

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina’s official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal, or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor’s Executive Orders, notices of public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Executive Orders are actions issued and taken by the Governor.

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as a proposed regulation.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

2025 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents must be submitted no later than 5:00 P.M. on the second Friday of each month. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the submission deadline for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 212-4500.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend, or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting and a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact and gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one-hundred-ten days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve the regulation before the expiration of the one-hundred-ten-day review period, the regulation is approved on the one-hundred-tenth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety, or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal laws are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during the legislative interim, the regulation may be refiled for one additional ninety-day period.

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The *South Carolina State Register* is available electronically through the South Carolina Legislature Online website at www.scstatehouse.gov, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for the printed format is \$90.00 plus applicable sales tax. Payment must be made by check payable to the Legislative Council. To subscribe, complete the form below and mail with payment.

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In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5342			Residential Treatment Facilities for Children and Adolescents	01/25/2026	Department of Public Health	Regs, Admin. Proc., AI & CS	Medical Affair
5319			Sign Language Interpreters	02/01/2026	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5370			Honey Bees	03/05/2026*	Clemson University	Regs, Admin. Proc., AI & CS	Ag and Nat Resources
5366			Procedures and Standards for Review of Charter School Applications	04/04/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5371			Defined Program, Grades 9-12 and Graduation Requirements	05/02/2026*	State Board of Education	Regs, Admin. Proc., AI & CS	Education
5373			General Retention Schedule for Data Processing Records of State Agencies/Institutions	05/03/2026	SC Department of Archives and History		
5374			General Retention Schedule for State Personnel Records	05/03/2026	SC Department of Archives and History		
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5379			General Retention Schedule for State Colleges and Universities	05/03/2026	SC Department of Archives and History		
5380			General Retention Schedule for State Financial Records	05/03/2026	SC Department of Archives and History		
5381			General Retention Schedules for School Districts	05/03/2026	SC Department of Archives and History		

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5199			R.45-9, Write-in Ballots, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5201			Emergency Election Procedures	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5202			Poll Worker Training; Candidate Withdrawals	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5203			Procedures for Electronic Petitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5192			R.45-1, Definitions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5204			R.45-10, Retention and Disposition of Certain Voting Records	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5205			Reports to State Election Commission by County Boards of Voter Registration and Elections	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5193			R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5225			Retention and Storage of Election Records and Election Equipment	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5194			R.45-3, Tabulating Center Personnel	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5195			R.45-4, Certification of Program Instructions	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5196			R.45-5, Ballot Envelopes and Fold Over Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5197			R.45-6, Defective Ballot Cards	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary
5198			R.45-7, Ballot Cards, Sealed After Tabulation	Tolled	State Election Commission	Regs, Admin. Proc., AI & CS	Judiciary

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5314	Regulations for the Licensing of Child Care Centers	Tolled	Department of Social Services	Regs, Admin. Proc., AI & CS	Family and Veterans' Services
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*Revised 120-Day Review Expiration Date for Automatic Approval to 110-Day Review Expiration Date per S.164

Executive Order No. 2025-27

WHEREAS, on May 11, 1987, the South Carolina Emergency Response Commission (“Commission”) for hazardous materials was established pursuant to Executive Order No. 1987-17 in compliance with the Emergency Planning and Community Right-to-Know Act of 1986 (“EPCRA”), which was enacted as Title III of the Superfund Amendments and Reauthorization Act (“SARA”) (collectively, “the Act”); and

WHEREAS, the Act required the Governor of the State of South Carolina to establish and appoint the members of the Commission to address certain matters pertaining to hazardous materials and to discharge the duties and responsibilities prescribed in the Act, *see* 42 U.S.C. § 11001; and

WHEREAS, on December 14, 1993, Executive Order No. 1993-27 rescinded and replaced Executive Order No. 1987-17 so as to modify the membership of the Commission; and

WHEREAS, on November 16, 2001, Executive Order No. 1993-27 was rescinded and replaced by Executive Order No. 2001-41, which added two (2) additional members to the Commission, with one (1) new member representing industry in the State and one (1) new at-large member; and

WHEREAS, SARA requires the Commission to establish Local Emergency Planning Committees, and Regulation 58-1 of the South Carolina Code of Regulations requires each county in the State of South Carolina to establish and maintain an emergency management agency, which must develop a county emergency management plan and program that is coordinated and consistent with the State’s comprehensive emergency management plan and program; and

WHEREAS, both the undersigned and the Act recognize that the proliferation of hazardous materials risks posing a significant threat to the public’s health, safety, and welfare unless the State continues to maintain and enhance responsible planning and coordination measures; and

WHEREAS, the undersigned has determined that it is necessary and appropriate to modify the composition of the Commission to account for the recent restructuring of certain Executive Branch agencies and departments, *e.g.*, 2025 S.C. Acts No. 3; 2023 S.C. Acts No. 60; and to ensure that the Commission remains comprised of selected individuals from the public and private sectors who possess the necessary expertise to implement the emergency planning and community right-to-know provisions of the Act.

OW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Reauthorizing and Revising the South Carolina Emergency Response Commission

A. In accordance with the foregoing authorities, historical practice, and other applicable law, I hereby authorize the Commission to continue performing the duties and responsibilities set forth in the Act.

B. The Commission shall be comprised of twelve (12) members, including a Chairman, as designated herein. The members of the Commission shall be appointed by, and serve at the pleasure of, the Governor. Members of the Commission shall serve without compensation.

C. The Commission shall be comprised of the Director of the Emergency Management Division (“EMD”), who shall serve as Chairman of the Commission, and one (1) representative from each of the following state agencies, departments, offices, or entities:

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1. Office of the Governor
2. Department of Environmental Services
3. Department of Public Safety
4. South Carolina Law Enforcement Division
5. State Fire Marshal

Any public official or employee appointed by the Governor in accordance with the foregoing shall serve *ex officio*, or in a representative capacity by virtue of said office or employment.

D. In addition to the aforementioned members, the Commission shall also consist of the following:

1. Three (3) members representing industry within the State; and
2. Three (3) members representing the State at-large.

In consultation with the Office of the Governor, the Director of EMD may invite additional agencies or entities, or representatives thereof, to attend meetings or assist the Commission, or components thereof, as necessary and appropriate.

E. The Commission shall meet at such times and places designated by the Chairman. Any vacancy occurring on this Commission shall be filled in the manner of the original appointment.

F. The Office of the Governor, EMD, and the Department of Environmental Services shall provide staff resources and administrative support to the Commission and shall serve as the lead state agencies, departments, offices, or entities for purposes of coordinating implementation of, and compliance with, the Act's requirements.

G. In addition to the duties and responsibilities set forth in the Act, and in furtherance of the same, the Commission's responsibilities shall also include:

1. Designating and appointing members of a Local Emergency Planning Committee for each of the emergency planning districts;
2. Supervising and coordinating the activities of the Local Emergency Planning Committees;
3. Reviewing emergency plans prepared by the Local Emergency Planning Committees and providing recommendations related to coordinating emergency response activities;
4. Establishing procedures for processing requests from the public for information about emergency response plans, chemical notification forms, the Environmental Protection Agency's list of extremely hazardous substances, and toxic chemical release forms;
5. Analyzing the need for resources and legislation to appropriately implement the Act at the state and local government levels; and
6. Collaborating with the private sector, the General Assembly, and state and federal government agencies to explore, identify, and request any additional resources that may be necessary to execute the Commission's duties and responsibilities or to otherwise comply with the Act.

H. In carrying out its responsibilities pursuant to the Act, the Commission is authorized to call upon any state agency, department, entity, or official to supply such data, reports, or other information the Commission deems necessary. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by the Commission or EMD to cooperate with, accommodate, and assist the Commission or EMD in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide the Commission or EMD with any and

all data, information, documents, or materials requested by the Commission or EMD in connection with the same.

I. The Commission may receive grants, donations, and gifts of money, equipment, supplies, and services from any public or private source to carry out its duties.

Section 2. General Provisions

A. This order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive, or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

C. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise to provide clarification regarding the same, through appropriate means, without the need for further Orders.

D. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to alter or conflict with provisions of the Appropriations Act or any other applicable law, to include the Consolidated Procurement Code or the Administrative Procedures Act.

E. I hereby supersede, rescind, and replace Executive Order No. 2001-41, with any modified or remaining provisions thereof incorporated, in whole or in part, herein.

F. This Order is effective immediately and shall remain in effect unless otherwise expressly stated herein or modified, amended, extended, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF SOUTH
CAROLINA, THIS 11th DAY OF AUGUST,
2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-28

WHEREAS, on August 13, 2025, a Grand Jury convened in Kershaw County returned an Indictment charging John Anthony Heflin, a member of the Town Council of the Town of Bethune, with Criminal Solicitation of a Minor, in violation of section 16-15-342 of the South Carolina Code of Laws, as amended, and on August 18, 2025, the undersigned was notified of the aforementioned Indictment; and

WHEREAS, article VI, section 8 of the South Carolina Constitution provides, in relevant part, that “[a]ny officer of the State or its political subdivisions . . . who has been indicted by a grand jury for a crime

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involving moral turpitude . . . may be suspended by the Governor until he shall have been acquitted” and “[i]n case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law”; and

WHEREAS, John Anthony Heflin, as a member of the Town Council of the Town of Bethune, is an officer of the State or its political subdivisions; and

WHEREAS, under South Carolina law, moral turpitude “implies something immoral in itself, regardless of whether it is punishable by law as a crime,” involves “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man,” or otherwise includes conduct “contrary to justice, honesty[,] and good morals,” *State v. Horton*, 271 S.C. 413, 414–15, 248 S.E.2d 263, 263–64 (1978); *see also Baddourah v. McMaster*, 433 S.C. 89, 112, 856 S.E.2d 561, 573 (2021) (“Under South Carolina’s moral turpitude framework, we focus ‘primarily on the duty to society and fellow man [that] is breached by the commission of the crime.’”); and

WHEREAS, upon consideration of the circumstances presented, to include the particularized facts alleged in the Indictment and the statutory definition and classification of the offense, the undersigned has determined that the aforementioned Indictment charges John Anthony Heflin with “a crime involving moral turpitude” for purposes of article VI, section 8 of the South Carolina Constitution, *see Matter of Odom*, 428 S.C. 227, 227–28, 833 S.E.2d 843, 844 (2019); *see also Gomez-Ruotolo v. Garland*, 96 F.4th 670, 684 (4th Cir. 2024) (“solicitation of a minor offense is a crime involving moral turpitude”); and

