent of the institution's annual fee for each five business days the report is past due, but not less than fifty dollars for each five-day increment, not to exceed one-hundred percent of the annual fee. If the renewal or annual report is submitted by the due date but is incomplete, the Commission will notify the institution and establish a specific date by which the remainder of the report must be submitted. If the remainder of the report is not submitted by the established date, the Commission may reactivate the late fee.

(2) The Commission may waive or reduce the late fee in case of mitigating circumstances as determined by the Commission.

C. Amendment of license to move an existing location or site: \$60

D. Amendment of license for each additional program or site: one-half of one percent of the projected additional gross tuition income for the first year, but not less than fifty dollars or more than two-thousand five hundred dollars per program. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

E. Re-issuance of license for program name change or institution name change: \$30.

F. Initial and renewal of agent permit: \$30.



G. Re-issuance of agent permit: \$10.

H. All fees shall be submitted at the time of application and are nonrefundable.

I. The Commission may assess a fine for failure to respond in a timely manner to a request from the Commission for information or for repeat violations involving deceptive trade or sales practices or advertising. In assessing a fine, the Commission must consider the nature of the violation and whether the institution has a history of infractions. A fine may not exceed one thousand dollars per year, and if the institution does not pay the fine within 30 days of written notification by the Commission, late fees may be assessed as described in this section, or the Commission may proceed with revocation of the license.

J. All fees shall be paid by check or money order payable to the "South Carolina Commission on Higher Education."

K. The Commission may periodically adjust fees based on the consumer price index or other appropriate indicator.

**HISTORY:** Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 26, Issue No. 5, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.

#### **62-24. Periodic Reports.**

Degree-granting institutions shall report to the Commission one-hundred twenty days before the license renewal date or anniversary date of license, or another date designated by the Commission, the information required for enforcement of this Chapter. Such reports shall comply with procedures defined by the Commission, and shall be accompanied by the annual fees as set forth in Regulation 62-23.

**HISTORY:** Added by State Register Volume 17, Issue No. 7, eff July 23, 1993.

#### **62-25. Deceptive Trade or Sales Practices.**

No institution or agent shall use deceptive trade or sales practices in the operation of the institution or in the recruitment of students. For purposes of these regulations, it is a deceptive trade or sales practice for an institution or agent to:

A. Make or cause to be made any statement or representation, oral, written, or visual, about the offering of educational services if such institution or agent knows or should have known the statement or representation to be false, inaccurate, or misleading.

B. Represent falsely, directly or by implication, with a trade or business name or in any other manner, including the use of "help wanted" or other employment columns in a newspaper or other publication, that it is an employment agency or agent, or authorized training facility for another industry or member of industry, or to otherwise deceptively conceal the fact that it is an educational institution.

C. Represent falsely, directly or by implication, that any of its educational services have been approved by a particular industry or that successful completion of it qualifies a student for admission to a labor union or similar organization or for the receipt of a state license to do certain functions.

D. Represent falsely, directly or by implication, that the lack of a high school education, prior training, age, or experience of applicant is not a handicap or impediment to completing successfully a course or program of study and/or for gaining employment in the field for which the educational services were designed.

E. Adopt a name, trade name, or trademark that represents falsely, directly or by implication, the quality, scope, nature, size or integrity of the institution or its educational services.

F. Represent falsely, directly or by implication, that students completing a course or program of instruction successfully may transfer credit to any institution of higher education.

G. Represent falsely, directly or by implication, in its advertising or promotional materials or in any other manner, the size, location, facilities, equipment, the number of years of educational experience, qualifications of its faculty, the extent or nature of any approval received from any state agency, or the extent or nature of any accreditation received from any accrediting agency or association.

H. Provide prospective students with any testimonials, endorsements, or other information that have the tendency to mislead or deceive prospective students or the public regarding current practices of the institution, current conditions for employment opportunities, or probable earnings in the industry or occupation for which the education services were designed or because of the completion of any educational services.

I. Enroll a student when it is obvious that the student is unlikely to complete successfully a program of study or is unlikely to qualify for employment in the field for which the education is designed, unless this fact is affirmatively disclosed to the student and acknowledged, in writing, by the student.

J. Designate or refer to its sales representatives as “counselors,” “advisors,” or use words of similar import that have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of sales representatives or agents.

K. No institution or representative of an institution shall use the terms “approval,” “approved,” or “approved to operate.” A statement that the institution is “Licensed by the South Carolina Commission on Higher Education” is the only acceptable language. There may be no statement or implication that licensing is an endorsement or recommendation by the State or by the Commission. An institution exempt from the Commission’s oversight may not claim that it is under authority of the Nonpublic Postsecondary Institution License Act or the Commission. It may not claim that the Commission recognizes it, grants it authority to operate, or use any other misleading language referring to approval, recognition, authority, licensure, accreditation, certification, registration, or oversight.

L. An institution shall not misrepresent the nature or extent of any prerequisites it has established for enrollment in a course or program of instruction. It shall not:

(1) Represent that a program is available only to those having a high school diploma or other specific educational qualifications, unless the sale of a program is limited to persons possessing generally acceptable evidence of a diploma or educational qualifications.

(2) Represent that only those who make an acceptable grade or complete successfully a certain test or examination will be admitted, if enrollments are not thus limited.

(3) Falsely represent that it will accept for enrollment only a limited number of persons or a limited number of persons from a certain geographical area.

(4) Falsely represent that applications for enrollment will be considered for only a limited period, or that they must be submitted by a certain date.

M. Institution personnel may not discredit other schools by falsely imputing to them dishonorable conduct, or disparage or demean the character or quality of their courses or student body. Institution personnel may not knowingly solicit any student to leave another educational institution.

**HISTORY: Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.**

## **62–26. Advertising Guidelines.**

A. “Advertising” includes any form of public notice however distributed. Within this definition would be virtually all publications and promotional items and efforts that could normally be expected to be seen by significant numbers of prospective students or their sponsors. Examples include catalogs, bulletins, brochures and other institution publications, signs, mailing pieces, specialties, radio, television, audiovisual, newspaper, or any other form of public notice designed to aid in the institution’s recruiting and promotional activities.

B. Each institution shall maintain high ethical standards in the conduct of its operations, solicitation of its students, and in its advertising and promotional material. The use of any unfair or deceptive trade practice or the making or causing to be made any false, misleading or deceptive statement in any advertising or promotional material that has the tendency or capacity to mislead or deceive students, prospective students, or the public shall be cause for the refusal to issue or renew, or revocation or suspension of licenses or permits.

C. The correct name of the institution is to appear in all advertising. “Blind” ads are considered misleading and unethical.

D. The location of the institution must be noted on each advertising offering; courses offered by distance education must clearly describe the method of delivery.

E. Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.

F. The institution must be able to substantiate from its own records any advertised claims, including employment and earnings claims. If any oral or written placement claims are made, the institution must disclose its placement rate. Advertising of salaries and other occupational opportunities must clearly disclose the normal range of salaries and opportunities available to students immediately after graduation. The normal range would exclude the top ten percent and the bottom ten percent of the graduates. Claims must avoid "high starting salaries," "top paying jobs," "high pay," and other exaggerated approaches. Large earnings shall not be implied.

G. When using classified advertising an institution shall not request a misclassification nor shall it allow others to use its name or program offerings in inappropriate classifications. "Help wanted," or "employment" classifications are to be used only to procure employees for the institution, never to attract students.

H. Although advertising space limitations might restrict desirable explanations, the text must avoid abbreviated claims that might tend to be easily misunderstood. If an item is considered important enough to be included in advertising, it should be presented in a manner clearly understandable to anticipated readers. An institution may not claim space limitations as a reasonable excuse for limited disclosure that could tend to obscure, conceal, mislead, omit, deceive, confuse, distract, or otherwise continue to create misunderstanding.

I. An institution's officials must accept full responsibility for advertising prepared and placed by its representatives, advertising agencies, or others involved by the institution in its recruiting and promotional efforts, and should therefore review and approve such advertising before its use.

J. Mention of institutional eligibility for federal grants, loans, or other student financial aid programs in advertising must be limited to the announcement, "Financial aid available for those who qualify."

K. Information about programs or courses, available through the Internet, World Wide Web, or other electronic telecommunication methods, must provide access on its first 'page' to licensure and accreditation information as described in Regulation 62-16. Electronic links or contact information must be included to each licensing agency and to each accrediting agency. The institution's web site must include the full and correct name of the institution, the name of the chief operating or academic officer, telephone numbers, street address, and the city where the institution is located. All other information on the web site must comply with the Commission's trade and sales practices, advertising guidelines, rules, and regulations.

**HISTORY:** Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

## **62-27. Procedures for Handling Consumer Complaints.**

A. Any person having a complaint or grievance against an institution that is licensed by the Commission should make a reasonable effort to obtain satisfaction from the institution directly through the institution's established procedures. In the event that a solution cannot be reached, the person may file a written complaint with the Commission. The complaint should include any evidence bearing on the issues and documentation that a reasonable effort was made to resolve the complaint directly with the institution.

B. The Commission will review the facts as set forth in the complaint and may intervene, as appropriate, to bring the matter to a satisfactory conclusion. Such intervention shall be limited to facilitating settlement through negotiation, and shall not include legal action for any party. Notwithstanding the refund policy of the institution, if the Commission determines that the circumstances justify such action, it may require that the institution make a full or partial refund of tuition or other fees as appropriate. If, in the opinion of the Commission, there is evidence that the institution may no

longer be maintaining minimum standards, the Commission may call for an investigation to determine whether the institution's license should be revoked.

C. Notwithstanding an exemption from the oversight of the Commission, the Commission may intervene on the behalf of a person filing a complaint against an institution that is exempt from the oversight of the Commission. If merited and in the interest of consumer protection and in the absence of other means by which a person may have access to an oversight entity through which he or she may obtain assistance, the Commission may intervene. In its efforts to mediate an issue, the Commission may, through its complaint procedure, investigate an institution and encourage officials of an institution to make reasonable efforts to resolve the complaint in a fair and equitable manner.

**HISTORY:** Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

### **62-28. Revoking, Suspending, or Refusing to Issue or Renew a License.**

A. The Commission may revoke or suspend, or refuse to issue or renew a license for any of the following:

- (1) Violation of any provision of Chapter 58 of Title 59, South Carolina Code of Laws, 1976, as amended, or any rule and regulation made by the Commission.
- (2) Furnishing false, misleading or incomplete information to the Commission or failure to furnish any information requested by the Commission.
- (3) Violation of any commitment made in an application for a license.
- (4) Failure to provide or maintain premises or equipment in a safe and sanitary condition as required by law, or State or local regulations or ordinances applicable at the location of the institution.
- (5) Failing within a reasonable time to provide information requested by the Commission because of a complaint that would indicate a violation of Chapter 58 of Title 59, South Carolina Code of Laws, 1976.
- (6) Attempting to use or employ enrolled students in any commercial activity without specific authorization from the Commission. Such authorization will be granted only when such activities are essential to the students' program. Such authorization will not be unreasonably withheld.

B. The Commissioner may give the institution a period of probation if in the Commissioner's judgment any unsatisfactory condition can reasonably be corrected within such time. If the Commissioner determines that it is appropriate, he or she may require that an institution delay matriculation of new students into a new class term to give the Commissioner time to investigate, evaluate, and assist and to allow the institution officials time to evaluate and adjust.

C. Any ruling of the Commissioner in application of these regulations may be appealed to the Commission by the institution in accordance with established procedures. Licenses shall be denied, revoked, suspended or not renewed by the Commission according to procedures for notice, hearing, applicable depositions, subpoenas, other related process matters and subsequent procedures in compliance with the Administrative Procedures Act, Chapter 23 of Title 1, South Carolina Code of Laws, 1976.

D. If the Commission orders an institution to cease offering a program of instruction or revokes the institution's license, the Commission may delay approval for up to two years after the order to cease or revocation became effective. Before the Commission may grant any license, the institution shall establish that it complies with these regulations, that each program satisfies all the minimum standards prescribed by these regulations, and that the circumstances surrounding the institution's failure to meet the requirements have sufficiently changed so that the institution will be substantially likely to comply.

**HISTORY:** Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

### **62-100. Tasting of Alcoholic Beverages by Students Under Twenty-One Years of Age in Culinary Arts Course in an Accredited College or University.**

(Statutory Authority: 1976 Code § 59-103-195)

A. A college or university accredited by a recognized accrediting agency may allow students who are eighteen years of age or older and enrolled in a culinary course which the State Commission on

Higher Education has approved to taste, but not consume or imbibe, any beer, ale, porter, wine, alcoholic liquor, or other similar malt or fermented beverage as part of the required curriculum. The tasting must be only for instructional purposes during classes that are part of the curriculum. The beverage must at all times remain in the possession and control of an authorized instructor of the college or university who must be twenty-one years of age or older. The instructor may not offer alcoholic beverages for consumption or imbibition.

B. It is the institution's responsibility to establish safeguards and policies to assure compliance with the parameters prescribed by law, to assure that instructors are thoroughly familiar with the parameters allowing the tasting, and to monitor the courses. The institution's policies must include a method by which each student must expectorate rather than swallow so as not to become intoxicated. The institution must require that each student sign a hold harmless statement acknowledging that he or she is willingly participating and holding the institution and the State harmless in case of health or other consequences. The institution must allow each student a choice to participate or not for any reason without effect upon the student's grade.

**HISTORY:** Added by State Register Volume 24, Issue No. 4, eff April 28, 2000.

## ARTICLE II STUDENT LOAN CORPORATION

(Statutory Authority: Act 512 Part 2 Section 9 Division 2 Subdivision C  
Subpart 1 (6), Acts of Joint Resolutions of South Carolina 1984)

### SUBARTICLE A GENERAL INTRODUCTION

#### **62-110. Introduction.**

The South Carolina Student Loan Corporation, hereinafter called the Corporation, is an eligible lender under the South Carolina Student Loan Program (FFELP) as administered by the State Education Assistance Authority, hereinafter called the Authority, and has been designated pursuant to the South Carolina Education Improvement Act of 1984 to administer a loan program for State residents who wish to become certified teachers in the State in areas of critical need. All loans made under this program shall be subject to the regulations contained herein. Loans shall be made available without regard to race, sex, color, national origin, age or marital status.

**HISTORY:** Added by State Register Volume 10, Issue No. 5, eff May 23, 1986. Amended by State Register Volume 11, Issue No. 5, eff May 22, 1987; State Register Volume 13, Issue No. 3, eff March 24, 1989; State Register Volume 17, Issue No. 2, eff February 26, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

### SUBARTICLE B GENERAL REGULATIONS RELATING TO BORROWERS

#### **62-120. Borrower Eligibility.**

A. To be eligible to receive a loan under the Teachers Loan Program a student shall:

- (1) Be a citizen or permanent resident of the United States; and
- (2) Be a bona fide resident of South Carolina, as defined in applicable State statutes governing the determination of residency for tuition and fee purposes at public colleges and universities within this State; and
- (3) Have been accepted for enrollment, or enrolled in good standing in an eligible institution as defined in the Regulations of the Authority and further defined as follows:
  - (a) For institutions located in South Carolina, those:
    - (i) Which offer baccalaureate or higher degree programs which are approved for initial teacher certification by the State Board of Education (Board); or

(ii) Whose highest offering is the Associate of Arts or Associate of Science Degrees which are designed for transfer to baccalaureate programs including those in teacher education, and which are eleemosynary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

(b) For institutions located out of the State, those institutions which are regionally accredited and which offer baccalaureate or higher degree programs which are approved for initial teacher certification by the appropriate credentialing agency in that State; and

(4) Be enrolled on at least a half-time basis; and

(5) Indicate a desire and intent to teach in South Carolina in an area of critical need as defined by the Board annually; and

(6) If an undergraduate student who has completed one year (two semesters or the equivalent) of collegiate work and who is attending a South Carolina institution, has taken and passed a "Basic Skills Test" as required by the Board for entrance into a program of teacher education; or if an undergraduate who has not completed one year of collegiate work did achieve a score equal to or greater than the mean score achieved by all examinees in South Carolina taking the SAT or ACT in the year of graduation from high school or in the most recent year for which such figures are available; and

(7) If an undergraduate student or a first-time graduate student, have attained a cumulative grade point ratio of at least 2.75 GPR (on a 4.0 scale) in collegiate work; or if an undergraduate who has not completed one semester of college work have graduated in the top 40% of his high school class or have received a high school diploma through completion of adult education courses or passing the GED; and

(8) If an undergraduate student, be formally admitted to an undergraduate teacher education program or if the student is not yet formally admitted to such a program the Department of Education, or its equivalent, at an eligible institution must certify that the student has expressed an intent and desire to enter the field of teaching, and is enrolled in a teacher education program at a time required by the institution; and

(9) If a continuing graduate student, have maintained a 3.5 GPR (on a 4.0 scale) on graduate work; and

(10) If a graduate student, have not previously been certified to teach, but entering a program for the specific purpose of becoming certified; or, if previously certified in a non-critical area, entering a program for the specific purpose of becoming certified to teach in a subject area which is defined by the Board as an area of critical need; and

(11) Be eligible in all other respects as may subsequently be required by the Corporation.

B. To be eligible to receive a loan up to the amount designated for individuals changing careers a student shall:

(1) Meet the eligibility requirements of 62-120(A). Students who have previously earned a baccalaureate degree will not be required to meet the academic standards specified in 62-120(A)(6), (7) and (9) during the initial year of teacher training. All applicable academic requirements must be met for all subsequent years; and

(2) Possess a baccalaureate degree or at the time of initial application be employed as an instructional assistant in the South Carolina public school system; and

(3) Have completed a baccalaureate degree a minimum of three years prior to the beginning of the teacher training (instructional assistants are exempt from this requirement); and

(4) Have been employed on a full time basis for minimum of three years, or the equivalent in part time employment, prior to the beginning of the teacher training; and

(5) Are not receiving any other funds through this program for the same period of teacher training.

C. To be eligible to receive a loan up to the amount designated for individuals participating in the Critical Needs Certification Program a student must be enrolled in the Critical Needs Certification Program as certified by the Board.

**HISTORY:** Added by State Register Volume 10, Issue No. 5, eff May 23, 1986. Amended by State Register Volume 11, Issue No. 5, eff May 22, 1987; State Register Volume 13, Issue No. 3, eff March 24, 1989; State Register Volume 17, Issue No. 2, eff February 26, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 25, Issue No. 5, Part 1, eff May 24, 2002.

## SUBARTICLE C

### GENERAL REGULATIONS RELATING TO LOAN MAXIMUMS, ADMINISTRATION AND REPAYMENT

#### **62-130. Loan Maximums.**

A. The maximum amount an eligible student may borrow under this program, is established by the South Carolina Commission on Higher Education, hereinafter called the Commission.

B. The maximum amount a borrower meeting the eligibility criteria in 62-120(B) may borrow shall not be limited by any definition used by the institution in determining the eligibility for financial aid and receipt of these funds shall not affect any federal, state or private assistance which the student may be eligible to receive.

**HISTORY:** Added by State Register Volume 10, Issue No. 5, eff May 23, 1986. Amended by State Register Volume 11, Issue No. 5, eff May 22, 1987; State Register Volume 17, Issue No. 2, eff February 26, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

#### **62-131. Loan Administration.**

A. All loans shall be secured by a Promissory Note. Loan shall bear interest from the date of disbursement of funds to the borrower at the rate as may be specified by the Commission.

B. The proceeds of a loan shall normally be disbursed by academic registration period, but not sooner than required by the student to meet his educational expenses. A check made co-payable to the borrower and to the institution will be forwarded to the institution for distribution to the borrower; provided, however, that in situations in which it is not feasible to issue the check co-payable, the check will be made payable to the borrower alone and forwarded to the institution. Nothing in this section shall preclude loan funds being transferred to the institution by electronic means.

(1) Borrowers participating in the Critical Needs Certification Program will receive a single disbursement annually. A check will be made payable to the borrower and forwarded directly to that borrower.

C. The student and institution shall agree to return to the Corporation any refunds applicable to these loans to which the student is entitled due to withdrawal of the student from the institution.

**HISTORY:** Added by State Register Volume 10, Issue No. 5, eff May 23, 1986. Amended by State Register Volume 11, Issue No. 5, eff May 22, 1987; State Register Volume 17, Issue No. 2, eff February 26, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

#### **62-132. Repayment.**

A. A student who receives loans under this program shall be eligible to have the greater of 20% or three thousand dollars of the loan(s) cancelled for each full year, or the greater of 10% or one thousand five hundred dollars for each complete term of teaching experience as defined by the Board in the State in an area of critical need, up to a maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

(1) Upon employment in an eligible subject area, as defined by the Board at the time of loan application or subsequently, the borrower will be entitled to cancellation of all loans received under this program that are outstanding at the time of employment.

(2) Upon employment in a geographic area of critical need, the borrower will be entitled to cancellation of all loans received under this program even if such geographic area is subsequently no longer defined by the Board as one of critical need. If a borrower changes employment from one geographic area to another, cancellation of loans received under this program will be provided only if the geographic area to which the borrower is moving is defined as an area of critical need at that time. Defined Geographic areas of critical need will be provided to the borrower at the time the borrower begins to seek employment.

B. Borrowers who simultaneously meet the requirements described in A(1) and A(2) above shall be eligible to have the greater of 33 1/3% or five thousand dollars of the loan(s) cancelled for each full year, or the greater of 16 2/3% or two thousand five hundred dollars for each complete term, of

teaching experience as defined by the Board, up to the maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

C. If a borrower does not meet the requirements for cancellation as specified in paragraph A above, the borrower must begin repayment of the loan(s) received under this program in accordance with the Regulations of the Corporation and subject to the terms of the Promissory Note(s), unless otherwise agreed to by the Corporation and the borrower. If a borrower does not initially meet the requirements for cancellations as set forth in paragraph A above, but subsequently does so, there will be no refund or credit provided for any amount paid; provided, however, any unpaid balance at the time the borrower begins teaching in an area of critical need will be eligible for cancellation subject to the regulations contained herein.

(1) Repayment of principal amount of a loan made under this program together with the interest, shall be made in monthly installments beginning six (6) months, after the date on which the borrower ceases to carry at least one-half the normal full-time academic work load at an eligible institution as defined by the Corporation or for borrowers participating in the Critical Needs Certification Program immediately upon disbursement of the loan funds. The monthly installment shall be at a rate which will repay the loan in not less than five (5) years nor more than ten (10) years from the beginning of the repayment period, unless the Corporation, at the request of the borrower, specifically provides a prepayment schedule that will repay the loan during a period of less than five (5) years. Unless specifically authorized by the Corporation, the monthly installment shall be at a rate of not less than \$50 per month. A borrower may accelerate repayment of the loan, in whole or in part, without penalty. Repayment of the loan is not required when the borrower is eligible for cancellation under 62-132 (A) of these regulations.

(2) In the event a borrower dies, the obligation to make any further repayment shall be cancelled upon receipt of a Certification of Death, (or upon receipt of such other evidence approved by the Corporation.) In the event a borrower becomes totally and permanently disabled, the obligation to make any further repayment shall be cancelled upon receipt of certification by a licensed physician.

(3) The Corporation shall have authority to assess a late charge for failure of the borrower to pay all or part of an installment within ten (10) days after its due date. The amount of such charge may not exceed six cents (.06) for each dollar of each installment due.

(4) The Corporation shall have the authority to collect from the borrower reasonable attorney's fees and other costs and charges necessary for the collection of any amount not paid when due.

(5) Nothing in this section shall preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the loan and approved by the Corporation

D. The Corporation shall develop and maintain such procedures, subject to the approval of the Commission, as may be necessary to carry out applicable provisions of Act 512, Acts of Joint Resolutions of South Carolina, 1984 (Educational Improvement Act), as amended, and as may be required to exercise reasonable care and diligence in the making and collection of loans.

**HISTORY:** Added by State Register Volume 10, Issue No. 5, eff May 23, 1986. Amended by State Register Volume 11, Issue No. 5, eff May 22, 1987; State Register Volume 17, Issue No. 2, eff February 26, 1993; State Register Volume 18, Issue No. 3, eff March 25, 1994; State Register Volume 25, Issue No. 3, eff March 23, 2001; State Register Volume 26, Issue No. 5, Part 1, eff May 24, 2002.

## ARTICLE IIA

### **SOUTH CAROLINA NATIONAL GUARD STUDENT LOAN REPAYMENT PROGRAM [Repealed]**

(Statutory Authority: 1976 Code § 59-111-75)

### **62-200. Repealed.**

**HISTORY:** Former Section, titled Purpose of the South Carolina National Guard Student Loan Repayment Program (SLRP), had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.



**62–205. Repealed.**

**HISTORY:** Former Section, titled Funding, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–210. Repealed.**

**HISTORY:** Former Section, titled Member Eligibility, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–215. Repealed.**

**HISTORY:** Former Section, titled Areas of Critical Need, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–220. Repealed.**

**HISTORY:** Former Section, titled Annual Application, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–225. Repealed.**

**HISTORY:** Former Section, titled Disbursements, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–230. Repealed.**

**HISTORY:** Former Section, titled Expiration of Eligibility to Participate, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–235. Repealed.**

**HISTORY:** Former Section, titled Appeals, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**62–240. Repealed.**

**HISTORY:** Former Section, titled Program Oversight, had the following history: Added by State Register Volume 26, Issue No. 3, eff March 22, 2002. Repealed by State Register Volume 40, Issue No. 2, Doc. No. 4534, eff February 26, 2016.

**ARTICLE IIB**  
**SOUTH CAROLINA NATIONAL GUARD COLLEGE ASSISTANCE PROGRAM**

(Statutory Authority: 1976 Code Section 59–114–75)

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**62-250. Purpose of the South Carolina National Guard College Assistance Program.**

Pursuant to Act 40 of 2007, the Commission on Higher Education shall develop a college assistance program for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guard. The Commission on Higher Education, along with the South Carolina National Guard, shall promulgate regulation and establish procedures to administer the South Carolina National Guard College Assistance Program. These South Carolina National Guard College Assistance Program benefits will cover the cost of attendance as defined by Title IV regulation, up to a maximum amount each award year. The maximum amount will be made annually and detailed in established procedures to be administered by the Commission on Higher Education.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

**62-251. Program Definitions.**

A. The “Academic Year” shall be defined as the beginning twelve month period as defined by the institution for the awarding of financial aid to a student and which includes regular terms (fall, spring, or trimester) or other terms (summer and other) in any combination.

B. “College assistance program” means the South Carolina National Guard college assistance program.

C. “Commission” means the South Carolina Commission on Higher Education.

D. “Eligible institution” means:

(1) a public institution of higher learning as defined in Section 59-103-5 and an independent institution of higher learning as defined in Section 59-113-50; and

(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 was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Secondary 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.

E. “National Guard” means South Carolina Army or Air National Guard.

F. “Cost of Attendance” is defined as “tuition and fees” charged for registering for credit hours of instruction, costs of textbooks, and other fees and costs associated with attendance at an eligible institution in accordance with Title IV Regulations.

G. “Degree-seeking student” is defined as any student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate’s degree, or first bachelor’s, or a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program (and leads to a graduate degree).

H. “Eligible program of study” is defined as a program of study leading to:

(1) at least a one-year educational program that leads to the first certificate or other recognized educational credential (e.g., diploma) as defined by the U.S. Department of Education for participation in federally funded financial aid programs and prepares students for gainful employment in recognized occupations;

(2) the first associate’s degree;

(3) at least a two-year program that is acceptable for full credit towards the first bachelor's degree;  
or

(4) the first bachelor's degree.

I. "Full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually 12 credit hours for fall and spring terms.

J. "Less-than full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls part-time, e.g., usually fewer than 12 credit hours, for the fall and spring terms.

K. "Military mobilization" is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency, or as determined by the South Carolina Military Department.

L. "Remedial/developmental coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, reading and any courses classified as remedial by the institution where the course is taken.

M. "Transfer student" shall be defined as a student who has changed enrollment from one institution to an eligible institution.

N. "Home institution" shall mean the institution where the student is currently enrolled as a degree seeking student and may be eligible for financial aid at the same institution.

O. "Satisfactory academic progress" shall be defined as the academic progress as required by the institution in which the student is enrolled as a degree-seeking student for Title IV financial aid eligibility.

P. "Attempted hours" include all enrolled semester hours or related quarter hours, whether passed or not, and does not include those hours dropped or withdrawn in accordance with institutional drop-add policies.

Q. "Qualified Member" shall be defined as a member who has completed Advanced Individual Training (AIT)/Initial Active Duty Training (IADT).

R. "Good Standing" shall be defined as a member who is a satisfactory participant in the SC National Guard. S. "Four Years" shall be defined as four calendar years from the term the benefit covered.

**HISTORY: Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.**

## **62–252. Program Benefits and Maximum Assistance.**

A. Qualified members of the National Guard may receive college assistance program benefits up to an amount equal to one hundred percent of college cost of attendance, provided, however, these college assistance program benefits in combination with all other grants and scholarships shall not exceed the cost of attendance at the particular eligible institution in any given award year; and the cumulative total of all college assistance program benefits received may not exceed eighteen thousand dollars.

(1) These college assistance program benefits cover the cost of attendance; however, the benefit maximum per award year may be reduced if, in combination with other financial aid, the cumulative total of all aid received would exceed the cost of attendance.

(2) The annual maximum grant will be determined prior to the beginning of each academic year based on the amount of available program funds.

(3) Disbursements of this grant will typically be paid in two (fall semester, spring semester, or its equivalent) equal disbursements. Any remaining funds can be used in any succeeding terms prior to annual expiration date.

B. A member shall not qualify for college assistance program benefits for more than one hundred thirty attempted hours from the time of initial eligibility into the college assistance program.

(1) The award will be prorated so that a student's funded hours shall not exceed 130 attempted hours from the time of initial eligibility.

(2) A student will not be penalized toward the maximum one-hundred-thirty attempted hours for which the student enrolled but withdraws in accordance to institutional drop-add policies.

C. Students may not receive college assistance benefits upon completion of an eligible program to pursue an eligible program of study in the same or preceding level.

D. Students who have been awarded a bachelor's or graduate degree are not eligible for the College Assistance Program benefit.

E. Students may not receive college assistance benefits at more than one institution during the same term. Where students are enrolled in more than one institution during a semester, the benefit will be received at the student's home institution.

F. College assistance benefits must not be awarded for graduate degree courses.

G. Less than full-time students may receive college assistance program benefits.

(1) Awards for less than full-time students cannot exceed the cost of attendance.

