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H 01/14/2020 Referred to Committee

S 01/14/2020 Referred to Committee

S 02/05/2020 Committee Requested Withdrawal

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 provided for in the Regulation

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**COMMISSION ON HIGHER EDUCATION**

CHAPTER 62

Statutory Authority: 1976 Code Section 59‑58‑40

62‑6. Licensing Criteria.

**Synopsis:**

R.62‑6 of Chapter 62 is being amended. The revision to the existing regulation governing Licensing Criteria is being considered to authorize the Commission to approve teach‑out plans in rare instances such as sudden institutional closures, to enable students within the final 25% of their programs to re‑enroll at another South Carolina non‑public institution and complete their courses of study.

A Notice of Drafting for the proposed regulation was published in the *South Carolina State Register* on October 25, 2019.

**Instructions:**

Replace R.62-6 of Chapter 62 with the following text.

**Text:**

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, except in the case of an approved teach‑out plan or agreement in the instance of an institutional closure. 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.

**Fiscal Impact Statement:**

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

**Statement of Rationale:**

R.62‑6 is being amended. The revision to the existing regulation governing Licensing Criteria is being considered to authorize the Commission to approve teach‑out plans in rare instances such as sudden institutional closures, to enable students within the final 25% of their programs to re‑enroll at another South Carolina non‑public institution and complete their courses of study.