WHEREAS, for the foregoing reasons, and in accordance with article VI, section 8 of the South Carolina Constitution, the undersigned is authorized to suspend John Anthony Heflin from office as a member of the Town Council of the Town of Bethune until such time as he shall be acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby suspend John Anthony Heflin from office as a member of the Town Council of the Town of Bethune until such time as he shall be formally acquitted or convicted or until a successor is elected and qualifies as provided by law, whichever event occurs first. This action in no manner addresses the guilt or innocence of John Anthony Heflin and shall not be construed as an expression of any opinion on such question. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 18th DAY OF AUGUST, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-29

WHEREAS, the undersigned has been notified of the passing of Trooper First Class Dennis Dewayne Ricks, Jr. of the South Carolina Highway Patrol, who dutifully served as a law enforcement officer in this State and died in the line of duty; and

WHEREAS, Trooper Ricks dedicated his life to protecting and serving the people of the State of South Carolina, and his loss warrants the people of this State appropriately recognizing his distinguished service and honoring his supreme sacrifice; and

WHEREAS, Title 4, Section 7(m) of the United States Code, as amended, provides that “[i]n the event of . . . the death of a first responder working in any State, territory, or possession who dies while serving in the line of duty, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff”; and

WHEREAS, section 1-3-470 of the South Carolina Code of Laws, as amended, authorizes the undersigned, on the day of burial or other service for any law enforcement officer in this State who died in the line of duty, to order that all flags on state buildings be lowered to half-staff in tribute to the deceased law enforcement officer and to request that flags over the buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and of these United States and the powers conferred upon me therein, I hereby order that that the flags atop the State Capitol be lowered to half-staff from sunrise until sunset on Wednesday, August 20, 2025, in tribute to Trooper First Class Dennis Dewayne Ricks, Jr. and in honor of his distinguished service and supreme sacrifice. I request that the flags over state buildings and buildings of the political subdivisions of this State similarly be flown at half-staff for this purpose. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 19th DAY OF AUGUST, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-30

WHEREAS, on February 13, 2025, the President of the United States issued Executive Order No. 14212, titled “Establishing the President’s Make America Healthy Again Commission,” which established “the policy of the Federal Government to aggressively combat the critical health challenges facing our citizens, including the rising rates of mental health disorders, obesity, diabetes, and other chronic diseases”; and

WHEREAS, to implement the aforementioned policy, the Executive Order announced new initiatives and mandated certain actions by the federal government, as well as the health- or healthcare-related agencies thereof, to include requiring such agencies to “focus on reversing chronic disease”; “ensur[ing] that United States food is the healthiest, most abundant, and most affordable in the world”; and establishing the “Make Our Children Healthy Again Strategy,” which shall address “appropriately restructuring the Federal Government’s response to the childhood chronic disease crisis, including by ending Federal practices that exacerbate the health crisis”; and

WHEREAS, the undersigned has consistently advocated for and supported initiatives designed to improve the health and welfare of South Carolinians; and

WHEREAS, the Supplemental Nutrition Assistance Program (“SNAP”), codified as amended at 7 U.S.C. §§ 2011–2036d, is a federal program administered by the State of South Carolina, through the Department of Social Services (“DSS”), which was initially intended to provide food assistance to lower-income South Carolinians and to facilitate participants’ adoption of a more nutritious diet, *see* 7 U.S.C. § 2011; and

WHEREAS, although SNAP was intended to reduce food insecurity and enhance the nutritional quality of foods available to lower-income households, according to a 2016 United States Department of Agriculture

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(“USDA”) assessment of purchase data, sweetened beverages and candy accounted for approximately 11.4% of SNAP household expenditures; and

WHEREAS, according to data from the National Health and Nutrition Examination Survey, SNAP enrollees consume significantly more sugary drinks than nonrecipients, with children enrolled in SNAP consuming 43% more than children not enrolled in SNAP with similar incomes; and

WHEREAS, the USDA has reported that 41% of participating SNAP households include children; and

WHEREAS, studies have shown that the overconsumption of sugary or sweetened beverages, including soda, is associated with weight gain and obesity and other obesity-related conditions or diseases, such as heart disease, type 2 diabetes, and hypertension; and

WHEREAS, according to the National Center for Health Statistics, heart disease is the leading cause of death in South Carolina; and

WHEREAS, according to the Centers for Disease Control and Prevention, South Carolina has one of the highest adult obesity rates in the United States, with approximately 36% of adults in the State classified obese; and

WHEREAS, according to a recent report by the Annie E. Casey Foundation, 38% of children in South Carolina between the ages of 10 and 17 were considered obese, placing them at significant risk for the development of serious chronic conditions that affect their long-term health and productivity; and

WHEREAS, section 43-5-10 of the South Carolina Code of Laws, as amended, provides, in pertinent part, that the Director of DSS “shall be responsible for maintaining uniformity in the administration of public welfare throughout the State”; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, and welfare of the people of the State of South Carolina, the undersigned has determined that it is necessary and appropriate to take certain additional action.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Directing Submission of Healthy Food Choice Demonstration Waiver

A. I hereby authorize and direct DSS to prepare and submit, within fourteen (14) days of the date of this Order, an application for a waiver, or request for the State to conduct a pilot project under 7 U.S.C. § 2026(b), to the USDA, through the USDA’s Food and Nutrition Service, authorizing DSS’s Division of Economic Services to exclude candy, energy drinks, soft drinks, and sweetened beverages from the definition of eligible foods under 7 U.S.C. § 2012(k) and 7 C.F.R. § 271.2. If or when DSS’s application or request is approved or granted by USDA, the Director of DSS shall promptly prohibit the utilization of SNAP benefits to purchase candy, energy drinks, and soft drinks. In the event that USDA does not grant, in whole or in part, the authorization sought by DSS in its application or request, DSS shall promptly revise and resubmit the same within ten (10) days until such time as the application or request is approved by USDA.

B. For purposes of this Order, the terms or phrases set forth below shall be subject to the following definitions or exclusions, as applicable:

1. “Candy” is defined as and shall mean a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients in the form of bars, drops, or pieces. “Candy” shall not include the following: protein bars, granola bars, or baking ingredients such as sprinkles, chocolate melting wafers, toffee bits, or chocolate chips, or items primarily identified and sold as bakery or bread products, such as baked goods, cakes, crackers, cookies, muffins, brownies, pastries, bread, or similar products.

2. “Energy drinks” is defined as and shall mean beverages containing at least sixty-five (65) milligrams of caffeine per eight (8) fluid ounces that are advertised as being specifically designed to provide metabolic stimulation or an increase to the consumer’s mental or physical energy. “Energy drinks” shall not include coffee or tea or any substantially coffee- or tea-based beverage.

3. “Soft drinks” is defined as and shall mean any nonalcoholic beverage made with carbonated water and flavored or sweetened, or both, with sugar or other natural or artificial sweeteners.

4. “Sweetened beverages” is defined as and shall mean any sweetened beverage, flavored or sweetened or both, with five (5) grams or more of added sugar or other natural or artificial sweeteners, ready for consumption without further processing, such as sweetened coffee, tea, lemonade, and other noncarbonated drinks.

5. “Soft drinks” and “sweetened beverages” shall not include (i) a beverage that contains milk, milk products, soy, rice, or other milk substitutes; (ii) any beverage consisting of 50% or more natural fruit or vegetable juice with no added caloric sweetener; (iii) any product commonly referred to as “infant” or “baby” formula; (iv) sports or rehydration beverages; (v) carbonated water beverages; or (vi) any beverage for medical use meaning any beverage suitable for human consumption and manufactured for use as a source of necessary nutrition due to a medical condition or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness.

C. I hereby authorize the Director of DSS to initiate and undertake any additional or supplemental administrative or regulatory action that the Director of DSS deems necessary or appropriate to comply with this Order and the initiatives contained herein or to ensure an expeditious and faithful implementation of any and all waivers or requests submitted in connection with this Order.

D. In addition to the foregoing, I hereby authorize and direct the Director of DSS to provide to the undersigned any current or future recommendations to exclude additional items from the definition of eligible foods under 7 U.S.C. § 2012(k) and 7 C.F.R. § 271.2, specifically considering items commonly understood to have low nutritional value and a positive correlation with weight gain and obesity and obesity-related diseases and conditions, such as heart disease, type 2 diabetes, and hypertension. In developing any such recommendations, DSS shall consider any recommendations promulgated by the President’s Make America Health Again Commission, as established by Executive Order No. 14212. DSS shall submit these recommendations to the undersigned in a written report, accompanied by a proposed request for waiver, or request for modification of any existing waiver, immediately upon formulation and completion.

E. I further authorize and direct the Director of DSS to provide quarterly progress reports to the undersigned until such time as the directives set forth in this Order have been fully implemented.

F. Pursuant to article IV, section 17 of the South Carolina Constitution and sections 1-1-840 and 1-3-10 of the South Carolina Code of Laws, as amended, and in furtherance of the principles, considerations, and initiatives set forth above, I hereby authorize and direct any state agencies, departments, entities, or officials called upon for assistance by DSS to cooperate with, accommodate, and assist DSS in conducting or performing the activities required by this Section or otherwise undertaken to advance the interests and initiatives identified herein and to provide DSS with any and all data, information, documents, or materials requested by DSS in connection with the same.