(2) College assistance program benefits will be prorated for less than full-time enrolled students. The prorated method (based on semester calculation) will be 3/4 time; 1/2 time; less than 1/2 time to include 1/4 and less than 1/4 time of the recipient's full time award value.

H. College assistance program benefits may not be applied to the cost of continuing education or graduate coursework.

I. A Guard member who qualifies under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in "Program Benefits and Maximum Assistance" Sections except for the full-time enrollment requirement, if approved by the Disability Services Provider at the home institution. A Guard member must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the Guard member to provide written documentation concerning services from the institutional Disability Services Provider. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year verifying that the student is approved to be enrolled in less than full-time status. The institution is responsible for retaining appropriate documentation according to the "Institutional Policies and Procedures for Awarding" Section.

J. Remedial/developmental or non-degree attempted hours shall be used toward the National Guard member's 130 attempted hours.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **62-253. College Assistance Program Terms of Eligibility (Student Eligibility).**

A. Members of the National Guard enrolled or planning to enroll in an eligible institution may apply to the National Guard for a college assistance program benefit.

B. College assistance program benefits may be applied by giving priority to service members in areas of critical need. The National Guard will determine areas of critical need.

C. 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 satisfactory academic progress as defined by the institution;

(4) be a U.S. citizen or a legal permanent resident who meets the definition of an eligible non-citizen under State Residency Statutes;

(5) be admitted, enrolled and classified as a degree-seeking full-time or part-time student at an eligible institution in South Carolina; and

(6) satisfy additional eligibility requirements as may be promulgated by the Commission.

D. Individuals joining the National Guard become eligible for college assistance program benefits upon completion of Basic Combat Training (BCT)/Basic Military Training (BMT) and Advanced Individual Training (AIT)/ Initial Active Duty Training (IADT) for sequential regular terms (fall, spring, or trimester) or other terms (summer and other).

E. Enlisted personnel must continue their service in the National Guard during all terms of courses covered by the benefit received. Officers shall continue their service with the National Guard for at least four years after completion of the most recent award or degree completion. Enlisted personnel will not be eligible for benefits after the discharge date.

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

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

#### **62-254. Participant Application Process and Continued Eligibility.**

A. New applications must be completed and submitted each year prior to the beginning of the fall term of the academic year by the deadline determined by the National Guard.

(1) The application is to be submitted to the National Guard and must include information identifying the student's home institution and intent to enroll at the institution in the upcoming year.

(2) Guard members who intend to enroll only for the spring and/or summer semester must also complete a new application prior to the fall term of each academic year by the established deadline determined by the National Guard.

(3) The National Guard shall determine eligibility for the college assistance program.

(4) Once eligibility has been determined by the National Guard, all documents must be initiated and submitted by the student to the institution.

B. Currently enrolled members must have applied prior to the beginning of the fall term of each academic year by the National Guard established deadline and should contact their college's financial aid office to initiate benefit award for the current academic year. The financial aid office will coordinate with the Commission to verify student eligibility and coordinate payment to the college or university on behalf of the student member.

C. For continued eligibility, students must apply prior to the beginning of the fall term of each academic year by the established deadline as determined by the National Guard, continue to meet all eligibility requirements as stated in the Section 62-253, College Assistance Program Terms of Eligibility (Student Eligibility).

D. Transfer students who are eligible prior to the beginning of the academic year for the college assistance program and who transfer mid-year to another eligible institution may be eligible to receive the assistance for the spring term if they continue to meet eligibility requirements.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

#### **62-255. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs.**

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive the college assistance program benefit during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **62–256. Military Mobilization.**

A. Service members who are enrolled in college and during which affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. The service member must re-enroll in an eligible institution within twelve months upon demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member's eligibility at the time he/she was mobilized. If the student re-enrolls after the twelve month period, the service member must submit an exception to policy (Please refer to Section 62–257).

B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the scholarship for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the college assistance program benefits/terms of eligibility during this period due to military mobilization shall be allowed to receive the college assistance benefits during the succeeding term.

C. The home institution will be responsible for receiving verification of military mobilization status, from the National Guard, attempted semester hours, credit hours earned, and eligibility for benefit renewal for the next academic year in accordance with Section 62–253.

D. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours earned will be used toward the maximum credit hour requirement for the college assistance program.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **62–257. Exception to Policy.**

A. Students may submit an exception to policy requesting a review of an adverse determination as to the awarding or continuation of the college assistance program benefit to the Office of the Adjutant General or the appointed Air or Army National Guard CAP Representative.

B. The Adjutant General, or the appointed Air or Army National Guard CAP Representative, shall devise procedures addressing student exception to policy requests to provide students an opportunity to submit documentation for a second review and determination of award.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **62–258. Institutional Policies and Procedures for Awarding.**

A. Each institution is responsible for reviewing all students based on the "Eligibility Requirements/Satisfactory Academic Progress" to determine eligibility for college assistance program benefits.

B. College assistance program awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. The college assistance program in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

C. Institutions will notify students of any adjustments in the college assistance program benefit funds that may result from an over award, change in eligibility, or change in financial status or other matters.

D. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

- (1) Award notification
- (2) Institutional disbursement to student
- (3) Refunds and repayments (if appropriate)
- (4) Enrollment and curriculum requirements

(5) Verification of required number of annual credit hours based on that (s)he is within the eligible 130 attempted hours from the time of initial eligibility of the program.

(6) Military mobilization orders (if appropriate)

E. The National Guard shall be responsible for providing a list of all eligible Guard members to the Commission on Higher Education, which in turn shall provide this list to all the eligible institutions. Only Guard Members who are on the list shall be awarded the college assistance program benefits.

F. Eligible participant lists will be accessed through the Commission portal (via log-on/password); eligibility will reflect assurance that the student is eligible for the annual maximum in accordance with Section 62-253 unless otherwise noted.

G. The college assistance program awards are to be used to meet unmet need or to replace any loans or work-study up to the student's cost-of-attendance.

H. The home institution will be responsible for obtaining official certification of the student's grade point average, attempted semester hours, credit hours earned, and satisfactory academic progress for the purposes of determining student eligibility for the college assistance program benefit and renewal in succeeding academic years.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

## **62-259. Benefits Disbursement and Reimbursements.**

A. The Commission shall disburse benefits awarded pursuant to this chapter to the eligible institutions to be placed in an account established for each eligible student.

(1) In the event that a student who has received a benefit withdraws, is suspended, ineligible under Section 62-253 C. (1), or otherwise becomes ineligible, the institution must reimburse the college assistance program for the amount of the benefit for the applicable term pursuant to the refund policies of the institution.

(2) The institution is responsible for collecting any amount due to the institution from the student.

(3) In the event a student withdraws or drops below eligibility requirements after the institution's refund period and therefore must pay tuition and fees for full-time or less-than full time enrollment, the benefits may be retained pursuant to the refund policies of the institution.

B. The institution is responsible for awarding college assistance program funds according to the "Institutional Policies and Procedures for Awarding" section, R.62-258, and procedures that may be prescribed the Commission.

C. Eligible institutions shall award amounts which, when combined with other financial aid, cannot exceed the student's cost-of-attendance or defined program award maximums.

D. After the last day to register for each term of the eligible academic year, the institution will verify enrollment of each recipient and award amount based upon enrollment status.

E. The institution must submit a request for funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission. At this time any funds must be returned to the Commission on Higher Education immediately.

F. The Commission will disburse awards to the eligible institutions to be placed in each eligible student's account.

G. At the time of disbursement, the student must be enrolled at the institution indicated as the home institution (on the National Guard application form) as a degree-seeking student at the home institution.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **Editor's Note**

State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016, transferred text from former R 62-260 to this regulation.

## **62-260. Program Administration and Audits.**

A. The Commission on Higher Education, in conjunction with the National Guard, shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with participating institutions.

(1) The Commission shall be responsible for the allocation of funds, promulgation of guidelines and regulations governing the college assistance program, and any audits or other oversight as may be deemed necessary to monitor the expenditures of scholarship funds.

(2) The National Guard shall be responsible for Officers continuing their service with the National Guard for at least four years after completion of the most recent benefit awarded or degree completion.

(3) The National Guard shall be responsible for any and all student appeals.

(4) The National Guard shall be responsible for providing a list of all eligible Guard members to the Commission on Higher Education, which in turn shall provide this list to all the eligible institutions. Only Guard Members who are on the list shall be awarded the college assistance program benefits.

B. Institutions must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission or the General Assembly to ensure proper administration of the program.

C. The Chief Executive Officer at each participating institution shall identify to the Commission a college assistance program institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **Editor's Note**

State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016, transferred text from former R 62-261 to this regulation. Former R 62-260, see, now R 62-259.

## **62-261. Suspension or Termination of Institutional Participation.**

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the college assistance program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any eligible institution, the Commission shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

### **Editor's Note**

State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016, transferred text from former R 62-262 to this regulation.

## **62-262. Funding.**

A. Benefits provided through the college assistance program are subject to the availability of funds appropriated by the General Assembly.



B. 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.

C. 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.

**HISTORY:** Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Amended by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016; State Register Volume 41, Issue No. 6, Doc. No. 4730, eff June 23, 2017.

**Editor's Note**

State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016, transferred text from former R 62-263 to this regulation.

**62-263. Omitted.**

**HISTORY:** Former Section, titled **Funding**, had the following history: Added by State Register Volume 33, Issue No. 3, eff March 27, 2009. Omitted by State Register Volume 40, Issue No. 2, Doc. No. 4533, eff February 26, 2016. See, now R 62-262.

**ARTICLE III**  
**STUDENT AND INSTITUTION ASSISTANCE**  
**SUBARTICLE A**  
**PALMETTO FELLOWS SCHOLARSHIP PROGRAM**

(Statutory Authority: 1976 Code § 59-104-20)

**62-300. Purpose of the Palmetto Fellows Scholarship and Scholarship Enhancement.**

A. Pursuant to Act 458 and amended by Act 95 and Act 162 in 2005, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Palmetto Fellows Scholarship Program. The General Assembly established the Palmetto Fellows Scholarship Program to foster scholarship among the State's postsecondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Program is to recognize the most academically talented high school seniors in South Carolina and to encourage them to attend eligible colleges or universities in the State. A secondary purpose is to help retain talented minority students who might otherwise pursue studies outside the State.

B. Pursuant to Act 115 and amended by Act 235 in 2008, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement. The General Assembly established the Palmetto Fellows Scholarship Enhancement in order to foster scholarship among the State's postsecondary students through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Enhancement Program is to recognize the most academically talented college students throughout the state of South Carolina in the areas of mathematics and science and encourage them to attend eligible colleges or universities in the State. In order to receive a Palmetto Fellows Scholarship Enhancement, all students must qualify for a Palmetto Fellows Scholarship as stipulated herein.

C. Independent and public institutions of higher learning in this or any other state in the U.S., outside the U.S. or abroad are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State

Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–305. Allocation of Program Funds.**

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs.

B. Under the South Carolina Education Lottery Act, a designated amount shall be allocated for Palmetto Fellows Scholarships and shall be included in the annual appropriation to the Commission on Higher Education.

C. 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 students meeting the requirements of Section 59–104–20.

D. The Palmetto Fellows Scholarship Enhancement is contingent upon the availability of funds appropriated by the General Assembly each academic year.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–310. Definitions.**

A. “Academic year” is defined as the twelve-month period of time during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year consists of the fall, spring and immediately succeeding summer terms.

B. “Annual credit hour requirement” is defined for the Palmetto Fellows Scholarship as a minimum of thirty (30) credit hours taken and earned at the end of each academic year based on the date of initial college enrollment. Credit hours cannot include remedial, continuing education, exempted credit hours (such as AP, CLEP, IB, etc.), credit hours earned before high school graduation (dual enrollment) and credit hours earned the summer term immediately following high school graduation. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student’s official college transcript by the institution at which they are earned, and be counted toward the annual credit hour requirement for the purposes of the Palmetto Fellows Scholarship Enhancement.

C. “Approved five-year bachelor’s degree program” is defined as a five-year bachelor’s program that is defined and approved by the Commission on Higher Education to receive the Palmetto Fellows Scholarship for a maximum of ten terms and the Scholarship Enhancement for a maximum of eight terms at the same eligible independent or public institution in order to complete the requirements for a bachelor’s degree. An approved five-year bachelor’s degree program does not include institutional and cooperative “3 plus 2” programs.

D. “Bachelor’s degree program” is defined as an undergraduate program of study leading to the first bachelor’s degree as defined by the U.S. Department of Education.

E. “CIP (Classification of Instructional Program) Code” is defined as the U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the Palmetto Fellows Scholarship Enhancement, CIP Codes have been approved by the Commission on Higher Education for eligible degree programs in the fields of mathematics and science.

F. "Continuing education coursework" is defined as postsecondary courses designed for personal development and that cannot be used as credit toward a degree.

G. "Continuously enrolled" is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions with the exception of students changing degree level within the programs cited in paragraphs L and HH of this section and students who have been granted preapproved leave status for no longer than one semester by their institution. Continuously enrolled includes summer terms, military mobilization, or students who transfer from a four-year institution only to return to a four-year institution. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled. Any student who has been suspended, expelled, does not attend subsequent (or consecutive semesters) that does not require a formal process of readmission to that institution, or voluntarily withdraws from a four-year institution and/or enrolls at a two-year institution during the interruption is considered to be no longer continuously enrolled.

H. "Cost-of-attendance" is defined by Title IV regulations and may include tuition, fees, books, room and board, and other expenses related to transportation, disability or dependent care.

I. "Cumulative grade point average (GPA)" is defined as the cumulative institutional GPA used for graduation purposes, which includes dividing the total number of quality points earned in all courses by the total credit hours in all courses attempted at the student's home institution. The cumulative GPA must be at least a 3.0 at the home institution for graduation purposes at the end of each academic year based on the date of initial college enrollment.

J. "Date of initial college enrollment" is defined as the first time a student matriculates into a postsecondary degree-granting institution after high school graduation or completion of an approved home school program, excluding the summer term immediately prior to the student's enrollment in the first regular academic year. Students must remain continuously enrolled as any break in enrollment (excluding summer) will count toward the student's terms of eligibility.

K. For the purposes of the Scholarship Enhancement, "declared major" is defined as an eligible degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department the student is enrolled in a declared major in an eligible degree program. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered enrolled in a declared major. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP code by the Commission. Eligible degree programs are those listed as such on the Commission's Web site. Students who change their declared major from an ineligible degree program to an eligible degree program within the same academic year shall not receive the Palmetto Fellows Scholarship Enhancement for that academic year. Additionally, students who change their declared major from an eligible degree program to an ineligible degree program within the same academic year will not lose eligibility until the next academic year.

L. "Degree-seeking student" is defined as a student enrolled full-time in a program of study that leads to the first bachelor's degree, first approved five-year bachelor's degree or a program of study that is structured so as not to require a bachelor's degree at an eligible independent or public institution. Students must maintain their undergraduate status in order to receive the Palmetto Fellows Scholarship and the Scholarship Enhancement each academic year, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Master of Science in Cytology and Biosciences at the Medical University of South Carolina; 3) Doctor of Pharmacy at the Medical University of South Carolina and the University of South Carolina (S.C. College of Pharmacy); and 4) Doctor of Pharmacy at Presbyterian College.

M. "Eligible degree program" is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as a degree program in mathematics or science as approved by the SC Commission on Higher Education. These programs include science or mathematics disciplines, computer science or informational technology, engineering, health care and health care related disciplines (including nursing, pre-medicine and pre-dentistry) as defined by the Commission on Higher Education.

Enrollment in a minor does not meet the requirements of an eligible degree program for the Palmetto Fellows Scholarship Enhancement. Students must be enrolled in a declared major in an eligible degree program that is approved and assigned a CIP Code by the Commission. Eligible degree programs are those listed as such on the Commission's Web site.

N. "Eligible high school" is defined as a public or private high school located within South Carolina, an approved home school program as defined in relevant State Statute (Sections 59–65–40, 45, and 47) or a preparatory high school located outside of the State while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with Section 59–112–10. A "preparatory high school" (out-of-state) is defined as a public or private school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

O. "Early awards" is defined as a period determined by CHE to apply for the Palmetto Fellows Scholarship. Application must be made through the students' high school. This period is generally from October through December of the academic year.

P. "Early graduate" is defined as a student who graduates mid-year their senior year.

Q. "Eligible institution" is defined as a SC four-year public or independent bachelor's level institution.

R. "Felonies" are defined as crimes classified under State statute (Section 16–1–10) for which the punishment in federal or state law and typically requires imprisonment for more than one year.

S. "Fifth year" is defined as the ninth or tenth consecutive term of undergraduate coursework in an approved five-year bachelor's program. The fifth year is based on the student's date of initial college enrollment after graduation from high school.

T. "First/freshman year" is defined as the first or second consecutive term of undergraduate coursework following high school graduation.

U. "For graduation purposes" is defined as any grade or credit hour that the home institution requires in accordance with their policies and procedures for graduation of the student, including electives and additional coursework.

V. "Fourth year" is defined as the seventh or eighth consecutive term of undergraduate coursework. The fourth year is based on the student's date of initial college enrollment after graduation from high school.

W. "Full-time student" shall mean a student who has matriculated into a program of study leading to the first bachelor's degree, first approved five-year bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree and who enrolls full-time, usually fifteen credit hours for the fall and fifteen credit hours for the spring term. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial coursework or continuing education coursework.

X. "Gift aid" is defined as scholarships and grants that do not nor will not under any circumstance require repayment, and excludes any self-help aid such as student loans and work-study.

Y. "Home institution" is defined as the independent or public institution where the student is currently enrolled as a full-time, degree-seeking student and may be eligible for financial aid at the same institution.

Z. "Independent institutions" are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those four-year institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an "independent institution of higher learning means any 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 Schools; or an independent bachelor's level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern 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 institutions' for purpose of

this charter”. Two-year independent institutions are not eligible to participate in the Palmetto Fellows Scholarship Program.

AA. “Ineligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as any degree program that is not on the Commission’s posted list of eligible degree programs.

BB. “Late awards” is defined as a period determined by CHE for high school seniors to apply for the Palmetto Fellows Scholarship. Application must be made through the students’ high school. This period is generally from April through June of the academic year.

CC. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). Only those individuals whose lawful presence in the US has been verified prior to initial college enrollment may receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

DD. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders service members to active duty away from their normal duty assignment during a time of war or national emergency. Service members include: 1) active duty and reserve members in the Army, Navy, Air Force, Marine Corps and Coast Guard, and; 2) members of the Army and Air National Guard.

EE. “Misdemeanor offenses” are defined as crimes classified under State statute (Section 16-1-100), less serious than felonies, and are typically punishable by fine or imprisonment for less than one year. A complete listing is located under Title 16 of State statute. Examples of alcohol and/or drug-related misdemeanor offenses in South Carolina include, but are not limited to, possession of alcohol while under the age of 21, possession of marijuana/illegal drugs, open container, transfer of alcohol to persons under 21, providing false information as to age (fake identification), etc.

FF. “Multi-handicapped student” shall be defined as a student who, in addition to being visually or hearing impaired, has at least one additional disabling condition that qualifies the student to receive specialized postsecondary education.

GG. “Palmetto Fellow” is defined as a student awarded the Palmetto Fellows Scholarship during his/her senior year of high school and continues to meet all eligibility requirements to receive the Palmetto Fellows Scholarship. A Palmetto Fellow who is not awarded any Palmetto Fellows Scholarship funds due to the cost of attendance being met by other sources of financial aid will still be classified as a Palmetto Fellow.

HH. “Program of study that is structured so as not to require a bachelor’s degree” shall be defined as a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the student’s first academic degree awarded, as defined by the U.S. Department of Education. Students are eligible for a maximum of eight terms as long as all other eligibility criteria are met and the program is approved by the Commission on Higher Education. Students must maintain their undergraduate status each academic term, with the exception of students enrolled in the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Master of Science in Cytology and Biosciences; 3) Doctor of Pharmacy at the University of South Carolina and the Medical University of South Carolina (S.C. College of Pharmacy); and 4) Doctor of Pharmacy at Presbyterian College. Students who have been awarded a bachelor’s or graduate degree are not eligible for funding.

II. “Public institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those four-year bachelor’s degree-granting institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean state-supported education in the postsecondary field.” Public two-year institutions and technical colleges are not eligible for participation in this Program.

JJ. “Reapplication student” is defined as a student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state, four-year institution the fall term immediately following high school graduation or attends an out-of-state institution at any time during the eight eligible terms. After attending an out-of-state four-year

institution, the student must return to SC, enroll in an eligible SC four-year institution, and make a request to CHE for reapplication for the Palmetto Fellows Scholarship.

KK. “Remedial coursework” shall be defined as sub-collegiate level preparatory courses in English, mathematics, reading or any other course deemed remedial by the institution where the course is taken.

LL. “Second year” is defined as the third or fourth consecutive term of full-time, undergraduate coursework. The second year is based on the student’s date of initial college enrollment after graduation from high school.

MM. “South Carolina resident” is defined as an individual who satisfies the requirements of residency in accordance with the state of South Carolina’s Statute for Tuition and Fees, Section 59–112–10, and all related guidelines and regulations promulgated by the Commission on Higher Education as determined by the institutional residency officer each academic year.

NN. “Satisfactory academic progress in a declared major” is defined for the purposes of the Scholarship Enhancement as the progress required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. Students must meet all requirements for satisfactory academic progress toward degree completion in their declared major as established by the policies of both the institution and the declared major in which the student is enrolled to meet the requirements of satisfactory academic progress.

OO. “Substantially deviates” shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the current South Carolina Uniform Grading Policy.

PP. “Transfer student” is defined, for the purposes of the Program, as a student who has changed full-time enrollment from one eligible independent or public institution to another eligible independent or public institution.

QQ. “Transient student” is defined as a student enrolled in a non-matriculated status, which means he/she is granted temporary admission to earn credit hours that will transfer back to his/her home institution toward a degree. A transient student is not eligible to receive the Palmetto Fellows Scholarship or the Scholarship Enhancement unless the student is participating in a program that is both approved and accepted as full-time transfer credit by the home institution.

RR. “Third year” is defined as the fifth or sixth consecutive term of undergraduate coursework. The third year is based on the student’s date of initial college enrollment after graduation from high school.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–315. Initial Eligibility for Palmetto Fellows Scholarship.**

A. In order to qualify for consideration for a Palmetto Fellows Scholarship, a student must:

1. Meet the eligibility criteria stipulated under the “Palmetto Fellows Scholarship Application” Section;
2. Be enrolled as a senior in an eligible high school;
3. Be classified as a South Carolina resident at the time of college enrollment;
4. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c). A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

5. Be seriously considering attending, have applied, or have been accepted for admission to an eligible four-year bachelor's degree-granting independent or public institution in South Carolina as a first-time, full-time, degree-seeking student; and

6. Certify that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and 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 by submitting a signed affidavit each academic year to the home institution testifying to the fact, except that a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug related misdemeanor offense is only ineligible the next academic year of enrollment in an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the home institution, the student will continue to be eligible for the remainder of that academic year. However, the student will be ineligible the following academic year of enrollment. If a student completes a pretrial intervention program and subsequently has his/her record expunged, the conviction will not affect the student's eligibility;

7. Submit the official Palmetto Fellows Scholarship Application by the established deadline(s) and comply with all the directions contained therein.

B. The high schools shall ensure that all students meeting the eligibility criteria are given the opportunity to be included in the applicant pool.

C. A student who graduates immediately after the high school sophomore year is eligible to apply for the Palmetto Fellows Scholarship, providing that the student meets all eligibility requirements as described in the "Initial Eligibility" Section and providing that the student is entering an eligible independent or public four-year institution no later than the fall term immediately following high school graduation.

D. A student who graduates in December/January of the high school senior year (considered an early graduate) is eligible to apply for the Palmetto Fellows Scholarship during early awards, provided that the student meets all eligibility requirements as described in the "Initial Eligibility" Section and provided that the student is entering an eligible independent or public four-year institution no later than the fall term immediately following high school graduation. Early graduates who plan to begin college enrollment the spring term may apply to receive the LIFE Scholarship through the Commission on Higher Education. Early graduates must be certified by the high school principal that they have met the SC graduation requirements. If the student is subsequently awarded the Palmetto Fellows Scholarship, then the student will receive the Palmetto Fellows Scholarship the fall term immediately following high school graduation for up to a maximum of seven terms. Students must enroll full-time continuously at a four-year institution the fall term immediately upon high school graduation.

E. Students cannot earn eligibility for the Palmetto Fellows Scholarship after high school graduation. All students must apply and be awarded during the high school senior year.

F. Students receiving the Palmetto Fellows Scholarship are not eligible for the LIFE Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance within the same academic year.

G. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.**

A. To be eligible for the Palmetto Fellows Scholarship Enhancement each academic year, a student must be:

1. A Palmetto Fellow at the time the Scholarship Enhancement is disbursed;

2. Enrolled full-time, degree-seeking in a declared major in an eligible degree program;
3. Making satisfactory academic progress toward completion of his/her declared major; and
4. Enrolled in the second year, third year, fourth year, or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution.

B. Students must successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment, credit hours earned during the summer session immediately prior to the student's date of initial college enrollment, Pass/Fail courses with a grade of "Pass" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement.

C. Any student who attempts to obtain or obtains the Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship Enhancement.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**

### **62–320. Palmetto Fellows Scholarship Application.**

A. The Commission on Higher Education will send information regarding the application process to all South Carolina high schools, home school associations and district superintendents. High schools and/or home school associations that do not receive information regarding the application process from the Commission on Higher Education by the beginning of each application process must contact the Commission for information. It is the sole responsibility of the high schools, home schools, home school associations, and district superintendents to contact CHE regarding the Palmetto Fellows Scholarship program including the application process. High school officials will identify students who meet the specified eligibility criteria by each established deadline. High school officials must submit applications (both electronic and paper documentation) no later than the established deadline(s) along with the appropriate signatures, official transcripts and test score verification to the Commission on Higher Education. High school officials must certify each eligible applicant's signature form. Students who are enrolled at out-of-state high schools are personally responsible for contacting the Commission on Higher Education about the application process and must adhere to the same established deadline(s).

B. The high schools and home school associations must submit a list to the Commission on Higher Education indicating the names of all students who meet the eligibility criteria at their high school. The list should indicate whether the student is submitting a completed application or declining the opportunity to apply. If the student declines the opportunity to apply, the high school will submit a form for each of these students, signed by both the student and the parent/guardian and indicating the reason(s) for not submitting an application. Students who decline to apply for the Scholarship forfeit any future eligibility under this Program.

C. Applications for early awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established in December each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the early awards (students cannot use the early awards criteria to apply during the late awards):

1. Score at least 1200 on the SAT or 27 on the ACT through the November test administration of the senior year; earn a minimum 3.50 cumulative GPA on the current SC Uniform Grading Policy (UGP) at the end of the junior year; and rank in the top six percent of the class at the end of either the sophomore or the junior year; or
2. The alternate criteria of a score at least 1400 on the SAT or 32 on the ACT through the November test administration of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the junior year, without regard to class rank.



3. High schools or home school associations that do not rank as an official policy; or high schools whose grading policy deviates from the current SC Uniform Grading Policy and do not convert the graduating class grades to the current SC UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

D. Applications for late awards must be submitted to the Commission on Higher Education for the Palmetto Fellows Scholarship by the date established in June each academic year. Students must meet one of the following set of academic criteria in order to be eligible to apply for the late awards:

1. Score at least 1200 on the SAT or 27 on the ACT through the June test administration of the senior year; earn a minimum 3.50 cumulative GPA on the UGP at the end of the senior year; and rank in the top six percent of the class at the end of the sophomore, junior or senior year; or

2. Score at least 1400 on the SAT or 32 on the ACT through the June test administration of the senior year and earn a minimum 4.00 cumulative GPA on the UGP at the end of the senior year, without regard to class rank.

3. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current SC Uniform Grading Policy and that do not convert the graduating class grades to the current SC UGP to determine class rank, must use the alternate criteria of meeting the academic requirements for the Palmetto Fellow Scholarship.

4. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

E. Students must have official verification that they earned the requisite score on the SAT or an equivalent ACT score. In order to determine the minimum composite score for the SAT, students must use the highest Math score combined with the highest Critical Reading score. However, students cannot use the Writing subsection score to meet the minimum SAT score requirement. In order to determine the minimum composite score for the ACT, students must use the highest composite score based upon one test administration.

F. Grade point averages must be based on the current SC Uniform Grading Policy, reported with at least two decimal places, and may not be rounded up.

G. Class rank must be based on the SC Uniform Grading Policy using diploma candidates only. Class rank is determined at the end of the sophomore, junior and senior years (not the beginning of the next school year) before including any summer school coursework or including any students who transfer into your high school after the school year ended in May/June. Students cannot be removed from the class because they did not meet the eligibility criteria to apply, declined to apply, are not residents of the State, do not meet citizenship requirements, plan to attend college out-of-state, etc. The class rank information must include all students who attended your high school that school year.

H. The number of students included in the top six percent of the class will be the next whole number if the top six percent is not already a whole number. For example, a class size of 185 students would include the top twelve students since 11.1 rounds up to twelve. For those high schools with fewer than twenty students in the class, the top two students (students ranked as number one and two) shall be considered for the Scholarship regardless of whether they rank in the top six percent of the class. These students must meet all other eligibility criteria.

I. In order to apply for the Palmetto Fellows Scholarship using rank as one of the eligibility criteria, home school students must be a member of an approved home school program (as defined in relevant State Statute) that provides an official class rank for their members. The home school association must submit a rank report on the association's letterhead that includes the class rank and GPA based on the current SC Uniform Grading Policy for all home school students in the applicant's class. If a home school student is unable to obtain rank verification, he/she may also be eligible to apply using the alternative criteria of scoring at least 1400 on the SAT (or 32 on the ACT) and earning a minimum 4.00 cumulative GPA on the UGP, without regard to class rank. These students must meet all other eligibility criteria.

J. For schools or home school associations that do not rank as an official policy, students must use the alternate criteria to meet eligibility requirements for the Palmetto Fellows Scholarship.

