

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

ASHLEY HARWELL-BEACH, DIRECTOR
DEIRDRE BREVARD SMITH, EDITOR
REBECCA FUDGER TURNER, ASSOCIATE EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 212-4500

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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 or 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:

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 proposed.

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

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

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.

Executive Orders are actions issued and taken by the Governor.

2024 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 will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

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

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*.

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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; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that 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 twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth 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 law 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 legislative interim, the regulation may be refiled for one additional ninety-day period.

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Fax: (803) 212-4501

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DOC. NO.	RAT. NO.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY	HOUSE COMMITTEE	SENATE COMMITTEE
5145	SR48-2		Child Support Guidelines	01/13/2024	Dept of Social Services	Regs and Admin Procedures	Judiciary
5175	SR48-4		Plant Pests	03/11/2024	Clemson University	Regs and Admin Procedures	Ag and Nat Resources
5136	SR48-4		Certification of Need for Health Facilities and Services	04/04/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5111	SR48-5		Campaign Practices and Reports	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5112	SR48-5		Contested Case Procedure	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5113	SR48-5		General	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5115	SR48-5		Statement of Economic Interests and Contract Disclosure Forms	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5114	SR48-5		Lobbyists, Lobbyist's Principals and Rating Entities	05/08/2024	State Ethics Commission	Regs and Admin Procedures	Judiciary
5180	SR48-5		Definitions	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5182	SR48-5		Unclassified Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5179	SR48-5		License Requirement for Facilities and Programs	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5181	SR48-5		Day Programs for Persons with Intellectual Disability	05/08/2024	Dept of Disabilities and Special Needs	Regs and Admin Procedures	Medical Affairs
5183	SR48-5		Article 5, Sewerage Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5177	SR48-5		Article 3, Electric Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5168	SR48-5		Article 8, Practice and Procedure	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5176	SR48-5		Displaying the Flag	05/08/2024	State Board of Education	Regs and Admin Procedures	Education
5184	SR48-5		Article 7, Water Utilities	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5222	SR48-5		Criteria for Entry into Programs of Special Education for Students with Disabilities	05/08/2024	State Board of Education	Regs and Admin Procedures	Education
5223	SR48-5		Operation of Public Student Transportation Services	05/08/2024	State Board of Education	Regs and Admin Procedures	Education
5178	SR48-5		Article 4, Gas Systems	05/08/2024	Public Service Commission	Regs and Admin Procedures	Judiciary
5228	SR48-5		Self-Insurers	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation
5226	SR48-5		Transportation of Radioactive Waste Into or Within South Carolina	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Labor, Commerce and Industry
5210	SR48-5		Borrower's Preference Re Attorney and Insurance	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5215	SR48-5		Home Improvement Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5216	SR48-5		Insurance and Fidelity Bond Protection	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5217	SR48-5		Investment of Surpluses	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5219	SR48-5		Limitations and Restrictions on Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5207	SR48-5		Mobile Home Loans, Savings and Loan	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
5208	SR48-5		Notice of Intention to Withdraw Shares	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
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5213	SR48-5		Servicemen's Readjustment Act	05/08/2024	State Board of Financial Institutions	Regs and Admin Procedures	Banking and Insurance
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5251	SR48-5		Wildlife Management Area Regulations	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5229	SR48-5		Family Day Care Homes	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5231	SR48-5		Residential Group Care Facilities for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
5240	SR48-5		Pharmacy Benefits Managers	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5258	SR48-5		Recordkeeping	05/08/2024	LLR-OSHA	Regs and Admin Procedures	Labor, Commerce and Industry
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5247	SR48-5		Board of Podiatry Examiners	05/08/2024	LLR-Board of Podiatry Examiners	Regs and Admin Procedures	Medical Affairs
5256	SR48-5		State Board of Examiners in Psychology	05/08/2024	LLR-State Board of Ex. in Psychology	Regs and Admin Procedures	Medical Affairs

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5243	SR48-5	Fee Schedule for the Building Codes Council	05/08/2024	LLR	Regs and Admin Procedures	Labor, Commerce and Industry
5237	SR48-5	Board of Examiners in Speech/Language Pathology and Audiology	05/08/2024	LLR-Ex. in Speech/Language Path & Aud	Regs and Admin Procedures	Medical Affairs
5233	SR48-5	Fee Schedule for the Board of Medical Examiners	05/08/2024	LLR	Regs and Admin Procedures	Medical Affairs
5254	SR48-5	South Carolina Board of Chiropractic Examiners	05/08/2024	LLR-SC Board of Chiropractic Examiners	Regs and Admin Procedures	Medical Affairs
5244	SR48-5	State Licensing Board for Contractors	05/08/2024	LLR-State Licensing Board for Contractors	Regs and Admin Procedures	Labor, Commerce and Industry
5246	SR48-5	Professional Land Surveyor Licensure Requirements	05/08/2024	LLR-SC State Board of Registration for Prof Engineers and Land Surveyors	Regs and Admin Procedures	Labor, Commerce and Industry
5245	SR48-5	Environmental Certification Board	05/08/2024	LLR-SC Environmental Certification Board	Regs and Admin Procedures	Labor, Commerce and Industry
5187	SR48-5	Quorum	05/08/2024	LLR-State Board of Reg for Foresters	Regs and Admin Procedures	Fish, Game and Forestry
5234	SR48-5	Athletic Trainers	05/08/2024	LLR-State Board of Medical Examiners	Regs and Admin Procedures	Medical Affairs
5241	SR48-5	Pharmacy Services Administrative Organizations	05/08/2024	Dept of Insurance	Regs and Admin Procedures	Banking and Insurance
5259	SR48-5	Turkey Hunting Rules and Seasons	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5260	SR48-5	Individual Antlerless Deer Tags, Antlerless Deer Limits for Private Lands in Game Zones 1-4, and Youth Deer Hunting Day	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
5232	SR48-5	Wilderness Therapeutic Camps for Children	05/08/2024	Dept of Social Services	Regs and Admin Procedures	Family and Veterans' Services
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5252	SR48-5	State Board of Social Work Examiners	05/08/2024	LLR-State Board of Social Work Exam.	Regs and Admin Procedures	Family and Veterans' Services
5253	SR48-5	Real Estate Commission	05/08/2024	LLR-Real Estate Commission	Regs and Admin Procedures	Labor, Commerce and Industry
5190	SR48-5	Parking Regulations	05/08/2024	Dept of Mental Health	Regs and Admin Procedures	Medical Affairs
5235	SR48-5	Board of Physical Therapy Examiners	05/08/2024	LLR-Board of Physical Therapy Examiners	Regs and Admin Procedures	Medical Affairs
5248	SR48-5	Building Codes Council	05/08/2024	LLR-Building Codes Council	Regs and Admin Procedures	Labor, Commerce and Industry
5221	SR48-5	Billing Accounts	05/08/2024	Dept of Motor Vehicles	Regs and Admin Procedures	Transportation
5200	SR48-5	Statement of Policy; Applying for a Permit; General Guidelines for All Critical Areas; and Specific Project Standards for Beaches and the Beach/Dune System	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Ag and Nat Resources
5191	SR48-5	Solid Waste Management Regulation (Solar Projects)	05/08/2024	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5249	SR48-5	Additional Regulations Applicable to Specific Properties	05/08/2024	Dept of Natural Resources	Regs and Admin Procedures	Fish, Game and Forestry
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5266	R137 SR48-6	Payment of Compensation	05/31/2024*	SC Workers' Compensation Commission	Regs and Admin Procedures	Judiciary
5269	SR48-7	School and Classroom Library Materials	06/25/2024*	State Board of Education	Regs and Admin Procedures	Education
5264	R236 SR48-6	Standards for Licensing Ambulatory Surgical Facilities	07/12/2024*	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5265	R237 SR48-6	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries	07/12/2024*	Dept of Health and Envir Control	Regs and Admin Procedures	Medical Affairs
5267		Article 6, Telecommunications Utilities	Withdrawn	Public Service Commission	Regs and Admin Procedures	Judiciary
5242		Article 2, Motor Carriers	Withdrawn	Public Service Commission	Regs and Admin Procedures	Judiciary
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5193		R.45-2, Instructions and Certification of Managers and Clerks in the Use of Vote Recorders	Withdrawn	State Election Commission	Regs and Admin Procedures	Judiciary
5194		R.45-3, Tabulating Center Personnel	Withdrawn	State Election Commission	Regs and Admin Procedures	Judiciary
5195		R.45-4, Certification of Program Instructions	Withdrawn	State Election Commission	Regs and Admin Procedures	Judiciary
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5201		Emergency Election Procedures	Withdrawn	State Election Commission	Regs and Admin Procedures	Judiciary
5202		Poll Worker Training; Candidate Withdrawals	Withdrawn	State Election Commission	Regs and Admin Procedures	Judiciary
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5255	Office of Elevators and Amusement Rides		LLR–Off of Elev and Amusement Rides	Regs and Admin Procedures	Labor, Commerce and Industry
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5224	R.45-8, Defective and Duplicate Ballot Cards, Sealed After Tabulation		State Election Commission	Regs and Admin Procedures	Judiciary

*Revised 120 Day Review Expiration Date for Automatic Approval

4 EXECUTIVE ORDERS

Executive Order No. 2024-11

WHEREAS, on the authorization of the General Assembly, the Revenue and Fiscal Affairs Geodetic Survey Group (“RFA”) seeks to verify county lines throughout the State based on historical records and with the benefit of modern technology; and

WHEREAS, as a result of RFA’s work, certain areas have been treated as part of Union County when they are instead part of Spartanburg County (“Spartanburg County Affected Area”), and certain areas have been treated as part of Spartanburg County when they are instead part of Union County (“Union County Affected Area”); and

WHEREAS, Chapter 5 of Title 4 of the South Carolina Code of Laws, as amended, sets forth a procedure for annexing, merging, or transferring an area from one county to another (“Change of Boundaries Statute”); and

WHEREAS, the Change of Boundaries Statute provides that the governing body of a county may by resolution request that a part of such county be merged with one or more adjoining counties; and

WHEREAS, pursuant to the Change of Boundaries Statute, the Spartanburg County Council and the Union County Council have presented separate resolutions, copies of which are attached hereto as Exhibit A, requesting, *inter alia*, that that the Union County Affected Area be merged with, or annexed to, Spartanburg County and that the Spartanburg County Affected Area be merged with, or annexed to, Union County; and

WHEREAS, in accordance with the Change of Boundaries Statute, upon receipt of an annexation request from a county governing body and presentment of the requisite resolution, the undersigned shall appoint a commission of four persons, which shall, *inter alia*, investigate and report all facts pertinent to the potential annexation; and

WHEREAS, it appears to the satisfaction of the undersigned that the requested annexation and corresponding resolutions comply with the procedures set forth in the Change of Boundaries Statute; and

WHEREAS, there is no known opposition to the potential annexation, and Adam Roark and Michael Gault, of Spartanburg County, and Roger Bailey and Bob Love, of Union County, are fit and proper persons to serve on the commission, which shall appropriately investigate all facts relating to the requested annexation and report in writing to the undersigned the pertinent facts and other relevant matters as requested or required by law; and

WHEREAS, upon receipt of the requisite report and confirmation of satisfactory compliance with sections 4-5-120 through -160 of the South Carolina Code of Laws, the undersigned shall order an election in accordance with section 4-5-170 of the South Carolina Code of Laws.