Section 2. General Provisions

10 EXECUTIVE ORDERS

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 3rd DAY OF SEPTEMBER, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-31

WHEREAS, the State of South Carolina is committed to ensuring government operates as effectively and efficiently as possible not only by maintaining continuity and accessibility in state government operations but also by recruiting and retaining talented state employees; and

WHEREAS, advances in technology have created new opportunities for increased flexibility in how certain state government work can be performed, and such technological capabilities can be utilized in specified conditions both to enhance the services provided and to minimize expenses; and

WHEREAS, pursuant to section 8-11-15(B) of the South Carolina Code of Laws, as amended, “[s]tate agencies may use alternate work locations, including telecommuting, that result in greater efficiency and cost savings”; and

WHEREAS, the State of South Carolina has successfully utilized the aforementioned technological developments during hazardous weather events, see Executive Order No. 2025-17, § 1(C), and the COVID-19 pandemic, see Executive Order No. 2020-11, § 1(A); Executive Order No. 2021-12, § 5(D), to maintain the continuity of government operations and the provision of critical services; and

WHEREAS, while telecommuting and remote work arrangements shall remain available to state agencies and departments under certain circumstances and in accordance with section 8-11-15 of the South Carolina Code of Laws, the undersigned previously determined that it was necessary and appropriate to review

and reevaluate the State's policies and procedures and to consider revising the same to provide the requisite clarity, consistency, and accountability; and

WHEREAS, the South Carolina Department of Administration ("Department"), through its Division of State Human Resources ("State HR"), has conducted a comprehensive review and analysis of best practices related to telecommuting and remote work and has proposed updated policies and procedures to guide and support state agencies in the implementation and administration of such arrangements; and

WHEREAS, in accordance with section 8-11-210 of the South Carolina Code of Laws, as amended, State HR is authorized "to administer a comprehensive system of personnel administration responsive to the needs of the employees and agencies and essential to the efficient operation of [s]tate [g]overnment," which "shall be applicable to all [s]tate agencies, departments, institutions, boards, commissions and authorities," unless otherwise provided by law; and

WHEREAS, for the aforementioned and other reasons, the undersigned has determined that it is necessary and appropriate to modify the State's existing policies and procedures pertaining to the utilization of telecommuting and remote work arrangements by agencies, departments, and employees; and

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby order and direct as follows:

Section 1. Adoption of Updated Telecommuting and Remote Work Policies and Procedures

A. I hereby adopt and direct State HR to implement the updated Telecommuting and Remote Work Policies and Procedures promulgated by State HR, as authorized by section 8-11-15(B) of the South Carolina Code of Laws.

B. This Order, as well as State HR's Telecommuting and Remote Work Policies and Procedures, shall apply to all Cabinet Agencies, as defined by Executive Order No. 2025-23, and to all other state agencies, departments, offices, and entities under the authority of the undersigned. In addition to the foregoing, absent a specific exemption or unless otherwise provided by law, State HR's Telecommuting and Remote Work Policies and Procedures "shall be applicable to all [s]tate agencies, departments, institutions, boards, commissions and authorities" subject to State HR's jurisdiction or regulatory authority in accordance with section 8-11-210 of the South Carolina Code of Laws.

Section 2. Implementation, Evaluation, and Accountability

A. All state agencies, departments, offices, and entities subject to this Order or subject to State HR's jurisdiction or regulatory authority shall take appropriate steps to implement the updated Telecommuting and Remote Work Policies and Procedures, as adopted herein, including by developing internal protocols, training programs, and oversight mechanisms to ensure compliance and accountability.

B. Agency heads are directed to assess their respective operations and workforce requirements to determine the suitability of telecommuting and remote work arrangements, consistent with the updated Telecommuting and Remote Work Policies and Procedures, as adopted herein, and to document all such determinations in writing.

C. State HR shall not make any alterations or exceptions to the updated Telecommuting and Remote Work Policies and Procedures, either on an individual or class wide basis, without the prior approval of the undersigned or the undersigned's designee.

12 EXECUTIVE ORDERS

D. State HR shall provide technical assistance to agencies, departments, and officials regarding implementation of the updated Telecommuting and Remote Work Policies and Procedures and shall monitor practices for consistency therewith and compliance with this Order. State HR shall also collect data and periodically evaluate the effectiveness of telecommuting and remote work arrangements and shall periodically report its findings to the undersigned and the Department of Administration.

Section 3. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. This Order shall be implemented consistent with and to the maximum extent provided by applicable law and shall be subject to the availability of appropriations. This Order shall not be interpreted, applied, implemented, or construed in a manner so as to impair, impede, or otherwise affect the authority granted by law to an executive agency or department, or the officials or head thereof, including the undersigned.

D. I hereby expressly authorize the Office of the Governor, the Department, and State HR to provide or issue any necessary and appropriate additional or supplemental guidance, rules, regulations, or restrictions regarding the application of this Order or to otherwise provide clarification regarding the same, through appropriate means, without the need for further Orders.

E. This Order is effective immediately and shall remain in effect unless modified, amended, superseded, or rescinded by subsequent Order.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 11th DAY OF SEPTEMBER, 2025.**

HENRY DARGAN MCMASTER
Governor

Executive Order No. 2025-32

WHEREAS, the undersigned has been notified that a vacancy will exist in the office of Auditor of Cherokee County due to the resignation of Jeremy Ryan Thomas, effective September 15, 2025; and

WHEREAS, in the event of a vacancy in the office of a county auditor, the undersigned is authorized to appoint a suitable person, who shall be an elector of the county, to serve as county auditor pursuant to sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, for the aforementioned reasons, and in accordance with the cited authorities and other applicable law, the undersigned has determined that it is appropriate under the circumstances presented to

appoint a suitable person to serve as Auditor of Cherokee County until a successor shall qualify as provided by law; and

WHEREAS, Christina Michele Layton, of Cowpens, South Carolina, is a fit and proper person to serve as Auditor of Cherokee County.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby appoint Christina Michele Layton a to serve as Auditor of Cherokee County until a successor shall qualify as provided by law. This Order is effective immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 12th DAY OF SEPTEMBER, 2025.**

HENRY DARGAN MCMASTER
Governor

CLEMSON UNIVERSITY

NOTICE OF GENERAL PUBLIC INTEREST

Clemson University's Department of Plant Industry (DPI) is responsible for surveying, monitoring, and regulating many plant pest species in South Carolina, including Asian longhorned beetle (ALB; *Anoplophora glabripennis*). Asian longhorned beetle, detected and quarantined in South Carolina in 2020, is an invasive wood-boring beetle of major concern to property owners and the forestry and firewood industries in the U.S. It feeds on hardwood trees including maples, elms, birch, poplars, sycamore, willows, and more. Feeding results in the gradual decline and eventual death of the tree and ALB has been found in New York, Massachusetts, Ohio, New Jersey, Illinois, and, most recently, South Carolina.

South Carolina currently operates with quarantine areas in Charleston and Dorchester Counties.

Asian longhorned beetle has now been detected by DPI in the town of Mount Pleasant, South Carolina, approximately 20-miles from the existing quarantined area of Charleston County. Based on initial survey findings, the pest is widespread in the area, requiring heightened regulatory efforts to achieve eradication.

Therefore, the Department recommends that an area within the town of Mount Pleasant be considered infested by Asian longhorned beetle and included in the current quarantine area listing for this pest. This quarantine declaration shall be effective October 15, 2025, until otherwise changed by DPI. The addition of the Mount Pleasant area to the quarantine should enable DPI to shield other SC counties and properties from the spread of and damage caused by ALB while specifically protecting in-state, national, and international agricultural trade with SC industries and property owners not within this quarantine.

The approximate area to be included in the expansion of the quarantine area is described as:

The portion of Charleston County, including portions or all of the municipalities of Town of Mount Pleasant, and Charleston that is bounded by a line starting at the intersection of Hwy 17 and Park West Boulevard; then north on Park West Boulevard, subsequently Dunes West Boulevard, to the intersection of SC-41 at point (79.818987 °W 32.896449 °N); then north on SC-41 to intersection of Wando River at point (79.826824 °W 32.922596°N); then south along Wando River into Cooper River until Patriots Point at point (79.907255°W 32.74656°N) then east toward Hog Island Channel to Pitt Street Bridge at point (79.861696°W 32.767068°N) then northeast along the Intracoastal Waterway to intersection at Hamlin Creek at point (79.787703°W 32.796541°N) then north along Hamlin Creek to Hamlin Sound; to Porcher Creek at point (79.758756°W 32.855527°N) through the marsh to end of Porchers Bluff Rd at point (79.764366°W 32.858314°N) to the intersection on National Drive; then north on National Drive to the intersection of Highway 17; then south to the intersection of Park West Boulevard to the point of beginning.

If you should have any questions about this expansion of quarantine area or about efforts to control the Asian longhorned beetle in South Carolina, please contact: Dr. Steve Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670 or email: scole3@clemson.edu.

DEPARTMENT OF ENVIRONMENTAL SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Environmental Services evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than October 27, 2025, to:

Contractor Certification Program
South Carolina Department of Environmental Services
Bureau of Land and Waste Management - Underground Storage Tank Program
Attn: Michelle Dennison
2600 Bull Street
Columbia, SC 29201

The following company has applied for certification as Underground Storage Tank Site Rehabilitation Contractor:

Class I

Petrogon, LLC
Attn: Terry D. Kennedy
6720 Old Monroe Rd, Ste B #130
Indian Trail, NC 28079

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, and Regulation 60-15, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **September 26, 2025**, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Certificate of Need Program, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Berkeley, Charleston, Dorchester, Greenville, and Spartanburg Counties

Lucky Dove Home Health Care LLC

The establishment of a Home Health Agency in Berkeley, Charleston, Dorchester, Greenville, and Spartanburg Counties at a total project cost of \$90,000.00.

Affecting Spartanburg County

Golden Age Operations, LLC d/b/a Golden Age – Inman

Consolidation of Inman Healthcare's 40 skilled nursing beds with Golden Age - Inman's 44 skilled nursing beds and the addition of 9 skilled nursing beds for a total of 93 skilled nursing beds and an addition at Golden Age - Inman at a total project cost of \$12,034,900.00.

Spartanburg Regional Health Services District, Inc., d/b/a Spartanburg Medical Center-Mary Black Campus

16 NOTICES

The relocation of six (6) psychiatric beds from Spartanburg Medical Center-Church Street to Spartanburg Medical Center-Mary Black Campus for a total of 45 psychiatric beds at a total project cost of \$0.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 60-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made no earlier than 30 days, but no later than 90 days, from **September 26, 2025**. “Affected persons” have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, P.O. Box 2046 West Columbia, SC 29171. If a public hearing is timely requested, the Department’s decision will be made after the public hearing, but no later than 120 days from the above date. For further information call (803) 545-4200 or email coninfo@dph.sc.gov.

Affecting Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties

TSI South, LLC d/b/a Vital Care of Charleston*

The establishment of a Specialty Home Health Agency limited to home infusion nursing services in Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, and Williamsburg Counties at a total project cost of \$30,000.00.