K. For the purposes of meeting the rank criterion, 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 S.C. Uniform Grading Scale, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. The guidance counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the current SC UGP to determine if the student ranks within the top six percent of the class and must provide a ranking report that identifies all students in the applicant's class and their respective GPA's based on the SC UGP. When converting scores to the SC UGP, weighting must adhere to the SC UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the SC UGP. For example, if a student earned a 90 in an honors class, the conversion of the scores/grades must be equivalent to the points assigned according to the current SC UGP. To be considered equivalent, the out-of-state school's grading scale must adhere to the following minimum requirements:

1. Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;
2. To be equivalent to an "A" letter grade, the numerical average must be  $\geq 93$ ; to be equivalent to a "B" letter grade the numerical average must be between 85 and 92; to be equivalent to a "C" letter grade the numerical average must be between 77 and 84; to be equivalent to a "D" letter grade the numerical average must be between 70 and 76; and to be equivalent to a "F" letter grade the numerical average must be between 62 and 69 (if a course with a numerical average of  $< 62$  is considered passing by the high school the student earned the grade, then a 73 numerical average should be given);
3. Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;
4. Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and
5. If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all "A" letter grades must be converted to a 96 numerical average, all "B" letter grades must be converted to a 88 numerical average, all "C" letter grades must be converted to a 80 numerical average, all "D" letter grades must be converted to a 73 numerical average, and all "F" numerical averages must be converted a 61 numerical average.

L. Students who attend out-of-state preparatory high school may also be eligible to apply by using the alternative criteria of scoring at least 1400 on the SAT (or 32 on the ACT) and earning a minimum 4.00 cumulative GPA on the current SC Uniform Grading Policy. The student's guidance counselor must convert the student's grades to the UGP to determine if the student meets the GPA requirement. These students must meet all other eligibility criteria, including South Carolina residency requirements.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–325. Palmetto Fellows Scholarship Selection Process.**

A. The Commission on Higher Education will notify students of their selection as a Palmetto Fellow along with the terms and conditions of the award.

B. Students who have met the academic requirements of the Scholarship must return a form to the Commission that designates an eligible four-year independent or public institution in which they plan to enroll by the date established by the Commission on Higher Education. The Palmetto Fellows

Scholarship will only be awarded to those students who have a lawful presence in the United States and have been identified as a SC resident at the time of initial college enrollment.

C. Visually impaired, hearing impaired or multi-handicapped students who qualify for the Scholarship may use the Palmetto Fellows Scholarship to attend a four-year out-of-state institution that specializes in educating students with their impairment upon receiving prior approval from the Commission on Higher Education. The Commission on Higher Education shall make the final decision whether an out-of-state institution specializes in the postsecondary education of visually impaired, hearing impaired or multi-handicapped students.

D. The Commission on Higher Education shall ensure that there is equitable minority participation in the Program.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.**

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship;
2. \$2,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship Enhancement.

B. Half shall be awarded during the fall term and half during the spring term. Palmetto Fellows Scholarships and Palmetto Fellows Scholarship Enhancements are to be used only toward payment for cost-of-attendance as established by Title IV Regulations with modifications set forth in D below for the academic year the award is made at the designated independent or public institution. The maximum amount awarded shall not exceed the cost-of-attendance as established by Title IV Regulations for any academic year.

C. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship and Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and
2. Board charges shall not exceed the cost of the least expensive campus meal plan that includes 21 meals per week.

E. In determining the amount awarded for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds, must be applied to the unmet cost-of-attendance before calculating the Scholarship and Enhancement amounts and making the award. Adjustments to the financial aid package will be made to the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement in accordance with prescribed Title IV regulations in order to prevent an over-award.

F. Although a student may be named a Palmetto Fellow, the student may not receive a monetary award, if the award when combined with all other sources of gift aid would cause the student to receive financial assistance in excess of the student's cost-of-attendance as defined by Title IV regulations and the guidelines contained herein.

G. Eligible four-year independent and public institutions will notify students of their award along with the terms and conditions.

H. Effective Fall 2008, Section 59–101–430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending SC Public institutions of higher learning. This does

apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. This process must verify any alien's immigration status with the federal government. Students receiving the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement must be verified. Any student that is not verified and documented by the institution will not receive the Scholarship.

I. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

J. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund on any state or federal financial aid
2. Affidavit documenting that the student has never been convicted of any felonies and has not been convicted of any second or subsequent alcohol/drug-related misdemeanor offense within the past academic year as stated under "Initial Eligibility" and "Duration and Renewal of Awards" Sections
3. Award notification
4. Institutional disbursements to student
5. Verification student is not in default and does not owe a refund or repayment
6. Student's residency status and citizenship status
7. Enrollment status and degree-seeking status
8. Verification of cumulative GPA and annual credit hours for renewal purposes
9. Verification from the institutional Disability Services Provider of student's disability and approval of reduced course-load requirement (if appropriate)
10. Military mobilization orders (if appropriate)
11. Verification student met fourteen credit hour requirement at the end of the first year of college enrollment for the 2007-08 freshman class and thereafter (Palmetto Fellows Scholarship Enhancement purposes only)
12. Verification from academic department of enrollment in a declared major in an eligible degree program (Palmetto Fellows Scholarship Enhancement purposes only).
13. Verification from the institution that lawful presence in the US, and has been verified.

K. It is the institution's responsibility to ensure that only eligible students receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

L. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-335. Duration and Renewal of Awards.**

A. The Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement where applicable shall be initially awarded for one academic year. The institution shall adjust the amount of the Scholarship and Enhancement awards during the academic year in the event of a change in the student's eligibility.

B. Students selected as Palmetto Fellows must enter an eligible four-year independent or public institution the fall term immediately following high school graduation. Students must be continuously enrolled at an eligible four-year institution. Students with a break in continuous full-time enrollment at a four-year institution or initially enrolling at a two-year institution the fall term after high school graduation will forfeit the scholarship.

C. A Palmetto Fellows Scholarship may be renewed annually for no more than a total of eight terms (based on the date of initial college enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of ten terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. The Palmetto Fellows Scholarship Enhancement may not be awarded for no more than a total of six terms (based on the date of initial college enrollment) toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for no more than a total of eight terms (based on the date of initial college enrollment) toward the first approved five-year bachelor's degree. Students who have already been awarded their first bachelor or graduate degree are not eligible to receive the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement.

D. The institution is responsible for obtaining institutional certification of each recipient's cumulative grade point average and annual credit hours for the purposes of determining eligibility for award renewal. For the Palmetto Fellows Scholarship Enhancement, the institution must also obtain verification from the academic department of enrollment in a declared major in an eligible degree program.

E. By the end of the spring term each academic year, the institution must notify all Palmetto Fellows who have not met the continued eligibility requirements for the next academic year. The notification should include information regarding the student's ability to attend summer school in order to meet the continued eligibility requirements.

F. The eligible four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at the home institution only. Transfer credit hours cannot be reported by the home institution.

G. In order to retain eligibility for the Palmetto Fellows Scholarship after the initial year, the student must meet the following continued eligibility requirements:

1. Enroll and be continuously enrolled at an eligible four-year public or independent institution as a full-time, degree-seeking student at the time of Scholarship disbursement;
2. Earn at least a 3.0 cumulative GPA at the home institution for graduation purposes by the end of each academic year;
3. Earn a minimum of thirty credit hours for graduation purposes by the end of each academic year. Exempted credit hours (such as AP, CLEP, etc.), credit hours earned before high school graduation, and credit hours earned the summer term immediately following high school graduation cannot be used to meet the annual credit hour requirement;
4. Certify each academic year that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed. Students who have not completed the Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any federal or state financial aid, including the state grants/scholarships, Pell Grant, Supplemental Educational Opportunity Grant, Federal Perkins or Stafford Loan; and
5. Certify each academic year that he/she has never been adjudicated delinquent, convicted or pled guilty or *nolo contendere* to any felonies and any second or subsequent alcohol/drug-related misdemeanor offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit to the home institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second or subsequent alcohol or drug-related misdemeanor offense is only ineligible for the next academic year of enrollment at an eligible independent or public institution after the date of the adjudication, conviction or plea. If the adjudication, conviction or plea occurs during the academic year after the

student has already submitted a signed affidavit to the institution, the student will continue to be eligible for the remainder of the academic year. However, the student will be ineligible for the Scholarship for the following academic year of enrollment. If a student completes a pretrial intervention program and his/her record is subsequently expunged, the charge will not affect Scholarship eligibility.

H. In order to retain eligibility for the Palmetto Fellows Scholarship Enhancement, a student must:

1. Be a Palmetto Fellow at the time the Scholarship Enhancement is disbursed;
2. Be enrolled and continuously enrolled at an eligible four-year public or independent institution as a full-time, degree-seeking student in a declared major in an eligible degree program;
3. Be making satisfactory academic progress toward completion of his/her declared major;
4. Be enrolled in the second year, third year, fourth year or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution; and
5. Successfully complete at least fourteen credit hours of instruction in mathematics or life and physical science or a combination of both at the end of the first year for the 2007 freshman class and thereafter. For the purpose of meeting the fourteen credit hour requirement at the end of the student's first year, exempted credit hours (AP, CLEP, IB, etc), credit hours earned while in high school (dual enrollment), and credit hours earned during the summer session immediately prior to the student's date of initial college enrollment may be used. However, remedial coursework and continuing education coursework cannot be used to meet the fourteen credit hour requirement. Palmetto Fellows who were already enrolled in at least their second year in the 2007–2008 academic year only are not required to meet the fourteen credit hour requirement at the end of their first/freshman year.

I. Any student who attempts to obtain or obtains a Palmetto Fellows Scholarship or Palmetto Fellows Scholarship Enhancement through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–340. Transfer of or Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.**

A. Palmetto Fellows enrolled at an eligible four-year independent or public institution may transfer to another four-year eligible independent or public institution in South Carolina upon obtaining prior approval from the Commission on Higher Education by submitting a transfer form, which is available on the Commission's Web site.

B. A student who applied for and was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state four-year institution the fall term immediately following high school graduation or a student who attends an out-of-state institution at any time during the eight eligible terms, must reapply if they transfer to an eligible four-year independent or public institution in South Carolina. The reapplication form is available on the Commission's Web site.

C. Transfer students and reapplication students are only eligible to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement for the remaining terms of eligibility (based on the date of initial college enrollment).

D. Transfer students and reapplication students must comply with all standards for continued eligibility as defined under the "Duration and Renewal of Awards" Section in order for their award to be eligible for transfer.

E. The eligible four-year independent or public institution is responsible for reviewing all Palmetto Fellows transferring to their institution to determine whether the students are eligible for the Palmetto Fellows Scholarship Enhancement.

F. The eligible four-year independent or public institution is responsible for reporting to the Commission on Higher Education credit hours earned at their institution only. Transfer credit hours cannot be reported by the home institution.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–345. Students with Disabilities.**

A. Palmetto Fellows who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in the “Initial Eligibility” Section, except for the full-time enrollment requirement, in order to be eligible to receive funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in the “Duration and Renewal of Awards” Section, except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider at the home institution to be enrolled in less than full-time status or less than the required annual credit hours for that academic year. Each academic year for award renewal, students must earn the required number of hours approved by the institutional Disability Services Provider at the home institution and earn a minimum 3.0 cumulative grade point average at the home institution for graduation purposes. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year verifying that the student is approved to be enrolled in less than full-time status or less than the required annual credit hours. It is the responsibility of transfer students and reapplication students to provide written documentation from the previous institutional Disability Services Provider.

D. Palmetto Fellows who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available terms and available funds.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–350. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.**

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive Palmetto Fellows Scholarship and Palmetto Fellow Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit. Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds must be paid directly to the student’s account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer funds to the institutions where students will

participate in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs. The home institution is responsible for funds according to the "Program Administration and Audits" Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year must earn at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal the next academic year. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

D. For students enrolling in an internship, cooperative work program, travel study program, or National or International Student Exchange Program that is approved by the home institution but does not award full-time transfer credit for the entire academic year, renewal for the next academic year will be based on the prior year's eligibility. The student may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolling in an internship, a cooperative work program, a travel study program, or National or International Student Exchange Program that are approved by the home institution during the academic year and did not use their entire eligibility for the Palmetto Fellows Scholarship or the Palmetto Fellows Scholarship Enhancement funds during this period shall be allowed to receive one term of Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on the date of initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement funds for the succeeding summer term, students must enroll in twelve credit hours at the home institution. In order to maintain eligibility for the next academic year for students who only attend summer school, the student must earn at least twelve credit hours by the end of the academic year. For students who enroll in summer school and one other term of the academic year, the student must earn a total of at least 27 credit hours by the end of the academic year. The student must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student's cumulative grade point average and annual credit hours earned for purposes of determining eligibility for Scholarship and Enhancement renewal for the next academic year. For purposes of Enhancement eligibility, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62-351. Military Mobilization.**

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused term(s) while mobilized during the succeeding summer term or at the end of the maximum terms of eligibility (provided the service member meets continued eligibility requirements). The service member must re-enroll in an eligible independent or public institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member's eligibility at the time he/she was



mobilized. If the service member re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for a minimum of one academic year may be eligible the next academic year, if they met the continued eligibility requirements at the end of the last academic year of attendance. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete at least fifteen credit hours and a minimum 3.0 cumulative grade point average at the home institution for graduation purposes by the end of the academic year to be eligible for renewal for the next academic year. Service members may continue to be eligible for up to the maximum terms of eligibility based on the date of initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for summer school for any unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of at least twenty-seven credit hours by the end of the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn at least twelve credit hours by the end of the academic year. The service member must meet all continued eligibility requirements, except for the completion of the annual credit hour requirement for the academic year.

E. The home institution will be responsible for obtaining verification of military mobilization status, cumulative grade point average and annual credit hours for the purpose of determining eligibility to renew the Palmetto Fellows Scholarship for the next academic year. For purposes of the Palmetto Fellows Scholarship Enhancement, the home institution must also obtain certification from the academic department of enrollment in a declared major in an eligible degree program.

**HISTORY:** Added by State Register Volume 29, Issue No. 6, eff June 24, 2005. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62-355. Appeals Procedures.**

A. The Commission on Higher Education shall define the procedures for scholarship appeals.

B. A student who does not meet the continued eligibility criteria for renewal of the Palmetto Fellows Scholarship forfeits continued participation in the Program and may request an appeal based on extenuating circumstances.

C. A student is allowed to submit only one appeal each academic year.

D. A completed appeal's application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal's application by the required deadline(s) will result in forfeiture of the scholarship.

E. A student who fails to submit an appeal by the required deadline will result in forfeiture of the award.

F. The Palmetto Fellows Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

G. Students cannot appeal solely on the loss of the Palmetto Fellows Scholarship Enhancement.

H. The Appeals Committee's decision is final.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62-360. Institutional Disbursement of Funds.**

A. The institution will identify award amounts, which cannot exceed:

1. \$6,700 the first/freshman year and \$7,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship;
2. \$2,500 for the second year, third year, fourth year and fifth year for the Palmetto Fellows Scholarship Enhancement.

B. Half shall be awarded during the fall term and half during the spring term. Funds cannot be disbursed during the summer or any interim sessions except for disbursements made in accordance with the requirements of the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs" or "Military Mobilization" Sections. Palmetto Fellows may not be funded for more than a total of eight terms of study toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree or for more than a total of ten terms of study toward the first approved five-year degree. Palmetto Fellows Scholarship Enhancements may not be funded for more than a total of six terms toward the first bachelor's degree or a program of study that is structured so as not to require a bachelor's degree or for no more than a total of eight terms toward the first-approved bachelor's degree.

C. The Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement cannot be applied to remedial coursework, continuing education coursework, a second bachelor's degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Definitions" Section or the student is enrolled in one of the following programs: 1) Master of Science in Physician Assistant Studies at the Medical University of South Carolina; 2) Master of Science in Cytology and Biosciences at the Medical University of South Carolina; 3) Doctor of Pharmacy at the Medical University of South Carolina and the University of South Carolina (S.C. College of Pharmacy); and 4) Doctor of Pharmacy at Presbyterian College. In the event of early graduation, the award is discontinued.

D. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year cannot be awarded the Palmetto Fellows Scholarship Enhancement until the next academic year. Additionally, students who change their major from an eligible degree program to an ineligible degree program during the same academic year will retain their Palmetto Fellows Scholarship Enhancement eligibility for the remainder of the current academic year.

E. The institution shall provide each Palmetto Fellow with an award notification for each academic year, which will contain the terms and conditions of the Scholarship and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and terms for the awards.

F. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time degree-seeking student.

G. The institution must submit a request for funds and/or return of funds by the established deadline each term. The Commission will disburse funds to eligible independent and public institutions to be placed in each eligible student's account. In addition, a listing of eligible recipients by identification number with the award amounts must be sent to the Commission on Higher Education by the established deadline each term. At this time, any unused funds must be returned to the Commission immediately.

H. The Commission will disburse awards to the eligible four-year independent and public institutions to be placed in each eligible student's account.

I. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-365. Refunds and Repayments.**

A. In the event a student who has been awarded the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time status during any regular term of the academic year, institutions must reimburse the Program for the amount of the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement for the term in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

C. In the event a student who has been awarded the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement and has been identified as not being a SC resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a SC resident.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-370. Program Administration and Audits.**

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this Program with the eligible independent and public institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the Program, any audits, or other oversight as may be deemed necessary to monitor the expenditure of funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible independent and public institutions must abide by all Program policies, rules and regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the Program.

C. The Chief Executive Officer at each eligible independent and public institution shall identify to the Commission on Higher Education an institutional representative who is responsible for the operation of the Program on the campus and will serve as the contact person for the Program. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the Program.

D. All eligible independent and public institutions that participate in the program must verify the lawful presence in the US of any student who receives a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

E. The participating institution shall identify to the Commission on Higher Education an institutional representative who will be responsible for determining residency and lawful presence classification for the purposes of awarding the Palmetto Fellows Scholarship.

F. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the Palmetto Fellows Scholarship in programs that promote financial aid incentives or packages. Any mention of the Palmetto Fellows Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Palmetto Fellows Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–375. Suspension or Termination of Institutional Participation.**

A. The Commission on Higher Education may review institutional administrative practices to determine compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission on Higher Education may suspend, terminate, or place certain conditions upon the institution's continued participation in the Program and require reimbursement to the Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation(s) may have occurred or are occurring at any eligible independent or public institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 2, eff February 26, 1999; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **SUBARTICLE B**

### **IMPROVING UNDERGRADUATE INSTRUCTIONS; COMPETITIVE GRANTS PROGRAMS**

#### **Editor's Note**

The regulations in this article were adopted June 24, 1988, unless otherwise indicated.

### **62–400. Improving Undergraduate Instruction—Competitive Grants Program.**

There is hereby created the Improving Undergraduate Instruction—Competitive Grants Program for the purpose of improving undergraduate education with primary emphasis on improvement and evaluation of instruction in South Carolina. The program shall consist of grants made to eligible public and private non-proprietary postsecondary institutions in South Carolina. The Commission should administer the program and request annual State appropriations for this purpose.

Implementation of the proposed regulations shall be contingent on statutory authorization of the program and on the provision of funding for the purpose.

### **62–401. Commission to Develop Program; Eligible Institutions; Criteria for Awarding Grants.**

A. The State Commission on Higher Education shall develop a statewide program of grants to improve undergraduate education. Such grants shall be awarded on a competitive basis.

B. Only public and private non-proprietary postsecondary institutions accredited by the Southern Association of Colleges and Schools will be eligible to apply for and receive a grant.

C. Annually, CHE, with advice from eligible institutions, shall establish priorities for awarding grants. Individual awards shall be made in amounts not less than \$25,000 or more than \$75,000. Proposals shall be evaluated by a panel of out-of-state educators chosen by the Commission. The final decision on funding shall be made by the Commission. Proposals which generate results which are readily transferable to other institutions shall be favored. The Commission shall disseminate information to ensure that project results are shared widely.

**SUBARTICLE C**  
**SOUTH CAROLINA NEED-BASED GRANTS PROGRAM**

(Statutory Authority: 1976 Code § 59-142-20)

**62-450. Purpose of the South Carolina Need-based Grants Program.**

Pursuant to Act 458, South Carolina Children First: Resources for Scholarships and Tuition Act of 1996, of the 1995-1996 Appropriations Bill, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the South Carolina Need-based Grants Program. The purpose of the South Carolina Need-based Grants Program is to provide additional financial aid assistance to South Carolina's neediest students. The program will assist students who wish to attend public or independent colleges or universities in the State.

**HISTORY:** Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997. Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

**62-455. Allocation of Need-based Grant Funds to Public and Independent Institutions.**

A. Funds made available for higher education grants and scholarships under Chapter 143 of Title 59 of the 1976 Code, as amended under Act 458, South Carolina Children First: Resources for Scholarship and Tuition Act of 1996, shall be included in the annual appropriation to the Commission on Higher Education. Fifty percent of the appropriation shall be designated for the Palmetto Fellows Scholarship Program and the remaining fifty percent shall be for the Need-based Grants Program. However, in instances where the equal division of the appropriated funds between the Palmetto Fellows Scholarship and Need-based Grants Programs exceeds the capacity to make awards in either program, the Commission on Higher Education has the authority to re-allocate the remaining funds between the two programs. The Commission on Higher Education shall award to eligible students who are attending public or independent eligible institutions as State Need-based Grant recipients as follows:

1. Of the funds allocated to public institutions, the percentage shall be equivalent to the percentage of the public institution's share of the total South Carolina resident undergraduate full-time headcount enrollment in the preceding year.
2. Of the funds allocated to independent institutions, the percentage shall be equivalent to the percentage of the independent institutions' share of the total South Carolina resident undergraduate full-time headcount enrollment in the preceding year and will be determined annually by the South Carolina Commission on Higher Education and the Tuition Grants Commission. The funds allocated for Need-based Grants 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, which will distribute these funds as Tuition Grants.

B. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering

the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997. Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–460. Program Definitions for Administering South Carolina Need-based Grants at Public Institutions.**

A. “Academic year” is defined as the fall, spring and summer semesters during which a part-time student would be expected to earn a minimum of six credit hours for each semester the student is enrolled for a minimum of 12 credit hours or a full-time student would be expected to earn a minimum of twelve credit hours for each semester to earn a minimum of 24 credit hours.

B. “Associate degree program” is defined as a two-year technical or occupational program or an associate’s degree program (Associate of Arts or Associate of Science) which leads to the first two years of a baccalaureate degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

C. “Baccalaureate degree program” is defined as an undergraduate program of study leading to the first bachelor’s degree at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and authorized by the Commission on Higher Education.

D. “Degree-seeking student” is defined as any part-time or full-time student enrolled in an eligible program of study at an eligible institution.

E. “Eligible program” is defined as a program of study leading to: 1) the first baccalaureate degree 2) a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree; 3) first associate’s degree or two-year program that is acceptable for full credit towards a bachelor’s degree; or 4) one-year program that leads to other recognized credentials (e.g., first diploma or first certificate). Study toward the first diploma or certificate may be followed by study toward the first associate’s degree, which may be followed by transfer to the first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree. Students who have already obtained a baccalaureate degree are not eligible for subsequent grant funds.

F. “Full-time student” shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of twelve credit hours during the regular academic semester.

G. “Independent institutions” are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that “an independent institution of higher learning means any 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 Schools.”

H. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

I. “Need analysis” shall mean the process of analyzing the household and financial information on the student’s financial aid application and calculating the amount the family can be expected to contribute to the educational costs. For Federal Student Aid Programs, the need analysis system is defined under Title IV of the Higher Education Act of 1965.

J. “Needy student” shall mean a post-secondary student enrolled in or accepted for enrollment in a public institution who demonstrates to the institution the financial inability, either parental, familial, or personal, to bear the total cost-of-attendance for any regular academic semester. The determination of need shall be made in accordance with Federal need analysis formulae and provisions.

K. An “offense” shall mean a violation of any law or rule in any state or Federal criminal justice system.

L. “One-year program” is defined as an undergraduate program of study leading to other recognized educational credentials (e.g., certificates or diplomas that prepare students for gainful employment in a recognized occupation) at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs and is authorized by either the Commission on Higher Education or the State Board for Technical and Comprehensive Education.

M. “Part-time student” shall mean a student who has matriculated into an eligible program of study, and who enrolls in a minimum of six credit hours and a maximum of eleven credit hours during the regular academic semester.

N. “Program of study that is structured so as not to require a baccalaureate degree” is a program of study that is structured so as not to require a baccalaureate degree for acceptance into the program and leads to a graduate degree, which will be the student’s first academic degree awarded, at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs. Students are eligible to receive the grant for a maximum of eight full-time equivalent semesters as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate or graduate degree are not eligible for grant funding.

O. “Public institutions” are those institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates that: “1) ‘public higher education’ shall mean state-supported education in the post-secondary field, including comprehensive and technical education; 2) ‘public institution of higher learning’ shall mean any state-supported post-secondary educational institution and shall include technical and comprehensive educational institutions.”

P. “Remedial coursework” shall mean sub-collegiate level preparatory courses in English, mathematics, and reading offered at the State’s technical colleges.

Q. “Satisfactory academic progress” shall mean the minimum academic standard for academic progress established by the public institution for the purpose of complying with Title IV regulations for Federal Student Aid Programs.

R. “South Carolina resident” shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina Statute for Tuition and Fees, Statute 59–112–10.

**HISTORY:** Added by State Register Volume 21, Issue No. 6, Part 2, eff June 27, 1997. Amended by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; State Register Volume 26, Issue No. 2, eff February 22, 2002; State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–465. Student Eligibility.**

A. To be eligible for a Need-based Grant each academic year, the student must:

1. Be a “needy student” following the financial need analysis as established under Title IV Regulations for determining eligibility for Federal Student Aid. The student must file the Free Application for Federal Student Aid (FAFSA) Form;

2. Be a U.S. citizen or a lawful permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence in the US has been verified at the time of enrollment at the institution;

3. Be a resident of the state of South Carolina for twelve consecutive months as defined in Chapter 112 of Title 59 of the 1976 Code of Laws governing the determination of residency for tuition and fee purposes;

4. Be enrolled or accepted for enrollment as a part-time or full-time degree-seeking student in an eligible program of study at an eligible public institution in South Carolina. A student enrolled in less than six credit hours during one semester may not receive a Need-based Grant for the semester in question but is eligible for reapplication for a grant upon return to part-time or full-time status;

5. Be enrolled and attending or have completed at the time of the grant disbursement in a minimum of six credit hours if part-time for the semester or twelve credit hours if full-time for the semester;

6. Certify that he/she 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 Needbased 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; and be eligible for the need-based grants for a maximum of four academic years of two semesters by submitting a signed affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or nolo contendere of a second or subsequent alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Need-based Grant the remainder of the academic year. However, the student will be ineligible for the Need-based Grant the following entire academic year of enrollment. If a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect grant eligibility; and

7. Verify that he/she does not owe a refund or repayment on a State Grant, a Pell Grant, or a Supplemental Educational Opportunity Grant and is not in default on a loan under the Federal Perkins Loan or Federal Stafford Loan Programs; and

8. Must reapply for the Need-based Grant each academic year and meet all eligibility requirements annually.

9. Students who have previously earned credit hours and are applying for the South Carolina Need-based Grant for the first time must have earned at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes at the end of the academic year before being awarded the Grant.

B. Students enrolled part-time or full-time may not receive a Need-based Grant for more than a maximum of eight full-time equivalent semesters. Students may only receive Need-based Grant funding for up to two semesters of the academic year. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students enrolled in an eligible program of study as stated in the "Program Definitions" Section may include remedial courses as part of the minimum number of required credit hours for part-time or full-time status, as long as such courses carry credit hours and meet Title IV limitations on remedial coursework.

D. Any false information provided by the student or any attempt to obtain or expend any Need-based Grant for unlawful purposes or any purpose other than in payment or reimbursement for the cost-of-attendance at the institution authorized to award the grant will be cause for immediate cancellation of the Need-based Grant. Any student who has obtained a Need-based Grant through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the Need-based Grant.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–470. Policies and Procedures for Awarding Need-based Grants.**

A. The Need-based Grants Program for the public institutions will be campus-administered. Grant funds will supplement the student financial aid awards administered by the participating public colleges and universities.



B. The participating institution will make awards in amounts to be defined in accordance with the Needbased Grants Program regulation and criteria, but not to exceed \$1,250 per eligible part-time student and \$2,500 per eligible full-time student per academic year, based on the institution's allocated funds for Needbased Grants and other financial aid awarded to individual applicants. However, the Commission, due to inflation increases or other relevant factors, may periodically adjust the maximum award for the Need-based Grants Program. A maximum of fifty percent of the grant shall be disbursed for two terms of the academic year, assuming continued eligibility.

C. Need-based Grants are to be used only towards payment for the cost-of-attendance as defined by Title IV Regulations as modified by D below for the academic year for which the award is made at the designated institution. The maximum amount awarded shall not exceed the cost-of-attendance as defined in Title IV Regulations for any year.

D. Charges for room and board are to be limited as follows:

1. Room charges shall not exceed the average cost of on-campus residential housing; and
2. Board charges shall not exceed the cost of the least expensive on-campus meal plan, which includes 21 meals per week.

E. In determining the amount awarded for the Need-based Grant, all other sources of gift aid, including Federal, State, private and institutional funds, must be applied to the total cost-of-attendance before calculating the unmet need and awarding the grant. The Need-based Grant shall be awarded only after all other sources of gift aid have been exhausted. Adjustments to the financial aid package will be made to the Need-based Grant in accordance with prescribed Title IV Regulations in order to prevent an over-award.

F. Institutions must give first priority and award the maximum allowable Need-based Grant (\$2,500 if full-time or \$1,250 if part-time) to students who are in the custody of the South Carolina Department of Social Services (DSS). However, institutions should not award the maximum amount if, by doing so, this causes the student to exceed the unmet need according to Title IV Regulations. Students who may be eligible under this provision are responsible for contacting the institution and providing official verification to the institution that he/she is in custody of DSS. Acceptable verification shall include a letter from DSS.

G. Participating institutions will notify students of their Need-based Grant along with the terms and conditions of the award.

H. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

I. Annual allocations of funds to the public institutions will be based on each institution's percentage of the State's total enrollment of South Carolina resident undergraduate full-time degree-seeking headcount enrollment. The percentage will be based on the previous year's total as determined by the Commission on Higher Education. Unused funds, which cannot be awarded by an institution, must be returned to the Commission on Higher Education, which may redirect the funds to institutions where unmet need exists.