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. Appointment of Commission to Investigate Annexation of Certain Areas in Spartanburg County and Union County

A. In accordance with the Change of Boundaries Statute, I hereby establish the Commission to Investigate Annexation of Certain Areas in Spartanburg County and Union County (“Commission”) and appoint the following fit and proper persons identified by the governing bodies of Spartanburg County and Union County to serve on the Commission, which shall investigate all facts related to the requested annexation of certain areas in Spartanburg County and Union County and report in writing to the undersigned the pertinent facts and other

relevant matters in accordance with the Change of Boundaries Statute or otherwise as requested or required by law:

1. Adam Roark;
2. Michael Gault;
3. Roger Bailey; and
4. Bob Love.

B. Pursuant to sections 4-5-140 and 4-5-160 of the South Carolina Code of Laws, the Commission:

1. may contract for the survey and location of the proposed change of line and for such purpose may employ three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the Commission and the third by the two selected by the Commission;

2. shall carefully investigate all facts relating to the area, population, and assessed property values of the territory proposed to be severed and that remaining, the proximity of the line to any courthouse, and the proper amount of indebtedness of the county losing area to be assessed to the county gaining such area;

3. shall report in writing to the Governor upon all such relevant matters as the Governor may direct for his information;

4. shall report to the Governor an itemized statement of the expense of the survey and plats; and

5. shall submit its final report to the Governor no later than September 1, 2024.

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

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 21st DAY OF JUNE, 2024.**

**HENRY MCMASTER
Governor**

6 NOTICES

CLEMSON UNIVERSITY

NOTICE OF GENERAL PUBLIC INTEREST

Clemson University's Livestock Poultry Health Division (Clemson LPH) is responsible for monitoring and regulating livestock animal diseases in South Carolina, including HPAI (H5N1).

HPAI (H5N1) has been detected in dairy cattle in 12 states. Under its statutory and regulatory obligations, the State Veterinarian may declare diseases as reportable upon publication of such notice in the State Register. Dr. Michael Neault, State Veterinarian for South Carolina and Director of Clemson LPH, hereby declares H5N1 to be a reportable disease under SC Code Ann. Section 47-4-50, SC Code Ann. Section 47-4-60 and SC Code Regulation 27-1011.

In an effort to prevent the spread of highly pathogenic avian influenza (HPAI H5N1) in dairy cattle, Clemson LPH requires Influenza A testing prior to the movement of lactating dairy cattle to fairs or exhibitions, effective beginning July 22, 2024.

This is in alignment with the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) recommendation that measures be taken to minimize the potential spread of influenza and to limit the risk of commingling infected animals.

Out-of-state lactating dairy cattle traveling to a South Carolina fair or exhibition must follow the *Technical Notes: Clarification to Inquiries Received on April 24 Federal Order* and must have a valid interstate certificate of veterinary inspection with an accession number for a negative test result from a National Animal Health Laboratory Network (NAHLN) laboratory. Samples must be collected no more than 7 days prior to movement to the fair or exhibition and should be collected and submitted by the veterinarian completing the interstate certificate of veterinary inspection. Check the fair registration website for additional information that may include testing recommendations.

South Carolina exhibitors with lactating dairy cattle traveling in-state to a fair or exhibition must receive a negative test for Influenza A virus at the Clemson Veterinary Diagnostic Center. The test is available to producers at no cost. Samples must be collected no more than 7 days prior to movement to the fair or exhibition. Contact (803) 726-7803 to learn how to collect and submit samples. This intrastate order requiring a negative Influenza A test prior to traveling to a show or exhibition will remain in effect until 60 days after the last detection of H5N1 in cattle herds in the United States.

Backyard dairy owners, commercial dairy producers and those working with a dairy are strongly encouraged to continue practicing strict biosecurity to protect their herds. Clemson LPH is closely monitoring HPAI H5N1 in dairy cattle and continues to encourage producers who notice clinical signs consistent with the disease in their cattle to work with their herd veterinarian. To report dairy cattle with suspicious symptoms, veterinarians should contact Clemson LPH at (803) 788-2260 (business hours) or (803) 726-7803 (after hours and weekends). Reports can also be emailed to pschark@clemson.edu.

If you should have any questions about this determination to require H5N1 in livestock to be a reportable livestock disease in South Carolina, please contact the South Carolina State Veterinarian's office at (803) 788-2260.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

The Office of the Attorney General has notified the South Carolina Department of Health and Environmental Control of legal proceedings involving a determination of real property interest in tidelands. Pursuant to S.C. Code Ann. § 48-39-220 (Supp. 2006), the Department is providing notice to the public of the following legal action(s):

CJB Investments, LLC

v.

State of South Carolina, Brett Aaron Bendt, Chelsea Elizabeth Bendt, and Elizabeth R. Gaskins

Case No.: 2023-CP-08-01429

Berkeley County

The Complaint was filed on or about May 22, 2023. The Answer of the State of South Carolina was filed on July 20, 2023. A Stipulation of Dismissal was filed on February 12, 2024.

Marshland Trust, Inc.

v.

State of South Carolina

Case No.: 2023-CP-10-02504

Charleston County

The Complaint was filed on or about May 23, 2023. The Answer of the State of South Carolina was filed on July 27, 2023. A Final Order was filed June 11, 2024.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on **July 26, 2024**, 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, 2100 Bull Street, Columbia, South Carolina 29201, at (803) 545-4200, or by email at coninfo@dph.sc.gov.

Affecting Berkeley, Charleston, and Dorchester Counties**Roper St. Francis Healthcare (RSFH) Ancillary Services d/b/a Roper St. Francis Home Health**

Establishment of a new Home Health Agency in Berkeley, Charleston, and Dorchester Counties at a total project cost of \$50,000.00.

Affecting Marion County**Medical University Hospital Authority d/b/a MUSC Health Mullins Nursing Center**

Relocation of a nursing home to a facility requiring renovation and reduction of nursing home beds for a total of 90 nursing home beds for a total project cost of \$13,680,944.00.

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and Regulation 61-15, 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 **July 26, 2024**. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Certificate of Need Program, 2100 Bull Street, Columbia, South Carolina 29201. If a public hearing

8 NOTICES

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 Lexington and Richland Counties

BAYADA Home Health Care, Inc., d/b/a BAYADA Home Health Care- Lexington and Richland

Establishment of a Home Health Agency in Lexington and Richland Counties at a total project cost of \$121,843.00.

Affecting Pickens County

BAYADA Home Health Care, Inc., d/b/a BAYADA Home Health Care-Pickens

Establishment of a Home Health Agency in Pickens County at a total project cost of \$60,000.00.

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Sections 59-40-40, 59-40-115, and 59-40-180

Notice of Drafting:

The State Board of Education proposes to amend Regulation 43-601, Procedures and Standards for Review of Charter School Applications. Interested persons may submit their comments in writing to Meka Childs, Director of Education Choice and Family Engagement, Division of Strategic Engagement, 428 Wholesale Lane West Columbia, SC 29172 or by e-mail to MChilds@ed.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on August 26, 2024, the close of the drafting comment period.

Synopsis:

The General Assembly passed the “Charter Schools Act” (Title 59, Chapter 40) in 1996, amended it in 2006, and again in 2012. Section 59-40-40 defines a charter school sponsor and requires that institutions of higher learning seeking to become a charter school sponsor must register with the South Carolina Department of Education. Section 59-40-115 allows for charter schools to terminate their contracts with a sponsor if all parties under contract with the charter school agree to the dissolution. A charter school that terminates its contract with a sponsor directly may seek application from another sponsor.

The proposed regulation will address the registration requirements of charter school sponsors with the South Carolina Department of Education. Additionally, the proposed regulation will address the administrative actions the South Carolina Department of Education will undertake pursuant to a charter school and sponsor electing to terminate their contract so that the charter may directly seek application from, and establish a new contract with, another sponsor. Lastly, the proposed regulation will update the application review guidelines for sponsors to update the application timeline for new charter schools.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: 1976 Code Section 59-33-120

Notice of Drafting:

The State Board of Education proposes a new regulation that addresses the requirements under the Sign Language Interpreters Act of 2022. Interested persons may submit their comments in writing to Lisa McCliment Team Lead, Office of Special Education Services, Division of College and Career Readiness, 428 Wholesale Lane, West Columbia, SC 29172. To be considered, comments must be received no later than 5:00 p.m. on August 26, 2024, the close of the drafting comment period.

Synopsis:

The General Assembly passed the “Sign Language Interpreters Act (Section 59-33-120) that established conditions and requirements for employment of educational interpreters for Deaf and hard of hearing students in South Carolina schools

The proposed regulation will establish criteria for the skill level, experience, and knowledge necessary to fulfill the role of educational interpreter in our schools.

Legislative review of this proposal is required.