Affecting Aiken, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Fairfield, Greenville, Kershaw, Lancaster, Lee, Lexington, Newberry, Orangeburg, Saluda, Spartanburg, Sumter, Richland, Union, and York Counties

Graceful Journey Home Health of SC, LLC d/b/a Graceful Journey Home Health of SC

The establishment of a Home Health Agency in Aiken, Bamberg, Calhoun, Chester, Chesterfield, Clarendon, Fairfield, Greenville, Kershaw, Lancaster, Lee, Lexington, Newberry, Orangeburg, Saluda, Spartanburg, Sumter, Richland, Union, and York Counties at a total project cost of \$12,150.00.

Affecting Charleston County

Medical University Hospital Authority d/b/a MUSC Medical Center - MUSC Shawn Jenkins Children’s Hospital

The addition of 12 pediatric medical/surgical beds and 6 pediatric ICU/CCU beds to MUSC Medical Center’s Shawn Jenkins Children’s Hospital for a total of 743 beds for MUSC Medical Center at a total project cost of \$19,500,000.00.

Affecting Horry County

Horry County Medical Operator, LLC d/b/a Asha Vista Behavioral Institute

The establishment of a freestanding 78 psychiatric bed hospital in Horry County at total project cost of \$13,187,858.00.

Affecting York County

Amisub of South Carolina, Inc. d/b/a Piedmont Medical Center – Fort Mill

The transfer of five (5) neonatal intensive care bassinets and seven (7) intermediate care bassinets from Piedmont Medical Center – Rock Hill to Piedmont Medical Center – Fort Mill at total project cost of \$2,493,661.00.

*Amended to correct company name.

CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

Notice of Drafting:

Clemson University is considering changes to regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 9, certain plant pests in South Carolina to include the addition of the Northern Giant Hornet (*Vespa mandarinia*), Yellow-legged Hornet (*Vespa velutina*), Tropilaelaps mites (*Tropilaelaps mercedesae* and *Tropilaelaps clareae*), and Cottonseed Bug (*Oxycarenus hyalinipennis*), as well as changes to remove regulations related to Prickly pear (*Opuntia aurantiaca*) and Heart-shaped false pickerelweed (*Monochoria vaginalis*).

Interested parties should submit written comments to Dr. Stephen E. Cole, Director, Regulatory Services, Clemson University, 511 Westinghouse Road, Pendleton, SC 29670. To be considered, comments should be received no later than October 31, 2025, the close of the comment period.

Synopsis:

The proposed amendments will add regulatory requirements for the quarantine, movement and eradication methods for Northern Giant Hornet, Yellow-legged Hornet, Tropilaelaps mites, and Cottonseed Bug while removing regulatory requirements for Prickly pear and Heart-shaped false pickerelweed.

These proposed regulations will require legislative action.

STATE FISCAL ACCOUNTABILITY AUTHORITY

CHAPTER 19

Statutory Authority: 1976 Code Section 1-11-370, repealed by 2022 Act No. 202, effective May 16, 2022

Notice of Drafting:

The State Fiscal Accountability Authority (“Authority”) proposes repealing Regulation 19-103 through 19-103.10, *Regulations on Allocation of State Ceiling on Issuance of Private Activity Bonds*. Interested persons may submit comment(s) on the proposed amendment to the Office of General Counsel; State Fiscal Accountability Authority, 1201 Main Street, Suite 420, Columbia, S.C. 29201; shutchins@ogc.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on October 6, 2025, the close of the draft comment period.

Synopsis:

Originally authorized by 1984 Act No. 512, Part II, Section 39 and codified in 1976 Code Section 1-11-370, R.19-103 through 19-103.10 describe the formula and procedure for allocating the states’ ceiling on the issuance of private activity bonds. In May 2022, the Governor signed into law Act. 202 (R.228, H5075), repealing 1976 Code Section 1-11-370. The authority to promulgate regulations in connection with the allocation of state ceiling on private activity bonds was not transferred or continued.

The Authority proposes repealing R.19-103 through 19-103.10, as the regulations are outdated due to repeal of the original authorizing statute.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed repeal.

18 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA REAL ESTATE COMMISSION

CHAPTER 105

Statutory Authority: 1976 Code Sections 40-1-70, 40-57-60, 40-57-135, 40-57-320, 40-57-340, 40-57-360, and 40-57-740

Notice of Drafting:

The South Carolina Real Estate Commission intends to promulgate regulations related to license classification changes, reactivation of inactive licenses, reinstatement of lapsed licenses, written office policies, licensee supervision, advertising, and teams. The proposed regulations will also correct citations and numbering and will remove duplicative regulations. Interested persons may submit comments to Erica Wade, Board Executive, Real Estate Commission, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, SC 29211.

Synopsis:

The South Carolina Real Estate Commission intends to promulgate regulations related to license classification changes, reactivation of inactive licenses, reinstatement of lapsed licenses, written office policies, licensee supervision, advertising, and teams. The proposed regulations will also correct citations and numbering and will remove duplicative regulations. These regulations will ensure compliance with statutory changes made during the 2024 legislative session.

Legislative review of this amendment is required.

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-60, 50-1-200, 50-1-220, 50-9-640, 50-9-650, 50-11-10, 50-11-105, 50-11-300, 50-11-310, 50-11-315, 50-11-320, 50-11-365, 50-11-390, 50-11-410, 50-11-500, 50-11-525, 50-11-530, 50-11-540, 50-11-544, 50-11-546, 50-11-580, 50-11-2200 and 50-11-2210

Notice of Drafting:

The Department of Natural Resources proposes to amend Regulations 123-40 Wildlife Management Area Regulations and 123-51 Turkey Hunting Rules and Seasons. The subject of the proposed action is to amend seasons, bag limits, and methods of hunting and taking of wildlife on existing Wildlife Management Areas and establish hunting regulations on new Wildlife Management Areas. Any person interested may submit written comments to Will Dillman, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will establish seasons, bag limits, and methods of take on Wildlife Management Areas including the establishment of new Wildlife Management Areas.

Legislative review is required.

UNIVERSITY OF SOUTH CAROLINA
CHAPTER 119
 Statutory Authority: 1976 Code Sections 56-21-10 et seq.

Notice of Drafting:

The University of South Carolina Parking and Transportation Services proposes to draft a new regulation that updates the current regulations, so they reflect current university practices. Interested persons may submit comments to Mr. Brian Favela, Director of Parking and Transportation Services, University of South Carolina, 411 Huger Street, Columbia, S.C. 29201. To be considered, comments must be received no later than 5:00 p.m. on October 3, 2025, the close of the drafting comment period.

Synopsis:

Chapter 21, Title 56 of the South Carolina Code of Laws gives statutory authority (Section 56-21-10 et seq.) to University of South Carolina governing bodies to enact and enforce campus traffic and parking rules, including speed limits, vehicle registration, permit issuance, violation tracking, fines, towing, and appeals. Chapter 119 establishes binding regulatory structure for traffic and parking governance at University of South Carolina System campuses. It influences revenue streams, ADA enforcement, compliance workflows, and campus operations.

The suggested changes to Chapter 119 are to update the regulations so they reflect current university practices and comply with state law. They also introduce methods for delivering violation notices, including email, and remove the fixed fee tables to give departments more flexibility in managing parking penalties. In addition to these major updates, several minor edits are made throughout the document to improve clarity and consistency.

Legislative review of this proposal will be required.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION
CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend existing Regulation 67-411 to indicate that the filing of a WCC Form 12/A files a claim with the Commission, consistent with the recommendation of the House Legislative Oversight Committee. Interested persons may submit comments by October 9, 2025, to Gary M. Cannon, Executive Director, South Carolina Workers' Compensation Commission, PO Box 1715, Columbia, SC, 29202-1715, or electronically at gcannon@wcc.sc.gov.

Synopsis:

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-411 to indicate that the filing of a WCC Form 12/A files a claim with the Commission. This amendment was recommended by the House Legislative Oversight Committee in their report published on August 20, 2024.

Legislative review of this amendment is required.

SOUTH CAROLINA WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

Notice of Drafting:

The South Carolina Workers' Compensation Commission proposes to amend existing Regulation 67-206 to list the submission of a WCC Form 12/A as a document that files a claim with the Commission, consistent with the recommendation of the House Legislative Oversight Committee. Interested persons may submit comments by October 9, 2025, to Gary M. Cannon, Executive Director, South Carolina Workers' Compensation Commission, PO Box 1715, Columbia, SC, 29202-1715, or electronically at gcannon@wcc.sc.gov.

Synopsis:

The South Carolina Workers' Compensation Commission proposes to amend Regulation 67-206 to list the submission of a WCC Form 12/A as a document that files a claim with the Commission. This amendment was recommended by the House Legislative Oversight Committee in their report published on August 20, 2024.

Legislative review of this amendment is required.

Document No. 5406
SOUTH CAROLINA AERONAUTICS COMMISSION
CHAPTER 4

Statutory Authority: 1976 Code Sections 55-1-1 et seq., 55-5-80 (A), 55-5-80 (N), and 55-5-280 (D)

- 4-1. Definitions. (New)
- 4-2. Requirements, Limitations, and Eligibility. (New)
- 4-3. Capital Improvement Program. (New)
- 4-4. Airport Grant Program. (New)
- 4-5. South Carolina Aeronautics Commission Grant Assurances. (New)
- 4-6. Request for Review. (New)
- 4-7. Purpose and Applicability. (New)
- 4-8. Airport Maps and Master Planning. (New)
- 4-9. Airport Master Plans. (New)
- 4-10. Zoning Required. (New)
- 4-11. Process for Land Use Review. (New)
- 4-12. Land Use Decisions of Governing Bodies Must Consider and Respond to the Division's Comments. (New)
- 4-13. Notice to the Division. (New)
- 4-14. Enforcement and Legal Action. (New)
- 4-15. Private Airport Approval. (New)
- 4-16. Variance. (New)

Preamble:

The South Carolina Aeronautics Commission developed Regulation 4-1 through 4-16 to establish uniform procedures for grants from the State Aviation Fund and for the protection of public investment in public use airports and airport property from obstructions, safety hazards, and incompatible land uses in close proximity to such airports.