J. Effective Fall 2008, Section 59-101-430 (A), Chapter 101, Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending SC Public institutions of higher learning. This does apply to students who are currently enrolled, as well as new enrollees. In accordance of this law, institutions must institute a process that verifies an individual's lawful presence in the United States. Students receiving the SC Need-based Grant must be verified. Any student who is not verified and documented by the institution will not receive the Grant.

K. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a SC Need-based Grant prior to awarding the Grant to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

L. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

1. Need analysis

2. Affidavit documenting that the student has never been convicted of any felonies or any second or subsequent alcohol or drug related misdemeanor offenses as stated under “Student Eligibility” and “Duration of Award and Continued Eligibility” Sections

3. Award notification

4. Institutional disbursement to student

5. Refund or repayment (if appropriate)

6. Satisfactory academic progress

7. Student’s residency status

8. Enrollment and curriculum requirements

9. Student’s disability (if appropriate)

10. Student is in custody of DSS (if appropriate)

11. Student award based upon approval of institutional appeal (if appropriate)

12. Verification from the institution that lawful presence in the US has been verified.

M. It is the institution’s responsibility to ensure that only eligible students receive a Need-based Grant.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–475. Duration of Award and Continued Eligibility.**

A. Need-based Grants shall be awarded for up to two terms each academic year. The institution shall adjust the amount of the grant award during the academic year in the event of a change in the student’s eligibility.

B. Need-based Grants may be awarded annually for no more than a total of eight full-time equivalent semesters of part-time or full-time study and only for up to two terms of each academic year. Award decisions will be made annually and are not automatically guaranteed. Students who have already been awarded their first baccalaureate degree are not eligible to receive a Need-based Grant.

C. Students must reapply each academic year for a Need-based Grant in accord with these guidelines and other pertinent statutes and regulations and with application timeliness and procedures stipulated by the participating institution. Students applying for a Need-based Grant must complete a FAFSA Form and be a needy student. The student must also complete any supplemental forms that may be required by the institution.

D. The institution shall be responsible for securing institutional certification of each recipient’s cumulative grade point average, credit hours attempted and earned, and satisfactory academic progress for purposes of determining eligibility for award renewal.

E. For continued eligibility, the student is required to:

1. For graduation purposes, earn at least 24 credit hours each regular academic year if awarded a Need-based Grant as a full-time student or earn at least twelve credit hours if awarded a Need-based Grant as a part-time student. If a student is awarded a Need-based Grant for one semester of the academic year as a part-time student and the other semester as a full-time student, the student must earn at least eighteen credit hours each regular academic year. If a full-time student is awarded a Need-based Grant for only one semester of the academic year, the student must earn at least twelve credit hours by the end of the academic year. A part-time student who is awarded a Need-based Grant for only one semester must earn at least six credit hours by the end of the academic year. Credits earned during any additional semesters (i.e., interim, winterim or other non-regular semester) cannot be used to replace or reduce the minimum credit hour requirement for the regular academic year; and

2. Earn at least a cumulative 2.0 grade point average on a 4.0 scale for graduation purposes by the end of each regular academic year.

F. Students wishing to appeal any grant award decision must submit a written request to the institution's Director of Financial Aid. This request will be handled in accordance with the institution's financial aid appeal procedures. The institution's decision on appeals shall be final.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–480. Students with Disabilities.**

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in "Student Eligibility" Section except for a student who is approved by the Disability Services Provider to be enrolled in less than part-time status is eligible to receive grant funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all renewal requirements as defined in "Duration of Award and Continued Eligibility" Section except for a student not meeting the annual credit hour requirement who is approved by the Disability Services Provider to be enrolled in less than part-time status for that academic year. Students must earn the required number of hours approved by the institutional Disability Services Provider each academic year for grant renewal and earn a minimum 2.0 cumulative grade point average on a 4.0 scale by the end of the academic year. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

C. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid each academic year verifying that the student is approved to be enrolled in less than part-time status.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 are eligible to receive up to the maximum number of available semesters and available funds.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–485. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Student Exchange Programs.**

A. Students enrolled in an internship, cooperative work program, travel study program, or National or International Student Exchange Program approved by the student's home institution, and enrolled in fewer than six credit hours, shall not be eligible to receive a Need-based Grant during the period in which the student is enrolled in such programs or courses. Students enrolled in such programs may receive a Need-based Grant for up to two terms of the academic year if determined to be eligible.

B. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours) are eligible to receive Need-based Grant funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

C. Eligible students may use the appropriated portion of the Need-based Grant funds for internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as at least part-time transfer credit (minimum of six credit hours). Need-based Grant funds must be paid directly to the student's account at the home institution. The amount awarded cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer grant funds to the institutions where students will participate in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs. The institution is responsible for grant funds according to the "Program Administration and Audits" Section.

D. The home institution will be responsible for securing official certification of the student's cumulative grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for grant renewal for the next academic year.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–490. Institutional Disbursement of Need-based Grants.**

A. The participating institution will identify award amounts, which cannot exceed \$1,250 per eligible parttime student and \$2,500 per eligible full-time student per academic year. A maximum of fifty percent of the grant shall be disbursed for up to up to two terms of the academic year. The maximum amount, which may be received by a recipient for eight full-time equivalent semesters, shall be \$10,000 for students seeking their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree, \$5,000 for students seeking their first associate's degree, and \$2,500 for students seeking their first one-year certificate or diploma. Students who have obtained an associate's degree initially are eligible to apply for a Need-based Grant upon enrollment in their first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree. Students who have obtained a recognized educational credential in a one-year program initially are eligible for application for a Need-based Grant upon enrollment in their first associate's degree, first baccalaureate degree, or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree.

B. A Need-based Grant may not be applied to a second baccalaureate degree or to graduate coursework, unless the graduate coursework is required as part of a program of study that is structured so as not to require a baccalaureate degree as defined in the "Program Definitions" Section.

C. The institution shall provide an award notification each academic year to Need-based Grant recipients, which will contain the terms and conditions of the grant and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues. The Commission on Higher Education, for documentation purposes, requires that each institution obtain verification of acceptance of the Need-based Grant and terms for the award.

D. After the last day to register for each semester of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident that is a part-time or full-time degree-seeking student. According to the Scholarship and Grant Programs Policies and Procedures Manual, a listing of eligible recipients by social security number with the award amounts for the semester will be sent to the Commission on Higher Education with the institution's request for funds. A year-end reconciliation report will be submitted to the Commission on Higher Education prior to June 30<sup>th</sup>. Any unused funds shall be refunded to the Commission on Higher Education no later than June 30<sup>th</sup> of each fiscal year.

E. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–495. Refunds and Repayments.**

A. In the event a student who has been awarded a Need-based Grant withdraws, is suspended from the institution, or drops below part-time (six credit hours) or full-time (twelve credit hours) status during any regular semester of the academic year, institutions must reimburse the Need-based Grants Program for the amount of the grant for the semester in question pursuant to refund policies of the institution. Collection is the responsibility of the institution.

B. The institution may redistribute such funds to other eligible students in accordance with the guidelines, or if such funds cannot be redistributed within the academic year, the institution shall

return the refund amount to the Commission on Higher Education for redistribution to other institutions.

C. In the event a student withdraws or drops below part-time or full-time status after the institution's refund period and therefore must pay tuition and fees for part-time or full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

D. In the event a student who has been awarded the SC Need-based Grant has been identified as not being a SC resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a SC resident.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue no. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-500. Program Administration and Audits.**

A. The South Carolina Commission on Higher Education will coordinate the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with eligible institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of the regulation and rules, any audits, or other statewide oversight of the Need-based Grants Program as deemed necessary to monitor the expenditure of grant funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports, or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. Participating institutions are authorized to establish additional guidelines, rules, and regulations for awarding the grants consistent with the South Carolina Need-based Grants Program Regulation contained herein.

D. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a Need-based Grant institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person for the program. The institutional representative will act as the student fiscal agent to receive and deliver funds for use under the program.

E. The institutions shall institute a process by which a SC Need-based Grant recipient's lawful presence in the United States is verified. The institution shall verify SC residency status and lawful presence in the United States upon college enrollment. If an institution has determined at any time that a recipient no longer meets SC residency requirements, the scholarship will be forfeited and funds are to be returned to CHE.

F. The participating institution shall identify to the Commission on Higher Education an institutional representative who will act as the point of contact for all inquiries pertaining to residency and legal presence classification for the purposes of awarding the SC Need-based Grant.

G. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the SC Need-based Grant in programs that promote financial aid incentives or packages. Any mention of the SC Need-based Grant in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the SC Need-based Grant as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Added by State Register Volume 26, Issue No. 2, eff February 22, 2002. Amended by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-505. Suspension or Termination of Institutional Participation.**

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that

an institution has failed to comply with program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the State Need-based Grants Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any public or independent college or university, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **SUBARTICLE D GOVERNOR'S TEACHING SCHOLARSHIP/LOAN PROGRAM**

(Statutory Authority: 1976 Code § 59-26-20)

#### **62-510. Borrower Eligibility.**

- A. The student shall be a citizen of the United States; and
- B. Be a bona fide resident of South Carolina, as defined in applicable State statutes governing the determination of residency for tuition and fee purposes at public colleges and universities within this State; and
- C. Have been accepted for enrollment, or enrolled in good standing in an eligible institution as defined in the Regulations of the State Education Assistance Authority, hereinafter called the "Authority," and further defined as follows:
  - (1) For institutions located in South Carolina, those:
    - (a) Which offer baccalaureate or higher degree programs which are approved for initial teacher certification by the State Board of Education (Board); or
    - (b) Whose highest offering is the Associate of Arts or Associate of Science Degrees which are designed for transfer to baccalaureate programs including those in teacher education, and which are eleemosynary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;
  - (2) For institutions located out of the State, those institutions which are regionally accredited and which offer baccalaureate or higher degree programs which are approved for initial teacher certification by the appropriate credentialing agency in that State; and
- D. Be enrolled on at least a half-time basis; and
- E. Indicate a desire and intent to teach in South Carolina; and
- F. If an undergraduate student having completed one year (two semesters or the equivalent) of collegiate work and is attending a South Carolina institution, has taken and passed a "Basic Skills Test" as required by the Board for entrance into a program of teacher education; and, if an undergraduate student, or a first-time graduate student, has attained a cumulative grade point ratio of at least 3.5 GPR (on a 4.0 scale) in collegiate work; or
- G. If an undergraduate with less than one year of collegiate work has achieved a score equal to or greater than 1100 on the SAT or graduated in the top ten percent of his/her high school class; and
- H. To remain eligible for renewal of the loan while in college, the student must maintain at least a cumulative 3.0 GPR on a 4.0 scale; and
- I. If an undergraduate student, be formally admitted to an undergraduate teacher education program, or if the student is not yet formally admitted to such a program, the Department of

Education, or its equivalent, at an eligible institution must certify that the student has expressed an intent and desire to enter the field of teaching, and is enrolled in a teacher education program at a time required by the institution; and

J. Have not previously been certified to teach, but entering a program for the specific purpose of becoming certified; and

K. Be eligible in all other respects as may subsequently be required by the South Carolina Commission on Higher Education, hereinafter called the "Commission", or the Corporation under these Regulations.

**HISTORY: Added by State Register Volume 16, Issue No. 3, eff March 27, 1992.**

### **62-520. Loan Maximums.**

A. The maximum amount an eligible student may borrow under this program for an academic year of two (2) semesters of three (3) quarters, or the equivalent, is \$5,000.

B. A loan may not exceed the cost of education less any financial aid awarded to the student.

C. The aggregate outstanding indebtedness for any student who has not completed an undergraduate program of education may not exceed \$25,000. The aggregate outstanding indebtedness for graduate study, to include all undergraduate loans, may not exceed \$35,000.

**HISTORY: Added by State Register Volume 16, Issue No. 3, eff March 27, 1992.**

### **62-521. Loan Administration.**

A. All loans shall be secured by a Promissory Note and shall bear interest from the date of disbursement of funds to the borrower at the rate of 12% per annum.

B. The proceeds of a loan shall normally be disbursed by academic registration period, but not sooner than required by the student to meet his educational expenses. A check made co-payable to the borrower and to the institution will be forwarded to the institution for distribution to the borrower; provided, however, that in situations in which it is not feasible to issue the check co-payable, the check will be made payable to the borrower alone and forwarded to the institution.

C. Student and institution shall agree to return to the Corporation any refunds applicable to these loans to which the student is entitled due to withdrawal of the student from the institution.

**HISTORY: Added by State Register Volume 16, Issue No. 3, eff March 27, 1992.**

### **62-522. Repayment.**

A. A student who receives loans under this program shall be eligible to have 20% of the loan(s) canceled for each full year, or 10% for each complete term of teaching experience, up to a maximum of 100% of the amount of the loan(s) plus the interest thereon. There shall be no cancellation for partial terms.

B. If the borrower does not meet the requirements for cancellation as specified in paragraph A above, the borrower must begin repayment of the loan(s) received under this program in accordance with the Regulations of the Corporation and the Commission and subject to the terms of the Promissory Note(s), unless otherwise agreed to by the Corporation and the borrower. If a borrower does not initially meet the requirements for cancellation as set forth in paragraph A above, but subsequently does so, there will be no refund or credit provided for any amount paid; provided, however, any unpaid balance at the time the borrower begins teaching will be eligible for cancellation subject to the regulations contained herein.

(1) Repayment of the principal amount of a loan made under this program, together with interest, shall be made in monthly installments beginning six (6) months after the date on which the borrower ceases to carry at least one-half the normal full-time academic work load at an eligible institution as defined by the Authority. The monthly installment shall be at a rate which will repay the loan in not more than ten (10) years from the beginning of the repayment period. Unless specifically authorized by the Corporation, the monthly installment shall be at a rate of not less than \$50 per month. A borrower may accelerate repayment of the loan, in whole or in part, without penalty.

(2) In the event a borrower dies, the obligation to make any further repayment shall be canceled upon receipt of a certificate of death, and in the event a borrower becomes totally and permanently

disabled, the obligation to make any further repayment shall be canceled upon receipt of certification by a licensed physician and upon receipt of such other medical evidence as the Corporation may require.

(3) The Corporation shall have the authority to assess a late charge for failure of the borrower to pay all or part of an installment within the ten (10) days after its due date. The amount of such charge may not exceed six (6) cents for each dollar of each installment due.

(4) The Corporation shall have the authority to collect from the borrower reasonable attorney's fees and other costs and charges necessary for the collection of any amount not paid when due.

(5) Nothing in this section shall preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the loan and approved by the Corporation.

C. The Corporation shall develop and maintain such procedures, subject to the approval of the Commission, as may be necessary to carry out applicable provisions of this Program and the regulations thereof; and as may be required to exercise reasonable care and diligence in the making and collection of loans.

**HISTORY: Added by State Register Volume 16, Issue No. 3, eff March 27, 1992.**

#### **SUBARTICLE E GENERAL REGULATIONS RELATING TO BORROWERS**

#### **62-540. Introduction.**

The primary purpose of the African-American Teacher Loan Program is to attract African-American males to the teaching profession in the State of South Carolina.

The African-American Teacher Loan Program has been designed pursuant to proviso 19.89 of the 1994-95 Appropriations Bill which provides for Benedict College, South Carolina State University, and Voorhees College to provide loans to prospective teachers. The loans received under this Program can be canceled by teaching a specified time in the State. The African-American Loan Program has as its major focus attracting African-American males to the teaching profession. The Program is subject to the regulations contained herein.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

#### **62-550. Borrower Eligibility.**

A. To be eligible to receive a loan under the African-American Teacher Loan Program, a student shall:

- (1) Be a citizen or permanent resident of the United States;
- (2) Be a bona fide resident of South Carolina as defined in applicable State statutes governing the determination of residency for tuition and fee purposes;
- (3) Have been accepted for enrollment, or be enrolled in good standing in one of the participating institutions which offers baccalaureate or higher degree programs which are approved for initial teacher certification by the State Board of Education;
- (4) Be enrolled on at least a half-time basis;
- (5) Indicate a desire to teach in South Carolina in a subject area where there is a shortage of African-American male teachers, or in an area of critical need as defined by the State Board of Education;
- (6)(a) Have completed one year (two semesters or the equivalent) of collegiate work and be attending a participating institution and have taken and passed a "Basic Skills Test" as required by the State Board of Education for entrance into a program of teacher education, if an undergraduate student; or
- (b) Have achieved a score equal to or greater than the mean score achieved by all examinees in South Carolina taking the SAT or ACT in the year of graduation from high school or in the most recent year for which such figures are available if an undergraduate student who has not completed one year of collegiate work;



(7)(a) Have graduated in the top 40% of his or her high school class, if an undergraduate student who has not completed one semester of college work; or

(b) Have received a high school diploma through completion of adult education courses or passing the GED; or

(c) Have attained a cumulative grade point ratio of at least 2.75 GPR (on a 4.0 Scale) in collegiate work, if an undergraduate student;

(8) Be formally admitted to an undergraduate teacher education program if an undergraduate student; or if not yet formally admitted to such a program, the Department of Education (or its equivalent) at a participating institution must certify that the student has expressed an intent or desire to enter the field of teaching, and is enrolled in a teacher education program at a time required by the institution; and

(9) Be eligible for teacher certification in all other respects as may subsequently be required by the State Board of Education and by the respective institution.

B. To be eligible to receive an annual loan renewal, a student shall:

(1) Be eligible for teacher certification in all respects as may subsequently be required by the State Board of Education and by the respective participating institution; and

(2) Have maintained a 2.75 GPR (on a 4.0 scale), and continued enrollment in a teacher education program, if an undergraduate student; or

(3) Have maintained a 3.5 GPR (on a 4.0 scale) on graduate work for entry as well as renewal, if a continuing graduate student.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

#### **62-560. Loan Maximums.**

A. The maximum amount an eligible student may borrow shall not exceed the cost of attendance—tuition and fees, educational materials, and room and board—at the respective participating institution.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

#### **62-570. Loan Administration.**

A. All loans shall be secured by a Promissory Note. Loans shall bear interest from the date of the disbursement of funds to the borrower at the rate as may be specified by the Commission on Higher Education for use by the South Carolina Student Loan Corporation for its Teacher Loan Program.

B. The proceeds of the loan shall normally be disbursed during the academic registration period but not sooner than required by the student to meet educational expenses.

C. The participating institutions shall disburse the loans on an annual basis in accordance with these regulations.

D. At least 80% of the awards under the African-American Teacher Loan Program shall be awarded to African-American males, unless the institution justifies to the Commission on Higher Education the lack of availability of African-American males who meet the eligibility requirements.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

#### **62-580. Loan Repayment.**

A. The African-American Teacher Loan may be canceled if a recipient is employed as a teacher in South Carolina following receipt of initial certification. The loan shall be canceled in increments of \$5,000 (or portion thereof) for each full year of employment in South Carolina as a teacher. There shall be no cancellation for partial terms.

(1) A student who indicates the intent to teach in the State will be entitled to cancellation of all loans received under this program beginning from his/her actual employment date.

(2) Upon employment, the borrower will be entitled to cancellation of all loans received under this program even if the borrower changes employment from one school district to another within the State.

B. If a borrower does not meet the requirements for cancellation as specified in paragraph A above, the borrower must begin repayment of the loan(s) received under this program in accordance

with these regulations and subject to the terms of the Promissory Note(s) unless otherwise agreed to by the participating institution and the borrower. If a borrower does not initially meet the requirements for cancellations as set forth in paragraph A above, but subsequently does so, there will be no refund or credit provided for any amount paid. However, any unpaid balance at the time the borrower begins teaching will be eligible for cancellation subject to the regulations contained herein.

(1) Repayment of the principal amount of a loan made under this program together with the interest, shall be made in monthly installments beginning six (6) months after the date on which the borrower ceases to carry at least one-half the normal full-time academic work load at the participating institution. The monthly installment shall be at a rate which will repay the loan in not more than eight years (8) from the beginning of the repayment period. The monthly installment shall be at a rate of not less than \$50 per month. The borrower may accelerate repayment of the loan, in whole or in part, without penalty.

(2) In the event a borrower dies, the obligation to make any further repayment shall be cancelled upon receipt of a Certification of Death. In the event a borrower becomes totally and permanently disabled, the obligation to make further repayment shall be cancelled upon receipt of certification by a licensed physician.

(3) The institution shall have the authority to assess a late charge for failure of the borrower to pay all or part of an installment within ten (10) days after it is due. The amount of such charge may not exceed six cents (.06) for each dollar of each installment due.

(4) The institution shall have the authority to collect from the borrower reasonable attorney's fees and other costs and charges necessary for the collection of any amount not paid when due.

(5) Nothing in this section shall preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the loan and approved by the participating institution.

C. The participating institutions shall develop and maintain such procedures, subject to the approval of the Commission on Higher Education, as may be necessary to carry out proviso 19.89 of the 1994-95 Appropriations Bill, and as may be required to exercise reasonable care and diligence in the making and collection of loans.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

### **62-590. Reporting Requirements.**

A. Each participating institution shall prepare an annual report to be submitted to the Commission on Higher Education. The report shall include the disbursement of funds, number of forgivable loans distributed to students, loan repayments, student achievement data (GPR, employment, etc.), and any other documentation as may be specified by the Commission on Higher Education.

**HISTORY: Added by State Register Volume 20, Issue No. 5, eff May 24, 1996.**

## **ARTICLE V**

### **DETERMINATION OF RATES OF TUITION AND FEES**

(Statutory Authority: 1976 Code §§ 59-112-10 to 59-112-100)

### **62-600. Rates of Tuition and Fees.**

A. Resident classification is an essential part of tuition and fee determination, admission regulations, scholarship eligibility, and other relevant policies of the state. It is important that institutions have fair and equitable regulations that can be administered consistently and are sensitive to the interests of both students and the state. The Commission on Higher Education hereby establishes regulations for the Statute Governing Residency for Tuition and Fee Purposes to be applied consistently by all South Carolina institutions of higher education. These regulations do not address residency matters relating to in county categories used within the State's technical colleges.

B. Institutions of higher education are required by the Statute to determine the residence classification of applicants. The initial determination of one's resident status is made at the time of

admission. The determination made at that time, and any determination made thereafter, prevails for each subsequent semester until information becomes available that would impact the existing residency status and the determination is successfully challenged. The burden of proof rests with the students to show evidence as deemed necessary to establish and maintain their residency status.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

## **62-601. Code of Laws Governing Residence.**

Rules regarding the establishment of legal residence for tuition and fee purposes for institutions of higher education are governed by Title 59, Chapter 112 of the 1976 South Carolina Code of Laws, as amended.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

## **62-602. Definitions.**

- A. "Academic Session" is defined as a term or semester of enrollment. (62-607.B)
- B. "Continue to be Enrolled" is defined as continuous enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. (62-607.A)
- C. "Dependent Person" is defined as one whose predominant source of income or support is from payments from a parent, spouse, or guardian, who claims the dependent person on his/her federal income tax return. In the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, a dependent person can be defined as one who qualifies as a dependent or exemption on the federal income tax return of the parent, spouse, or guardian. A dependent person is also one for whom payments are made, under court order, for child support and the cost of the dependent person's college education. A dependent person's residency is presumed to be that of the person upon whom they are dependent. (62-602.G) (62-602.N) (62-603.B) (62-605.C) (62-607.A)
- D. "Domicile" is defined as the true, fixed, principal residence and place of habitation. It shall indicate the place where a person intends to remain, or to where one expects to return upon leaving without establishing a new domicile in another state. For purposes of this section, one may have only one legal domicile. One is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for student at institutions shall be presumed not to be a place of principal residence, as residency in such housing is by its nature temporary. (62-602.E) (62-602.K) (62-602.M) (62-602.N) (62-603.A) (62.603.B) (62-605.B) (62-605.C) (62-607.A) (62-607.B) (62-608.A) (62-608.C) (62-608.D) (62-609.A.3) (62-609.A.4)
- E. "Full time employment" 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, with gross earnings of at least minimum wage. 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 if such status is verified by the employer. A person who meets the eligibility requirements of the Americans with Disabilities Act must present acceptable evidence that they satisfy their prescribed employment specifications in order to qualify as having full time employment. (62-605.C.1) (62-609.A.2) (62-609.A.3)
- F. "Guardian" is defined as one legally responsible for the care and management of the person or property of a minor child based upon the five tests for dependency prescribed by the Internal Revenue Service; provided, however, that where circumstances indicate that such guardianship or custodianship was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or dependent person, it shall not be given such effect. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)
- G. "Immediately Prior" is defined as the period of time between the offer of admission and the first day of class of the term for which the offer was made, not to exceed one calendar year. (62-607.A)

H. “Independent Person” is defined as one in his/her majority (eighteen years of age or older) or an emancipated minor, whose predominant source of income is his/her own earnings or income from employment, investments, or payments from trusts, grants, scholarships, commercial loans, or payments made in accordance with court order and for the purposes of determining residency for tuition and fees, an independent person:

(1) must provide more than half of his or her support, which shall include the institutional cost of attendance as defined by Title IV, during the twelve months immediately prior to the date that classes begin for the semester for which resident status is requested;

(2) cannot claim the domicile of another individual as their own for the purposes of establishing intent to become a South Carolina resident;

(3) must have established his/her own domicile and provide documentation of establishing his/her own domicile for twelve months to include documentation of renting a domicile if applicable, prior to receiving in-state tuition and fees; and

(4) cannot be claimed as a dependent or exemption on the federal tax return of his or her parent, spouse, or guardian for the year in which resident status is requested. (62-602.N) (62-603.A) (62-605.C) (62-607.B) (62-608.B)

I. “Minor” is defined as a person who has not attained the age of eighteen years. An “emancipated minor” shall mean a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor. (62-602.G)

J. “Non-resident Alien” is defined as a person who is not a citizen or permanent resident of the United States. By virtue of their non-resident status “non-resident aliens” generally do not have the capacity to establish domicile in South Carolina. (62-602.M) (62-604.A)

K. “Parent” is defined as the father, mother, stepfather, stepmother, foster parent or parent of a legally adopted child. (62-602.C) (62-602.E) (62-602.I) (62-602.J) (62-602.M) (62-603.B) (62-603.C) (62-605.C)

L. “Reside” is defined as continuous and permanent physical presence within the State, provided that absences for short periods of time shall not affect the establishment of residence. Excluded are absences associated with requirements to complete a degree, absences for military training service, and like absences, provided South Carolina domicile is maintained. (62-603.A) (62-606.B) (62-609.A) (62-609.A.3) (62-609.A.4) (62-609.B)

M. “Resident” for tuition and fee purposes is defined as an independent person who has abandoned all prior domiciles and has been domiciled in South Carolina continuously for at least twelve months immediately preceding the first day of class of the term for which resident classification is sought and for whom there is an absence of domiciliary evidence in other states or countries, not withstanding other provisions of the Statute. (62-600.A) (62-600.B) (62-602.I) (62-602.K) (62-602.M) (62-603.A) (62-603.B) (62-603.C) (62-604.A) (62-605.A) (62-605.C) (62-605.C.7) (62-606.A) (62-606.A.5) (62-606.B) (62-607.A) (62-608.B) (62-609.A.3) (62-610.A) (62-610.B) (62-611.A) (62-611.B)

N. “Spouse” is defined as the husband or wife of a married person in accordance with Title 20, Chapter 1 of the 1976 South Carolina Code of Laws, as amended. (62-602.C) (62-602.E) (62-602.I) (62-602.M) (62-603.B) (62-605.C)

O. “Temporary Absence” is defined as a break in enrollment during a fall or spring semester (or its equivalent) during which a student is not registered for class. (62-606.A)

P. “Terminal Leave” is defined as a transition period following active employment and immediately preceding retirement (with a pension or annuity), during which the individual may use accumulated leave. (62-609.A.4)

Q. “United States Armed Forces” is defined as the United States Air Force, Army, Marine Corps, Navy, and Coast Guard. (62-606.B) (62-609.A(1))

R. “Trust” is defined as a legal entity created by a grantor for the benefit of designated beneficiaries under the laws of the state and the valid trust instrument. However, that where circumstances indicate that such trust was created primarily for the purpose of conferring South

Carolina domicile for tuition and fee purposes on such child or independent person, it shall not be given such effect.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-603. Establishing Residency, Citizens and Permanent Residents.**

A. Independent persons who have physically resided and been domiciled in South Carolina for twelve continuous months immediately preceding the date the classes begin for the semester for which resident status is claimed may qualify to pay in state tuition and fees. The twelve month residency period starts when the independent person establishes the intent to become a South Carolina resident per Section 62-605 entitled "Establishing the Requisite Intent to Become a South Carolina Domiciliary." The twelve month residency period cannot start until the absence of indicia in other states is proven. Absences from the State during the twelve month period may affect the establishment of permanent residence for tuition and fee purposes.

B. The resident status of a dependent person is based on the resident status of the person who provides more than half of the dependent person's support and claims or, only in the case of those individuals who are supported by family members who do not earn enough reportable income for taxation purposes, qualifies to claim the dependent person as a dependent for federal income tax purposes. Thus, the residence and domicile of a dependent person shall be presumed to be that of their parent, spouse, or guardian.

C. In the case of divorced or separated parents, the resident status of the dependent person may be based on the resident status of the parent who claims the dependent person as a dependent for tax purposes; or based on the resident status of the parent who has legal custody or legal joint custody of the dependent person; or based on the resident status of the person who makes payments under a court order for child support and at least the cost of his/her college tuition and fees.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-604. Non-Resident Aliens, Non-Citizens, and Non-Permanent Residents.**

A. Except as otherwise specified in this section or as provided in Section 62-609 (1) & (2), independent non-citizens and non-permanent residents of the United States will be assessed tuition and fees at the non-resident, out of state rate. Independent non-resident aliens, including refugees, asylees, and parolees may be entitled to resident, in state classification once they have been awarded permanent resident status by the United States Citizenship and Immigration Services (USCIS) and meet all the statutory residency requirements provided that all other domiciliary requirements are met. Time spent living in South Carolina immediately prior to the awarding of permanent resident status does not count toward the twelve month residency period. Certain non resident aliens present in the United States in specified visa classifications are eligible to receive in state residency status for tuition and fee purposes as prescribed by the Commission on Higher Education. They are not, however, eligible to receive state sponsored tuition assistance/scholarships.