10 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL

CHAPTER 8

Statutory Authority: 1976 Code Sections 6-8-20(A) and 40-1-70

Notice of Drafting:

The South Carolina Building Codes Council proposes to amend R.8-150(6)(F) regarding the limitation on reimbursement for continuing education to 12 hours per year for code enforcement officers. Interested persons may submit comments to Board Executive Maggie Smith, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Building Codes Council proposes to amend R.8-150(6)(F) regarding the limitation on reimbursement for continuing education to 12 hours per year for code enforcement officers. Specifically, the regulation, as written, limits access to funding for training that exceeds 12 hours per year. The amendment is anticipated to modify the language to allow reimbursement in excess of 12 hours under certain circumstances.

Legislative review of this regulation is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION SOUTH CAROLINA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 49

Statutory Authority: 1976 Code Sections 40-1-70 and 40-22-60

Notice of Drafting:

The South Carolina State Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-603(5) to correct a scrivener's error. Interested persons may submit comments to Lenora Addison-Miles, Board Executive, Board of Registration for Professional Engineers and Land Surveyors, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina State Board of Registration for Professional Engineers and Land Surveyors proposes to amend R.49-603(5) to correct a scrivener's error. Specifically, R.49-603(5) should be revised to reference R.49-602C(4) as opposed to 49-602(C)(5).

Legislative review of this amendment is required.

DEPARTMENT OF LABOR, LICENSING AND REGULATION COMMISSIONERS OF PILOTAGE

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-70 and 54-15-140

Notice of Drafting:

The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations: R.136-012, R.136-013, R.136-015, R.136-060, R.136-061, and R.136-075. Interested

parties may submit comments to Laura Smith, Board Executive, Commissioners of Pilotage, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11419, Columbia, SC 29211.

Synopsis:

The Commissioners of Pilotage, Lower Coastal Area, propose to amend Regulations 136-012, 136-015, 136-060, 136-061, and 136-075 to update the apprentice selection process, to revise the process to obtain Coast Guard investigations and report Coast Guard incidents to the Commissioners, to clarify references to Federal jurisdictional boundaries as they relate to pilotage waters, and to clarify pilotage waters for unmarked or minimally marked inlets.

Legislative review of this amendment is required.

**DEPARTMENT OF PUBLIC HEALTH
CHAPTER 60**

Statutory Authority: 1976 Code Section 30-4-45 and 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The Department of Public Health (Department or DPH) proposes new Regulation 60-117, *Access to Restricted Information*, to mirror existing Regulation 61-117, *Access to Restricted Information*, except that the definition of “Department,” Department acronyms, and Department address would refer to DPH to conform with the provisions of 2023 Act No. 60. Interested persons may submit comment(s) on the proposed new regulation to Bentley White of the Office of Legislative Affairs; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; whitebp@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

The Freedom of Information Act requires the Department, as custodian of information, the unrestricted release of which could increase the risk of acts of terrorism, to promulgate regulations to regulate access to the information. Regulation 61-117 was promulgated by the Department of Health and Environmental Control (DHEC) in 2012 and applies to programs that transferred to DPH and the Department of Environmental Services (DES). Pursuant to Section 14(B) of 2023 Act No. 60, the health-related regulations currently under Chapter 61 of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision and provisions in S.C. Code Section 30-4-45, DPH proposes new R.60-117 to mirror existing R.61-117 except that the definition of “Department,” Department acronyms, and Department address would refer to DPH instead of DHEC in accordance with 2023 Act No. 60. Existing Regulation 61-117 would remain in Chapter 61 and would become a regulation solely of the Department of Environmental Services.

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

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DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-75-10 et seq., repealed by 2023 Act No. 77, effective June 19, 2023

Notice of Drafting:

The Department of Public Health (“Department” or “DPH”) proposes repealing Regulation 61-96, *Athletic Trainers*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on August 5, 2024, the close of the draft comment period.

Synopsis:

Originally authorized by Title 44, Chapter 75 of the South Carolina Code, R.61-96 describes the standards for the S.C. Department of Health and Environmental Control’s (“DHEC”) regulation of athletic trainers. In June 2023, the Governor signed into law 2023 Act No. 77 (S.397, R.94), transferring regulatory authority of athletic trainers from DHEC to S.C. Department of Labor, Licensing and Regulation (“LLR”). Sections 3 and 5 of the Act established that regulations promulgated by DHEC were continued, and LLR would assume licensure of athletic trainers upon the effective date of the new regulations it promulgated. LLR promulgated its regulations which became effective with publication of the May 24, 2024, South Carolina State Register. See Document No. 5234.

The Department proposes repealing R.61-96, as the regulation is outdated due to repeal of the original authorizing statute and the transfer of regulatory authority to LLR. The Department does not propose replacing this regulation with a new regulation.

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

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Public Health (Department) proposes amending R.61-103, *Residential Treatment Facilities for Children and Adolescents*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-7-150(A)(3), the Department is authorized to adopt substantive and procedural regulations considered necessary to carry out the Department’s licensure duties under the *State Health Facility Licensure Act*, S.C. Code Sections 44-7-110, et seq. Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(3), the Department establishes and enforces basic standards for the licensure, maintenance, and operation of residential treatment facilities for children and adolescents (RTFs) to ensure the safe and adequate treatment of persons served in this state. The Department proposes amending the regulation to ensure consistency with applicable state and federal rules and regulations. Further, the Department proposes amending the

regulation to update and revise provisions regarding: licensure, to include manner and method of fee payments; inspections; enforcement; food/meal service; staffing; resident care and services; resident rights and assurances; and emergency procedures and disaster preparedness.

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.

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

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Public Health (Department) proposes amending R.61-125, *Standards for Licensing Crisis Stabilization Unit Facilities*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-7-150(A)(3), the Department is authorized to adopt substantive and procedural regulations considered necessary to carry out the Department's licensure duties under the *State Health Facility Licensure Act*, S.C. Code Sections 44-7-110, *et seq.* Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(5), the Department establishes and enforces basic standards for the licensure, maintenance, and operation of crisis stabilization unit facilities (CSU facilities) to ensure the safe and adequate treatment of persons served in this state. In 2023, the Governor signed into law 2023 Act No. 59 (S.343) which amended the definition of CSU facility at Section 44-7-130(26) by: deleting "operated by the Department of Mental Health or operated in partnership with the Department of Mental Health"; and deleting "eighteen and older" and replacing it with "five and older". The Department proposes to amend the regulation to be consistent with this amended statute. Further, the Department proposes amending the regulation to update, revise, or add provisions regarding: licensure, to include the manner and method of fee payments; inspections; enforcement; policies and procedures; the setting and manner of care of persons under eighteen years of age; food/meal service; and emergency procedures and disaster preparedness.

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.

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

14 DRAFTING NOTICES

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Public Health (Department) proposes amending R.61-93, *Standards for Licensing Facilities for Chemically Dependent or Addicted Persons*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-7-150(A)(3), the Department is authorized to adopt substantive and procedural regulations considered necessary to carry out the Department's licensure duties under the *State Health Facility Licensure Act*, S.C. Code Sections 44-7-110, *et seq.* Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(7), the Department establishes and enforces basic standards for the licensure, maintenance, and operation of facilities for chemically dependent or addicted persons (CDAP facilities) to ensure the safe and adequate treatment of persons served in this state. Licensed CDAP facilities providing an opioid treatment program are subject to various statutes and regulations, including the Code of Federal Regulations Title 42, Part 8, Medications for the Treatment of Opioid Use Disorder. The Department proposes to amend the regulation to be consistent with these federal regulations. Further, the Department proposes amending the regulation to update and revise provisions regarding: licensure, to include the manner and method of fee payments; inspections; enforcement; food/meal service; patient care, treatment, and services; and emergency procedures and disaster preparedness.

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.

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

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

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

Notice of Drafting:

The Department of Public Health (Department) proposes amending R.61-122, *Standards for Licensing In-Home Care Providers*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to the *Licensure of In-Home Care Providers Act*, S.C. Code Sections 44-70-10 et seq., the 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, add, or revise provisions regarding:

licensure, to include the manner and method of fee payments, application procedures, and criminal record checks and drug testing of applicants; responsibilities of licensees, including bonding, record keeping, and reporting; criteria that caregivers must satisfy before providing in-home care services; and standards for liability and other appropriate insurance coverage.

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.

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

**DEPARTMENT OF PUBLIC HEALTH
CHAPTER 60**

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Public Health (Department) proposes amending R.61-13, *Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities*. Interested persons may submit comment(s) on the proposed amendments to the Bureau of Public Information and Regulatory Affairs, Healthcare Quality; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; HQRegs@dph.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to S.C. Code Section 44-7-150(A)(3), the Department is authorized to adopt substantive and procedural regulations considered necessary to carry out the Department's licensure duties under the *State Health Facility Licensure Act*, S.C. Code Sections 44-7-110, *et seq.* Pursuant to S.C. Code Sections 44-7-250 and 44-7-260(A)(11), the Department establishes and enforces basic standards for the licensure, maintenance, and operation of intermediate care facilities for individuals with intellectual disabilities (ICF/IIDs) to ensure the safe and adequate treatment of persons served in this state. In 2022, the Governor signed into law 2022 Act No. 179 (S.1059) which amended S.C. Code Section 40-33-43 to allow the provision of medications to be performed by unlicensed persons with documented medication training and skill competency evaluation in ICF/IIDs. The Department proposes amending the regulation to be consistent with Section 40-33-43, which may include, but not be limited to the establishment of training requirements for administration of medications by unlicensed persons. Further, the Department proposes amending the regulation to update and revise provisions regarding: client care and services, to include protections from abuse, neglect, and exploitation of ICF/IID clients; licensure, to include the manner and method of fee payments; inspections; enforcement; food/meal service; and emergency procedures and disaster preparedness.

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.

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

16 DRAFTING NOTICES

DEPARTMENT OF PUBLIC HEALTH

CHAPTER 60

Statutory Authority: 2023 Act No. 60, effective July 1, 2024

Notice of Drafting:

The Department of Public Health (DPH) proposes transferring the regulations listed below to a new S.C. Code of Regulations Chapter, and amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60. Interested persons may submit comments on the proposed action to Bentley White of the Office of Legislative Affairs; S.C. Department of Public Health, 2100 Bull Street, Columbia, S.C. 29201; whitebp@dph.sc.gov. To be considered, DPH must receive comments no later than 5:00 p.m. on August 5, 2024, the close of the Notice of Drafting comment period.