Section by Section Discussion:

Regulation Number	Type of Change	Purpose
4-1	New - Addition	Adds uniform definitions to be applied in all of the regulations
4-2	New - Addition	Addresses requirements, limitations, and eligibility for grants from the State Aviation Fund
4-3	New - Addition	Addresses requirements for public use airports to develop a Capital Improvement Plan
4-4	New - Addition	Outlines the type and scope of airport grants that are available from the State Aviation Fund
4-5	New - Addition	Describes the grant assurances that are required for State Aviation Fund grant recipients
4-6	New - Addition	Request for review and reconsideration of applicants who are denied Aviation Fund grants
4-7	New - Addition	Describes the scope, authority, and general requirements for the protection of airports and airport property from obstructions, addresses local government

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		zoning authority to address incompatible activities near airports
4-8	New - Addition	Addresses the creation of airport maps and land use planning
4-9	New - Addition	Addresses requirements for Airport Master Plans
4-10	New - Addition	Addresses statutory requirement for zoning near airports
4-11	New - Addition	Codifies existing procedures for land use review near airports
4-12	New - Addition	Addresses statutory requirement for local governments to respond to comments by the Division of Aeronautics
4-13	New - Addition	Addresses the statutory requirement to notify the Division of Aeronautics of proposed land use or zoning changes near airports
4-14	New - Addition	Outlines enforcement and legal action allowed by Title 55
4-15	New - Addition	Sets forth procedure for approval of private airports near public use airports
4-16	New - Addition	Provides for a variance procedure
Appendices A-B	New - Addition	Incorporates FAA guidance and definitions into airspace classification zones

The Notice of Drafting was published in the *State Register* on July 25, 2025.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110 (A)(3) of the 1976 Code, as amended, such a hearing will be conducted at the conference room at the South Carolina Aeronautics Commission at 2553 Airport Boulevard, West Columbia, South Carolina on October 30, 2025, at 2:00 p.m. Written comments may be directed to Mr. Gary Siegfried, PE, Attn: Regulatory Development, South Carolina Aeronautics Commission, 2553 Airport Boulevard, West Columbia, South Carolina 29170, no later than 5:00 p.m., October 29, 2025. If a qualifying request pursuant to Section 1-23-110 (A)(3) is not timely received, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are authorized by Sections 55-1-1 et seq., 55-5-80 (A) and (N), and 55-5-280 (D) of the Code of Laws, 1976, as amended. The regulations address uniform procedures for grants from the State Aviation Fund and statutorily mandated review of obstructions, safety, and land use compatibility in the vicinity of public use airports in South Carolina. The regulations codify existing procedures that have been employed by the Aeronautics Commission since Title 55 of the Code of Laws was amended in 2012. These regulations are needed to promote standardization and uniformity and to protect public funds and public investment in public use airports in South Carolina.

DESCRIPTION OF REGULATION:

Purpose: The regulations govern the use of the State Aviation Fund and the protection of public investment in public use airports and airport property in South Carolina. In doing so, the regulation protects public funds and public investment in South Carolina airports. These regulations are authorized and anticipated through the legal authority cited herein.

Legal Authority: The Aeronautics Commission has the legal authority to enact and implement these regulations through Sections 55-1-1 et seq., 55-5-80 (A), 55-5-80 (N), and 55-5-280 (D) of the Code of Laws, 1976, as amended.

Plan for Implementation: Since these regulations are based upon procedures that have been in place since shortly after Title 55 of the Code was amended in 2012, implementation is expected to align easily with those existing procedures that are currently utilized by the Commission, local governments, and the public. The regulations will take effect upon approval by the General Assembly and upon publication in the State Register.

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

The Aeronautics Commission is charged by Section 55-5-280 of the Code with the administration of the State Aviation Fund. The Commission and local governments are required under Section 55-5-80 (K) through 55-5-80 (O) of the Code to address potential obstructions, related aviation safety hazards to aircraft and persons and property on the ground, and safe and harmonious land uses in the vicinity of South Carolina's public use airports. The Commission developed procedures after Title 55 was amended in 2012 with the objective of engaging in this rulemaking to codify these procedures once they had gained public acceptance and were determined to be effective. The benefits of the regulation are to provide an efficient and uniform process for grants and disbursements from the State Aviation Fund, and the protection of public investment in public use airports in South Carolina through a process of notice and consultation with local governments. These procedures will also identify potential safety hazards near airports and address incompatible land uses in close proximity to South Carolina public use airports.

DETERMINATION OF COSTS AND BENEFITS:

There are no costs incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no adverse effect on the environment. Implementation of these regulations will improve the quality of the human environment by ensuring that land uses in the vicinity of public use airports in South Carolina are compatible with operations from such airports. The net effect of these regulations is to improve the human environment and public health by ensuring that development will avoid and minimize incompatible land uses near such airports.

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

If these regulations are not implemented, a potential effect on the human environment may result from incompatible development in the vicinity of public use airports that affects aviation safety and places the public in close proximity to aircraft operations. These regulations should improve the quality of the human environment.

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Statement of Rationale:

Section 55-5-80 (A) requires the Aeronautics Commission to adopt these regulations. In particular, Section 55-5-280 (D) provides authority to “promulgate regulations governing the eligibility requirements for disbursements from the State Aviation Fund.” In addition, Section 55-5-80 (N) and Section 55-9-300 provides the Commission with the authority to enact regulations addressing hazards in the vicinity of public use airports in the state. These regulations also address the requirements of Section 55-13-5 that establish coordination between the Commission and local governments for the purpose of managing development in close proximity to such public use airports that could pose a safety hazard to the public. These regulations also protect public investment in airports and airport property.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5402

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Section 59-40-180

43-601. Procedures and Standards for Review of Charter School Applications.

Preamble:

The State Board of Education proposes to amend R.43-601 Procedures and Standards for Review of Charter School Applications. The proposed change will reorganize the charter school regulation to increase clarity, transparency and effectiveness of implementation.

Section-by-Section Discussion:

43-601. Procedures and Standards for Review of Charter School Applications. – new numbered section
43-605. Application Review Guidelines for Sponsors. – new numbered section
43-610. Charter School Application Standards. -new numbered section
43-615. Adverse Impact on Students. – new numbered section
43-617. Federal Requirements of Charter Schools. – new numbered section
43-620. Virtual Charter Schools. – new numbered section
43-625. Conditional Charters. – new numbered section
43-630. Sponsor Registration for Institutions of Higher Learning. – new numbered section
43-635. Charter School Authorizer Transfer Schedule. – new numbered section
43-640. Guidelines. – new numbered section

The Notice of Drafting was published in the *State Register* on July 25, 2025.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 14, 2025, at 1:00 p.m. in the South Carolina Department of Education Board Room, 849 Learning Lane, West Columbia, SC 29172. The proposed regulation will be posted on the State Board of Education Website for review and comment.

Written comments should be submitted to Beth Poff, Team Lead for charter school Program, Office of Education Choice and Family Engagement, 849 Learning Lane, West Columbia, SC 29172 or by email to bpoff@ed.sc.gov on or before 5:00 p.m. on October 27, 2025.

Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed regulation 43-601.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: Procedures and Standards for Review of Charter School Applications.

Purpose: The General Assembly passed the “Charter Schools Act” (Title 59, Chapter 40) in 1996, amending it in 2006, and amending again in 2012. The proposed change will reorganize the charter school regulation to increase clarity, transparency and effectiveness of implementation.

Legal Authority: 1976 Code Section 59-40-180.

Plan for Implementation: Affected school and district personnel will be informed of the new procedures through electronic correspondence, guidance, or documents.

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

This regulation proposes to reorganize the current charter school regulation, making no substantial changes.

DETERMINATION OF COSTS AND BENEFITS:

There is no increased cost to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost of the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

Code Section 59-40-180 requires the State Board of Education to promulgate regulations and develop guidelines necessary to implement the provisions of this chapter, including standards to determine compliance with this chapter and an application process to include a timeline for submission of applications that will allow for final decisions, including Administrative Law Court appeal, by December first of the year preceding the charter school’s opening.

The General Assembly passed the “Charter Schools Act” (Title 59, Chapter 40) in 1996, amended it in 2006, and amended again in 2012. The proposed regulation will organize the charter school regulations to bring more clarity.

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Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5403
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60, 59-1-445, 59-1-447, 59-18-310(B), and 59-18-325

43-100. Test Security.

Preamble:

Regulation 43-100 outlines test security directions for administration of the statewide assessment program. The South Carolina Department of Education (SCDE) proposes to update language in the regulation. Specifically, S.C. Code Ann. Section 59-18-325 (2014) requires college entrance and career readiness assessments and summative assessments to be administered to all students in a computer-based format except for students with disabilities as specified in the student's Individualized Education Plan (IEP), section 504 plan, or Individual Language Acquisition Plan (ILAP). Currently, the test security regulation does not provide specific directions and instructions for administration of computer-based formats of state mandated assessments.

Additionally, clarity and specificity to test security protocols and possible violations are needed, especially as technology has advanced.

This updates the regulation to provide for computer-based formats and provides clear instructions for test security protocols and procedures.

Section-by-Section Discussion:

Section III	Section III is amended to include the requirement for districts to submit a district test security policy.
Section IX (J)	Section IX (J) is amended to specify the requirement of test administrators to follow the test administration manual and other communications including South Carolina Department of Education (SCDE) memos, ListServ communications, and test contractor communications. Failure to do so is considered a test security violation. Additionally, the reference to calculator clearing directions has been moved to a new section, Section IX (W).
Section IX (K)	Section IX (K) is amended to include that unauthorized access including providing paper or online test materials in any format is considered a test security violation.
Section IX (L)	Section IX (L) is amended to include reviewing or discussion with any individuals, including not limited to, students, teachers, or other educators of secure assessments unless following guidance for a specified accommodation in a student's IEP, section 504 plan, or ILAP is a test security violation.
Section IX (N)	Section IX (N) is amended to include prohibited tools or resources such as a dictionary, thesaurus, ruler, and/or calculator during a test administration other than those specifically allowed as indicated in the test administration manual for each test is a test security violation.

Section IX (O)	Section IX (O) is amended to include that providing accommodations or materials for a student during a test administration not specified in a student’s IEP, section 504 plan, and/or ILAP is a test security violation.
Section IX (P)	Section IX (P) is amended to delete the statement regarding students opting out of the assessment since state assessments are required.
Section IX (Q)	Section IX (Q) is amended to include the test materials that must be returned as directed by the test administration manual or SCDE/contractor communications.
Section IX (T)	Section IX (T) is amended to include altering test scores, including failing to record a student’s state-reported score on an End-of-Course Examination as determined by South Carolina Regulation 43-262 (H), is a test security violation.
Section IX (U)	Section IX (U) is amended to include failing to report a test security violation as specified in the test administration manual and/or other communications including SCDE memos, ListServ communications, and test contractor communications is a test security violation.
Section IX (V)	Section IX (V) is added to include that using or intending to use an electronic device to photograph, post, retain, or share information/images from any portion of an online or paper test is a test security violation.
Section IX (W)	New section IX (W) is added to include failing to confirm that calculators are cleared or taken out of Test Mode as described in the test administration manual is a test security violation.
Section XIV	New section XIV is added to include that students will be subject to district disciplinary action and have their test validated and/or receive a zero on an assessment for using or intending to use an electronic device to photograph, post, retain, and/or share information/images from an portion of an online or paper test; bringing into or accessing a prohibited resource or tool such as notes, textbooks, text messages, and/or the internet during a test administration; and/or leaving a test setting with secure materials.