B. Title 8 of the Code of Federal Regulations (CFR) serves as the primary resource for defining visa categories.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-605. Establishing the Requisite Intent to Become a South Carolina Domiciliary.**

A. Resident status may not be acquired by an applicant or student while residing in South Carolina for the primary purpose of enrollment in an institution or for access to state supported programs designed to serve South Carolina residents. An applicant or student from another state who comes to South Carolina usually does so for the purpose of attending school. Therefore, an applicant or student

who enrolls as a non-resident in an institution is presumed to remain a non-resident throughout his or her attendance and does not qualify under any of the residency provisions.

B. If a person asserts that his/her domicile has been established in this State, the individual has the burden of proof. Such persons must provide to the designated residency official of the institution to which they are applying any and all evidence the person believes satisfies the burden of proof. The residency official will consider any and all evidence provided concerning such claim of domicile, but will not necessarily regard any single item of evidence as conclusive evidence that domicile has been established.

C. For independent persons or the parent, spouse, or guardian of dependent persons, indicia showing intent to become a South Carolina resident may include, although any single indicator may not be conclusive, the following indicia:

- (1) Statement of full time employment;
- (2) Designating South Carolina as state of legal residence on military record;
- (3) Possession of a valid South Carolina driver's license, or if a non-driver, a South Carolina identification card. Failure to obtain this within 90 days of the establishment of the intent to become a South Carolina resident will delay the beginning date of residency eligibility until a valid South Carolina driver's license is obtained;
- (4) Possession of a valid South Carolina vehicle registration card for every vehicle the independent person is in sole or partial ownership. Failure to obtain this within 45 days of the establishment of the intent to become a South Carolina resident will delay the beginning date of residency eligibility until the applicant obtains a valid South Carolina vehicle registrations card(s);
- (5) Maintenance of an established and current domicile in South Carolina;
- (6) Paying South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date South Carolina domicile was claimed;
- (7) Ownership of principal residence in South Carolina;
- (8) Licensing for professional practice (if applicable) in South Carolina.

D. The individual seeking residency must ensure that no item from the list above or any other item, reflects residency or intent to be a resident in another state or country. Having any one item from the list above or any other item(s) reflecting residency in another state or country will delay the beginning date of residency. The absence of indicia in other states or countries is required before the student is eligible to pay in state rates.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

## **62-606. Maintaining Residence.**

A. A person's temporary absence from the State does not necessarily constitute loss of South Carolina residence unless the person has acted inconsistently with the claim of continued South Carolina residence during the person's absence from the State. The burden is on the person to show retention of South Carolina residence during the person's absence from the State. Steps a person should take to retain South Carolina resident status for tuition and fee purposes include:

- (1) Continuing to use a South Carolina permanent address on all records;
- (2) Maintaining South Carolina driver's license;
- (3) Maintaining South Carolina vehicle registration;
- (4) Satisfying South Carolina resident income tax obligation. Individuals claiming permanent residence in South Carolina are liable for payment of income taxes on their total income from the date that they established South Carolina residence. This includes income earned in another state or country.

B. Active duty members of the United States Armed Forces and their dependents who are permanently assigned to a state outside of South Carolina on active duty are eligible to pay in state tuition and fees as long as they continuously claim South Carolina as their state of legal residence

during their military service. Documentation will be required in all cases to support this claim, including an official Leave and Earnings Statement (LES) demonstrating South Carolina as the member's state of legal residence. South Carolina residents who change their state of legal residence while in the military lose their South Carolina resident status for tuition and fee purposes.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-607. Effect of Change of Residency.**

A. Notwithstanding other provisions of this section, any dependent person of a legal resident of this state who has been domiciled with his/her family in South Carolina for a period of not less than three years immediately prior to his/her enrollment may enroll at the in state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State. The student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters. Transfers within or between South Carolina colleges and universities of a student seeking a certificate, diploma, associate, baccalaureate, or graduate level degree does not constitute a break in enrollment.

B. If domicile of an independent person in South Carolina is lost after enrollment, and information becomes available that would impact the existing residency status, eligibility for in state rates shall end on the last day of the academic session during which domicile is lost. Application of this provision shall be at the discretion of the institution involved. However, a student must continue to be enrolled and registered for classes (excluding summers) in order to maintain eligibility to pay in state rates in subsequent semesters.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-608. Effect of Marriage.**

A. In ascertaining domicile of a married person, irrespective of gender, such a review shall be determined just as for an unmarried person by reference to all relevant evidence of domiciliary intent.

B. If a non-resident marries a South Carolina resident, the non-resident does not automatically acquire South Carolina resident status. The non-resident may acquire South Carolina resident status if the South Carolina resident is an independent person and the non-resident is a dependent of the South Carolina resident.

C. Marriage to a person domiciled outside South Carolina shall not be solely the reason for precluding a person from establishing or maintaining domicile in South Carolina and subsequently becoming eligible or continuing to be eligible for residency.

D. No person shall be deemed solely by reason of marriage to a person domiciled in South Carolina to have established or maintained domicile in South Carolina and consequently to be eligible for or to retain eligibility for South Carolina residency.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 36, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-609. Exceptions.**

A. Persons in the following categories qualify to pay in state tuition and fees without having to establish a permanent home in the state for twelve months. Persons who qualify under any of these categories must meet the conditions of the specific category on or before the first day of class of the term for which payment of in state tuition and fees is requested. The following categories apply only to in state tuition and do not apply to State supported scholarships and grants. Individuals who qualify for in state tuition and fees under the following exceptions do not automatically qualify for LIFE, SC HOPE or Palmetto Fellows Scholarships.

(1) "Military Personnel and their Dependents": Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty and their dependents are eligible to pay

in state tuition and fees. When such personnel are transferred from the State, their dependents may continue to pay in state tuition and fees as long as they are continuously enrolled or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student's previous institution in order to certify the student's eligibility for in-state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. Members of the United States Armed Forces who are permanently assigned in South Carolina on active duty (and their dependents) may also be eligible to pay in state tuition and fees as long as they are continuously enrolled after their discharge from the military, provided they have demonstrated an intent to establish a permanent home in South Carolina and they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Military personnel who are not stationed in South Carolina and/or former military personnel who intend to establish South Carolina residency must fulfill the twelve month "physical presence" requirement for them or their dependents to qualify to pay in state tuition and fees.

(2) "Faculty and Administrative Employees with Full Time Employment and their Dependents": Full time faculty and administrative employees of South Carolina state supported colleges and universities and their dependents are eligible to pay in state tuition and fees.

(3) "Residents with Full Time Employment and their Dependents:" Persons who reside, are domiciled, and are full time employed with an employer that is physically located in the State and who continue to work full time until they meet the twelve month requirement and their dependents are eligible to pay in state tuition and fees, provided that they have taken steps to establish a permanent home in the State. Steps an independent person must take to establish residency in South Carolina are listed in Section 62-605 entitled ("Establishing the Requisite Intent to Become a South Carolina Domiciliary").

(4) "Retired Persons and their Dependents:" Retired persons who are receiving a pension or annuity who reside in South Carolina and have been domiciled in South Carolina as prescribed in the Statute for less than a year may be eligible for in state rates if they maintain residence and domicile in this State. Persons on terminal leave who have established residency in South Carolina may be eligible for in state rates even if domiciled in the State for less than one year if they present documentary evidence from their employer showing they are on terminal leave. The evidence should show beginning and ending dates for the terminal leave period and that the person will receive a pension or annuity when he/she retires.

(5) "Covered Individuals Receiving Specific Education Benefits:" Covered individuals living in South Carolina, who are enrolled in a public institution of higher education and receiving educational assistance under Chapter 30 and Chapter 33, Title 38 of the United States Code, are entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State. For purposes of this subsection, a covered individual is defined as:

(a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard and who enrolls within three years of discharge;

(b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subitem (a) who enrolls within three years of the veteran's discharge;

(c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard; or

(d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code.

At the conclusion of the applicable three-year period described in this section, a covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the in-state institution receiving the covered individual shall verify the covered individual's



eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution

B. South Carolina residents who wish to participate in the Regional Contract Program sponsored by the Southern Regional Education Board (SREB) must have continuously resided in the State for other than educational purposes for at least two years immediately preceding their submission of the residency status application and must meet all other residency requirements during this two year period. Individuals who qualify for in-state tuition and fees are not automatically classified as South Carolina residents. A determination of one's resident status made at the time of one's initial application to be certified as a South Carolina resident for purposes of participation in the Regional Contract Program does not prevail for each subsequent academic year. A South Carolina resident student who has been certified as a State resident for the purpose of participating in the Southern Regional Education Board Contract Program must be recertified prior to the beginning of each fall semester for each academic year for which benefits are requested.

C. South Carolina residents who wish to participate in the Academic Common Market program sponsored by the Southern Regional Education Board must be a resident for at least one year, or satisfy the conditions of an exception as provided in R.62-609A(1), R.62-609A(3) or R.62-609A(4), immediately preceding application for consideration and must meet all other residency requirements during this one year period.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-610. Application for Change of Resident Status.**

A. Persons applying for a change of resident classification must complete a residency application/petition and provide supporting documentation prior to a reclassification deadline as established by the institution.

B. The burden of proof rests with those persons applying for a change of resident classification who must show required evidence to document the change in resident status.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-611. Incorrect classification.**

A. Persons incorrectly classified as residents are subject to reclassification and to payment of all non-resident tuition and fees not paid. If incorrect classification results from false or concealed facts, such persons may be charged tuition and fees past due and unpaid at the out of state rate. The violator may also be subject to administrative, civil, and financial penalties. Until these charges are paid, such persons will not be allowed to receive transcripts or graduate from a South Carolina institution.

B. Residents whose resident status changes are responsible for notifying the Residency Official of the institution attended of such changes.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

### **62-612. Inquiries and Appeals.**

A. Inquiries regarding residency requirements and determinations should be directed to the institutional residency official.

B. Each institution will develop an appeals process to accommodate persons wishing to appeal residency determinations made by the institution's residency official. Each institutions appeal process should be directed by that institutions primary residency officer, in conjunction with those individuals who practice the application of State residency regulations on a daily basis. The professional judgment of the residency officer and administrators will constitute the institutional appeal process. Neither the

primary residency official nor appellate official(s) may waive the provisions of the Statute or regulation governing residency for tuition and fee purposes.

**HISTORY:** Added by State Register Volume 18, Issue No. 4, eff April 22, 1994. Amended by State Register Volume 28, Issue No. 6, eff June 25, 2004; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009; SCSR42-3 Doc. No. 4729, eff March 23, 2018.

**ARTICLE VI**  
**PERFORMANCE STANDARDS AND FUNDING AND THE REDUCTION, EXPANSION,**  
**CONSOLIDATION OR CLOSURE OF AN INSTITUTION**

(Statutory Authority: 1976 Code § 59-103-45 (4)(a)-(d) and (5))

**62-700. Authority.**

Pursuant to the authority granted to the Commission on Higher Education by Section 59-103-45 (4)(c) and (5), regulations for the development of standards for performance in higher education; a funding mechanism based on an institution's achievement towards those standards; and the reduction, expansion, consolidation or closure of an institution are hereby established.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

**62-710. Definitions.**

As used in this section:

(1) "Critical Success Factors" are the nine performance areas identified in Section 59-103-30(A) of the South Carolina Code of Laws.

(2) "Education and General Costs" are the expenditures associated with the following activities: Instruction, Research, Public Service, Academic Support, Student Services, Institutional Support, Operation and Maintenance of Plant, and Scholarships and Fellowships. Expenditures not included are those associated with Auxiliary Enterprises, Hospitals and Independent Operations.

(3) "Indicators" are the elements found in Section 59-103-30 (B) as approved by the General Assembly to assess the success of a public postsecondary institution in meeting the nine critical success factors identified by the General Assembly.

(4) "Measure" is the specific representation or measurement mechanism of an indicator using quantitative or qualitative characteristics.

(5) "Mission Resource Requirement (MRR) Model" is the mechanism to determine funding needs.

(6) "Performance Category" is the level of overall performance of an institution.

(7) "Performance Improvement Plan" refers to strategies for addressing performance weaknesses and the improvement of specific indicators.

(8) "Performance Rating" is a score based on the analysis of performance in comparison to standards.

(9) "Performance Score" is the overall evaluation of an institution's performance based on Performance Ratings on indicators.

(10) "Sector" refers to groupings of South Carolina's public postsecondary institutions as defined by Section 59-103-15(B), based on their primary missions.

(11) "Standard" is a goal approved by the Commission on Higher Education that an institution strives to meet or exceed.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

### **62-720. Measures and Standards.**

The Commission on Higher Education will define measures, standards and applicability of performance indicators that will guide the institutions in the State toward nationally and globally competitive performance. These measures and standards will be reviewed for possible revision on a periodic basis as determined by the Commission on Higher Education.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

### **62-730. Performance Funding Allocation Plan.**

As required by Section 59-103-45(4)(d), the Commission on Higher Education will utilize a mechanism to determine the funding needs of the State's postsecondary education institutions. This methodology, referred to as the Mission Resource Requirement (MRR) model, is based on national and regional data sources. The Commission on Higher Education will determine annually the allocation of available state funds to meet institutional need based on performance in achieving standards.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

### **62-740. Performance Evaluation.**

A. The Commission on Higher Education will approve a methodology for scoring and assessing overall performance, subject to its periodic review.

B. The Commission on Higher Education will assess annually each institution's performance in relation to standards and the approved scoring methodology.

C. The Commission on Higher Education will approve annually the performance score for each institution in order to ensure that the allocation to each institution can be made known within 10 days of adoption of the Appropriations Bill by the General Assembly.

D. An institution's performance category, based on the institution's performance score, will determine the level of funding for the institution.

E. The data used to evaluate the institutional performance will come from the Commission on Higher Education Management Information System (CHEMIS) and other data received by the Commission on Higher Education. All data utilized, regardless of source, will be subject to approval and audit by the Commission on Higher Education.

F. The Commission on Higher Education will ensure that funds are set aside for which eligible institutions may apply to improve their performance. Criteria for eligibility will be determined by the Commission on Higher Education.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

### **62-750. Process for Review for Reduction, Expansion, Consolidation or Closure.**

A. The Commission on Higher Education will identify institutions for possible reduction, expansion, consolidation or closure by reviewing institutions that are unable to achieve standards, as defined by the performance score. Institutions scoring in a performance category indicating standards have not been achieved for two consecutive years will be identified for possible reduction, expansion, consolidation or closure.

B. Once an institution is identified for possible reduction, expansion, consolidation or closure, the Commission on Higher Education will notify the institution's Board of Trustees, local boards and/or the State Board for Comprehensive and Technical Education, as applicable.

C. The notified institution will have an opportunity at a meeting of the Commission on Higher Education to appeal its inclusion in the review process.

D. Following the opportunity for appeal, the Commission on Higher Education will either withdraw the recommendation or proceed with a formal review from which a decision may be made leading to reduction, expansion, consolidation or closure of the institution.

E. The formal review will include a meeting between the Commission on Higher Education and representatives of the institution at which the Commission on Higher Education will identify its expectations for performance improvement.

F. Within ninety days of this meeting, the institution will submit for approval a Performance Improvement Plan to the Commission on Higher Education that addresses the expectations outlined.

(1) The Performance Improvement Plan will include, at a minimum: a strategy for meeting the Commission on Higher Education's expectations, a detailed time table for implementation not to exceed three years, identification of resource requirements, and identification of the assessment strategies to be utilized for assessment and reporting.

(2) The Performance Improvement Plan must be approved by the institution's Board of Trustees, local boards and/or the State Board for Comprehensive and Technical Education, as applicable.

G. Implementation of the approved Performance Improvement Plan will be monitored by the Commission on Higher Education.

(1) The chief executive officer, or his or her designee, will serve as the contact person for the institution's implementation of the Performance Improvement Plan.

(2) The Commission on Higher Education will review annually the institution's progress in meeting expectations.

(3) Changes to the Performance Improvement Plan must be submitted to and approved by the Commission on Higher Education.

H. The Commission on Higher Education will review the progress of the institution during and/or at the conclusion of its Performance Improvement Plan and make a preliminary decision on the action to be taken. In accordance with its adopted policies and procedures, the Commission on Higher Education will decide either to:

(1) Remove the institution from the review process;

(2) Continue monitoring the institution's progress with regard to their performance for a specified amount of time:

(3) Reduce the whole or any part of the institution or the functions thereof;

(4) Expand the whole or any part of the institution or the functions thereof;

(5) Consolidate the whole or any part of the institution or the functions thereof; or

(6) Close the whole or any part of the institution or the functions thereof.

I. A decision to reduce, expand, consolidate or close the whole or any part of the institution may include fiscal allocations, departments, programs, and/or infrastructure. In accordance with its adopted policies and procedures and in the event of a reduction, expansion, consolidation or closure of the whole or any part of the institution, the Commission on Higher Education will proceed with action based on the recommendations of appropriate committees of the Commission on Higher Education.

J. The Commission on Higher Education will present its decision as a preliminary report, following which the institution will have the opportunity to respond at a public hearing called by the Commission on Higher Education. The public hearing will be held no earlier than thirty days after presentation of the report.

K. Upon receipt of testimony at such hearing, and pursuant to any other research or inquiries it deems appropriate, the Commission on Higher Education will report its findings and final decision to the institution's respective boards, as applicable, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor.

(1) In the event that the Commission on Higher Education should determine to reduce, expand or consolidate an institution, the Commission on Higher Education will provide for the redistribution of allocated funds from institutions reduced to those which are required to take on additional duties. Any residual dollars will be reallocated in a manner prescribed by the Commission on Higher Education. Such action shall occur no later than the last day (June 30) of the next complete fiscal year for the purpose of providing institutions time to make the determined changes in institutional configuration.

(2) In the event that the Commission on Higher Education should determine to reduce, expand or consolidate an institution, that institution shall develop a comprehensive plan for that process to

be presented to the Commission on Higher Education for approval within 90 days of the announcement of reduction, expansion or consolidation.

(3) In the event that the Commission on Higher Education finds it necessary to close an institution, that institution may be continued in existence no later than the last day (June 30) of the next complete fiscal year for the purpose of winding up its affairs, at which time it shall cease all activities. Any remaining funds will not revert to the general fund but instead will be reallocated to higher education funding through use of the funding formula in the manner the Commission on Higher Education shall determine as provided by SC Code of Laws, Section 59-103-65.

(4) In the event that the Commission on Higher Education finds it necessary to close an institution, that institution shall develop a comprehensive plan for the closure process, including specific procedures to ensure the preservation of student records and the transfer of students to other institutions as necessary. The plan shall be presented to the Commission on Higher Education for approval within 90 days of the announcement of closure.

(5) Termination of an institution shall not cause the dismissal of any claim or right of a citizen against any such institution or any claim or right of an institution terminated pursuant to these regulations which is subject to litigation.

**HISTORY:** Added by State Register Volume 22, Issue No. 5, eff May 22, 1998. Amended by State Register Volume 25, Issue No. 5, Part 2, eff May 25, 2001.

**ARTICLE VII**  
**SOUTH CAROLINA ACADEMIC ENDOWMENT INCENTIVE ACT OF 1997/SOUTH**  
**CAROLINA HIGHER EDUCATION MATCHING GIFT FUND**

(Statutory Authority: 1976 Code § 59-118-10)

**62-820. Purpose of the South Carolina Academic Endowment Incentive Act of 1997.**

The purposes of this Act are to further the State's efforts to promote the intellectual development of its citizens and to enhance statewide economic development through initiatives in higher education by providing incentives to individuals, corporations, or private funding organizations to create endowments to support teaching and learning, academic research, and academic student scholarships in South Carolina's public colleges and universities. The impact of newly created endowment gifts made on or after July 1, 1997, will be enhanced by creating the South Carolina Higher Education Matching Gift Fund. The Fund will be supported by appropriations made by the General Assembly and administered by the Commission on Higher Education as a source of matching funds for the new gifts made to endowments on or after July 1, 1997.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

**62-830. Eligible Institutions.**

Institutions eligible to participate in this program are state-supported, post-secondary, four-year degree-granting institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates that Public higher education shall mean state-supported education in the post-secondary field." Also eligible are technical colleges under the jurisdiction of the State Board for Technical and Comprehensive Education. Public two-year institutions and independent institutions are not eligible for participation in this program.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

**62-835. Definitions.**

A. Endowments refer to endowment funds as defined under the South Carolina Uniform Management of Institutional Funds Act of 1990 (34-6-10) as an institutional fund, or any part of it, not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument. An

institutional fund is defined under the South Carolina Uniform Management of Institutional Funds Act (34-6-10) as a fund held by an institution for its exclusive use, benefit, or purposes, but does not include (i) a fund held for an institution by a trustee that is not an institution or (ii) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund or (iii) funds other than endowment funds held by a governmental organization. A lead trust, term endowments, or quasi-endowments (governing board designated endowments) do not qualify as an endowment for purposes of this program. Only permanent endowments, whose principal must be maintained permanently, are eligible to participate in this program.

B. Gift instrument as defined under the South Carolina Uniform Management of Institutional Funds Act of 1990 (34-6-10) means a will, deed, trust, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

C. Endowment funds may be constituted of permanent gifts or donations to the qualifying college or university or to its principal foundation of, among others, cash, income producing securities, an income producing business, real property, personal property, fixed assets, mortgage notes, and life income gifts or bequests. Research grants, training grants, and other funds received by the institution in the performance of a contractual obligation do not qualify as endowment funds for purposes of this program.

D. Principal foundation means a foundation designated by the Board of Trustees of the qualifying college or university and registered with the South Carolina Secretary of State.

E. Endowment earnings refer to the amount which may be appropriated for expenditure from an endowment fund as defined under the South Carolina Uniform Management of Institutional Funds Act (34-6-20), which is so much of the net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent.

F. Historic dollar value, as defined under the South Carolina Uniform Management of Institutional Funds Act (34-6-10), means the aggregate fair value in dollars of (i) an endowment fund at the time it became an endowment fund, (ii) each subsequent donation to the fund at the time it is made, and (iii) each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund.

G. Newly created endowments refer to new gifts made to existing or to new endowments on or after July 1, 1997, for the four-year institutions, and on or after July 1, 1998, for the technical colleges. Gifts received or pledged prior to these dates, are not eligible to participate in this program. Gifts must be placed in an endowment for purposes of this program; they become eligible for State matching funds as described below only when a revenue stream is produced. As in the case of a gift of real estate, for example, the real estate must generate a revenue stream through its sale, rental income, etc. in order to be eligible for State matching funds. Similarly, pledges may not be credited toward this program until the gift is in hand and generating revenue through earnings (income) of the endowment fund. A payment made on or after July 1, 1997, on a pledge made prior to July 1, 1997, at the four-year institutions or on or after July 1, 1998, on a pledge made prior to July 1, 1998, for the technical colleges may not be credited toward this program.

H. Year means a state fiscal year beginning on the first day of July and ending the following June thirtieth.

I. Academic purposes are defined as those activities directly related to (i) the teaching and learning of graduate or undergraduate students enrolled in credit programs, including student support services; (ii) tuition assistance and academic scholarships for such students; and/or (iii) academic scholarship and research conducted by faculty related to their fields of study, including endowed chairs. Endowment disbursements used for support of public service activities that have no teaching or research components are not eligible for matching monies from the State Higher Education Matching Gift Fund. Similarly, disbursements from endowments established to construct athletic facilities, provide athletic scholarships, or support auxiliary enterprises are not eligible for match. However, earnings on endowments established for the construction of academic teaching or academic research facilities or for instructional or academic research equipment are eligible for match from the Gift Fund. Monies from the State Higher Education Matching Gift Fund must be expended on

comparable academic purposes as defined above. The Commission on Higher Education shall make the final determination as to what constitutes an Academic purpose.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

#### **62-840. Incentives for Donors.**

Institutions will apprise all new or potential new donors of the opportunity for state matching funds related to earnings from eligible endowments, as defined above, and will make information on the South Carolina Education Matching Gift Fund available to such donors or potential donors. Qualifying earnings from eligible institutional endowments will be matched on a 1:1 basis; thus, each dollar in qualifying earnings will be matched by one dollar from the Matching Gift Fund, not to exceed the available funds in the Matching Gift Fund.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

#### **62-850. Determination of Qualifying Earnings.**

Qualifying earnings eligible for Matching Gift Funds consist of current earnings generated by eligible endowment gifts as defined in section 62-835 above. Individual institutions determine how much of an endowment's earnings may be paid out in a given year and how much must be reinvested. Thus, to ensure equity among institutions whose spending rates with respect to endowments vary, qualifying earnings eligible for matching gift funds will be limited to an annual spending rate of five percent (5%) of the qualifying endowments' total market value of new gifts made on or after July 1, 1997, for the four-year institutions or on or after July 1, 1998, for the technical colleges, as defined in section 62-835. G, so long as this calculation does not exceed the total annual earnings from the endowment. This spending rate will be evaluated each year in light of monies available in the Matching Gift Fund and current institutional endowment income spending rates. This rate may be adjusted by the Commission on Higher Education in consultation with the Council of Public College Presidents as may be appropriate in subsequent years.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

#### **62-860. The South Carolina Higher Education Matching Gift Fund.**

A. State matching funds appropriated for use in this program will be placed in a separate account called the South Carolina Higher Education Matching Gift Fund which shall be managed by the State Treasurer. Of the total funds available in any given fiscal year, not more than sixty percent can be awarded to the University of South Carolina at Columbia, Clemson University, and the Medical University of South Carolina combined, in the initial disbursement of matching funds. For purposes of determining the amount of matching funds allowable for the University of South Carolina, qualifying earnings on the Columbia campus only will be used for determining the match from the Gift Fund: University of South Carolina-Spartanburg and University of South Carolina-Aiken are eligible to participate in the program with the other colleges and universities.

B. The match from the Gift Fund will be determined in accord with the following principles:

(1) Sixty percent of Gift Fund monies will be reserved for the three research universities for match on a dollar-for-dollar basis. In the event that funds qualifying for match exceed the amount available for match, Gift Fund monies will be distributed in proportion to the total requested for matching by the research universities.

(2) Forty percent of Gift Fund monies will be reserved for the technical colleges and four-year teaching universities for match on a dollar-for-dollar basis. In the event that funds qualifying for match exceed the amount available for match, Gift Fund monies will be distributed in proportion to the total requested for matching by the technical colleges and four-year teaching universities.

(3) In the event that Gift Fund monies remain unallocated to either the research universities or to the other colleges and universities from their respective percentage pools, these funds will be distributed to institutions in the other sector as a secondary distribution in the same proportion as their own sector funds were distributed. If funds are still available, they will be carried forward to the next fiscal year.

(4) In neither the initial nor in the secondary distribution nor in the sum of the initial and secondary disbursements may the Matching Gift Funds exceed a 1:1 ratio.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **62–870. Availability of Matching Gift Funds.**

A. Matching Gift Funds are to be requested through the Commission on Higher Education on an annual basis. Matching Gift Funds approved for disbursement may not exceed available funds in the Gift Fund.

B. As a means of ensuring adequate communication with institutions on the management of the South Carolina Higher Education Matching Gift Fund, the Commission will develop a standing advisory committee, called the Gift Fund Advisory Council, comprised primarily of the chief development officers of the participating institutions and of a representative of the State Board for Technical and Comprehensive Education. The Gift Fund Advisory Council will meet at least annually at the request of the Commission. The Advisory Council will provide to the Commission and its staff recommendations on the management of the Gift Fund, including advice on adjustments in the endowment spending rates allowable under this program and on other related matters.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **62–880. Conditions Pertaining to Matching Gift Funds.**

Gift Funds are to be used to match that portion of the current earnings of qualifying endowment gifts consistent with the spending rate provision as defined in section 62–850 above. Initially, that spending rate is established at five percent and may be adjusted in subsequent years. Requests for Matching Gift Funds are to be made on an annual basis and submitted on the appropriate CHE form to the Business Office of the Commission by September 30. Matching Gift Funds will be transferred through the Commission to the operating accounts of the institutions. The Matching Gift Funds must be expended on academic activities as defined in section 62–835.I above.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **62–890. Procedures for Submission and Documentation of Requests of Matching Gift Funds.**

A. Matching Gift Funds are to be requested through the Commission on Higher Education annually, on or before September 30, based on the current earnings of qualifying endowments from the prior fiscal year. The Commission will distribute an appropriate Request for Matching Gift Funds form on which the institution will be required to display the name or identification code of the qualifying endowment(s), their dates of creation, and the endowment current earnings from the fiscal year ending on the prior June 30. After the initial year of the program, the Request Form will also require identification and verification of expenditures of the Matching Gift Funds distributed from the prior year on academic activities as defined in section 62–835.I.

B. A summary report about the allocation and expenditure of Matching Gift Funds will be provided annually by the Commission to the General Assembly each February.

C. The information provided on the Matching Gift Fund Request Form is subject to program audits by the Commission on Higher Education. In the event that a Commission program audit reveals errors in the request made for matching funds, the amount disbursed, or inappropriate expenditures of matching gift funds, the institution's request for Matching Funds in the ensuing year will be adjusted accordingly.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **62–900. Carry Forward of Matching Gift Funds.**

In the event that, in any given fiscal year, Gift Fund monies remain unallocated to either the research universities or to the technical and four-year colleges and universities after the distribution has been made in accord with the procedures described in section 62–860 above, these funds shall be



carried forward to the next fiscal year and will form part of the Gift Fund total for that year. These carry forward funds will be combined with any new appropriations designated by the General Assembly so that the percentage calculations for the next fiscal year of 60 percent for the research universities and 40 percent for the other eligible colleges and universities will be made on the combined sum of the carried forward funds and the new appropriation.

**HISTORY:** Added by State Register Volume 22, Issue No. 6, Part 3, eff June 26, 1998; Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999.

### **SOUTH CAROLINA HOPE SCHOLARSHIP**

(Statutory Authority: 1976 Code § 59-150-370)

#### **62-900.85. Purpose of the SC HOPE Scholarship Program.**

The South Carolina HOPE Scholarship was established under the South Carolina Education Lottery Act in 2001 and amended by Act 95 during the 2005 legislative session. Act 356 authorizes the Commission on Higher Education to promulgate regulation for administration of the SC HOPE Scholarship Program. The purpose of the SC HOPE Scholarship Program is to provide funding to first-time entering freshmen who do not qualify for the LIFE or Palmetto Fellows Scholarships.