Synopsis:

Pursuant to Section 14(B) of 2023 Act No. 60 (Act), the health-related regulations currently under Chapter 61 – Department of Health and Environmental Control of the S.C. Code of Regulations are transferred to DPH. In accordance with this provision, DPH proposes transferring all the regulations listed below from Chapter 61 to the new Chapter 60 in the S.C. Code of Regulations, with the Chapter title of Department of Public Health. Additionally, DPH proposes amending references to the Department of Health and Environmental Control, including definitions, acronyms, email addresses, physical addresses, and other references in each listed regulation to conform to the provisions of 2023 Act No. 60.

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

Regulation Number	Regulation Title
61-3	The Practice of Selling and Fitting Hearing Aids
61-4	Controlled Substances
61-7	Emergency Medical Services
61-8	Immunization Requirements for School and Childcare Attendance
61-12	Standards for Licensing Abortion Clinics
61-13	Standards for Licensing Intermediate Care Facilities for Individuals with Intellectual Disabilities
61-15	Certification of Need for Health Facilities and Services
61-16	Minimum Standards for Licensing Hospitals and Institutional General Infirmaries
61-17	Standards for Licensing Nursing Homes
61-19	Vital Statistics
61-20	Communicable Diseases
61-21	Sexually Transmitted Diseases
61-22	The Evaluation of Staff of Schools and Child Care Centers for Tuberculosis
61-24	Licensed Midwives
61-31	Health Care Cooperative Agreements
61-45	South Carolina Central Cancer Registry
61-75	Standards for Licensing Day Care Facilities for Adults
61-77	Standards for Licensing Home Health Agencies
61-78	Standards for Licensing Hospices
61-80	Neonatal Screening for Inborn Metabolic Errors and Hemoglobinopathies
61-84	Standards for Licensing Community Residential Care Facilities
61-91	Standards for Licensing Ambulatory Surgical Facilities

61-93	Standards for Licensing Facilities for Chemically Dependent or Addicted Persons
61-94	WIC Vendors
61-95	Medicaid Nursing Home Permits
61-97	Standards for Licensing Renal Dialysis Facilities
61-102	Standards for Licensing Birthing Centers for Deliveries by Midwives
61-103	Residential Treatment Facilities for Children and Adolescents
61-108	Standards for Licensing Freestanding or Mobile Technology
61-109	Standards for Permitting Body Piercing Facilities
61-111	Standards for Licensing Tattoo Facilities
61-112	Implementation of Emergency Health Powers Act
61-114	South Carolina Birth Defects Program
61-116	South Carolina Trauma Care Systems
61-118	South Carolina Stroke Care System
61-120	South Carolina Immunization Registry
61-122	Standards for Licensing In-Home Care Providers
61-123	Critical Congenital Heart Defects Screening on Newborns
61-125	Standards for Licensing Crisis Stabilization Unit Facilities

18 PROPOSED REGULATIONS

Document No. 5276
DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF COSMETOLOGY
CHAPTER 35
Statutory Authority: 1976 Code Section 40-13-70

35-20. Sanitary and Safety Rules for Salons and Schools.

Preamble:

The South Carolina Board of Cosmetology proposes revising its regulations regarding the practice of esthetics generally, and will consider revising R.35-20.

Section-by-Section Discussion:

35-20(A)-(N). No change.

35-20(O). Add “after chemical treatments on a patron” describing requirements to launder protective coverings.

35-20(P). Add missing header, “Implements, Products, and Procedures.”

35-20(P)(1)-(5). No change.

35-20(P)(6). Add language describing products, preparations, devices, machines, implements or procedures that are allowed and ones that are prohibited in providing skin care, particularly as they relate to penetrating the surface of the skin. Striking existing language on the same topic.

35-20(P)(7). Removing the prohibition on roll on wax applied directly to the skin and limiting it to single use.

35-20(P)(8). Excepting from the prohibition of UV sterilizer or light boxes ones used for storage of disinfected implements.

35-20(P)(9)-(11). No change.

A Notice of Drafting was published in the *State Register* on January 26, 2024.

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 Administrative Law Court at 10:00 A.M. on October 8, 2024. Written comments may be directed to Tracy Adams, Board Executive, Board of Cosmetology, South Carolina Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1289, no later than 5:00 P.M., on August 26, 2024. If qualifying requests pursuant to Section 1-23-110(A)(3) are not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

The proposed regulations are both reasonable and necessary to modernize the practice of esthetics in light of advances made in the industry since these regulations were first enacted. These regulations would parallel existing law used by the Board of Medical Examiners to distinguish the practice of esthetics from the practice of medicine. They would clarify the types of medical devices that are limited to use by medical professionals and would ensure that as new devices emerge, a standard exists in regulation by which their use may be evaluated and sanctioned if not limited to use by medical professionals. The regulations also relax requirements for laundering protective coverings when unnecessary, clarify that roll-on wax is allowed but for single use only, and provide that UV sterilizers or light boxes are permitted for storage of disinfected implements.

DESCRIPTION OF REGULATION:

Purpose: The Board is amending its regulations regarding esthetics to modernize the practice of esthetics in light of advances made in the industry since these regulations were first enacted.

Legal Authority: 1976 Code Section 40-13-70.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulation 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 proposed regulations will update regulations regarding esthetics in light of advances made in the industry since these regulations were first enacted. These regulations would parallel existing law used by the Board of Medical Examiners to distinguish the practice of esthetics from the practice of medicine. They would clarify the types of medical devices that are limited to use by medical professionals and would ensure that as new devices emerge, a standard exists in regulation by which their use may be evaluated and sanctioned if not limited to use by medical professionals. The regulations also relax requirements for laundering protective coverings when unnecessary, clarify that roll-on wax is allowed but for single use only, and provide that UV sterilizers or light boxes are permitted for storage of disinfected implements.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state for the promulgation of these regulations.

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.

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:

The updated regulations will reflect advances made in the esthetics industry since these regulations were first enacted. These regulations would parallel existing law used by the Board of Medical Examiners to distinguish the practice of esthetics from the practice of medicine. They would clarify the types of medical devices that are limited to use by medical professionals and would ensure that as new devices emerge, a standard exists in regulation by which their use may be evaluated and sanctioned if not limited to use by medical professionals. The regulations also relax requirements for laundering protective coverings when unnecessary, clarify that roll-on wax is allowed but for single use only, and provide that UV sterilizers or light boxes are permitted for storage of disinfected implements.

20 PROPOSED 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.

Document No. 5275
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

103-833. Written Interrogatories and Request for Production of Documents and Things.

Preamble:

The Public Service Commission proposes to amend Regulation 103-833. Written Interrogatories and Request for Production of Documents and Things that is contained within Chapter 103, Article 8, Practice and Procedure. Specifically, the Public Service Commission proposes the amended Regulation 103-833(A) read, “Any material relevant to the subject matter involved in the pending proceeding may be discovered unless the material is privileged or is hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation.” This proposal broadens the scope of materials that are not subject to discovery in Regulation 103-833(A) with the inclusion of hearing preparation working papers or attorney work product prepared for the pending proceeding or in anticipation of litigation.

Section-by-Section Discussion:

Section	Type of Change	Purpose
103-833	Amendment/Revision	Amended to conform Regulation 103-833(A) to the South Carolina Rules of Civil Procedure Rule 26 and to include the phrase “hearing preparation working papers or attorney work product” with the new language including the words “working papers or”

The Notice of Drafting was published in the *State Register* on May 24, 2024.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comment(s) on the proposed amendment to the Public Service Commission of South Carolina, Clerk’s Office, 101 Executive Center Drive, Suite 100, Columbia, South Carolina 29210, and interested persons may file comments using the methods outlined in Commission Order No. 2019-748, including, but not limited to, filing comments via contact@psc.sc.gov. Please reference Docket No. 2024-146-A. To be considered, the Public Service Commission must receive the comments by 4:45 p.m. on August 29, 2024.

The Public Service Commission will conduct a public hearing on the proposed amendment to its regulation on October 1, 2024, at 10:00 a.m. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at the public hearing.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: Regulation 103-833. Written Interrogatories and Request for Production of Documents and Things.

Purpose: The purpose of the proposed change to Regulation 103-833 includes broadening the scope of this regulation to protect certain work from disclosure during discovery and to be consistent with the South Carolina Rules of Civil Procedure. Rule 26(b) of the South Carolina Rules of Civil Procedure states, in part, “[i]n ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.” Rule 26(b) also provides, “Subject to the provisions of subdivision (b)(4) of this rule, a party may obtain discovery of documents and tangible things otherwise discoverable under subdivision (b)(1) of this rule and prepared in anticipation of litigation or for the trial by or for another party or by or for that other party’s representative (including his attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means.”

Legal Authority: 1976 Code Section 58-3-140.

Plan for Implementation: The proposed change will take effect upon approval by the South Carolina General Assembly and publication in the State Register. The Commission’s Clerk’s Office will also publish a copy of the final regulation on the Commission’s Docket Management System in Docket No. 2024-146-A.

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

The purpose of the proposed change to Regulation 103-833 is to align this regulation more closely to the discovery rules in the South Carolina Rules of Civil Procedure.

DETERMINATION OF COSTS AND BENEFITS:

The Commission, the regulated community, and external stakeholders will benefit from the proposed change to Regulation 103-833 by amending the Regulation to conform to the South Carolina Rules of Civil Procedure.

UNCERTAINTIES OF ESTIMATES:

Unknown, but minimal if they exist.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Not applicable.

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

Not applicable.

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Statement of Rationale:

The Commission, the regulated community, and external stakeholders will benefit from the proposed change to Regulation 103-833 by amending the Regulation to more closely align with Rule 26 (General Provisions Governing Discovery) South Carolina Rules of Civil Procedure.

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: July 9, 2024 1:05pm

Document No. 5274
STATE COMMISSION ON HIGHER EDUCATION
 CHAPTER 62
 Statutory Authority: 1976 Code Sections 59-149-10 et seq.

62-1200.1 - 62-1200.75. LIFE Scholarship Program and LIFE Scholarship Enhancement.