The Notice of Drafting for the proposed amendments to the regulation was published in the *State Register* on July 25, 2025.

Notice of Public Hearing and Opportunity for Public Comment:

A public hearing will be held on November 4, 2025, at 1:00 p.m. in Room A-111 of the South Carolina Department of Education, 849 Learning Lane, West Columbia, SC, 29172. The proposed amendments to the regulation will be posted on the State Board of Education web site for review and comment.

Written comments should be submitted to Kristi Austin, Director, Office of Assessment and Standards, Division of College, Career, and Military Readiness, 849 Learning Lane, West Columbia, SC, 29172 or by e-mail kdaustin@ed.sc.gov on or before 5:00 p.m. on October 27, 2025.

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Preliminary Fiscal Impact Statement:

No additional funding is requested. The South Carolina Department of Education (SCDE) estimates that no additional costs will be incurred by the State and its political subdivisions in complying with the proposed revisions to Regulation 43-100.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-100. Test Security.

Purpose: The purpose of this regulation is to include the inclusion of computer-based format as mandated in Code Section 59-18-325(G) and update language related to test security.

Legal Authority: 1976 Code Sections 59-5-60, 59-1-445, 59-1-447, 59-18-310(B), and 59-18-325.

Plan for Implementation: The proposed amendments will be posted on the South Carolina Department of Education's website for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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

The purpose of this updated regulation is to include the inclusion of computer-based format as mandated in Code Section 59-18-325(G) and update language related to test security.

DETERMINATION OF COSTS AND BENEFITS:

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

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulation has no effect on the environment or on public health.

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

There will be no detrimental effect on the environment or public health if the regulation is not implemented.

Statement of Rationale:

Amendments to the regulation will update language to align with current statute and include additional instructions related to test security.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5405
STATE COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Preamble:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, the regulation is being updated to reflect changes to the ACT test, making the Science subject test optional for a Composite score. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

The proposed regulation will require legislative review.

A Notice of Drafting was published in the *State Register* on June 27, 2025.

Section-by-Section Discussion:

Section 62-320.E. Language added to clarify the calculation of the new ACT composite score.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Commission on Higher Education on November 6, 2025, to be held in the Main Conference Room at 1122 Lady Street, Suite 400, Columbia, SC. The meeting will commence at 1:00 p.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentations for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation to publiccomments@che.sc.gov at the attention of Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1122 Lady Street, Suite 400, Columbia, SC 29201. Comments must be received in writing no later than 5:00 p.m. on October 27, 2025. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on November 6, 2025, as noticed above. Comments received by the deadline shall be submitted to the Commission for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship & Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administrating the program. In the proposed amendments, the regulation

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is being updated to reflect changes to the ACT test, making the Science subject test optional for a Composite score. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

DESCRIPTION OF REGULATION:

Purpose: The Agency is updating the regulation to provide institutions with flexibility within the program and to allow for clarity with awarding.

Legal Authority: 1976 Code Section 59-104-20.

Plan for Implementation: the revised regulations will take effect upon approval by the South Carolina General Assembly and publication in the *State Register*. CHE will notify the public of the revised regulations and post the revised regulations on the agency's website.

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

The agency is updating the regulations to assist institutions with determining eligibility and provide clarity with awarding.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment or public health.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated to be consistent with ACT's scoring changes and to clarify the policies and procedures for administering the program.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5408
DEPARTMENT OF PUBLIC HEALTH
CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-37-40, 44-37-50, 44-41-70(a), and 63-7-40

R.60-16. Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

Preamble:

Pursuant to R.60-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, the Department of Public Health (Department) licenses and regulates hospitals and institutional general infirmaries to ensure high quality services and that safe treatment is provided. The Department proposes amending R.60-16 to: add provisions regarding acute hospital care at home programs pursuant to S.C. Code Section 44-7-267 (2024 Act No. 164 (S.858)); update and clarify emergency services requirements pursuant to S.C. Code Section 44-7-268 (2025 Act No. 49 (H.4067)); and make other amendments to ensure high quality and safe treatment are provided in hospitals. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the May 23, 2025, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
101.A	Addition	Added statutory definition to clarify the meaning of Acute Hospital Care at Home in the context of this regulation.
101.B – 101.E	Reorganization	Recodified due to the addition of 101.A.
101.F, 101.F.1	Revision/Reorganization	Amended language to conform with the statutory definition of hospital. Recodified due to the addition of 101.A.
101.G – 101.V	Reorganization	Recodified due to the addition of 101.A.
302.F	Revision	Amended language to clarify the frequency of routine inspections.
505.C	Technical Correction	Amended to correct grammar.
701.B.6	Deletion/Reorganization	Recodified due to the deletion of Former 701.B.6. Moved language from former 701.B.7 to New 701.B.6.
701.B.7 – 701.B.8	Deletion/Reorganization	Recodified due to the deletion of Former 701.B.6.
701.C.2, 701.C.4 – 701.C.6, Former 701.C.6	Revision/Deletion/Reorganization	Recodified due to the deletions of Former 701.C.2.c, 701.C.4.g through i, and 701.C.5.a through c. Deletion of Former 701.C.6. Amended and

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		recodified Former 701.C.7.c and d.
1001	Revision	Amended language to clarify a facility's exceeding its licensed number of beds.
1002	Revision	Amended language to clarify the location of beds and be consistent with officially adopted codes.
1202.D, 1202.D.2, 1202.D.4 – 1202.D.11	Revision/Reorganization/Deletion	Amended to clarify language regarding emergency services. Renumbered items for clarity and consistency.
1202.L	Addition	Added section to clarify Acute Hospital Care at Home services per statutory requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to S.C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 18, 2025. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, S.C. Department of Public Health, P.O. Box 2046, West Columbia, SC, 29171; HQRegs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., October 27, 2025. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.60-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries.

Purpose: The Department proposes to amend R.60-16, Minimum Standards for Licensing Hospitals and Institutional General Infirmaries, for consistency with statutory requirements, and to update and revise sections related to acute hospital care at home pursuant to S.C. Code Section 44-7-267 (2024 Act No. 164 (S.858)) and emergency services requirements pursuant to S.C. Code Section 44-7-268 (2025 Act No. 49 (H.4067)). The proposed amendments may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification, and overall improvement of the text of the regulation.

Legal Authority: 1976 Code Sections 44-7-110 through 44-7-394, 44-37-40, 44-37-50, 44-41-70(a), and 63-7-40.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Additionally, a copy of the regulation will be posted on the Department's website, accessible at: <https://dph.sc.gov/professionals/permits-regulations/regulations-table>. Printed copies are also available for a fee from the Department's Freedom of Information Office.

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

The amendments are necessary to incorporate changes in state law as well as changes to current practices and standards. The amendments incorporated consistency with statutory requirements, including newly enacted legislation. *See* S.C. Code Section 44-7-267 (2024 Act No. 164 (S.858)) regarding acute hospital care at home and S.C. Code Section 44-7-268 (2025 Act No. 49 (H.4067)) regarding emergency services.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any inherent requirements of these proposed amendments. There are no anticipated additional costs to the regulated community.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. This regulation contributes to the Department's function of protecting public welfare and promoting safety and wellbeing for patients receiving care and treatment from hospital facilities and institutional general infirmaries.

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

There is no anticipated detrimental effect on the environment. If the proposed revision is not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

This revised regulation is updated to ensure alignment with current state laws. In developing the proposed amendments, the Department has engaged stakeholders for input. Moreover, the Department has performed extensive research of the various subjects of the proposed amendments including review of federal reports and other states' statutes and regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

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Document No. 5407

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-70-10 et seq.

60-122. Standards for Licensing In-Home Care Providers.

Preamble:

Pursuant to R.60-122, *Standards for Licensing In-Home Care Providers*, the Department of Public Health (Department) establishes and enforces the standards for the licensure, maintenance, and operation of in-home care providers (IHCPs). The Department proposes amending the regulation to update and revise provisions regarding licensure, to include application procedures, criminal record checks and drug testing of applicants, the manner and method of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 25, 2025, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
Table of Contents	Revision/Reorganization/Technical Correction	Amended language and sections to reflect technical corrections and reorganization proposed in regulation text.
102	Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency.
New 102.B	Addition/Deletion	Added definition to clarify the meaning of abuse in the context of this regulation. Deleted definition for blood assay as no longer needed in former 102.B.
102.B.1	Addition	Added definition to clarify the meaning of physical abuse in the context of this regulation.
102B.2	Addition	Added definition to clarify the meaning of psychological abuse in the context of this regulation.
102.C	Addition	Added definition to clarify the meaning of authorized healthcare provider in the context of this regulation.
102.D – 102.E	Reorganization/Deletion	Recodified due to the addition of 102.B and 102.C and to the deletion of former 102.F.
102.F	Addition	Added definition to clarify the meaning of consultation in the context of this regulation.

102.G	Revision/Reorganization	Recodified due to the addition of 102.F. Amended to correct state agency reference.
102.H	Addition	Added definition to clarify the meaning of exploitation in the context of this regulation.
102.I	Addition	Added definition to clarify the meaning of incident in the context of this regulation.
102.J	Addition	Added definition to clarify the meaning of in-home care in the context of this regulation.
102.K	Addition	Added definition to clarify the meaning of in-home care provider (or provider) in the context of this regulation.
102.L	Addition	Added definition to clarify the meaning of inspection in the context of this regulation.
102.M	Addition	Added definition to clarify the meaning of investigation in the context of this regulation.
102.N	Addition	Added definition to clarify the meaning of license in the context of this regulation.
102.O	Addition	Added definition to clarify the meaning of licensee in the context of this regulation.
102.P	Addition	Added definition to clarify the meaning of medication in the context of this regulation.
102.Q	Addition	Added definition to clarify the meaning of multiple location in the context of this regulation.
102.R	Addition	Added definition to clarify the meaning of neglect in the context of this regulation.
102.S	Addition	Added definition to clarify the meaning of primary office in the context of this regulation.
102.T – 102.U	Reorganization	Recodified due to the addition of 102.H – 102.S.
102.V	Addition	Added definition to clarify the meaning of skilled care in the context of this regulation.
102.W	Reorganization	Recodified due to the addition of 102.V.
102.X	Addition	Added definition to clarify the meaning of variance in the context of this regulation.
103.A	Revision	Amended to clarify violation classification.