All eligible institutions that participate in the program must verify the lawful presence of any student who receives a SC HOPE Scholarship prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad are prohibited from using the South Carolina HOPE Scholarship or "SC HOPE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the South Carolina HOPE Scholarship or "SC HOPE" Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the South Carolina HOPE Scholarship or "SC HOPE" Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **62-900.86. Funding.**

A. Funds made available for SC HOPE Scholarships under the South Carolina Education Lottery Act shall be included in the annual appropriation to the Commission on Higher Education. This program is dependent upon the annual proceeds generated by the Lottery. The Commission on Higher Education shall award funds as SC HOPE Scholarships to eligible students.

**HISTORY:** Added by State Register Volume 29, Issue No. 6, eff June 24, 2005. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **62-900.90. Program Definitions.**

A. "Academic year" is defined as the twelve month period during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year will consist of fall, spring, and summer terms or spring, summer, and fall terms (or its equivalent).

B. "Bachelor's degree program" is defined as a program of study leading to a bachelor's degree as defined by the U.S. Department of Education for participation in federally funded financial aid programs.

C. "Book allowance" shall mean funds that may be applied to the student's account for expenses towards the cost-of-attendance including the cost of textbooks.

D. “Cost-of-attendance” as defined by Title IV Regulations and may include tuition, fees, living expenses, and other costs such as costs related to disability or dependent care.

E. “Degree-seeking undergraduate student” is defined as any full-time student enrolled in a bachelor’s degree program at an eligible institution.

F. “Eligible institution” shall be defined as a public or independent bachelor’s level institution in South Carolina.

G. “Felonies” shall be defined as crimes that are classified under State Statute (Section 16–1–10) and that typically require imprisonment for more than one year.

H. “Freshman year” shall mean the first academic year the student matriculates in an institution after high school graduation or completion of an approved home school program.

I. “Full-time student” shall mean a student who has matriculated into a bachelor’s degree program and who enrolls full-time at the home institution, usually fifteen semester credit hours for fall and spring terms or twelve credit hours for fall, eight credit hours for winter, and twelve credit hours for spring trimester terms. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time as stipulated by Title IV Regulations, except that credit hours may not include remedial/developmental and continuing education courses.

J. “High school” is defined as a high school located in South Carolina, an approved home school program as defined in the State Statute, (Sections 59–65–40, 45, and 47) or a preparatory high school located outside of the state while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with State Statute (Section 59–112–10). A “preparatory high school” (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

K. “Home institution” shall mean the institution where the student is currently enrolled as a degree seeking student and may be eligible for financial aid at the same institution.

L. “Independent institutions” are defined, for the purposes of the SC HOPE Scholarship Program, as those four-year institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any 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 Schools;” or an 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 who had a major campus and headquarters located within South Carolina and was accredited by the Southern Association of Colleges and Schools as of March 17, 2004.” Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘independent institution’ for purposes of this chapter. Independent two-year institutions are not eligible for participation in this program.

M. “Initial college enrollment” shall mean the first time the student matriculates into a postsecondary, degree-granting institution after high school graduation. The terms of eligibility are based upon initial college enrollment and continuous enrollment. This means that any break in enrollment (excluding summer) will count against the maximum terms of eligibility.

N. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.

O. “Misdemeanor offenses” shall be defined as crimes that are classified under State Statute (Section 16–1–100), less serious than felonies, and are typically punishable by fine or imprisonment for less than one year. A complete listing is located in title 16 of State Statute. Examples of alcohol and/or drug misdemeanor offenses in South Carolina include but are not limited to possession of alcohol under the age of 21, possession of marijuana/illegal drugs, open-container, transfer of alcohol to a person under 21, providing false information as to age (fake ID), etc.

P. “Multi-handicapped student” shall be defined as a student who, in addition to being visually or hearing impaired, has at least one additional disabling condition that qualifies the student to receive specialized postsecondary education.

Q. “Public institutions” are those four-year bachelor’s degree-granting institutions as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates “public higher education shall mean state-supported education in the postsecondary field.” Public two-year institutions and technical colleges are not eligible for participation in this Program.

R. “Remedial/developmental coursework” shall mean sub-collegiate level preparatory courses in English, mathematics, and reading or any other course deemed remedial by the institution where the course is taken.

S. “South Carolina resident” shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina Statute for Tuition and Fees, Section 59–112–10, and all related guidelines and regulations promulgated by the Commission on Higher Education as determined by the institutional residency officer each academic year.

T. “Transfer student” shall be defined as a student who has changed enrollment from one institution to an eligible institution.

U. “General Educational Development (GED) Diploma” is defined as a GED high school diploma that was completed in South Carolina or outside of the state while the student was a dependent of a legal resident of South Carolina who had custody or paid child support and college expenses of the dependent GED diploma student. A student who earns a GED diploma cannot receive a SC HOPE Scholarship during his/her initial year (or equivalent) of college enrollment but may earn the LIFE Scholarship in subsequent years. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 “LIFE GPA” at the end of the first academic year.

V. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien’s immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–900.95. Student Eligibility.**

A. To be eligible for a SC HOPE Scholarship, the student must:

1. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State residency statutes whose lawful presence in the US has been verified at the time of enrollment at the institution;

2. Be a South Carolina resident for in-state purposes at the time of high school graduation and at the time of enrollment at the institution, as set forth by Section 59–112–10 and be 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 according to State Statute, Section 59-149-50A. A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

3. Earn a cumulative 3.0 grade point average (GPA) based on the Uniform Grading Policy (UGP) upon high school graduation. No other grading policy will be allowed to qualify for the SC HOPE Scholarship. Grade point averages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. A student who earns a 3.00 GPA or above is eligible. Institutions shall use the final cumulative GPA as reported by the high school on the official high school transcript. A student who graduates high school with a General Educational Development (GED) Diploma is not eligible to receive the SC HOPE Scholarship;

4. Be admitted, enrolled full-time, and classified as a degree-seeking undergraduate student in an eligible institution in South Carolina;

5. Certify that he/she has never been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to any felonies and/or any second or subsequent alcohol/drug related misdemeanor

offenses under the laws of this or any other state or under the laws of the United States by submitting a signed affidavit each academic year to the institution testifying to the fact. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* of a second alcohol or other drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student is still eligible for the Scholarship for the remainder of the academic year. However, the student will not be eligible to receive the LIFE Scholarship the following fall, spring, and summer terms (or their equivalent), even if all other eligibility requirements have been met. If a student completes a pretrial intervention program and has his/her record expunged, the conviction will not affect Scholarship eligibility;

6. For a home school graduate to be eligible for the SC HOPE Scholarship, the student must be a member of an approved South Carolina homeschool program as defined in the State Statute (Sections 59-65-40, 45, and 47) that provides a GPA on an official transcript upon high school graduation based on the Uniform Grading Policy. No other grading policy will be allowed to qualify for the SC HOPE Scholarship. Grade point averages must be reported to two decimal places (minimum) and may not be rounded; and

7. In order to meet the GPA requirement, a student who attended an out-of-state preparatory high school or graduated from a SC high school prior to the full implementation of the Uniform Grading Policy must have their grades converted to the SC UGP. These students must meet all other eligibility criteria, including SC residency requirements.

B. Any credit hours attempted or earned before high school graduation, hours exempted by examination, International Baccalaureate (IB) or Advanced Placement (AP) credit hours do not count against the terms of eligibility.

C. Students who complete their high school graduation requirements prior to the official graduation date reported on the final high school transcript may be eligible to receive the SC HOPE Scholarship pending the approval of the Commission on Higher Education (CHE). The institutional representative must complete and submit an Early Graduation Application Form and all appropriate documentation as deemed necessary by CHE for each student by the established deadline. The student must request and submit a letter from the high school principal verifying that he/she has met all graduation requirements along with an official high school transcript.

D. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on active duty. The credit hours earned will not count against the terms of eligibility.

E. Early graduates who enroll mid-year and are classified as degree-seeking will officially begin their initial college enrollment.

F. SC HOPE Scholarship funds may not be applied to the costs of continuing education or remedial/developmental courses. Twelve credit hours of the course load must be nonremedial/developmental and non-continuing education courses in order to receive SC HOPE Scholarship funds.

G. Students receiving a SC HOPE Scholarship are not eligible for a LIFE Scholarship, Palmetto Fellows Scholarship or Lottery Tuition Assistance.

H. Students who meet all eligibility requirements for the SC HOPE Scholarship are eligible to receive Scholarship funds for the freshman year of attendance only.

I. All documents required for determining SC HOPE Scholarship eligibility must be submitted to the institution by their established deadline(s). Students must submit official transcripts from all previous and current institutions, which provide evidence to determine initial college enrollment.

J. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a SC HOPE Scholarship prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006, State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.100. Duration of Award.**

A. Students are eligible to receive the SC HOPE Scholarship for no more than two terms (or its equivalent) during the freshman year of attendance only.

B. The maximum number of terms of eligibility is based on the student's initial college enrollment with the exception of credit hours earned during the summer session immediately prior to the student's initial college enrollment.

C. If a student enrolls mid-year (spring term) and receives the SC HOPE Scholarship during that term, then qualifies to receive the LIFE Scholarship at the end of the summer term, the student will not be eligible to receive the SC HOPE Scholarship for the next term. If the student does not meet the requirements to qualify for the LIFE Scholarship, then the student may receive the SC HOPE Scholarship the next term of eligibility.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.105. Transfer Students.**

A. A student who transfers from an ineligible institution to an eligible institution mid-year during the freshman year of attendance is eligible to receive the SC HOPE Scholarship for the second term of their freshman year only. The student must have met the eligibility requirements as stated in the "Student Eligibility" Section at the beginning of their freshman year.

B. A student who transfers from a two-year or technical institution to an eligible four-year institution who enrolled in remedial courses during the freshman year may be eligible to receive the SC HOPE Scholarship. The terms of eligibility to receive Scholarship funds must not include the period of time the student was enrolled in remedial courses at a two-year or technical institution, unless the student completed at least twelve credit hours of non-remedial course work each term of enrollment during the freshman year. The student will be eligible to receive the Scholarship for the maximum number of terms of eligibility following completion of remediation if the student was eligible to receive the Scholarship upon high school graduation. If the student requires more than one academic year of remedial/developmental coursework, then he/she will not be eligible for the Scholarship after completion of remediation. If the student was not eligible for the Scholarship upon high school graduation, the student will not be eligible for the Scholarship after completion of remediation.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.110. Students with Disabilities.**

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in the "Student Eligibility" Section except for the full-time enrollment requirement, if approved by the Disability Services Provider. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to the freshman year verifying that the student is approved to be enrolled in less than full-time status.

C. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 may receive the maximum number of available terms of eligibility as stated in the "Duration of Award" Section.

D. In order to be eligible for the SC HOPE Scholarship, students who no longer qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must comply with all requirements set forth under the "Student Eligibility" Section.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.111. Military Mobilization.**

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term(s) they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused term(s) while mobilized during the succeeding summer term or at the end of the maximum terms of eligibility based on initial college enrollment. The service member must reenroll in an eligible institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon re-enrollment. Reinstatement will be based upon the service member's eligibility at the time he/she was mobilized. If the service member re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for an entire academic year may receive the Scholarship for the next academic year, if they met the "Student Eligibility" requirements at the time of high school graduation. Service members who did not use the SC HOPE Scholarship funds/terms of eligibility during this period due to military mobilization shall be allowed to receive Scholarship funds during the succeeding summer term and/or at the end of the maximum terms of eligibility based on initial college enrollment.

C. Service members who are enrolled in college and are mobilized for one academic term and did not use SC HOPE Scholarship funds/terms of eligibility during this period shall be allowed to receive one term of Scholarship funds during the succeeding summer or one term at the end of the maximum terms of eligibility based on initial college enrollment.

D. In order to receive the SC HOPE Scholarship for summer school for the unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution.

E. The home institution will be responsible for receiving verification of military mobilization status and terms of eligibility based on the service member's initial college enrollment.

F. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours will not count against their terms of eligibility.

**HISTORY:** Added by State Register Volume 29, Issue No. 6, eff June 24, 2005. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.115. Refunds or Repayments.**

A. In the event a student who has been awarded a SC HOPE Scholarship withdraws, is suspended from the institution, or drops below full-time enrollment status during any term of the academic year, institutions must reimburse the SC HOPE Scholarship Program for the amount of the Scholarship for the term(s) in question pursuant to the refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the Scholarship may be retained pursuant to the refund policies of the institution.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.120. Appeals Procedures.**

A. The Commission on Higher Education shall define the appeals procedures.

B. Students who did not receive the maximum number of terms of eligibility for the Scholarship at the end of the first academic year due to an extenuating circumstance may request an appeal with the Commission on Higher Education.

C. The Commission on Higher Education will allow a student to submit only one appeal at the end of the first academic year based on an extenuating circumstance.

D. A completed appeal application must be filed with the Commission on Higher Education by the established deadline of the academic year the Scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal application by the required deadline(s) will result in forfeiture of the scholarship.

E. The SC HOPE Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

F. The Appeals Committee's decision is final.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.125. Institutional Policies and Procedures for Awarding.**

A. SC HOPE Scholarship awards are to be used only for payment toward the cost-of-attendance as established by Title IV regulations. The award amount shall not exceed two thousand eight hundred dollars (includes \$300 book allowance) during the freshman year only. Half shall be awarded during the fall term and half during the spring term (or its equivalent). The SC HOPE Scholarship in combination with all other gift aid, including federal, State, private and institutional funds, shall not exceed the cost-of attendance as defined in Title IV regulations for any academic year.

B. Eligible institutions shall provide an award notification to eligible students that will include the book allowance and also contain the terms and conditions of the Scholarship. Institutions will notify students of all adjustments in Scholarship funds that may result from an over award, change in eligibility, change in the student's residency, change in financial status or other matters.

C. The institution must retain annual paper or electronic documentation for each award to include at a minimum:

- (1) Award notification
- (2) Institutional disbursement to student
- (3) Student's residency status
- (4) Refund and repayment (if appropriate)
- (5) Enrollment and curriculum requirements
- (6) Affidavit documenting that the student has never been convicted of any felonies and/or any second alcohol/drug related misdemeanor offenses within the past academic year as stated under the "Student Eligibility" Section
- (7) High school transcript(s) verifying high school graduation or home school completion date and cumulative grade point average
- (8) Verification from institutional disability service provider of student's disability and approval of reduced course-load requirement (if appropriate)
- (9) Military mobilization orders (if appropriate)
- (10) Verification from the institution that lawful presence in the US has been verified.

D. Any student who has attempted to obtain or obtained a SC HOPE Scholarship award through means of willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the SC HOPE Scholarship.

E. Visually impaired, hearing impaired or multi-handicapped students who qualify for the SC HOPE Scholarship may use the State Scholarship funds for the freshman year only to attend a four-year out-of state institution that specializes in educating students with their impairment upon receiving

prior approval from the Commission on Higher Education. The Commission on Higher Education shall make the final decision as to whether an out-of-state institution specializes in the postsecondary education of visually impaired, hearing impaired or multi-handicapped students.

F. It is the institution's responsibility to ensure that only eligible students receive the Scholarship.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.130. Institutional Disbursements.**

A. The eligible institution will identify award amounts, which cannot exceed two thousand eight hundred dollars (includes \$300 book allowance) for students enrolled at four-year public and independent institutions for the freshman year of attendance only. Half shall be disbursed during the fall term and half during the spring term (or their equivalents). Scholarships cannot be disbursed during the summer or any interim sessions. The SC HOPE Scholarship in combination with all other gift aid, including federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

B. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is enrolled in at least twelve hours of non-remedial coursework and is a degree-seeking student. The institution must submit a request for funds and/or a return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification number with award amounts for the term must be sent to the Commission on Higher Education by the established deadline each term. At this time, any unused funds must be returned to the Commission immediately.

C. The Commission will disburse awards to the eligible institutions to be placed in each eligible student's account.

D. Students must be enrolled full-time at an eligible institution at the time of Scholarship disbursement. Students who are retroactively awarded must have been enrolled in a minimum of twelve credit hours of non-remedial coursework at the home institution at the time the Scholarship would have been disbursed for that term.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.135. Program Administration and Audits.**

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with participating institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulations governing the SC HOPE Scholarship Program, any audits or other oversight as may be deemed necessary to monitor the expenditures of Scholarship funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a SC HOPE Scholarship institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

D. The participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for all inquiries pertaining to residency classification for the purposes of awarding the SC HOPE Scholarship.

E. All eligible independent and public institutions that participate in the program must verify the residency status and lawful presence of any student who receives a SC HOPE Scholarship prior to



awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **62–900.140. Suspension or Termination of Institutional Participation.**

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with program guidelines, rules, or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the SC HOPE Scholarship Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply with program rules, regulations, or guidelines, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any public or independent college or university, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant Statutes, pertinent rules, and regulations.

D. The institution is responsible for determining SC Residency and lawful presence off all SC HOPE Scholarship recipients. If it is determined that the institution has failed to verify the lawful presence and SC residency of a SC HOPE Scholarship recipient, the institution shall immediately reimburse the Commission with any and all funds disbursed in error.

E. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the South Carolina HOPE Scholarship or "SC HOPE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the South Carolina HOPE Scholarship or "SC HOPE" Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the South Carolina HOPE Scholarship or "SC HOPE" Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

F. The student shall be required to provide a nationally recognized, unique identifier in order to award, disburse and/or transfer the student's SC HOPE Scholarship to an eligible institution.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 29, Issue No. 6, eff June 24, 2005; State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 32, Issue No. 6, eff June 27, 2008; State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **LOTTERY TUITION ASSISTANCE PROGRAM FOR TWO-YEAR PUBLIC AND INDEPENDENT INSTITUTIONS**

(Statutory Authority: 1976 Code § 59–150–360)

#### **62–900.150. Purpose of the Lottery Tuition Assistance Program.**

Pursuant to the S.C. Education Lottery Act, which was established in 2001 and amended by Act 48 and Act 95 during the 2005 legislative session, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Lottery Tuition Assistance Program at the State two-year public and independent institutions. The purpose of the Lottery Tuition Assistance Program is to provide resources to the extent that funds are available that supplement, not supplant, existing resources for educational purposes to South Carolina's students. The program will assist students who wish to attend two-year public or independent colleges in South Carolina.

Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad are prohibited from using the Lottery Tuition Assistance Program or "LTAP" in

programs that promote financial aid incentives or packages. Any mention of the Lottery Tuition Assistance Program or “LTAP” in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Lottery Tuition Assistance Program as a separate financial aid award, provided to the student by the State of South Carolina.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.155. Allocation of Funds.**

A. This program is dependent upon sufficient annual funding from the S.C. Education Lottery Account.

B. Of the monies in the Education Lottery Account, funds shall be appropriated to the Commission on Higher Education for tuition assistance at two-year public and independent institutions as provided in Section 59150–360.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–900.160. Program Definitions.**

A. “Academic year” is defined as the fall, spring, and summer terms.

B. “Associate’s degree program” is defined as a two-year or associate’s degree program (Associate of Arts or Associate of Science), which leads to the first two years of a bachelor’s degree at a location approved by the U.S. Department of Education for participation in federally funded financial aid programs and authorized by the Commission on Higher Education.

C. “Cost-of-tuition” is defined as the amount charged for enrolling for credit hours of instruction and mandatory fees assessed to all students. Other fees, charges, or cost of textbooks cannot be included.

D. “Degree-seeking student” is defined as any part-time or full-time student enrolled in a diploma, certificate, or an associate’s degree program of study at an eligible SC public or independent two-year institution.

E. “Eligible program” is defined as a program of study leading to an associate’s degree or at least a two-year program that is acceptable for full credit towards a bachelor’s degree, which meets all other Title IV regulations as authorized by the U.S. Department of Education for participation in federally funded financial aid programs.

F. “Field of study” shall mean an area in which a certificate, diploma, or degree is awarded. A certificate/diploma earned that progresses to a diploma/associate’s degree in the same academic area.

G. “For graduation purposes” is defined as any grade or credit hour that the home institution requires in accordance with their policies and procedures for graduation of the student, including electives and additional coursework.

H. “Full-time student” shall mean a student who has matriculated into an eligible program, and who enrolls in a minimum of twelve credit hours (or the equivalent) at the home institution during an academic term.

I. “Independent two-year institutions” are defined, for the purposes of the Lottery Tuition Assistance Program, as those two-year institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates an “independent institution of higher learning means any 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 Schools.” Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of an eligible institution. Independent four-year institutions are not eligible for participation in this Program.

J. “Lawful Presence” is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the

immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

K. "Military mobilization" is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.

L. "Multi-handicapped student" shall be defined as a student who, in addition to being visually or hearing impaired, has at least one additional disabling condition that qualifies the student to receive specialized postsecondary education.

M. "Part-time student" shall mean a student who has matriculated into an eligible program, and who enrolls in a minimum of six credit hours at the home institution and a maximum of eleven credit hours (or its equivalent) during an academic term.

N. "Public two-year institutions" are defined, for the purposes of the Lottery Tuition Assistance Program, as those two-year institutions defined by Chapter 103 of Title 59 of the 1976 Code, which stipulates a "public institution of higher learning shall mean any state-supported postsecondary educational institution." Public four-year institutions are not eligible for participation in this Program. Technical colleges are governed by regulations promulgated by the SC Technical College System.

O. "Remedial coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, and reading or any other course deemed remedial by the institution where the course is taken.

P. "Satisfactory academic progress" shall mean the minimum academic standard for academic progress established by the institution for the purpose of complying with Title IV regulations for federal student aid programs and for State scholarship and grants.

Q. "South Carolina resident" shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina Statute for Tuition and Fees, Statute 59-112-10, unless the student qualifies for an exception as defined in the residency regulation promulgated by the Commission on Higher Education as determined by the institutional residency officer each academic year.

**HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.**

## **62-900.165. Student Eligibility.**

A. To be eligible for Lottery Tuition Assistance each academic year, the student must:

1. File the Free Application for Federal Student Aid (FAFSA) and complete the process to determine eligibility for federal student aid each academic year or complete a FAFSA Waiver each academic year. A college may waive the FAFSA requirement when: 1) the student is in high school and is participating in a dual enrollment program; 2) the student has already earned a bachelor's degree; 3) the student is enrolled in a program that is not eligible for federal funds; or 4) the dependent student is not able to obtain his/her parents', guardians' or spouse's tax form. The student must provide all necessary documentation and have the form approved by the financial aid office at the institution he/she attends;

2. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State residency statutes;

3. Qualify for in-state tuition and be a resident of the State of South Carolina for a minimum of one year according to Title 59 of the 1976 Code of Laws governing the determination of residency for tuition and fee purposes, unless the student qualifies for an exception as defined in the residency regulation promulgated by the Commission on Higher Education;

4. Be enrolled or accepted for enrollment as a part-time or full-time student in a diploma, certificate, or an associate's degree-seeking program in an eligible program at an eligible two-year public or independent college in South Carolina. A student enrolled in less than six credit hours during one term may not receive Lottery Tuition Assistance for the term in question but is eligible for the award upon return to part-time or full-time status;

5. Be making satisfactory academic progress towards completion of the requirements of the program as provided by Title IV Regulations;

6. Be enrolled or have completed at the time of funds disbursement a minimum of six credit hours at the home institution for the term of eligibility;

7. Verify that he/she is not in default and does not owe a refund or repayment on any federal or state financial aid including state scholarships or grants, a Federal Pell Grant, a Supplemental Educational Opportunity Grant, the Federal Perkins Loan, or Federal Stafford Loan programs;

8. Not be eligible for or a recipient of a SC HOPE, LIFE or Palmetto Fellows Scholarship during the academic year; and

9. Meet all eligibility requirements annually.

B. Students shall not be eligible to receive Lottery Tuition Assistance for more than one certificate, diploma, or degree earned within any five-year period unless the additional certificate, diploma, or degree constitutes progress in the same field of study. Students must be making satisfactory academic progress towards completion of the requirements of the program as provided by Title IV Regulations.

C. Students enrolled in an eligible program of study as stated in the "Program Definitions" section may include remedial courses as part of the minimum number of required credit hours for part-time or full-time status, as long as such courses carry credit hours and meet Title IV limitations on remedial coursework.

D. Students may not receive Lottery Tuition Assistance at more than one institution during the same semester.

E. Only students who are degree-seeking shall receive Lottery Tuition Assistance at their home institution. Transient students shall not receive Lottery Tuition Assistance.

F. While the student is taking remedial/developmental coursework, an exception to the initial college enrollment applies only to first-time freshmen who met the eligibility requirements for the LIFE Scholarship upon graduation from high school, are enrolled in less than 12 credit hours of non-remedial coursework at an eligible two-year or technical college and taking a minimum of six credit hours of remedial/developmental education coursework during the term may be eligible to receive Lottery Tuition Assistance for the fall and/or spring terms only of their first academic year. First-time freshmen who are eligible for the LIFE Scholarship, attending an eligible two-year or technical college and enrolled in a minimum of 12 credit hours of non-remedial coursework shall receive the LIFE Scholarship. Once a student is awarded the LIFE Scholarship, they are no longer eligible to receive LTAP during the same academic year. See Section 62-1200.10 (I) of the LIFE Scholarship and LIFE Scholarship Enhancement Regulation.

G. Any false information provided by the student or any attempt to obtain or expend Lottery Tuition Assistance for unlawful purposes or any purpose other than in payment or reimbursement for the cost of tuition at the institution authorized to award the funds will be cause for immediate cancellation of Lottery Tuition Assistance. Any student who has attempted to or obtained Lottery Tuition Assistance through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of Lottery Tuition Assistance.

**HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.**

### **62-900.170. Policies and Procedures for Awarding Lottery Tuition Assistance.**

A. The Lottery Tuition Assistance Program will be administered by the financial aid office on each campus, and the funds will supplement the student financial aid awards.

B. Actual award amounts are dependent upon the number of eligible students and the amount of funding available each academic year. Lottery Tuition Assistance may not exceed the cost of in-state tuition at State two-year public institutions for the academic year for which the award is made at the designated institution. At independent two-year institutions, the award amount is limited to the highest in-state tuition rate at a two-year public institution. In calculating the amount awarded in Lottery Tuition Assistance, all federal grants and Need-based Grants must be awarded first before determining the amount eligible in Lottery Tuition Assistance to be used for payment towards cost-of-tuition.

C. Adjustments to the financial aid package will be made to Lottery Tuition Assistance when federal grants and Need-based Grants can be applied towards cost-of-tuition.

D. Participating institutions will notify students of their Lottery Tuition Assistance with the terms and conditions of the award.

E. Effective Fall 2008, Section 59–101–430 A of SECTION 17. Chapter 101 Title 59 of the 1976 Code states that unlawful aliens are prohibited from attending SC public institutions of higher learning. This applies to students who are currently enrolled, as well as new enrollees. In accordance of this statute, institutions must institute a process that verifies an individual's lawful presence in the United States. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

F. The institution must retain annually appropriate paper or electronic documentation for each award to include at a minimum:

1. Institutional Student Information Report (ISIR) if student completed the FAFSA or FAFSA Waiver and appropriate supporting documentation
2. Award notification
3. Institutional disbursements to student
4. Refund and repayment (if appropriate)
5. Satisfactory academic progress
6. Student's residency status
7. Enrollment and curriculum requirements
8. Verification from institutional disability service provider of student's disability and approval of reduced course-load requirement (if appropriate)
9. Student award based upon approval of institutional appeal (if appropriate)
10. Military mobilization orders (if appropriate)
11. Verification from the institution that lawful presence in the US has been verified.

G. It is the institution's responsibility to ensure that no ineligible student receives Lottery Tuition Assistance.

H. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

**HISTORY: Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.**

### **62–900.175. Duration of Award and Continued Eligibility.**

A. Award decisions will be made annually and are not automatically guaranteed. The institution shall adjust the amount of the award during the academic year in the event of a change in the student's enrollment status.

B. Each academic year, students applying for Lottery Tuition Assistance must file a Free Application for Federal Student Aid or complete the FAFSA Waiver and provide any appropriate supporting documentation which may be required by the institution. Students must meet all eligibility requirements as stated in the "Student Eligibility" Section. Students must adhere to these guidelines and other pertinent statutes and regulations and with application timeliness and procedures stipulated by the institutions.

C. Students must meet satisfactory academic progress as established by the institution for the purposes of complying with Title IV regulations for continued eligibility to receive Lottery Tuition Assistance.

D. The institution shall be responsible for maintaining institutional certification of each recipient's continuous part-time and/or full-time enrollment in an eligible program of study.

E. Students wishing to appeal any award decision must submit a written request to the institution's Director of Financial Aid. This request will be handled in accordance with the institution's financial aid appeals procedures. The institution's decision on appeals shall be final.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.180. Students with Disabilities.**

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in "Student Eligibility" Section except for a student who is approved by the disability services provider at the home institution to be enrolled in less than part-time status is eligible to receive funding. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

B. The institutional disability services provider must provide written documentation to the Office of Financial Aid each academic year verifying that the student is approved to be enrolled in less than part-time status.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.181. Military Mobilization.**

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term(s) they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization.

B. If mobilization causes a student to not meet satisfactory academic progress, the student must appeal to the institution's financial aid office. This request will be handled in accordance with the institution's financial aid appeals procedures.

C. The home institution will be responsible for receiving verification of military mobilization status.

**HISTORY:** Added by State Register Volume 30, Issue No. 4, eff April 28, 2006. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.185. Institutional Disbursement of Funds.**

A. Actual award amounts are dependent upon the number of eligible students and the amount of funding available each academic year. Lottery Tuition Assistance may not exceed the cost of in-state tuition at the State two-year public institutions for the academic year for which the award is made at the designated institution. At independent two-year institutions, the amount cannot exceed the highest in-state tuition rate at a two-year public institution. In calculating the amount awarded in Lottery Tuition Assistance, all federal grants and Need-based Grants must be awarded first before determining the amount eligible in Lottery Tuition Assistance to be used for payment towards cost-of-tuition.

B. The institution shall provide an award notification to Lottery Tuition Assistance Program recipients, which will contain the terms and conditions of the award and other financial aid awarded. Students will be notified of adjustments in financial aid due to changes in eligibility and/or over-award issues.

C. The institution shall award only students who meet satisfactory academic progress as established by the institution for the purposes of complying with Title IV regulations. After the last day to register for each term of the academic year, the institution will verify that each recipient is a South Carolina resident who is a part-time or full-time, degree-seeking student. The institution must submit a request for funds and/or a return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification number with the award amounts for the term must be sent to the Commission on Higher Education. At this time, any unused funds must be returned to CHE immediately.