Emergency Situation:

With the S.C. General Assembly's approval of Governor McMaster's Act #156, effective July 1, 2024, the South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-1200.1 through 62-1200.75, LIFE Scholarship and Scholarship Enhancement Program. The proposed regulation provides the allowance of education and accounting majors to be added to the Scholarship Enhancement Stipend. The proposed regulation provides the institutions the ability to award and disburse the LIFE Enhancement Stipend for education, and accounting majors. We are also submitting these as emergency regulations to provide students immediate relief during the upcoming school year, effective for the Fall 2024 term, as directed by Act #156. The regular regulation will be sent through the S.C. General Assembly for approval once they reconvene.

Text:

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- 62-1200.75. Suspension and Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

62-1200.1. Purpose of the LIFE Scholarship Program.

Pursuant to Act 418, which was initially established in 1998 as Title 59 of the 1976 code and amended by Act 162 during the 2005 legislative session, the Commission on Higher Education shall promulgate regulation and

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establish procedures for administration of the LIFE Scholarship Program. The General Assembly established the LIFE Scholarship Program in order to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

With Act 115, which was established in 2007 as Title 59 of the 1976 code during the 2007 legislative session, the General Assembly established the LIFE Scholarship Enhancement in order to increase the number of students in the State majoring in mathematics and science and to increase the access to higher education, improve the employability of South Carolina's students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time. Students enrolled at two-year institutions are not eligible to receive a LIFE Scholarship Enhancement. In order to receive a LIFE Scholarship Enhancement, all students must qualify for the LIFE Scholarship as stipulated herein. With Act 156, passed in 2024, the Enhancements were expanded to include students majoring in education programs leading to certification and accounting.

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

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

62-1200.5. Program Definitions.

A. "Academic year" is defined as the twelve month period during which a full-time student is expected to earn thirty credit hours. The period of time used to measure the academic year will consist of the fall, spring and summer terms (or its equivalent).

B. A student who has earned a GED diploma or SC High School Diploma through Adult Education without a cumulative GPA may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section 62-1200.15., Continued Eligibility section of the LIFE Scholarship and LIFE Scholarship Enhancement.

C. An "approved five-year bachelor's degree program" shall mean a five-year bachelor's program as defined and approved by the Commission on Higher Education to receive the LIFE Scholarship for a maximum of ten terms at the same eligible institution in order to complete the requirements for a bachelor's degree. An approved five-year bachelor's degree program does not include inter-institutional and cooperative "3+2" programs (normally in a science degree field and an engineering program).

D. "Annual credit hour requirement" shall be defined as an average of thirty (30) credit hours earned at the end of the academic year based on initial college enrollment at all eligible institutions attended, excluding hours for remedial, continuing education, and non-degree coursework. Credit hours earned before high school graduation, including Advanced Placement (AP) credit hours, International Baccalaureate (IB) credit hours, exempted credit hours as well as credit hours earned on active duty, must be placed on the student's official

college transcript by the institution at which they are earned, and must be counted toward the annual credit hour requirement. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P).

E. “Associate’s degree program” is defined as a two-year technical or occupational program, at least a two-year program that is acceptable for full credit towards a bachelor’s degree as defined by the U.S. Department of Education.

F. “Attempted credit hours” shall be defined as courses in which a student earns a grade and is included in the grade point calculation for that institution. Eligible credit hours that do not transfer must also be included. Credit hours earned through dual-enrollment prior to high school graduation must be included in the LIFE GPA. Exempted credit hours, Advanced Placement (AP), International Baccalaureate (IB), College Level Examination Program (CLEP), remedial/developmental courses, non-degree credit courses for an associate’s degree or higher, Pass/Fail, Satisfactory/Unsatisfactory and non-penalty withdrawal credit hours are excluded from the “attempted credit hours.” If a student transfers, refer to the institution’s grading policy where the credit hours were earned. Any credit hours attempted or earned before high school graduation, hours exempted by examination, Advanced Placement (AP) or International Baccalaureate (IB) credit hours do not count against the terms of eligibility.

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

H. “Book allowance” shall mean funds that may be applied to the student’s account for expenses towards the cost-of-attendance including the cost of textbooks.

I. “CIP Code (Classification of Instructional Program)” The U.S. Department of Education’s standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the LIFE Scholarship Enhancement, CIP codes have been approved or identified by the Commission on Higher Education for eligible degree programs in the fields of education, mathematics and science.

J. “Cost-of-attendance” as defined by Title IV Regulations and may include tuition, fees, living expenses, and other expenses such as costs related to disability or dependent care.

K. “Cost-of-tuition” shall mean the amount charged for enrolling in credit hours of instruction and mandatory fees assessed to all students. Other fees, charges, or cost of textbooks cannot be included.

L. “Declared major” shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in which a student is enrolled as a full-time, degree-seeking student. The student must meet all requirements as stipulated by the policies established by the institution and the academic department to be enrolled as a declared major in an eligible program. Students cannot take courses related to a specific program without meeting institutional and departmental policies and be considered as a declared major. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs are those listed as such on the Commission’s website.

M. “Degree-seeking student” is defined as any full-time student enrolled in an eligible institution which leads to the first one-year certificate, first two-year program or associate’s degree, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree. Upon completion of the first one-year certificate, first two-year program or associate’s degree, first approved associate’s degree program that requires a minimum of 68 credit hours, or first bachelor’s or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, the student cannot use scholarship funds to pursue a program in the same or preceding level. Students are eligible to receive the Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students must be enrolled in an undergraduate degree program in order

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to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, the students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia, and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have been awarded a bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a CHE approved five-year bachelor's degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

N. "Eligible institution" shall be defined, solely for the purposes of the annual credit hour requirement and the LIFE GPA calculation, as an accredited public or independent postsecondary, degree-granting institution located in-state or out-of-state. The institution must be accredited by an agency recognized by the U.S. Department of Education for participation in federally funded financial aid programs. This list may be found on the US Department of Education's website.

O. "Eligible program of study" is defined as a program of study leading to: 1) at least a one-year educational program that leads to a first certificate or other recognized educational credential (e.g., diploma); 2) the first associate's degree; 3) at least a two-year program that is acceptable for full credit towards a bachelor's degree; 4) the first bachelor's degree; or 5) a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) towards an undergraduate degree as long as all eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor's or graduate degree are not eligible for Scholarship or Enhancement funding. Students enrolled in an approved associate's degree program that requires a minimum of 68 credit hours may be eligible to receive a LIFE Scholarship for a maximum of six consecutive semesters at an eligible two-year institution. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework. (see Section 62-1200.20 (C))

P. "Eligible degree program/Qualifying degree program" shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program in education, mathematics or science as approved by the SC Commission on Higher Education. These programs shall include education, science and mathematics disciplines, accounting, computer science or informational technology, engineering, ~~science education, math education~~ and health care and related disciplines including medicine and dentistry as defined by the Commission on Higher Education. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Eligible programs must be approved by the South Carolina Commission on Higher Education. Eligible/Qualifying programs are those listed as such on the Commission's website. Accounting majors are defined as CIP codes of 52.0301, 52.0304, 52.0305 or 52.0201 (Business Administration major with Accounting Concentration).

Q. "Felonies" shall be defined as a crimes classified under State statute (16-1-10) and typically require imprisonment for more than one year.

R. "Fifth year/senior year" shall mean any student who is enrolled in his or her ninth or tenth semester of full-time, undergraduate coursework in an approved five-year program following high school graduation. The student is in his/her fifth year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

S. “First year student/Freshman” is defined as any student who is enrolled as a first year student in his or her first or second semester of undergraduate coursework following high school graduation.

T. “Fourth year/senior year” shall mean seventh or eighth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her fourth year of consecutive, full-time college enrollment based on the student’s initial date of college enrollment after graduation from high school.

U. “Full-time student” shall mean a student who has matriculated into an eligible program of study and who enrolls full-time, usually fifteen credit hours for fall and spring terms or twelve credit hours for fall, eight credit hours for winter, and twelve credit hours for spring trimester terms. The student must earn an average of thirty credit hours per academic year to receive a LIFE Scholarship. In order for the student to be eligible for Scholarship disbursement, the student must be enrolled full-time at the home institution as stipulated by Title IV Regulations, except that credit hours may not include remedial/developmental, continuing education, and non-degree credit courses for an associate’s degree or higher. Eligible LIFE Scholarship recipients may prorate their award amount for the term of graduation (see section 62-1200.10.P).

V. “General Educational Development (GED) Diploma” is defined as a GED high school diploma that was completed in South Carolina or outside of the state while the student was a dependent of a legal resident of South Carolina who had custody or paid child support and college expenses of the dependent GED diploma student. A student who earns a GED diploma cannot receive a LIFE Scholarship during his/her initial year (or equivalent) of college enrollment but may earn the scholarship in subsequent years.

W. “High school” is defined as a public, private, charter, virtual, Montessori or Magnet high school located in South Carolina, recognized home school association or program as defined in the State Statute, (Sections 59-65-40, 45, and 47) or a preparatory high school located outside of the state while the student is a dependent of a legal resident of South Carolina who has custody or pays child support and college expenses of the dependent high school student in accordance with State Statute 59-112-10. A "preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

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

Y. "Independent institutions/private institutions" are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institution’ for purposes of this chapter.”

Z. “Ineligible degree program” shall be defined, for the purposes of the LIFE Scholarship Enhancement, as a degree program that is not included on the Commission’s posted list of approved eligible programs and assigned a CIP code.

AA. “Initial college enrollment” shall mean the first time the student enrolls into a postsecondary degree-granting institution after high school graduation, completion of a GED/Adult Education Program or completion of an approved home school program. The terms of eligibility and the annual credit hour requirement are based upon initial college enrollment and continuous enrollment. This means that students must adhere to

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the 30 credit hour requirement even if they have a break in enrollment. Any break in enrollment (excluding summer) will also count against the terms of eligibility.

BB. “LIFE GPA” shall be defined as the cumulative grade point average calculation that includes credit hours and grades earned at all eligible institutions based on a 4.0 scale. The LIFE grade point average must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate’s degree or higher and remedial/developmental courses. See Section 62-1200.60 for the steps to calculate the “LIFE GPA.”

CC. “LIFE Scholarship recipient” is defined as a student who meets all of the eligibility requirements to receive a LIFE Scholarship and is awarded LIFE Scholarship funds during a given academic year. Students who meet the eligibility requirements for a LIFE Scholarship but do not receive any LIFE Scholarship funds, due to the cost of attendance being met by other sources of financial aid, do not meet the definition of a LIFE Scholarship recipient.