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103.B	Addition	Added language to clarify compliance requirements for licensure.
103.C	Reorganization	Recodified due to the addition of 103.B.
103.C.4	Revision	Amended to clarify specified locations for licensure requirements.
103.C.6	Addition	Added language to clarify separate lines of business.
103.D	Addition	Added language to clarify primary office and multiple location(s) of provider.
103.E	Reorganization	Recodified due to the addition of 103.D.
103.F	Revision/Reorganization	Amended to clarify license application requirements. Recodified due to the addition of 103.D.
103.F.4	Revision	Amended to clarify license application requirements regarding criminal record checks and drug test results.
103.F.5	Revision	Amended language for clarity and consistency with S.C. Code Section 44-70-70.
103.G	Addition	Added to clarify language regarding criminal record checks and reporting requirements for applicants and prospective licensees.
103.H	Addition	Added language to clarify drug testing requirements for applicants and prospective licensees.
103.I	Revision/Reorganization	Amended to clarify language regarding licensing fees. Recodified due to the addition of 103.G and 103.H.
103.J	Revision/Reorganization	Amended to clarify language regarding late fees. Recodified due to the addition of 103.G and 103.H.
103.K	Revision/Reorganization	Amended to clarify language regarding license renewals. Recodified due to the addition of 103.G and 103.H.
103.L, 103.L.1, 103.L.2	Revision/Reorganization/Deletion	Amended to clarify language regarding amended licenses. Renumbered and amended

		items to clarify prerequisites for amended licenses.
103.M, 103.M.1, 103.M.2	Addition	Added a section to clarify language regarding a change of licensee.
103.N	Revision/Reorganization/Deletion	Amended to clarify language regarding variances to licensing standards. Recodified due to the addition of 103.M and deletion of former 103.J.
202	Addition	Added section to clarify language regarding inspections and investigations.
203	Addition/Deletion	Added section to clarify language regarding consultations. Deleted former 203 and moved language to 205.
204	Revision/Reorganization	Amended language regarding enforcements. Recodified due to the addition of 202 and 203.
205	Addition/Revision	Added section to clarify language regarding violation classifications and amended language regarding monetary penalties for clarity and consistency.
300, 301, 302	Addition	Added sections to clarify language regarding policies and procedures and insurance for clarity and consistency.
400	Reorganization	Recodified section due to the addition of 300.
401	Addition	Added definition to clarify language regarding administrator for clarity and consistency.
402	Addition/Revision/Reorganization	Amended section to clarify language regarding background checks and drug testing. Recodified due to the addition of 400. Corrected spacing in regulation text.
403	Addition/Revision/Reorganization	Amended language to clarify requirements for staff records. Recodified due to the addition of 400.
404.A – 404.H	Addition/Revision/Reorganization	Amended language to clarify requirements for in-service training of caregivers.

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		Recodified due to the addition of 400.
405.A – 405.G	Addition/Revision/Reorganization	Amended language to clarify requirements for minimum qualifications of caregivers. Recodified due to the addition of 400.
406	Revision/Reorganization	Amended language to clarify health status requirements for staff members and caregivers. Recodified due to the addition of 400.
501	Technical Correction	Amended for correct punctuation.
501.A – 501.C	Revision	Amended language to clarify requirements for incident reporting.
New 501.D	Deletion/Reorganization	Former 501.D deleted. Contents of five-day report now described in 501.C.
Former 501.E	Reorganization	Renumbered to 501.D as a result of deletion.
502.A – 502.B	Revision	Amended language to clarify requirement for provider closure. Amended to correct state agency reference.
502.C	Addition	Added language to clarify notice requirements regarding closures.
600	Addition	Added section to clarify language regarding client records.
601	Addition	Added language to clarify requirements regarding content of client records.
602	Addition	Added language to clarify requirements regarding record maintenance.
New 700	Addition/Deletion	Added section to clarify language regarding requirements for client care services. Recodified due to the deletion of former 700.
800	Addition	Added section to establish requirements regarding infection control.
900	Addition	Added section to clarify language regarding rights and assurances of clients.
1000	Addition	Added section to clarify language regarding disaster preparedness.

1001	Addition	Added language to clarify requirements for disaster preparedness.
1002	Addition	Added language to clarify requirements for emergency call numbers.
1100	Revision/Reorganization/Technical Correction	Amended each instance of “these regulations” to “this regulation” for clarity and consistency. Amended to correct spacing. Recodified due to the addition of 800 to 1002.
Appendix	Deletion	Deleted section as no longer needed.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to S.C. Code Section 1-23-110(A)(3), such a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on November 20, 2025. Written comments may be submitted to the Bureau of Public Information and Regulatory Affairs, S.C. Department of Public Health, P.O. Box 2046, West Columbia, SC 29171; or HQRegs@dph.sc.gov. To be considered, the Department must receive the comments by 5:00 p.m., October 27, 2025. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

Implementation of this regulation will not require additional resources. There is no anticipated additional cost by the Department or state government due to any requirements of this regulation.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.60-122, *Standards for Licensing In-Home Care Providers*.

Purpose: The Department proposes amending the regulation to update and revise provisions regarding licensure, to include application procedures, criminal record checks and drug testing of applicants, the manner and method of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage.

Legal Authority: 1976 Code Sections 44-70-10 et seq.

Plan for Implementation: Department personnel will take appropriate steps to inform the regulated community of the amendments and any associated information. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at: <https://dph.sc.gov/professionals/permits-regulations/regulations-table>. Printed copies are also available for a fee from the Department’s Freedom of Information Office.

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

The proposed amendments update application procedures, criminal record checks and drug testing of applicants, the manner and method of fee payments, care and services, requirements for reporting and record keeping, emergency procedures and disaster preparedness, and standards for appropriate insurance coverage. These amendments will enhance protections for both in-home care providers (IHCPs) and IHCP clients. The proposed

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amendments are also to enhance safety and quality of care and services provided to IHCP clients while also ensuring IHCPs are equipped with necessary safeguards.

DETERMINATION OF COSTS AND BENEFITS:

The proposed amendments will result in no additional cost to the Department or state government, as implementation of these proposed amendments will not require additional resources. The Department anticipates a cost to the regulated community associated with implementing client-focused safeguards and protections, but the advantages of these amendments will significantly outweigh any cost. The proposed amendments will enhance safety and quality of care and services provided by licensed in-home care providers (IHCPs). These proposed amendments will not only increase safety and quality for IHCP clients, but also protect the IHCPs. These proposed amendments represent a feasible approach to balancing additional safety and quality requirements with the protection and wellbeing of clients and the community at large.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the estimations beyond those normally inherent in estimating future costs and benefits.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will have no effect on the environment of this State. This regulation contributes to the Department's function of protecting public welfare and promoting safety and wellbeing for clients receiving care and treatment from in-home care providers (IHCPs).

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

There is no anticipated detrimental effect on the environment. If the proposed amendments are not implemented, the regulation will be maintained in its current form; the benefits of the proposed amendments herein will not be realized.

Statement of Rationale:

The proposed amendments are necessary to update provisions in accordance with current practices and to enforce the standards for the licensure, maintenance, and operation of in-home care providers (IHCPs) to better ensure the safety and wellbeing of clients of IHCPs.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Filed: September 11, 2025 8:30am

Document No. 5404
STATE COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Section 59-104-20

62-300 - 62-375. Palmetto Fellows Scholarship Program.

Emergency Situation:

The South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, Palmetto Fellows Scholarship Program. Revisions to the existing regulation for the Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement Program are being considered to clarify the policies and procedures for administering the program. In the proposed amendments, regulation is being updated to reflect changes to the ACT test, making the Science subject test optional for a Composite score. Lastly, other changes to the regulation include updating of definitions and minor language changes to promote consistency.

Text:

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- 62-300. Purpose of the Palmetto Fellows Scholarship and Scholarship Enhancement.
- 62-305. Allocation of Program Funds.
- 62-310. Definitions.
- 62-315. Initial Eligibility for Palmetto Fellows Scholarship.
- 62-318. Eligibility for Palmetto Fellows Scholarship Enhancement.
- 62-320. Palmetto Fellows Scholarship Application.
- 62-325. Palmetto Fellows Scholarship Selection Process.
- 62-330. Policies and Procedures for Awarding the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- 62-335. Duration and Renewal of Awards.
- 62-340. Transfer of Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.
- 62-345. Students with Disabilities.
- 62-350. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs, or National or International Exchange Programs.
- 62-351. Military Mobilization.
- 62-355. Appeals Procedures.
- 62-360. Institutional Disbursement of Funds.
- 62-365. Refunds and Repayments.
- 62-370. Program Administration and Audits.
- 62-375. Suspension or Termination of Institutional Participation.

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

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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 education, accounting, 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. With Act 156, passed in 2024, the Enhancements were expanded to include students majoring in education programs leading to certification and accounting.

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.

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.

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. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

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 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 or identified by the Commission on Higher Education for eligible degree programs in the fields of education, 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.

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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 minor in or 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) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. All programs must be approved by CHE for the purposes of receiving the scholarship enhancement.

M. “Eligible degree program” is defined for the purposes of the Palmetto Fellows Scholarship Enhancement as a degree program in education, mathematics or science as approved by the SC Commission on Higher Education. These programs include education, science or mathematics disciplines, accounting, 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, private, charter, virtual, Montessori, or Magnet 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 the end of the student’s junior year (3rd year in high school) through April of the student’s senior year (4th year in high school).

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

Q. “Eligible institution” is defined as a South Carolina two-year or four-year public or independent postsecondary, degree-granting 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 year certificate program, first two-year diploma program, first associate degree, 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. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

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 two-year and 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 May 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).

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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) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; and 4) Doctor of Pharmacy at Presbyterian College. Students who have been awarded a bachelor’s or graduate degree are not eligible for funding. All programs must be approved by CHE for the purposes of enhancement eligibility.