D. Visually impaired, hearing impaired or multi-handicapped students who qualify for Lottery Tuition Assistance may use the State grant funds to attend a CHE approved two-year out-of-state institution that specializes in educating students with their impairment upon receiving prior approval from the Commission on Higher Education. The Commission on Higher Education shall make the final decision as to whether an out-of-state institution specializes in the postsecondary education of visually impaired, hearing impaired or multi-handicapped students.

E. The student shall be required to provide a nationally recognized unique identifier in order for the institution to award, disburse, and/or transfer the student's state scholarship and/or grant to an eligible institution.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.190. Refunds and Repayments.**

A. In the event a student who has been awarded Lottery Tuition Assistance withdraws, is expelled, is suspended from the institution, drops below part-time (six credit hours) or full-time (twelve credit hours) status, or is found to be a non SC resident or has an unlawful presence in the United States during any term of the academic year, institutions must reimburse the Lottery Tuition Assistance Program for the term in question pursuant to refund policies of the institution.

B. In the event a student withdraws or drops below part-time or full-time status after the institution's refund period and therefore must pay tuition and fees for part-time or full-time enrollment, the award may be retained by the student pursuant to the refund policies of the institution.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-900.195. Program Administration and Audits.**

A. The South Carolina Commission on Higher Education will coordinate the oversight of functions (e.g., guidelines, policies, rules, regulations) relative to this program with eligible two-year public and independent institutions in South Carolina. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of the regulations and rules, and statewide oversight of the Lottery Tuition Assistance Program.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulations. Institutions also agree to maintain and provide all pertinent information, records, reports, or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person for the program. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

D. Independent and public institutions of higher learning in this, or any other state in the U.S., are prohibited from using the Lottery Tuition Assistance Program or "LTAP" in programs that promote financial aid incentives or packages. Any mention of the Lottery Tuition Assistance Program or "LTAP" in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Lottery Tuition Assistance Program as a separate financial aid award, provided to the student by the State of South Carolina.

E. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives Lottery Tuition Assistance funding prior to awarding the grant to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

**62–900.200. Suspension or Termination of Institutional Participation.**

A. The Commission may review institutional administrative practices to determine institutional compliance with rules and regulations, pertinent statutes, and program guidelines. If such a review determines that an institution has failed to comply with program statutes, rules, or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the program and require reimbursement to the Lottery Tuition Assistance Program for any funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply with program statutes, rules, regulations, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any public or independent college, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, pertinent rules, and this regulation.

**HISTORY:** Added by State Register Volume 27, Issue No. 6, Part 2, eff June 27, 2003. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006; State Register Volume 35, Issue No. 6, eff June 24, 2011.

**ARTICLE VIII  
HIGHER EDUCATION EXCELLENCE ENHANCEMENT PROGRAM**

(Statutory Authority: 1976 Code § 2–77–20)

**62–901. Purpose of the Higher Education Excellence Enhancement Program.**

The purpose of the Higher Education Excellence Enhancement Program is to enhance the educational opportunities of low-income and educationally disadvantaged students attending four-year colleges/universities where no less than sixty percent of the students enrolled receive PELL grants.

**HISTORY:** Added by State Register Volume 28, Issue No. 6, eff June 25, 2004.

**62–902. Applications of Eligible Institutions.**

Eligible Institutions are outlined in Section 2–77–15, South Carolina Code of Laws, 1976, as amended. Institutions that meet eligibility criteria shall notify the South Carolina Commission on Higher Education of their eligibility prior to the beginning of each fiscal year. The South Carolina Commission on Higher Education will certify the eligibility of each institution annually.

**HISTORY:** Added by State Register Volume 28, Issue No. 6, eff June 25, 2004.

**62–903. Allocation of Appropriations.**

Appropriations are to be allocated among eligible Institutions in accordance with Section 2–77–20(c), South Carolina Code of Laws, 1976, as amended.

**HISTORY:** Added by State Register Volume 28, Issue No. 6, eff June 25, 2004.

**62–904. Funds to Be Awarded Based on Merit.**

Institutions may submit proposals for the funding of activities included in Section 2–77–30(a). Proposals must be submitted prior to a deadline to be established by the South Carolina Commission on Higher Education. Proposals shall be evaluated by a panel of Higher Education personnel selected by the South Carolina Commission on Higher Education with experience in Administration, Academics, Finance, Capital Construction or Maintenance, Proposal Evaluation or other such areas deemed appropriate for the review of Institutional proposals. The South Carolina Commission on Higher Education will make the final awards after consideration of the panel's recommendations and priority requirements as outlined in Section 2–77–30(a) South Carolina Code of Laws, 1976, as amended. Awards may be made for the amount of the entire proposal or a portion of the proposal, as deemed appropriate by the Commission. Institutions selected for awards, per section 62–903, shall



enter into a contract with the South Carolina Commission on Higher Education for completion of the proposed activities. Participating Institutions must comply with Section 2-77-30(b) South Carolina Code of Laws, 1976, as amended. Upon successful completion of the contract, the participating Institution must comply with section 2-77-40 South Carolina Code of Laws, 1976, as amended.

**HISTORY: Added by State Register Volume 28, Issue No. 6, eff June 25, 2004.**

#### **LIFE SCHOLARSHIP AND PALMETTO FELLOWS SCHOLARSHIP APPEALS REGULATIONS**

(Statutory Authority: 1976 Code §§ 59-149-10, 59-104-20, 59-150-370)

### **62-1000. Program Definitions.**

A. "Appeal" is defined as an instance in which an extenuating circumstance causes a student enrolled in college to fail to meet the academic requirements (cumulative grade point average and/or credit hours) of earning or renewing a LIFE Scholarship, SC HOPE Scholarship, or renewing a Palmetto Fellows Scholarship.

B. "Extenuating Circumstance" is defined as a situation that involves a serious health condition of the student, death or serious health condition of an immediate family member, or a traumatic event.

C. "Immediate Family Member" is defined as the spouse, great-grandparents, grandparents, parents or legal guardians, brothers, sisters, or children of either the student or the student's spouse.

D. "Serious Health Condition" is defined as an illness, injury, impairment, or physical or mental condition that involves: (1) Any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or residential medical care facility; or (2) Any period of incapacity requiring absence from classes for more than five consecutive class days that also involves continuing treatment by (or under the supervision of) a health care provider; or (3) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity that would adversely affect the academic performance of the student.

E. "Traumatic Event" is defined as a sudden, uncontrollable event which adversely affects the student's academic performance, such as a natural disaster (i.e., earthquake, hurricane, tornado, fire, etc.), divorce, rape, or any other event deemed traumatic/extraordinary by the Appeals Committee.

**HISTORY: Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.**

### **62-1005. Identifying Eligibility for Scholarship Renewal.**

A. LIFE Scholarship: Each institution is responsible for notifying students about financial aid awards through normal institutional notification procedures, such as personal financial award accounts within the institutional system available for all students to review; telephone notification; award letters; and student bills. Therefore, each student awarded the LIFE Scholarship must make herself/himself aware of the institutional notification process and her/his LIFE Scholarship eligibility. If a LIFE Scholarship recipient finds that she/he is ineligible and would like to file an appeal, appeal applications must be available in the institutional financial aid office and the Commission on Higher Education.

B. Palmetto Fellows Scholarship: Institutions must submit an electronic roster (either Excel or ASKII format) of all students who do not meet the continued eligibility requirements to the Commission on Higher Education. The roster shall include the name, social security number, and permanent home address for each student. The Commission must receive the roster no later than two weeks after the completion of summer school.

The Commission will notify each Palmetto Fellow in writing of the discontinuation of their Palmetto Fellows Scholarship. The Commission will provide information about the opportunity for appeal and also an appeals handbook. If a student wishes to submit an appeal regarding the discontinuation of the Palmetto Fellows Scholarship, then he or she must follow the approved appeals process.

C. SC HOPE Scholarship: Each institution is responsible for notifying students about financial aid awards through normal institutional notification procedures, such as personal financial award accounts within the institutional system available for all students to review; telephone notification; award letters; and student bills. Therefore, each student awarded the HOPE Scholarship must make herself/himself aware of the institutional notification process and her/his HOPE Scholarship eligibility. If a HOPE Scholarship recipient finds that she/he is ineligible and would like to file an appeal, appeal applications must be available in the institutional financial aid office and the Commission on Higher Education.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1010. Filing an Appeal.**

An appeal must be filed with the Commission on Higher Education by no later than the established deadline of the academic year that scholarship aid is requested. The student must complete an Application for Appeal, attach a letter requesting an appeal and describing extenuating circumstances, and attach any other supporting documentation. The student must also request that an official academic transcript(s) be mailed to the Commission on Higher Education in an official sealed envelope. The Commission on Higher Education will only allow a student to submit one appeal each academic year.

#### Extenuating Circumstances

Extenuating circumstances are the following situations: serious health condition of the student; death or serious health condition of an immediate family member; or traumatic/extraordinary event. If the student's situation does not meet any of the above criteria for an extenuating circumstance, then the student cannot submit an appeal. A traumatic event does not include college adjustment issues, such as homesickness, problems with roommates, problems with the faculty or staff at the college or university, difficult course-load, dependent care or transportation problems, etc. This is not an exhaustive list. The Appeals Committee may deem other issues as inappropriate for appeal.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1020. Supporting Materials.**

Students are responsible for providing appropriate supporting documentation with their appeal such as: physician's report detailing duration and extent of serious health condition and any recommendations made regarding school attendance; letter from a college or university official; hospital invoice; and/or any other relevant documentation, which will substantiate the appeal.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1025. Appeals Committee.**

The Appeals Committee will be comprised of: one representative from the staff of the S.C. Commission on Higher Education; one representative from the board of the Commission on Higher Education; three institutional representatives of which one will be from a public senior college, one from a private senior college, and one from a two-year/technical college; one representative from the General Assembly or legislative staff member; one private or public high school guidance counselor representative; and one representative from the business community.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1030. Approval of Appeals.**

If an appeal is granted to a student who does not have the required cumulative 3.0 grade point average or the required number of credit hours, he or she may receive scholarship funding for the academic year. After the completion of the academic year in which the appeal was granted, the

student is expected to comply with all eligibility requirements in order to receive scholarship funding for the next academic year.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1035. Notification Process for Appeals Decisions.**

Once the decision regarding an appeal has been determined, the Appeals Committee will notify both the student and the institution in writing. Decisions are expected to be rendered by January 1.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

### **62-1040. Appeals Decision.**

The Appeals Committee's decision is final.

**HISTORY:** Added by State Register Volume 25, Issue No. 4, eff April 27, 2001. Amended by State Register Volume 30, Issue No. 4, eff April 28, 2006.

## **FREE TUITION FOR RESIDENTS SIXTY YEARS OF AGE**

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

### **62-1100. Authority.**

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

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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. "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.

C. "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.

D. "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.

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

F. "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.

G. "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.

**HISTORY:** Added by State Register Volume 32, Issue no. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

### **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.

**HISTORY:** Added by State Register Volume 32, Issue No. 5, eff May 23, 2008. Amended by State Register Volume 41, Issue No. 6, Doc. No. 4728, eff June 23, 2017.

## **LIFE SCHOLARSHIP PROGRAM AND LIFE SCHOLARSHIP ENHANCEMENT**

(Statutory Authority: 1976 Code § 59-149-10)

### **62–1200.1. Purpose of the LIFE Scholarship Program.**

Pursuant to Act 418, which was initially established in 1998 as Title 59 of the 1976 code and amended by Act 162 during the 2005 legislative session, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the LIFE Scholarship Program. The General Assembly established the LIFE Scholarship Program in order to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

With Act 115, which was established in 2007 as Title 59 of the 1976 code during the 2007 legislative session, the General Assembly established the LIFE Scholarship Enhancement in order to increase the number of students in the State majoring in mathematics and science and to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time. Students enrolled at two-year institutions are not eligible to receive a LIFE Scholarship Enhancement. In order to receive a LIFE Scholarship Enhancement, all students must qualify for the LIFE Scholarship as stipulated herein.

Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or "LIFE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or "LIFE" Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or "LIFE" Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–1200.5. Program Definitions.**

A. "Academic year" is defined as the twelve month period during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year will consist of the fall, spring and summer terms (or its equivalent).

B. A student who has earned a GED diploma or SC High School Diploma through Adult Education without a cumulative GPA may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section 62–1200.15., Continued Eligibility section of the LIFE Scholarship and LIFE Scholarship Enhancement.

C. An "approved five-year bachelor's degree program" shall mean a five-year bachelor's program as defined and approved by the Commission on Higher Education to receive the LIFE Scholarship for a maximum of ten terms at the same eligible institution in order to complete the requirements for a bachelor's degree. An approved five-year bachelor's degree program does not include inter-institutional and cooperative "3+2" programs (normally in a science degree field and an engineering program).

D. "Annual credit hour requirement" shall be defined as an average of thirty (30) credit hours earned at the end of the academic year based on initial college enrollment at all eligible institutions attended, excluding hours for remedial, continuing education, and non-degree coursework. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on

active duty, must be placed on the student's official college transcript by the institution at which they are earned, and must be counted toward the annual credit hour requirement.

E. "Associate's degree program" is defined as a two-year technical or occupational program, or at least a two-year program that is acceptable for full credit towards a bachelor's degree as defined by the U.S. Department of Education.

F. "Attempted credit hours" shall be defined as courses in which a student earns a grade and is included in the grade point calculation for that institution. Eligible credit hours that do not transfer must also be included. Credit hours earned through dual-enrollment prior to high school graduation must be included in the LIFE GPA. Exempted credit hours, Advanced Placement (AP), International Baccalaureate (IB), College Level Examination Program (CLEP), remedial/developmental courses, non-degree credit courses for an associate's degree or higher, Pass/Fail, Satisfactory/Unsatisfactory and non-penalty withdrawal credit hours are excluded from the "attempted credit hours." If a student transfers, refer to the institution's grading policy where the credit hours were earned. Any credit hours attempted or earned before high school graduation, hours exempted by examination, Advanced Placement (AP) or International Baccalaureate (IB) credit hours do not count against the terms of eligibility.

G. "Bachelor's degree program" is defined as an undergraduate program of study leading to a bachelor's degree as defined by the U.S. Department of Education.

H. "Book allowance" shall mean funds that may be applied to the student's account for expenses towards the cost-of-attendance including the cost of textbooks.

I. "CIP Code (Classification of Instructional Program)" The U.S. Department of Education's standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the LIFE Scholarship Enhancement, CIP codes have been approved by the Commission on Higher Education for eligible degree programs in the fields of mathematics and science.

J. "Cost-of-attendance" as defined by Title IV Regulations and may include tuition, fees, living expenses, and other expenses such as costs related to disability or dependent care.

K. "Cost-of-tuition" shall mean the amount charged for enrolling in credit hours of instruction and mandatory fees assessed to all students. Other fees, charges, or cost of textbooks cannot be included.

L. "Declared major" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet 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. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered as a declared major. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs are those listed as such on the Commission's website.

M. "Degree-seeking student" is defined as any full-time student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate's degree, or first bachelor's or program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Upon completion of the first one-year certificate, first two-year program or associate's degree, or first bachelor's or program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, the student cannot use scholarship funds to pursue a program in the same or preceding level. Students are eligible to receive the Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students must be enrolled in an undergraduate degree program in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, the students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in

Physician Assistant Studies Program, the Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina. Students who have been awarded a bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a CHE approved five-year bachelor's degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

N. "Eligible institution" shall be defined, solely for the purposes of the annual credit hour requirement and the LIFE GPA calculation, as an accredited public or independent postsecondary, degree-granting institution located in-state or out-of-state. The institution must be accredited by an agency recognized by the U.S. Department of Education for participation in federally funded financial aid programs. This list may be found on the US Department of Education's website.

O. "Eligible program of study" is defined as a program of study leading to: 1) at least a one-year educational program that leads to a first certificate or other recognized educational credential (e.g., diploma); 2) the first associate's degree; 3) at least a two-year program that is acceptable for full credit towards a bachelor's degree; 4) the first bachelor's degree; or 5) a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree as long as all eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor's or graduate degree are not eligible for Scholarship or Enhancement funding. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

P. "Eligible degree program/Qualifying degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in mathematics or science as approved by the SC Commission on Higher Education. These programs shall include science and mathematics disciplines, computer science or informational technology, engineering, science education, math education and health care and related disciplines including medicine and dentistry as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs must be approved by the South Carolina Commission on Higher Education. Eligible/Qualifying programs are those listed as such on the Commission's website.

Q. "Felonies" shall be defined as a crimes classified under State statute (16-1-10) and typically require imprisonment for more than one year.

R. "Fifth year/senior year" shall mean any student who is enrolled in his or her ninth or tenth semester of full-time, undergraduate coursework in an approved five-year program following high school graduation. The student is in his/her fifth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

S. "First year student/Freshman" is defined as any student who is enrolled as a first year student in his or her first or second semester of undergraduate coursework following high school graduation.

T. "Fourth year/senior year" shall mean seventh or eighth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her fourth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

U. "Full-time student" shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually fifteen credit hours for fall and spring terms or twelve credit hours for fall, eight credit hours for winter, and twelve credit hours for spring trimester terms. The student must earn an average of thirty credit hours per academic year to receive a LIFE Scholarship. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial/developmental, continuing education, and non-degree credit courses for an associate's degree or higher.

V. “General Educational Development (GED) Diploma” is defined as a GED high school diploma that was completed in South Carolina or outside of the state while the student was a dependent of a legal resident of South Carolina who had custody or paid child support and college expenses of the dependent GED diploma student. A student who earns a GED diploma cannot receive a LIFE Scholarship during his/her initial year (or equivalent) of college enrollment but may earn the scholarship in subsequent years.

W. “High school” is defined as a high school located in South Carolina, an approved home school program as defined in the State Statute, (Sections 59–65–40, 45, and 47) or a preparatory high school located outside of the state while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with State Statute 59–112–10. A “preparatory high school” (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

X. “Home institution” shall mean the institution where the student is currently enrolled as a degree-seeking student and may be eligible for financial aid at the same institution.

Y. “Independent institutions/private institutions” are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an 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 was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern 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.”

Z. “Ineligible degree program” shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program that is not included on the Commission’s posted list of approved eligible programs and assigned a CIP code.

AA. “Initial college enrollment” shall mean the first time the student enrolls into a postsecondary degree-granting institution after high school graduation, completion of a GED/Adult Education Program or completion of an approved home school program. The terms of eligibility and the annual credit hour requirement are based upon initial college enrollment and continuous enrollment. This means that students must adhere to the 30 credit hour requirement even if they have a break in enrollment. Any break in enrollment (excluding summer) will also count against the terms of eligibility.

BB. “LIFE GPA” shall be defined as the cumulative grade point average calculation that includes credit hours and grades earned at all eligible institutions based on a 4.0 scale. The LIFE grade point average must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate’s degree or higher and remedial/developmental courses. See Section 62–900.55 for the steps to calculate the “LIFE GPA.”

CC. “LIFE Scholarship recipient” is defined as a student who meets all of the eligibility requirements to receive a LIFE Scholarship and is awarded LIFE Scholarship funds during a given academic year. Students who meet the eligibility requirements for a LIFE Scholarship but do not receive any LIFE Scholarship funds, due to the cost of attendance being met by other sources of financial aid, do not meet the definition of a LIFE Scholarship recipient.

DD. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.

EE. “Misdemeanor offenses” shall be defined as a crimes classified under State statute (16–1–100) which are typically punishable by fine or imprisonment for less than one year. A complete listing is located in title 16 of State statute. Examples of alcohol and drug misdemeanors in South Carolina include but are not limited to possession of alcohol under the age of 21, possession of marijuana/illegal



drugs, open-container, transfer of alcohol to person under 21, false information as to age (fake ID), etc.

FF. "Non-degree credit courses" shall be defined as courses that count towards graduation in a certificate or diploma program only. Non-degree credit courses must not be used in the "LIFE GPA" calculation or towards the annual credit hour requirement for an associate's degree or higher.

GG. A "one-year educational program" is defined as an undergraduate program of study leading to recognized credentials (e.g., certificates or diplomas), as defined by the U.S. Department of Education for participation in federally funded financial aid programs and which prepares students for gainful employment in recognized occupations.

HH. "Private institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an "independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an 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 was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern 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."

II. "Program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree", which will be the student's first academic degree awarded. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) and the LIFE Scholarship Enhancement for a maximum of six terms (or its equivalent) as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor's or graduate degree are not eligible for Scholarship funding. Students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program, the Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina.

JJ. "Public institutions" are institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates "public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions."

KK. "Remedial/developmental coursework" shall mean sub-collegiate level preparatory courses in English, mathematics, reading and any courses classified as remedial by the institution where the course is taken.

LL. "Satisfactory academic progress" shall be defined as the academic progress in the declared major as required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and academic department in which the student is enrolled to meet the requirements of satisfactory academic progress.

MM. "Second year/sophomore year" shall mean any student who is enrolled in his or her third or fourth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her second year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

NN. "South Carolina resident" shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina State Statute for Tuition and Fees, Section 59-112-10 and all related guidelines and regulations promulgated by the Commission on Higher Education as established by the institutional residency officer each academic year.

OO. "Third year/junior year" shall mean the fifth or sixth semester of full-time, undergraduate coursework following high school graduation. The student is enrolled in his/her third year of

consecutive, full-time enrollment based on the student's initial date of college enrollment after graduation from high school.

PP. "3 plus 2 programs" is defined, for the purposes of the LIFE Scholarship Enhancement, as a program (typically an engineering major) in which a student completes three years of a baccalaureate program at one institution, at which time the student transfers to a second institution and completes the remaining two years of an undergraduate degree program. When the student completes the fourth year of enrollment, credit hours are transferred back to the initial institution, which confers the first baccalaureate degree (e.g., physics) using articulated credits from the second institution. At the end of the second year of enrollment at the second institution, the student receives the second baccalaureate degree (e.g., engineering). 3 plus 2 programs for the purposes of receiving the LIFE Scholarship Enhancement shall be defined and approved by the SC Commission on Higher Education. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement award.

QQ. "Transfer student" shall be defined as a student who has changed enrollment from one institution to a SC public or independent institution.

RR. "Substantially deviates" shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the 2007 Uniform Grading Policy.

SS. "Preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

TT. "Lawful Presence" is defined as individuals who are US citizens, permanent residents, or non-US citizens and non-permanent residents who are legally present in the US. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

UU. "Continuously enrolled" is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. Students who attend summer terms or are selected for military mobilization are considered continuously enrolled. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–1200.10. Student Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. To be eligible for a LIFE Scholarship, students must:

1. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes whose lawful presence has been verified at the time of enrollment at the institution; and

2. Be a South Carolina resident for in-state purposes at the time of high school graduation and at the time of enrollment at the institution, as set forth by Section 59–112–10, and be either a member of a class graduating from a high school located in this State, or a student who has successfully completed at least three of the final four years of high school within this State, or 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 according to State Statute, Section 59-149-50A or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

3. Meet two of the following three criteria if a first-time entering freshman at an eligible four-year institution:

a. Earn a cumulative 3.0 grade point average (GPA) based on the Uniform Grading Policy (UGP) upon high school graduation. No other grading policy will be allowed to qualify for the LIFE Scholarship. Grade point averages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported on the official transcript.

b. Score at least an 1100 on the Scholastic Assessment Test (SAT) or an equivalent ACT score of 24. Test scores will be accepted through the June national test administration of the SAT and ACT during the year of high school graduation. The student must use the highest SAT Math score combined with the highest SAT Critical Reading score (formerly known as the Verbal score). It is permissible to select scores from different test administrations in order to obtain the qualifying composite score. Students cannot use the Writing subsection score to obtain the qualifying composite score. The composite ACT score must be based upon one test administration.

c. Rank in the top thirty percent of the graduating class consisting of high school diploma candidates only. The rank must also be based on the UGP only. Ranking percentages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who has a class rank of 13 of 43 ( $13/43 \times 100 = 30.23\%$ ) will not rank in the top thirty percent of the class since 30.23% is not within thirty percent. To determine the top thirty percent for graduating classes with three or less students, the student who is ranked number one in the class would be considered in the top thirty percent for LIFE Scholarship eligibility. Institutions shall use the final ranking as reported by the high school on the official transcript. If a student is a member of an approved home school association that ranks, a ranking report must be attached to the official transcript. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current SC Uniform Grading Policy and that do not convert the graduating class to the current SC UGP to determine class rank, must use the GPA and SAT or ACT criteria when attempting to meet the academic requirements for the LIFE Scholarship. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships.

d. For the purposes of meeting the rank criterion, 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 eligible South Carolina institution determines that a state-approved standardized grading scale substantially deviates from the S.C. Uniform Grading Policy (UGP), the institution must submit the grading scale to CHE for further review. If CHE confirms the out-of-state grading scale substantially deviates from the S.C. UGP, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship. When converting scores to the SC UGP, weighting must adhere to the SC UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the SC UGP. For example, if a student earned a 90 in an honors class, the conversion of the score/grade must be equivalent to the points assigned according to the current SC UGP. The guidance counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the S.C. UGP to determine if the student ranks within the top thirty percent of the class. To be considered equivalent to the SC UGP, the out-of-state school's grading scale must adhere to the following minimum requirements:

(1) Must include all courses carrying Carnegie units, including units earned at the middle school and high school level;

(2) To be equivalent to an "A" letter grade, the numerical average must be  $\geq 93$ ; to be equivalent to a "B" letter grade the numerical average must be between 85 and 92; to be equivalent to a "C" letter grade the numerical average must be between 77 and 84; to be equivalent to a "D" letter grade the numerical average must be between 70 and 76; and to be equivalent to a "F" letter grade the numerical average must be between 62 and 69 (if a course with a numerical average of  $< 62$  is considered passing by the high school the student earned the grade, then a 73 numerical average should be given);

(3) Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

(4) Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and,

(5) If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all "A" letter grades must be converted to a 96 numerical average, all "B" letter grades must be converted to a 88 numerical average, all "C" letter grades must be converted to a 80 numerical average, all "D" letter grades must be converted to a 73 numerical average, and all "F" numerical averages must be converted a 61 numerical average.

4. Earn a cumulative 3.0 grade point average (GPA) on the Uniform Grading Policy upon high school graduation and score at least an 1100 on the Scholastic Assessment Test (SAT I) or an equivalent ACT score of 24 if a first-time entering freshman graduates from a non-ranking South Carolina high school, non-ranking South Carolina approved home school association or out-of-state preparatory high school and attends an eligible four-year institution;

5. Earn a cumulative 3.0 grade point average (GPA) upon high school graduation on the Uniform Grading Policy if a first-time entering freshman at an eligible two-year or technical institution. No other grading policy will be allowed to qualify for the LIFE Scholarship. Grade point ratios must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported by the high school on the official transcript;

6. Be admitted, enrolled full-time, and classified as a degree-seeking student at a public or independent institution in South Carolina;

7. Certify that he/she has never been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to any felonies or any second or subsequent alcohol/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 LIFE 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 by submitting an affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to a second alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Scholarship the remainder of the academic year. However, the student will be ineligible for the Scholarship the following entire academic year of enrollment. If a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect Scholarship eligibility; and

8. Certify that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed on any Federal or State financial aid. Students who have not completed a Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any Federal or State financial aid including, state grants/scholarships, Federal Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan and Federal Stafford Loan.

B. Any credit hours attempted or earned before high school graduation, hours exempted by examination, International Baccalaureate (IB) or Advanced Placement (AP) credit hours do not count against the terms of eligibility as provided in State Statute, Section 59-149-60. The credit hours

earned before high school graduation can be used toward the credit hour requirement. Credit hours earned through CLEP, IB or AP will be used toward the credit hour requirement.

C. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on active duty. The credit hours earned on active duty will not count against the terms of eligibility, but will be used towards the annual credit hour requirement.

D. First-time entering freshmen will not be penalized for any credit hours earned during the summer session immediately prior to the student's initial college enrollment. The credit hours earned will not count against the terms of eligibility. The credit hours may be used toward the annual credit hour requirement.

E. Students who complete their high school graduation requirements prior to the official graduation date reported on the final high school transcript may be eligible to receive the LIFE Scholarship dependent on the approval of the Commission on Higher Education (CHE). The student must complete and submit an Early Graduation Application, an official high school transcript, an official letter from the high school principal verifying that he/she has met all graduation requirements, and SAT/ACT scores (if attending a four-year institution) by the established deadline. Early graduates cannot use class rank in order to qualify for the LIFE Scholarship at four-year institutions for the spring semester since the class has not officially graduated. A student may use class rank to receive the Scholarship after the class officially graduates. Early graduates who enroll mid-year (spring term) and are awarded the LIFE Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the LIFE Scholarship the next academic year, the student must earn a minimum of fifteen credit hours and a 3.0 "LIFE GPA" at the end of the academic year. The student will be eligible to receive the maximum number of terms of eligibility based on initial college enrollment. If a student does not submit an early graduation application for the spring term and has not officially graduated, the student should not have received the LIFE Scholarship and that term will not count against his/her terms of Scholarship eligibility.

F. First-time entering freshmen who enroll mid-year (spring semester) are eligible for the LIFE Scholarship if they qualified upon high school graduation.

G. LIFE Scholarship funds may not be applied to the cost of continuing education, remedial/developmental or non-degree credit courses for an associate's degree or higher. Twelve credit hours of the course load must be non-remedial/developmental, non-continuing education or degree-credit courses for an associate's degree or higher in order to receive LIFE Scholarship funds. Continuing education, non-degree credit for an associate's degree or higher and remedial/developmental courses will not be included in the "LIFE GPA" or credit hour calculations.

H. Non-degree credit hours shall be used to meet the full-time eligibility criteria for a diploma or certificate program only. Students must sign an affidavit certifying that they understand that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an Associate's degree or higher.

I. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment. First-time entering freshmen attending an eligible two-year institution or technical college who enroll in fewer than twelve credit hours of non-remedial/developmental, including at least three hours of remedial/developmental courses during the first term(s) will not be eligible for Scholarship funds during this period. The student's initial college enrollment will begin after a maximum of two terms of remediation at an eligible two-year or technical college only. The student will be eligible for the Scholarship for the term following completion of remediation if the student was eligible to receive the LIFE Scholarship upon high school graduation. If the student requires more than one academic year of remedial/developmental coursework, then he/she will not be eligible for the LIFE Scholarship the term after completion of remediation. If the student was not eligible for the Scholarship upon high school graduation, the student must meet the conditions set forth in Section J below in order to gain the LIFE Scholarship.