DD. “Military mobilization” is defined as a situation in which the U.S. Department of Defense orders members of the United States Armed Forces to active duty away from their normal duty assignment during a time of war or national emergency.

EE. “Misdemeanor offenses” shall be defined as a crimes classified under State statute (16-1-100) which are typically punishable by fine or imprisonment for less than one year. A complete listing is located in title 16 of State statute. Examples of alcohol and drug misdemeanors in South Carolina include but are not limited to possession of alcohol under the age of 21, possession of marijuana/illegal drugs, open-container, transfer of alcohol to person under 21, false information as to age (fake ID), etc.

FF. “Non-degree credit courses” shall be defined as courses that count towards graduation in a certificate or diploma program only. Non-degree credit courses must not be used in the “LIFE GPA” calculation or towards the annual credit hour requirement for an associate’s degree or higher.

GG. A “one-year educational program” is defined as an undergraduate program of study leading to recognized credentials (e.g., certificates or diplomas), as defined by the U.S. Department of Education for participation in federally funded financial aid programs and which prepares students for gainful employment in recognized occupations.

HH. “Private institutions” are those institutions eligible to participate in the South Carolina Tuition Grants Program as defined in Chapter 113 of Title 59 of the 1976 Code, which stipulates that an “independent institution of higher learning means any independent eleemosynary junior or senior college in South Carolina which is accredited by the Southern Association of Colleges and Schools; or an independent bachelor’s level institution chartered before 1962 whose major campus and headquarters are located within South Carolina; or an independent bachelor’s level institution which was incorporated in its original charter in 1962, was granted a license to operate in 1997 by the Commission on Higher Education, has continued to maintain a campus in South Carolina, and is accredited by the Southern Association of Colleges and Schools. Institutions whose sole purpose is religious or theological training or the granting of professional degrees do not meet the definition of ‘public or independent institution’ for purposes of this chapter.”

II. “Program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree”, which will be the student’s first academic degree awarded. Students are eligible to receive the LIFE Scholarship for a maximum of eight terms (or its equivalent) and the LIFE Scholarship Enhancement for a maximum of six terms (or its equivalent) as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students who have been awarded a bachelor’s or graduate degree are not eligible for Scholarship funding. Students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University,

the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

JJ. "Public institutions" are institutions of higher learning as defined in Chapter 103 of Title 59 of the 1976 Code, which stipulates "public higher education shall mean any state supported postsecondary educational institution and shall include technical and comprehensive educational institutions."

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

LL. "Satisfactory academic progress" shall be defined as the academic progress in the declared major as required by the institution and academic department in which the student is enrolled as a full-time, degree-seeking student. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and academic department in which the student is enrolled to meet the requirements of satisfactory academic progress.

MM. "Second year/sophomore year" shall mean any student who is enrolled in his or her third or fourth semester of full-time, undergraduate coursework following high school graduation. The student is in his/her second year of consecutive, full-time college enrollment based on the student's initial date of college enrollment after graduation from high school.

NN. "South Carolina resident" shall be defined as an individual who satisfies the requirements of residency in accordance with the State of South Carolina State Statute for Tuition and Fees, Section 59-112-10 and all related guidelines and regulations promulgated by the Commission on Higher Education as established by the institutional residency officer each academic year. 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 LIFE Scholarship.

OO. "Third year/junior year" shall mean the fifth or sixth semester of full-time, undergraduate coursework following high school graduation. The student is enrolled in his/her third year of consecutive, full-time enrollment based on the student's initial date of college enrollment after graduation from high school.

PP. "3 plus 2 programs" is defined, for the purposes of the LIFE Scholarship Enhancement, as a program (typically an engineering major) in which a student completes three years of a baccalaureate program at one institution, at which time the student transfers to a second institution and completes the remaining two years of an undergraduate degree program. When the student completes the fourth year of enrollment, credit hours are transferred back to the initial institution, which confers the first baccalaureate degree (e.g., physics) using articulated credits from the second institution. At the end of the second year of enrollment at the second institution, the student receives the second baccalaureate degree (e.g., engineering). 3 plus 2 programs for the purposes of receiving the LIFE Scholarship Enhancement shall be defined and approved by the SC Commission on Higher Education. Students must be enrolled as a declared major in an eligible program that is approved and assigned a CIP code by the Commission. Enrollment in a minor does not meet the requirement of an eligible degree program for a LIFE Scholarship Enhancement award.

QQ. "Transfer student" shall be defined as a student who has changed enrollment from one institution to a SC public or independent institution.

RR. "Substantially deviates" shall be defined, for the purposes of reviewing out-of-state preparatory high school grading scales, as being less than equivalent to the 2007 Uniform Grading Policy.

SS. "Preparatory high school" (out-of-state) is defined as a school recognized by the state in which the school is located to offer curricula through the twelfth grade and prepares students for college entrance.

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

UU. “Continuously enrolled” is defined as enrollment without an interruption that would require the student to pursue a formal process of readmission to that institution. Formal petitions or applications for change of degree level shall be considered readmissions. Students who attend summer terms or are selected for military mobilization are considered continuously enrolled. Students who are enrolled in internships, cooperative work programs, travel study programs, or National or International Exchange Programs that are approved by the home institution are considered continuously enrolled.

VV. An “approved associate’s degree program that requires a minimum of 68 credit hours” shall mean an associate’s degree program as approved by the Commission on Higher Education that requires a minimum of 68 earned credit hours to complete the degree at an eligible two-year institution. A student initially enrolling in an approved associate’s degree program that requires a minimum of 68 credit hours may receive a maximum of six consecutive terms of LIFE Scholarship funding.

62-1200.10. Student Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. To be eligible for a LIFE Scholarship, students must:

1. Be a U.S. citizen or a legal permanent resident that meets the definition of an eligible non-citizen under State Residency Statutes at the time of high school graduation, whose lawful presence has been verified at the time of enrollment at the institution; and

2. Be classified by the awarding institution as a South Carolina resident for in-state purposes at the time of high school graduation and at the time of enrollment at the institution, as set forth by Section 59-112-10, and be either a member of a class graduating from a high school located in this State, or a student who has successfully completed at least three of the final four years of high school within this State, or a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent according to State Statute, Section 59-149-50A or a student whose parent or guardian has served in or has retired from one of the United States Armed Forces within the last four years, paid income taxes in this State for a majority of the years of service, and is a resident of this State. A student must be a legal permanent resident of the United States before being considered to be a South Carolina resident;

3. Meet two of the following three criteria if a first-time entering freshman at an eligible four-year institution:

(a) Earn a cumulative 3.0 grade point average (GPA) based on the South Carolina Uniform Grading Policy (UGP) upon high school graduation. No other grading policy will be allowed to qualify for the LIFE Scholarship. Final high school GPAs shall be based on the four-year period of high school attendance, with the exception of Carnegie Units earned prior to high school. There may be other exceptions, as deemed necessary by the Commission. Grade point averages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported on the official transcript. The final official high school transcript must be dated in accordance with the Commission established date(s). If a South Carolina resident student is graduating from an out of state high school, it is the responsibility of the out of state student’s school counselor to convert the student’s final high school GPA and class ranking to an eligible final high school GPA based on the South Carolina Uniform Grading Policy. The converted final high school GPA and class ranking (if applicable) must be provided to the eligible South Carolina Institution before a student can be awarded.

(b) Score at least an 1100 on the Scholastic Assessment Test (SAT) or an equivalent ACT score as determined by the Commission of 22. Test scores will be accepted through the CHE determined national test administration of the SAT and ACT during the year of high school graduation. The student must use the highest SAT Math score combined with the highest SAT Evidenced-based Reading score. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score. For purposes of meeting the ACT test score requirement, the student can use the highest English, Math, Reading and Science scores. It is permissible to select scores from different test administrations in order to obtain the qualifying composite score.

(c) Rank in the top thirty percent of the graduating class in a high school with an approved, official rank policy, consisting of high school diploma candidates only. The rank must also be based on the UGP only. Students cannot be removed from the class because they did not meet the eligibility criteria, 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. Ranking percentages must be reported to two decimal places (minimum) and may not be rounded. For example, a student who has a class rank of 13 of 43 ($13/43 \times 100 = 30.23\%$) will not rank in the top thirty percent of the class since 30.23% is not within thirty percent. To determine the top thirty percent for graduating classes with three or less students, the student who is ranked number one in the class would be considered in the top thirty percent for LIFE Scholarship eligibility. Only one student may occupy each place in class rank. Institutions shall use the final ranking as reported by the high school on the official transcript, and on a submitted rank report provided by the high school the student graduated from. A ranking report must be attached to the official transcript regardless of the graduating high school. High schools or home school associations that do not rank as a policy; or high schools whose grading policy deviates from the current SC Uniform Grading Policy and that do not convert the graduating class to the current SC UGP to determine class rank, must use the GPA and SAT or ACT criteria when attempting to meet the academic requirements for the LIFE Scholarship. High schools or home school associations shall not use ranking for the sole purpose of obtaining eligibility for the state scholarships. 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 SC 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, and include no grades earned after the date of the graduating high school class for the graduation year.