II. “Public institutions” are defined, for the purposes of the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement Programs, as those two-year and four-year 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.”

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 take a Gap year or attend an out-of-state, four-year institution. Students taking a Gap year (see section 62-310.SS.) must enroll in an eligible South Carolina institution no later than the fall term one year immediately following high school graduation and make a request to CHE for reapplication for the Palmetto Fellows Scholarship. During the Gap year, the student cannot attend any institution of higher education or earn any college credit hours or they forfeit their Palmetto Fellows Scholarship. If the student was offered the Palmetto Fellows Scholarship as a senior in high school, but declined the award to attend an out-of-state institution at any time during the eight eligible terms immediately following high school graduation, after attending an out-of-state four-year institution, the student must return to South Carolina, enroll in an eligible South Carolina 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. A student must be considered a South Carolina resident at the time of high school graduation, and at the time of initial college enrollment, in order to receive a Palmetto Fellows Scholarship.

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.

SS. “Gap Year” is defined as a period of time immediately following high school graduation, including a semester or academic year (Fall and Spring semesters) taken by the student as a break between high school graduation and the date of initial college enrollment. The Gap year must be taken immediately following high school graduation and does not constitute a break in enrollment.

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

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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 two-year or four-year 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 one year 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 after the completion of the junior year but prior to graduating high school, 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 Spring term one year immediately following high school graduation. Early graduates must be certified by the high school principal that they have met the South Carolina graduation requirements. Students who graduate high school mid-year are unable to use rank as an eligibility criterion. The South Carolina UGP GPA, as well as the high school graduation date, must be printed on the official final high school transcript. Students must enroll full-time continuously at a four-year institution no later than the Spring term one year immediately upon high school graduation. Early graduates who enroll mid-year (spring term) and are awarded the Palmetto Fellows Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the Palmetto Fellows Scholarship the next academic year for a student who enrolls mid-year, the student must earn a minimum of fifteen credit hours and a 3.0 cumulative institutional GPA by the end of the academic year.

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.

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. All students not majoring in education-related disciplines must successfully complete a total of at least fourteen credit hours of instruction in mathematics or life and physical science courses within an approved major, in any combination, by the end of the student's first year of enrollment in college (based on initial date of college enrollment). 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, life and physical sciences and accounting, 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. Students who initially enroll in college mid-year (i.e., spring term) as a first year student and meet the requirements under Section 62-318 may be eligible to receive a Palmetto Fellows 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). A student who initially enrolls mid-year (i.e., spring term) must earn a minimum of 15 credit hours and a 3.0 cumulative institutional GPA to be awarded a Palmetto Fellows Scholarship the following academic year. A student must earn a 3.0 cumulative institutional GPA and a minimum of 30 credit hours each subsequent year of enrollment to receive a Palmetto Fellows Scholarship and Palmetto Fellows Scholarship Enhancement.

D. For the 2024-25 academic year, a resident student who is at least in the second year of attendance, based on initial college enrollment, at an eligible four-year public or independent institution of higher learning in this State, who is majoring in science, mathematics, accounting, or an education program that leads to certification as defined by the Commission on Higher Education, and who is receiving a Palmetto Fellows Scholarship for the current year, shall receive an additional Palmetto Fellows Scholarship stipend equal to the cost of attendance after applying all other scholarships or grants, not to exceed two thousand five hundred dollars each year for no more than three additional years of instruction, including their sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including their sophomore year, if enrolled in an approved five-year degree program or a 3 plus 2 program. To receive the additional Palmetto Fellows Scholarship stipend each year, the student must receive the underlying Palmetto Fellows Scholarship for that year and must be making acceptable progress each year toward receiving a degree in their education major.

E. All education majors receiving the enhancement/stipend based on their status as an education major must enter into a contractual agreement, including a default provision, that stipulates that the stipend recipient shall

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upon graduation work in a South Carolina public school for at least one school year for every year the stipend is received. A third party may be used for purposes of processing the contractual agreement.

F. 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.

G. The Commission on Higher Education shall annually communicate with high school guidance counselors regarding the list of qualifying majors in this section.

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 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 an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE of the senior year; earn a minimum 3.50 cumulative GPA on the current South Carolina 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 an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE 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 South Carolina Uniform Grading Policy and do not convert the graduating class grades to the current South Carolina 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 an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE 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 an equivalent ACT score as determined by the Commission through the test administration date as determined by CHE 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 South Carolina Uniform Grading Policy and that do not convert the graduating class grades to the current South Carolina 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 Evidence-Based Reading and Writing score. However, students cannot use the Essay 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 English score combined with the highest Math score, Reading score and Science score.~~ For the purposes of meeting the ACT test score requirement, the student must use the highest English, Math, and Reading scores, which may come from different test administrations. A Science score may be included to improve the composite score but is not required.

F. Grade point averages must be based on the current South Carolina Uniform Grading Policy, reported with at least two decimal places, and may not be rounded up. The South Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript. No coursework completed after the date of uniform calculation can be included in the end of the year GPA. Student must meet the scholarship eligibility criteria within four years of high school coursework.

G. Class rank must be based on the South Carolina 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. Only one student may occupy each place in class rank. The rank policy and rank policy information must be available to parents, students, colleges, and universities, and the Commission on Higher Education in publication form to include a school's website, student/parent handbook, and/or school profile. This language must include the ranking policy in place at the school/association. The ranking policy should be consistent in all places where the rank policy is published and is the same information disseminated to parents, students, colleges/universities, and the Commission. The South

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Carolina UGP GPA and class rank (if school/association officially ranks as a policy) must be printed on an official final end of year high school transcript, which must also include a uniform date of calculation as determined by the Commission on Higher Education. The graduation date must also be printed on the final end of senior year high school transcript.

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 that officially rank as a policy (see section 62-320.G.) 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. All high schools (see section 62-310.N.) and home school associations must submit a rank report on official school/association letterhead that includes the class rank and GPA based on the current South Carolina Uniform Grading Policy for all students in the applicant's class. If a 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 an equivalent ACT score as determined by the Commission) and earning a minimum 4.00 cumulative GPA on the South Carolina 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 South Carolina Uniform Grading Scale, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the Palmetto Fellows Scholarship. The school 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 South Carolina 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 South Carolina UGP. When converting scores to the South Carolina UGP, weighting must adhere to the South Carolina UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the South Carolina 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 South Carolina 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 ≥ 90 ; to be equivalent to a "B" letter grade the numerical average must be between 80 and 89; to be equivalent to a "C" letter grade the numerical average must be between 70 and 79; to be equivalent to a "D" letter grade the numerical average must be between 60 and 69; and to be equivalent to a "F" letter grade the numerical average must be between 51 and 59 (if a course with a numerical average of < 51 is considered passing by the high school the student earned the grade, then a 65 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 95 numerical average, all "B" letter grades must be converted to a 85 numerical average, all "C" letter grades must be converted to a 75 numerical average, all "D" letter grades must be converted to a 65 numerical average, and all "F" letter grades must be converted a 50 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 an equivalent ACT score as determined by the Commission) and earning a minimum 4.00 cumulative GPA on the current South Carolina Uniform Grading Policy. The student's school 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.

M. Students submitted for the late award will need to make arrangements for tuition and fee payments as a student will not be notified of their PFS status in enough time to meet any institutionally established payment deadlines.

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 two-year or 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 South Carolina 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 two-year or 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.

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 (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

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2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth academic year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation.

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. During the final term of attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours.

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 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 two-year and 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 South Carolina 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.

14. Collect certification from education majors receiving enhancement/stipend monies of their completed contractual work agreement for the stipend.

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

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L. The student shall be required to provide a state 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.

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 two-year or four-year independent or public institution no later than the fall term one year immediately following high school graduation. Students must be continuously enrolled at an eligible two-year or four-year institution. Students with a break in continuous full-time enrollment at a two-year or four-year institution will forfeit the scholarship.

C. A Palmetto Fellows Scholarship may be renewed annually for no more than a total of two terms towards a one-year certificate or diploma program, or four terms (based on the date of initial college enrollment) toward the first associate degree or two-year diploma program, or 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. During the final term of attendance, the institution may prorate the Palmetto Fellow Scholarship and the Palmetto Fellows Scholarship Enhancement award amount, for the number of credit hours attempted for the current term of attendance, which must be the term of graduation for the student. Proration will be based on 12 credit hours (see section 62-330.B).

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 two-year or 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 two-year or 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 a total of at least fourteen credit hours of instruction in accounting, mathematics, or life and physical science courses within an approved major, in any combination by the end of the student's first year of enrollment in college (based on initial date of college enrollment). 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.

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62-340. Transfer of or Reapplication for the Palmetto Fellows Scholarship and the Palmetto Fellows Scholarship Enhancement.

A. Palmetto Fellows enrolled at an eligible two-year or four-year independent or public institution may transfer to another two-year or 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 two-year or four-year institution no later than the fall term one year 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 two-year or 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 two-year or 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 and Palmetto Fellows Scholarship Enhancement.

F. The eligible two-year or 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.

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.

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.

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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.

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.

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 (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

2. \$2,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship Enhancement if enrolled in a eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

3. For mid-year initial college enrollment (i.e. a student who starts college in the spring term), a student may receive a maximum of \$3,350 for the spring term. Beginning the second academic year (i.e. the fall term) a student may receive up to \$7,500 for the second year, third year, fourth year and fifth year (if applicable) for the Palmetto Fellows Scholarship; Eligible Palmetto Fellows may prorate their award amount for the term of graduation (see section 62-330.B.).

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 structures 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

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University of South Carolina; 2) Doctor of Pharmacy at the Medical University of South Carolina; 3) Doctor of Pharmacy at the University of South Carolina; 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 state 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.

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 South Carolina resident at any time, the institution must reimburse funds to CHE for the time period the student was no longer a South Carolina resident.

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.

G. All eligible independent and public institutions shall submit separate invoices for the purposes of enhancements, as determined by the Commission on Higher Education.

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.

D. All eligible independent and public institutions that participate in the scholarship enhancement program shall report to CHE the recipients of each enhancement award, per term within the deadlines as determined by CHE. In reporting recipients of the enhancement, institutions shall distinguish recipients by their status in the

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eligible major, ensuring that education, accounting, math, and science majors are individually identified, in a format as determined by CHE.

Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Rationale:

These regulations are updated to be consistent with changes in law and to clarify the policies and procedures for administering the program.