J. Students who do not meet the scholarship eligibility requirements upon high school graduation and enroll in remedial/developmental courses during a maximum of two terms at an eligible two-year institution or technical college, and who enroll in fewer than twelve credit hours of non-remedial/developmental courses, must meet the scholarship eligibility requirements (earn a 3.0 "LIFE GPA" and

earn an average of thirty credit hours for the academic year) at the end of the first year of enrollment in non-remedial/developmental courses to be eligible to receive the scholarship for the second year of enrollment in non-remedial/developmental courses. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment.

K. Students receiving a LIFE Scholarship are not eligible to receive a Palmetto Fellows Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance in the same academic year.

L. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to receive the LIFE Scholarship. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, the students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program, Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina.

M. All documents required for determining LIFE Scholarship eligibility must be submitted to the institution by their established deadline(s). Students must submit official transcripts from all previous and current institutions, which provide evidence to calculate the "LIFE GPA," determine initial college enrollment and earned annual credit hour requirement. Students that complete coursework at another institution at any time during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

N. First-time entering freshmen who attended out-of-state preparatory high schools or graduated from a SC high school prior to the full implementation of the Uniform Grading Policy must have their high school transcript converted to the UGP in order to qualify for the LIFE Scholarship.

O. To be eligible for a LIFE Scholarship Enhancement each academic year, the student must:

1. Meet all of the eligibility requirements at the end of each academic year to receive a LIFE Scholarship as stipulated by state law and regulation and be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement. The student must receive the underlying LIFE Scholarship;

2. Be enrolled as a full-time, degree-seeking student in a declared major of science or mathematics in an eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds. Eligible programs include degrees awarded in math and science fields, computer science or informational technology, engineering, science education, math education and healthcare and related disciplines including medicine and dentistry. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and the academic department in which the student is enrolled;

3. Be enrolled at an eligible four-year public or independent institution located in South Carolina;

4. Effective for the 2007-08 academic year only, all students who are enrolled at a four-year institution as a sophomore, junior or senior must meet the continued eligibility requirements of earning a minimum average of 30 credit hours and a minimum 3.0 LIFE GPA as stipulated by law and regulation for the LIFE Scholarship by the end of each academic year, be a recipient of LIFE Scholarship funds, and be enrolled as a full-time, degree-seeking student in a declared major of science or mathematics in an eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds. These students may continue to receive the LIFE Scholarship Enhancement for their remaining terms of eligibility for the LIFE Scholarship. To be awarded a LIFE Scholarship Enhancement each year, these students must meet all requirements for the LIFE Scholarship and be enrolled as a full-time, degree-seeking student in a declared major of science or mathematics in an

eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds;

5. Beginning with the Fall 2007 freshman class and thereafter, all students must have successfully completed a total of at least fourteen credit hours of instruction in mathematics and life and physical science courses, in any combination, by the end of the student's first year of enrollment in college (based on initial date of college enrollment). For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student's first year, Exempted Credit Hours placed on the student's official college transcript by the institution at which they were earned, College Level Examination Program (CLEP), Dual Enrollment, Pass/Fail courses with a grade of "Pass" (only), Satisfactory/Unsatisfactory courses with a grade of "Satisfactory" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may count toward the fulfillment of this minimum requirement. The Commission will issue a list of eligible courses by CIP code for determining eligible coursework to meet the fourteen credit hour requirement. Remedial/developmental, continuing education, non-degree credit coursework and credit hours earned for courses taken after the end of the student's first year of college enrollment cannot be used to meet the specified minimum fourteen credit hour course level requirement to gain eligibility to receive the LIFE Scholarship Enhancement;

6. Meet the continued eligibility requirements for the LIFE Scholarship of a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year;

7. Be in the second, third or fourth year of full-time enrollment (based on initial date of college enrollment after high school graduation) at an eligible four-year public or independent institution in South Carolina. Students enrolled full-time in an eligible, approved five-year degree program may also be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment); and

8. Students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Section 62-1200.10 may be eligible to receive a LIFE Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). The student must earn a minimum average of 15 credit hours and a 3.0 LIFE GPA to be awarded a LIFE Scholarship the following academic year and a minimum average of 30 credit hours by the end of the first academic year (i.e., by the end of the fall term or second consecutive term of full-time enrollment based on initial date of college enrollment) of enrollment to receive a LIFE Scholarship Enhancement beginning the spring term of the second, third and/or fourth year of college enrollment.

P. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the Scholarship and Enhancement funds are to be disbursed in the fall and half are to be disbursed in the spring. In the cases where students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Sections 62-1200.10 (O) and 62-1200.15 (C), such student shall be awarded the LIFE Scholarship Enhancement one year after initial college enrollment (i.e., spring term). Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

**62-1200.15. Continued Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Students must meet the following criteria to renew eligibility for the LIFE Scholarship:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility" Section;

2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year; and
3. Meet the annual credit hour requirement (or its equivalent) by the end of the academic year based on initial college enrollment:
  - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
  - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or
  - (c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or
  - (d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.

B. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term.

C. Students who are LIFE eligible upon high school graduation and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen (15) credit hours and a 3.0 "LIFE GPA" at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement and 3.0 LIFE GPA for renewal:

- (a) earn a minimum of 45 (or the equivalent) credit hours if entering the fourth semester based on initial college enrollment; or
- (b) earn a minimum of 75 (or the equivalent) credit hours if entering the sixth semester based on initial college enrollment; or
- (c) earn a minimum of 105 (or the equivalent) credit hours if entering the eighth semester based on initial college enrollment; or
- (d) earn a minimum of 135 (or its equivalent) credit hours if entering the tenth semester of an approved five-year bachelor's degree program based on initial college enrollment.

Students who fail to meet the initial academic eligibility criteria to receive the LIFE Scholarship upon high school graduation, and who initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship beginning in their second Fall term of college attendance at an eligible institution, if the student earns a minimum of forty-five (45) credit hours and a 3.0 "LIFE GPA" by the end of the prior academic year. The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

D. Students must meet the following criteria to renew eligibility for the LIFE Scholarship Enhancement:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility: LIFE Scholarship and the LIFE Scholarship Enhancement" Section;
2. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement; and
3. Be enrolled full-time at an eligible four-year public or independent institution as a declared major in an eligible science or mathematics program as stipulated under Section 62-1200.10.

E. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship Enhancement if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term resulting in ineligibility for a LIFE Scholarship. Students who do not meet the continued eligibility requirements to receive the LIFE Scholarship cannot receive a Scholarship or LIFE Scholarship Enhancement for the following academic year.

F. The student may be eligible to receive the maximum number of terms of eligibility (i.e., six consecutive terms) for a LIFE Scholarship Enhancement starting the second year of college enrollment (based on initial date of college enrollment after high school graduation).

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**



**62–1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. The maximum number of terms of eligibility is based on the student’s initial college enrollment with the exception of the summer term immediately prior to the student’s initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework.

B. Students may receive a LIFE Scholarship for a maximum of two terms for a one-year educational program, four terms for an associate’s degree program or at least a two-year program that is acceptable for full credit towards a bachelor’s degree, eight terms (or its equivalent) towards the first bachelor’s degree or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree program or ten consecutive terms towards an approved five-year bachelor’s degree program. (See chart in “C” below.) In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program, the Master’s of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent), as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education.

C. If a student pursues the following program, the terms of eligibility for the LIFE Scholarship will be based upon the student’s initial college enrollment:

Degree/Program	Maximum Terms of Eligibility	Average Credit Hours Earned at the End of Each Academic Year				
		1st Year = 30 credit hours	2nd Year = 60 credit hours	3rd Year = 90 credit hours	4th Year = 120 credit hours	Fifth Year = 150 credit hours
		Terms of Remaining Eligibility at the End of Each Academic Year				
One-year Certificate/Diploma	2	0	0	0	0	0
Associate/Two-year Program	4	2	0	0	0	0
Bachelor/First Professional	8	6	4	2	0	0
Approved Five-year Bachelor	10	8	6	4	2	0

D. The maximum number of terms of eligibility for a LIFE Scholarship Enhancement is based on the student’s continued eligibility for a LIFE Scholarship and beginning with the student’s second year of college enrollment (based on initial date of college enrollment), with the exception of the summer term immediately prior to the student’s initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework.

E. Students may receive a LIFE Scholarship Enhancement for a maximum of six consecutive terms (i.e., three academic years) for a first bachelor’s degree in an eligible program or an eligible program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree program, and eight consecutive terms (i.e., four academic years) towards an approved five-year bachelor’s degree program and six consecutive terms towards a 3 plus 2 program. Students must be enrolled in an eligible four-year public or independent institution in South Carolina as a declared major in an eligible science or mathematics major or an eligible program that is approved and assigned a CIP code by the Commission on Higher Education. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree

awarded, students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program, the Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive a LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62–1200.25. Regaining or Earning Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Students who were U.S. Citizens or legal permanent residents, and South Carolina residents at the time of high school graduation and college enrollment, but were not initially eligible upon high school graduation or failed to meet the continued eligibility requirements can earn or regain eligibility for the LIFE Scholarship if they:

1. Meet all eligibility requirements as stated in the "Student Eligibility" Section;
2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year;
3. Meet the annual credit hour requirement by the end of the academic year based on Initial college enrollment:
  - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
  - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or
  - (c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or
  - (d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.
  - (e) earn the required number of credit hours as stated in Section 62–1200. 15 (C) for students who initially enroll mid-year.

B. A student who has earned a GED diploma may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section A above.

C. A student who has graduated from a homeschool association not approved by the state of South Carolina may be eligible to earn the LIFE Scholarship at the end of the first academic year based on initial college enrollment. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. The student may also qualify in subsequent years by meeting all eligibility requirements as stated in Section A above.

D. Students who have met the initial eligibility criteria for the LIFE Scholarship and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen credit hours and earns a cumulative 3.0 "LIFE GPA" at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement for renewal (refer to Section 62–1200. 15 (C) for the required number of credit hours for mid-year students). The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

E. Students who were not initially eligible for a LIFE Scholarship (as stated in this section) upon high school graduation or failed to meet the continued eligibility requirements for a LIFE Scholarship may earn or regain eligibility for a LIFE Scholarship Enhancement if they:

1. Meet all eligibility requirements as stipulated in Section 62–1200.10 and are recipients of a LIFE Scholarship;
2. Earn at least a 3.0 “LIFE GPA” and meet the annual credit hour requirement by the end of each academic year based on initial college enrollment to receive a LIFE Scholarship; and
3. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement funds disbursement.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

**62–1200.30. Transfer Students: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Students must meet all eligibility requirements for a LIFE Scholarship and for a LIFE Scholarship Enhancement as stipulated in Section 62–1200.10.

B. Transfer students who receive the LIFE Scholarship and transfer mid-year to another institution may be eligible to receive the Scholarship for the spring term if they met the eligibility requirements at the end of the previous academic year (See “Transfer Student” Section B for eligibility requirements):

1. Freshmen who transfer mid-year to the same type of institution (two-year to two-year or four year to four-year) must have met the Scholarship requirements of the respective institution at the time of initial college enrollment; or
2. Freshmen who transfer mid-year from a two-year to a four-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a four-year institution; or
3. Freshmen who transfer mid-year from a four-year to a two-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a two-year institution.

C. For determining initial eligibility for transfer students for the first-time at an eligible public or independent institution in SC, students must meet the following requirements at the end of the previous academic year:

1. Earn a cumulative 3.0 LIFE GPA; and
2. Meet one of the following:
  - (a) earn a minimum of thirty credit hours (or equivalent) at all institutions if entering the second year of college based on initial college enrollment; or
  - (b) earn a minimum of sixty credit hours (or equivalent) at all institutions if entering the third year of college based on initial college enrollment; or
  - (c) earn a minimum of ninety credit hours (or equivalent) at all institutions if entering the fourth year of college based on initial college enrollment; or
  - (d) earn a minimum of one hundred twenty credit hours (or equivalent) at all institutions if entering the fifth year of college in an approved five-year bachelor’s degree program based on initial college enrollment; or
  - (e) earn the required number of credit hours as stated in Section 62–1200.15 (C) for students who initially enroll mid-year based on initial college enrollment.

D. For eligibility in subsequent years, transfer students must earn a 3.0 LIFE GPA and meet the annual credit hour requirement (or its equivalent) at all eligible institutions by the end of the academic year based on initial college enrollment.

E. The institution where the student is transferring will determine the classification of the entering transferring student based on initial college enrollment and will use this classification to determine the remaining terms of eligibility in compliance with the “Terms of Eligibility” Section.

F. Students transferring to an eligible public or independent four-year South Carolina institution may be eligible to receive a LIFE Scholarship Enhancement if they meet the requirements under Section 62–1200.10 and:

1. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the

second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

2. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of enrollment, if the student earned a 3.0 LIFE GPA and minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

3. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

4. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of initial college enrollment, if the student earned a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**

### **62–1200.35. Students with Disabilities: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections except for the full-time enrollment requirement, if approved by the Disability Services Provider at the home institution. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the transfer student to provide written documentation concerning services from the previous institutional Disability Services Provider.

B. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year verifying that the student is approved to be enrolled in less than full-time status or earn less than the required annual credit hours. The institution is responsible for retaining appropriate documentation according to the “Program Administration and Audits” Section.

C. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all requirements as stated in the “Continued Eligibility” Section, except that if a student does not meet the annual credit hour requirement, the student must have been approved by the institutional Disability Services Provider in the prior academic year to be enrolled in less than “full-time” status or less than the required thirty credit hours. Each academic year, students must complete the required number of credit hours approved by the institutional Disability Services Provider for LIFE Scholarship and LIFE Scholarship Enhancement renewal and earn a 3.0 “LIFE GPA.” Students must

comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 may receive the maximum number of terms of eligibility as stated in the “Terms of Eligibility” Section.

E. In order to be eligible for the LIFE Scholarship and LIFE Scholarship Enhancement, students who no longer qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must comply with all requirements set forth under the “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**

**62–1200.40. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Students enrolled in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit are eligible to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the period in which the student is enrolled in such programs. Students will be required to meet the continued eligibility requirements.

B. Eligible students may use the appropriated portion of LIFE Scholarship and LIFE Scholarship Enhancement funds for internships, cooperative work programs, travel study programs or National or International Student Exchange Programs that are approved by the home institution and that the home institution accepts as full-time transfer credit. LIFE Scholarship and LIFE Scholarship Enhancement funds must be paid directly to the student’s account at the home institution and cannot exceed the cost-of-attendance at the home institution or the cost-of-attendance at the host institution, whichever is less. The Commission on Higher Education will not transfer LIFE Scholarship or LIFE Scholarship Enhancement funds directly to the institution where the student will participate in internships, cooperative work programs, travel study programs or National or International Student Exchange Programs. The institution is responsible for LIFE Scholarship and LIFE Scholarship Enhancement funds according to the “Policies and Procedures for Awarding” Section.

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year, must complete fifteen credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year. Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on their initial college enrollment date (provided the student meets continued eligibility requirements).

D. For students enrolled in an internship, cooperative work program, travel study program or National or International Student Exchange Program during the entire academic year that is approved by the home institution but does not award full-time transfer credit for the entire academic year, LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year will be based on the prior year’s eligibility. Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolled in an internship, a cooperative work program, a travel study program or national or international student exchange program during the academic year that is approved by the home institution and did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility

requirements). In order to receive LIFE Scholarship and LIFE Scholarship Enhancement funds for summer school at the home institution, students must enroll in twelve credit hours during the summer. In order to maintain eligibility for the next academic year for students who only attend summer school at the home institution, the student must earn twelve credit hours during the academic year. For students who enroll in summer school and one other term of the academic year at the home institution, the student must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. The student must meet all eligibility requirements as specified in the "Student Eligibility" and "Continued Eligibility" Sections, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student's grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

#### **62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Service members who are enrolled in college and are affected by military mobilizations will not be penalized for the term they are required to withdraw after the full refund period based on the institutional policies and procedures. Institutions are strongly encouraged to provide a full refund of required tuition, fees and other institutional charges or to provide a credit in a comparable amount against future charges for students who are forced to withdraw as a result of military mobilization. Additionally, the term(s) that the service member is mobilized will not count against the maximum terms of eligibility. The service member shall be allowed to receive the unused terms for the LIFE Scholarship and LIFE Scholarship Enhancement while mobilized during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements). The service member must re-enroll in an eligible institution within twelve months upon their demobilization and provide official documentation to verify military deployment to the institutional Financial Aid Office upon reenrollment to receive LIFE Scholarship and LIFE Scholarship Enhancement. Reinstatement of the LIFE Scholarship and the LIFE Scholarship Enhancement will be based upon the service member's eligibility at the time he/she was mobilized. If the student re-enrolls after the twelve month period, the service member must submit an Appeal Application to the Commission on Higher Education by the established deadline in order to be considered for reinstatement.

B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the LIFE Scholarship and the LIFE Scholarship Enhancement for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period due to military mobilization shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete fifteen credit hours and earn a 3.0 "LIFE GPA" by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year. Service members who did not use LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the LIFE Scholarship and the LIFE Scholarship Enhancement for summer school for the unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of twenty-seven credit

hours (or its equivalent) for the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn twelve credit hours during the academic year. The service member must meet all eligibility requirements as specified in the "Student Eligibility" and "Continued Eligibility" Sections for the LIFE Scholarship and LIFE Scholarship Enhancement, except for the completion of the thirty credit hour requirement for the academic year.

E. The home institution will be responsible for receiving verification of military mobilization status, "LIFE GPA," credit hours earned and terms of eligibility based on the service member's initial college enrollment and eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

F. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours earned will not count against the terms of eligibility, but will be used toward the annual credit hour requirement for the LIFE Scholarship and towards the minimum fourteen credit hour course level requirement for the LIFE Scholarship Enhancement.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-1200.50. LIFE Scholarship Refunds and Repayments.**

A. In the event a student who has been awarded a LIFE Scholarship and LIFE Scholarship Enhancement withdraws, is suspended from the institution, or drops below full-time enrollment status during any term of the academic year, institutions must reimburse the LIFE Scholarship Program for the amount of the LIFE Scholarship and LIFE Scholarship Enhancement for the term in question pursuant to the refund policies of the institution. Collection is the responsibility of the institution.

B. In the event a student withdraws or drops below full-time status after the institution's refund period and therefore must pay tuition and fees for full-time enrollment, the LIFE Scholarship and LIFE Scholarship Enhancement may be retained pursuant to the refund policies of the institution.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

### **62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. The Commission on Higher Education shall define the appeals procedures.

B. Students who did not meet the continued eligibility requirements for the LIFE Scholarship at the end of the academic year due to an extenuating circumstance may request an appeal with the Commission on Higher Education.

C. The Commission on Higher Education will allow a student to submit only one appeal each academic year based on an extenuating circumstance.

D. A completed appeal's application must be filed with the Commission on Higher Education by the established deadline of the academic year the scholarship is requested. The student must provide a completed application for appeal, a letter requesting an appeal describing the extenuating circumstance, official transcripts from all prior institutions, and any other supporting documentation to substantiate the basis for the appeal. It is the responsibility of the student to ensure that all documents necessary to file an appeal are received at the Commission by the established deadline. Commission staff will not contact the student regarding missing or incomplete appeals documentation. Failure to submit a completed appeal's application by the required deadline(s) will result in forfeiture of the scholarship.

E. The LIFE Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

F. Appeal Guidelines apply only to the LIFE Scholarship, not the LIFE Scholarship Enhancement. Students cannot appeal solely on the basis of a loss of a LIFE Scholarship Enhancement. However, students who appeal and are awarded the LIFE Scholarship under this section may be eligible to receive the LIFE Scholarship Enhancement.

G. The Appeals Committee's decision is final.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**

**62–1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. All eligible institutions are responsible for ensuring that each student has met the criteria based on state law and regulation to determine eligibility for the LIFE Scholarship and the LIFE Scholarship Enhancement as stipulated in Section 62–1200.10 and Section 62–1200.15.

B. Each institution is responsible for reviewing all students based on the “LIFE GPA” calculation below to determine eligibility for the LIFE Scholarship. Institutions must use official transcripts from all eligible institutions for each student and the steps in Section E below.

C. The institution must use grades earned at all eligible institutions during any term (fall, spring, and/or summer) for calculating a “LIFE GPA” at the end of the academic year.

D. The student must certify by submitting a signed affidavit that he/she is responsible for submitting transcripts from all previous and current eligible institutions. Students who complete coursework at another institution at anytime during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

E. Steps for calculating a “LIFE GPA:”

1. Convert all grades earned at an eligible institution to a 4.0 scale based on each institution's grading policy where the grades were earned = Grade Points

2. Multiply the grade points by attempted credit hours = Quality Points (QP)

3. Divide the total quality points by the total number of attempted credit hours = LIFE GPA

4. “LIFE GPA” Formula:  $(\text{Grade Points} \times \text{Attempted Credited Hours} = \text{QP}) = \text{LIFE GPA Total Attempted Credit Hours}$

F. The “LIFE GPA” must include all grades earned at eligible institutions, including courses that do not transfer based on the institution's policy and college courses taken while in high school.

G. The “LIFE GPA” must not include attempted credit hours earned for continuing education courses, nondegree credit courses for an associate's degree or higher and remedial/developmental courses.

H. The student must meet the annual credit hour requirement at the end of the academic year based on initial college enrollment as defined in the “Continued Eligibility,” “Regaining or Earning Eligibility” or “Transfer Students” Sections.

I. LIFE Scholarship awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. Eligible four-year public and independent institutions shall identify award amounts up to the cost-of-tuition for thirty credit hours, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall identify award amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

J. The LIFE Scholarship Enhancement is an annual award. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree



program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

K. The institution shall specify exact LIFE Scholarship Enhancement amounts to be used only for payment toward the cost-of-attendance as established by Title IV Regulations at eligible four-year public and independent institutions in South Carolina. The annual LIFE Scholarship Enhancement award amount shall not exceed \$2,500.00 per academic year for no more than three years of instruction if enrolled in an eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Students enrolled in an eligible 3 plus 2 program shall receive a LIFE Scholarship for no more than four years of instruction and a LIFE Scholarship Enhancement for no more than three years of instruction. Half of the LIFE Scholarship Enhancement funds shall be awarded in the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

L. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship must be applied to the unmet total cost of attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

M. Students who have already been awarded a first bachelor's degree or graduate degree are not eligible to receive a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Program Definitions" Section must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program, Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina.

N. Eligible institutions shall provide an award notification to eligible students that contains the terms and conditions of the LIFE Scholarship and the LIFE Scholarship Enhancement. Institutions will notify students and the SC Commission on Higher Education of any adjustments in LIFE Scholarship and LIFE Scholarship Enhancement funds that may result from an over award, change in eligibility, change in the student's residency or change in financial status or other matters.

O. The institution must retain annual paper or electronic documentation for each LIFE Scholarship and LIFE Scholarship Enhancement award to include at a minimum:

1. Award notification
2. Institutional disbursement to student
3. Student's residency status
4. Refunds and repayments (if appropriate)
5. Enrollment and curriculum requirements
6. Verification of a 3.0 "LIFE GPA" and the required number of annual credit hours based on initial college enrollment
7. Affidavit documenting that the student: a) has never been convicted of any felonies and/or a second or subsequent alcohol/ drug-related misdemeanor offenses within the past academic year; b) understands that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an associate's degree or higher; and c) must certify that they have submitted transcripts from all previous and current institutions attended
8. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund or repayment on any state or federal financial aid

9. High school transcript(s) verifying graduation or home school completion date, grade point averages and class ranks (first-time entering freshmen) or GED or Adult Education High School Diploma

10. SAT or ACT scores (first-time entering freshmen)

11. Verification of student's disability from Institutional Disability Service Provider and verification of reduced course-load requirement (if appropriate)

12. Military mobilization orders (if appropriate)

13. Beginning with the 2007–08 freshman class and thereafter, all institutions must retain documentation verifying that students met the minimum fourteen credit hour course level requirement by the end of the first year of college enrollment for the LIFE Scholarship Enhancement.

14. Verification from academic department of enrollment in a declared major in an eligible degree program (LIFE and Palmetto Fellows Scholarship Enhancement purposes only)

15. Documentation from Registrar or Admissions office that student's final high school GPA has been calculated pursuant to a grading scale that is at least equal to the SC UGP (For students who are attempting to use a class rank from an out-of-state institution to qualify for the LIFE Scholarship).

16. Verification from the institution that lawful presence of the student in the US has been verified.

P. It is the institution's responsibility to ensure that only eligible students receive a LIFE Scholarship and LIFE Scholarship Enhancement award.

Q. Any student who has attempted to obtain or has obtained a LIFE Scholarship and a LIFE Scholarship Enhancement award through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the LIFE Scholarship and the LIFE Scholarship Enhancement.

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

## **62–1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. Eligible four-year public and independent institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours a year, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount for a LIFE Scholarship shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half of the LIFE Scholarship shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. LIFE Scholarship funds cannot be disbursed during the summer or any interim sessions with the exception to disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

B. Eligible four-year public and independent institutions only shall award LIFE Scholarship Enhancement amounts, which cannot exceed the cost-of-attendance for thirty credit hours a year, not to exceed \$2,500 per academic year. The LIFE Scholarship Enhancement cannot be disbursed during the summer or any interim sessions with the exception of disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and

institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

C. The LIFE Scholarship and the LIFE Scholarship Enhancement may not be applied to a second bachelor's degree or a graduate degree program as defined in the "Program Definitions" Section. In the event of early graduation, the LIFE Scholarship and LIFE Scholarship Enhancement awards are discontinued. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. In such cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program, the Master's of Science in Cytology and Biosciences Program and the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Medical University of South Carolina. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

D. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship, must be applied to the unmet total cost-of-attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the base LIFE Scholarship and LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

E. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time, degree-seeking student. The institution must submit a request for LIFE Scholarship and LIFE Scholarship Enhancement funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission on Higher Education. At this time any unused funds must be returned to the Commission on Higher Education immediately.

F. The Commission will disburse LIFE Scholarship and LIFE Scholarship Enhancement awards to the eligible institutions to be placed in each eligible student's account.

G. The student must be enrolled at the time of disbursement of LIFE Scholarship and LIFE Scholarship Enhancement funds as a full-time student at the home institution, and meet all requirements as established in the "Student Eligibility" Section for a LIFE Scholarship and the a LIFE Scholarship Enhancement. Students who are retroactively awarded must have been enrolled in a minimum of twelve credit hours (full-time) as a declared major in an eligible program under Section 62-1200.10 at the home institution at the time the LIFE Scholarship and LIFE Scholarship Enhancement would have been disbursed for that term.

H. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**

**62–1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. The South Carolina Commission on Higher Education shall be responsible for the oversight of functions (e.g., guidelines, policies, rules, regulation) relative to this program with participating institutions. The Commission on Higher Education shall be responsible for the allocation of funds, promulgation of guidelines and regulation governing the LIFE Scholarship Program, any audits or other oversight as may be deemed necessary to monitor the expenditures of scholarship funds.

B. According to the Audit Policies and Procedures for Scholarship and Grant Programs Manual, all eligible institutions that participate in the program must abide by program policies, rules or regulation. Institutions also agree to maintain and provide all pertinent information, records, reports or any information as may be required or requested by the Commission on Higher Education or the General Assembly to ensure proper administration of the program.

C. The Chief Executive Officer at each participating institution shall identify to the Commission on Higher Education a LIFE Scholarship institutional representative who is responsible for the operation of the program on the campus and will serve as the contact person. The institutional representative will act as the student's fiscal agent to receive and deliver funds for use under the program.

D. The participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for determining residency classification for the purposes of awarding the LIFE Scholarship.

E. All eligible independent and public institutions that participate in the program must verify the lawful presence of any student who receives a LIFE Scholarship and LIFE Scholarship Enhancement prior to awarding the Scholarship to the student. When verifying the lawful presence of an individual, institutional personnel shall not attempt to independently verify the immigration status of any alien, but shall verify any alien's immigration status with the federal government pursuant to 8 USC Section 1373(c).

**HISTORY:** Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.

**62–1200.75. Suspension or Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.**

A. The Commission may review institutional administrative practices to determine institutional compliance with pertinent statutes, guidelines, rules or regulations. If such a review determines that an institution has failed to comply with Program statutes, guidelines, rules or regulations, the Commission may suspend, terminate, or place certain conditions upon the institution's continued participation in the Program and require reimbursement to the LIFE Scholarship Program for any LIFE Scholarship or LIFE Scholarship Enhancement funds lost or improperly awarded.

B. Upon receipt of evidence that an institution has failed to comply, the Commission on Higher Education shall notify the institution in writing of the nature of such allegations and conduct an audit.

C. If an audit indicates that a violation or violations may have occurred or are occurring at any eligible public or independent institution, the Commission on Higher Education shall secure immediate reimbursement from the institution in the event that any funds were expended out of compliance with the provisions of the Act, any relevant statutes, guidelines, rules, and regulations.

D. The institution is responsible for determining SC residency and lawful presence of all LIFE Scholarship and LIFE Scholarship Enhancement recipients. If it is determined that the institution has failed to verify the lawful presence and SC residency of a LIFE Scholarship or LIFE Scholarship Enhancement recipient, the institution shall immediately reimburse the funds disbursed in error.

E. Independent and public institutions of higher learning in this, or any other state in the U.S., outside the U.S. or abroad, are prohibited from using the Legislative Incentive for Future Excellence or "LIFE" Scholarship in programs that promote financial aid incentives or packages. Any mention of the Legislative Incentive for Future Excellence or "LIFE" Scholarship in these financial aid packages must indicate the scholarship to be separate from the University that is offering the financial aid package, and reference the Legislative Incentive for Future Excellence or "LIFE" Scholarship as a separate financial aid award, provided to the student by the State of South Carolina.

F. The student shall be required to provide a nationally recognized, unique identifier in order to award, disburse and/or transfer the student's LIFE Scholarship to an eligible institution.

**HISTORY: Added by State Register Volume 33, Issue No. 6, eff June 26, 2009. Amended by State Register Volume 35, Issue No. 6, eff June 24, 2011.**