(d) For the purposes of meeting the rank criterion, the existing high school rank of a South Carolina resident attending an out-of-state high school may be used provided it is calculated pursuant to a state-approved, standardized grading scale at the respective out-of-state high school. If the eligible South Carolina institution determines that a state-approved standardized grading scale substantially deviates from the South Carolina Uniform Grading Policy (SC UGP), the institution must submit the grading scale to CHE for further review. If CHE confirms the out-of-state grading scale substantially deviates from the SC UGP, the state-approved, standardized grading scale shall not be used to meet the eligibility requirements for the LIFE Scholarship. All members of the student's Senior class at the out of state high school must be ranked in accordance with the South Carolina Uniform Grading Policy in these cases. When converting scores to the SC UGP, weighting must adhere to the SC UGP (i.e. honors no more than .50 and AP/IB no more than 1.0). In addition, scores/grades must correspond to the SC UGP. For example, if a student earned a 90 in an honors class, the conversion of the score/grade must be equivalent to the points assigned according to the current SC UGP. The guidance counselor from the out-of-state preparatory school also has the option of converting the cumulative GPAs of all students in the applicant's class to the SC UGP to determine if the student ranks within the top thirty percent of the class. To be considered equivalent to the SC UGP, the out-of-state school's grading scale must adhere to the following minimum requirements:

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(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 50 and 59 (if a course with a numerical average of < 62 is considered passing by the high school the student earned the grade, then a 73 numerical average should be given);

(3) Cannot add more than one half (.50) additional quality point for honors courses; cannot add more than one additional quality point for dual enrollment (DE) courses, Advanced Placement (AP) courses, and standard level International Baccalaureate (IB) courses; and, cannot add more than two additional quality points for higher level IB courses;

(4) Must classify all other courses as College Preparatory if they are not already classified as honors, DE, AP or IB. For a class to be classified as honors, the course must be in English, mathematics, science or social studies or be the third/fourth level for all other content areas; and,

(5) If no numerical average is available, all letter grades must be converted to the equivalent numerical average based on the following: all “A” letter grades must be converted to a 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” numerical averages must be converted to a 50 numerical average.

4. Earn a cumulative 3.0 grade point average (GPA) on the Uniform Grading Policy upon high school graduation and score at least an 1100 on the Scholastic Assessment Test (SAT I) or an equivalent ACT score of 22 as determined by the Commission if a first-time entering freshman graduates from a non-ranking South Carolina high school, non-ranking South Carolina approved home school association or out-of-state preparatory high school and attends an eligible four-year institution;

5. Earn a cumulative 3.0 grade point average (GPA) upon high school graduation on the Uniform Grading Policy if a first-time entering freshman at an eligible two-year or technical institution. No other grading policy will be allowed to qualify for the LIFE Scholarship. Grade point ratios must be reported to two decimal places (minimum) and may not be rounded. For example, a student who earns a 2.99 GPA is not eligible. Institutions shall use the final GPA as reported by the high school on the official transcript;

6. Be admitted, enrolled full-time, and classified as a degree-seeking student at a public or independent institution in South Carolina;

7. Certify that he/she has never been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to any felonies or any second or subsequent alcohol/drug related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a LIFE Scholarship, except that a high school or college student otherwise qualified who has been adjudicated delinquent or has been convicted or pled guilty or *nolo contendere* to a second or subsequent alcohol or drug-related misdemeanor offense nevertheless shall be eligible or continue to be eligible for such scholarships after the expiration of one academic year from the date of the adjudication, conviction, or plea by submitting an affidavit each academic year to the institution. However, a high school or college student who has been adjudicated delinquent, convicted, or pled guilty or *nolo contendere* to a second alcohol/drug related misdemeanor offense is ineligible for the next academic year of enrollment at an eligible institution after the date of the adjudication, conviction or plea. If the adjudication, conviction, or plea occurs during the academic year after the student has already submitted a signed affidavit to the institution, the student will be eligible to receive the Scholarship the remainder of the academic year. However, the student will be ineligible for the Scholarship the following entire academic year of enrollment. If

a student completes a pretrial intervention program and has his/her record expunged the conviction will not affect Scholarship eligibility; and

8. Certify that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed on any Federal or State financial aid. Students who have not completed a Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any Federal or State financial aid including, state grants/scholarships, Federal Pell Grant, Supplemental Educational Opportunity Grant, Perkins Loan and Federal Stafford Loan.

B. Any credit hours attempted or earned before high school graduation, hours exempted by examination, International Baccalaureate (IB) or Advanced Placement (AP) credit hours do not count against the terms of eligibility as provided in State Statute, Section 59-149-60. The credit hours earned before high school graduation can be used toward the credit hour requirement. Credit hours earned through CLEP, IB or AP will be used toward the credit hour requirement.

C. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on active duty. The credit hours earned on active duty will not count against the terms of eligibility, but will be used towards the annual credit hour requirement.

D. First-time entering freshmen will not be penalized for any credit hours earned during the summer session immediately prior to the student's initial college enrollment. The credit hours earned will not count against the terms of eligibility. The credit hours may be used toward the annual credit hour requirement.

E. Students who complete their high school graduation requirements prior to the official graduation date reported on the final high school transcript may be eligible to receive the LIFE Scholarship dependent on the approval of the eligible institution. The student must complete and submit an Early Graduation Application, an official high school transcript, an official letter from the high school principal verifying that he/she has met all graduation requirements, and SAT/ACT scores (if attending a four-year institution) by the established deadline. Early graduates cannot use class rank in order to qualify for the LIFE Scholarship at four-year institutions. Early graduates who enroll mid-year (spring term) and are awarded the LIFE Scholarship through the Early Graduation process will officially begin their initial college enrollment. In order to receive the LIFE Scholarship the next academic year, the student must earn a minimum of fifteen credit hours and a 3.0 "LIFE GPA" at the end of the academic year. The student will be eligible to receive the maximum number of terms of eligibility based on initial college enrollment. If a student does not submit an early graduation application for the spring term and has not officially graduated, the student should not have received the LIFE Scholarship and that term will not count against his/her terms of Scholarship eligibility.

F. First-time entering freshmen who enroll mid-year (spring semester) are eligible for the LIFE Scholarship if they qualified upon high school graduation.

G. LIFE Scholarship funds may not be applied to the cost of continuing education, remedial/developmental or non-degree credit courses for an associate's degree or higher. Twelve credit hours of the courseload must be non-remedial/developmental, non-continuing education or degree-credit courses for an associate's degree or higher in order to receive LIFE Scholarship funds. Continuing education, non-degree credit for an associate's degree or higher and remedial/developmental courses will not be included in the "LIFE GPA" or credit hour calculations.

H. Non-degree credit hours shall be used to meet the full-time eligibility criteria for a diploma or certificate program only. Students must sign an affidavit certifying that they understand that non-degree credit hours will not be used in calculating the "LIFE GPA" or credit hour requirements if they are enrolled in an Associate's degree or higher.

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I. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment. First-time entering freshmen attending an eligible two-year institution or technical college who enroll in fewer than twelve credit hours of non-remedial/developmental, including at least three hours of remedial/developmental courses during the first term(s) will not be eligible for Scholarship funds during this period. The student's initial college enrollment will begin after a maximum of two terms of remediation at an eligible two-year or technical college only. The student will be eligible for the Scholarship for the term following Spring or Fall term immediately after the completion of remediation if the student was eligible to receive the LIFE Scholarship upon high school graduation. A student is allowed a maximum of two terms of remediation, which must be within the first two terms of attendance at an eligible institution, before his/her terms of eligibility start. If the student requires more than one academic year of remedial/developmental coursework, then he/she will not be eligible for the LIFE Scholarship the term after completion of remediation. If the student was not eligible for the Scholarship upon high school graduation, the student must meet the conditions set forth in Section J below in order to gain the LIFE Scholarship.

J. Students who do not meet the scholarship eligibility requirements upon high school graduation and enroll in remedial/developmental courses during a maximum of two terms at an eligible two-year institution or technical college, and who enroll in fewer than twelve credit hours of non-remedial/developmental courses, must meet the scholarship eligibility requirements (earn a 3.0 "LIFE GPA" and earn an average of thirty credit hours for the academic year) at the end of the first year of enrollment in non-remedial/developmental courses to be eligible to receive the scholarship for the second year of enrollment in non-remedial/developmental courses. Credit hours earned during the student's first two term(s) of remedial/developmental enrollment will not be used to determine remaining Scholarship eligibility at the completion of remediation unless the student has completed at least twelve credit hours of non-remedial/developmental coursework each term of enrollment.

K. Students receiving a LIFE Scholarship are not eligible to receive a Palmetto Fellows Scholarship, SC HOPE Scholarship or Lottery Tuition Assistance in the same academic year.

L. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to receive the LIFE Scholarship. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, the students must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

M. All documents required for determining LIFE Scholarship eligibility must be submitted to the institution by their established deadline(s). Students must submit official transcripts from all previous and current institutions, which provide evidence to calculate the "LIFE GPA," determine initial college enrollment and earned annual credit hour requirement. Students that complete coursework at another institution at any time during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

N. First-time entering freshmen who attended out-of-state preparatory high schools or graduated from a South Carolina high school prior to the full implementation of the South Carolina Uniform Grading Policy must have their high school transcript converted to the UGP in order to qualify for the LIFE Scholarship. It is the responsibility of the out-of-state preparatory high school or South Carolina high school to convert the student's GPA to the Uniform Grading Policy.

O. To be eligible for a LIFE Scholarship Enhancement each academic year, the student must:

1. Meet all of the eligibility requirements at the end of each academic year to receive a LIFE Scholarship as stipulated by state law and regulation and be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement. The student must receive the underlying LIFE Scholarship;

2. Be enrolled as a full-time, degree-seeking student in a declared major of education, science or mathematics, in an eligible program that is approved and assigned a CIP code by the Commission on Higher Education at the time of disbursement of LIFE Scholarship Enhancement funds. Eligible programs include degrees awarded in education, math and science fields, computer science or informational technology, engineering, accounting, ~~science education, math education~~ and healthcare and related disciplines including medicine and dentistry. The student must meet all requirements for satisfactory academic progress towards completion of the declared major as established by the policies of both the institution and the academic department in which the student is enrolled;

3. Be enrolled at an eligible four-year public or independent institution located in South Carolina;

4. ~~Beginning with the Fall 2007 freshman class and thereafter, a~~ All students not majoring in education-related disciplines must have successfully completed a total of at least fourteen credit hours of instruction in mathematics and life and physical science courses, in any combination, by the end of the student's first year of enrollment in college (based on initial date of college enrollment). For purposes of meeting the required minimum level of instruction in accounting, mathematics, and life and physical science courses during a student's first year, Exempted Credit Hours placed on the student's official college transcript by the institution at which they were earned, College Level Examination Program (CLEP), Dual Enrollment, Pass/Fail courses with a grade of "Pass" (only), Satisfactory/Unsatisfactory courses with a grade of "Satisfactory" (only), International Baccalaureate (IB) courses and Advanced Placement (AP) courses in mathematics and life and physical sciences taken in high school in which the student scored a three or more on the advanced placement test and received college credit may count toward the fulfillment of this minimum requirement. The Commission will issue a list of eligible courses by CIP code for determining eligible coursework to meet the fourteen credit hour requirement. Remedial/developmental, continuing education, non-degree credit coursework and credit hours earned for courses taken after the end of the student's first year of college enrollment cannot be used to meet the specified minimum fourteen credit hour course level requirement to gain eligibility to receive the LIFE Scholarship Enhancement;

5. Meet the continued eligibility requirements for the LIFE Scholarship of a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year;

6. Be in the second, third or fourth year of full-time enrollment (based on initial date of college enrollment after high school graduation) at an eligible four-year public or independent institution in South Carolina. Students enrolled full-time in an eligible, approved five-year degree program may also be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment); and

7. Students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Section 62-1200.10 may be eligible to receive a LIFE Scholarship Enhancement at the beginning of the spring term of the next academic year (i.e., beginning with the third consecutive term of full-time enrollment based on initial date of college enrollment). The student must earn a minimum average of 15 credit hours and a 3.0 LIFE GPA to be awarded a LIFE Scholarship the following academic year and a minimum average of 30 credit hours by the end of the first academic year (i.e., by the end of the fall term or second consecutive term of full-time enrollment based on initial date of college enrollment) of enrollment to receive a LIFE Scholarship Enhancement beginning the spring term of the second, third and/or fourth year of college enrollment.

8. For the 2024-25 academic year, a resident student who is at least a sophomore attending a four-year public or independent institution of higher learning in this State, who is majoring in science, mathematics,

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accounting, or an education program that leads to certification as defined by the Commission on Higher Education, and who is receiving a LIFE Scholarship for the current year, shall receive an additional LIFE 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 his sophomore year, if enrolled in a four-year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in an approved five-year degree program or a 3 plus 2 program. To receive the additional LIFE Scholarship stipend each year, the student must receive the underlying LIFE Scholarship for that year and must be making acceptable progress each year toward receiving a degree in his education major.

9. 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 upon graduation work in a South Carolina public school for at least one school year for every year the stipend is received.

10. All accounting majors receiving the enhancement/stipend based on their status as an accounting major, in a CIP code of 52.0301, 52.0304, 52.0305 or 52.0204 (Business Administration major with Accounting Concentration) will need to have earned a minimum of 14 credit hours in math, science or accounting, by the end of the freshman year in order to receive the stipend.

P. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the Scholarship and Enhancement funds are to be disbursed in the fall and half are to be disbursed in the spring. In the cases where students who initially enroll in college mid-year (i.e., spring term) as a freshman and meet the requirements under Sections 62-1200.10 (O) and 62-1200.15 (C), such student shall be awarded the LIFE Scholarship Enhancement one year after initial college enrollment (i.e., spring term). Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program. During the student's final term of attendance, not to exceed the eighth term of enrollment based on initial college enrollment, the institution may prorate the LIFE Scholarship and the LIFE 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.

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

62-1200.15. Continued Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students must meet the following criteria to renew eligibility for the LIFE Scholarship:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility" Section;
2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year; and
3. Meet the annual credit hour requirement (or its equivalent) by the end of the academic year based on initial college enrollment:
 - (a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or
 - (b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or

(c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or

(d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.

B. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term.

C. Students who are LIFE eligible upon high school graduation and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen (15) credit hours and a 3.0 "LIFE GPA" at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement and 3.0 LIFE GPA for renewal:

(a) earn a minimum of 45 (or the equivalent) credit hours if entering the fourth semester based on initial college enrollment; or

(b) earn a minimum of 75 (or the equivalent) credit hours if entering the sixth semester based on initial college enrollment; or

(c) earn a minimum of 105 (or the equivalent) credit hours if entering the eighth semester based on initial college enrollment; or

(d) earn a minimum of 135 (or its equivalent) credit hours if entering the tenth semester of an approved five-year bachelor's degree program based on initial college enrollment.

Students who fail to meet the initial academic eligibility criteria to receive the LIFE Scholarship upon high school graduation, and who initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship beginning in their second Fall term of college attendance at an eligible institution, if the student earns a minimum of forty-five (45) credit hours and a 3.0 "LIFE GPA" by the end of the prior academic year. The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

D. Students must meet the following criteria to renew eligibility for the LIFE Scholarship Enhancement:

1. Continue to meet all eligibility requirements as stated in the "Student Eligibility: LIFE Scholarship and the LIFE Scholarship Enhancement" Section;

2. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement disbursement; and

3. Be enrolled full-time at an eligible four-year public or independent institution as a declared major in an eligible education, science or mathematics program as stipulated under Section 62-1200.10.

E. Students who meet the continued eligibility requirements by the end of the spring term and who enroll in Maymester or summer term will not be eligible to receive the LIFE Scholarship Enhancement if their cumulative grade point average falls below the minimum 3.0 "LIFE GPA" requirement by the end of the summer term resulting in ineligibility for a LIFE Scholarship. Students who do not meet the continued eligibility requirements to receive the LIFE Scholarship cannot receive a Scholarship or LIFE Scholarship Enhancement for the following academic year.

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F. The student may be eligible to receive the maximum number of terms of eligibility (i.e., six consecutive terms) for a LIFE Scholarship Enhancement starting the second year of college enrollment (based on initial date of college enrollment after high school graduation).

G. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients who have not met 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.

62-1200.20. Terms of Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. The maximum number of terms of eligibility is based on the student’s initial college enrollment with the exception of the summer term immediately prior to the student’s initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework.

B. Students may receive a LIFE Scholarship for a maximum of two terms for a one-year educational program, four terms for an associate’s degree program or at least a two-year program that is acceptable for full credit towards a bachelor’s degree, six terms towards an approved associate’s degree program that requires a minimum of 68 credit hours, eight terms (or its equivalent) towards the first bachelor’s degree or program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree program or ten consecutive terms towards an approved five-year bachelor’s degree program. (See chart in “C” below.) In cases where students are enrolled in a program of study that is structured so as not to require a bachelor’s degree for acceptance into the program and leads to a graduate degree, which will be the students’ first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master’s of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor’s degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent), as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education.

C. If a student pursues the following program, the terms of eligibility for the LIFE Scholarship will be based upon the student’s initial college enrollment:

Degree/Program	Average Credit Hours Earned at the End of Each Academic Year					
	Maximum Terms of Eligibility	1st Year = 30 credit hours	2nd Year = 60 credit hours	3rd Year = 90 credit hours	4th Year = 120 credit hours	Fifth Year = 150 credit hours
	Terms of Remaining Eligibility at the End of Each Academic Year					
One-year Certificate/Diploma	2	0	0	0	0	0
Associate/Two-year Program	4	2	0	0	0	0
Approved Associate’s Degree Program that requires a minimum of 68 credit hours	6	4	2	0	0	0
Bachelor/First Professional	8	6	4	2	0	0

Approved Five-year Bachelor	10	8	6	4	2	0
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D. The maximum number of terms of eligibility for a LIFE Scholarship Enhancement is based on the student's continued eligibility for a LIFE Scholarship and beginning with the student's second year of college enrollment (based on initial date of college enrollment), with the exception of the summer term immediately prior to the student's initial college enrollment and up to one academic year of full-time enrollment in remedial/developmental coursework. A student may receive a LIFE Scholarship for a maximum of two terms towards a one-year certificate/diploma, four terms for a two-year associate's degree at an eligible two year institution, six terms towards an approved associate's degree program that requires a minimum of 68 credit hours, and eight terms towards a bachelor's degree at an eligible institution. The terms of eligibility that may be used towards a certificate, diploma or associate's degree at a two-year institution must be taken within the first two years of college, based on initial college enrollment. The terms of eligibility that may be used towards an approved associate's degree program that requires a minimum of 68 credit hours at a two year institution must be taken within the first three years of college, based on initial college enrollment.

E. Students may receive a LIFE Scholarship Enhancement for a maximum of six consecutive terms (i.e., three academic years) for a first bachelor's degree in an eligible program or an eligible program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree program, and eight consecutive terms (i.e., four academic years) towards an approved five-year bachelor's degree program and six consecutive terms towards a 3 plus 2 program. Students must be enrolled in an eligible four-year public or independent institution in South Carolina as a declared major in an eligible education, science or mathematics major or an eligible program that is approved and assigned a CIP code by the Commission on Higher Education. In cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students declaring a major in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students are eligible to receive a LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

62-1200.25. Regaining or Earning Eligibility: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who were U.S. Citizens or legal permanent residents, and South Carolina residents at the time of high school graduation and college enrollment, but were not initially eligible upon high school graduation or failed to meet the continued eligibility requirements can earn or regain eligibility for the LIFE Scholarship if they:

1. Meet all eligibility requirements as stated in the "Student Eligibility" Section;
2. Earn at least a 3.0 "LIFE GPA" by the end of the academic year;
3. Meet the annual credit hour requirement by the end of the academic year based on Initial college enrollment:

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(a) earn a minimum of 30 (or the equivalent) credit hours if entering the second year; or

(b) earn a minimum of 60 (or the equivalent) credit hours if entering the third year; or

(c) earn a minimum of 90 (or the equivalent) credit hours if entering the fourth year; or

(d) earn a minimum of 120 (or its equivalent) credit hours if entering the fifth year of an approved five-year bachelor's degree program.

(e) earn the required number of credit hours as stated in Section 62-1200. 15 (C) for students who initially enroll mid-year.

B. A student who has earned a GED diploma may be eligible to earn the LIFE Scholarship at the end of the first academic year of a non-GED program. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. To qualify for subsequent years, the student must meet all eligibility requirements as stated in Section A above.

C. A student who has graduated from a homeschool association not approved by the state of South Carolina may be eligible to earn the LIFE Scholarship at the end of the first academic year based on initial college enrollment. The student must meet the annual credit hour requirement (or equivalent) and a 3.0 "LIFE GPA" at the end of the first academic year. The student may also qualify in subsequent years by meeting all eligibility requirements as stated in Section A above.

D. Students who have met the initial eligibility criteria for the LIFE Scholarship and initially enroll in college mid-year (spring term) may be eligible to receive the LIFE Scholarship the next academic year, if the student earns a minimum of fifteen credit hours and earns a cumulative 3.0 "LIFE GPA" at the end of the academic year. For subsequent years, the student must meet the annual credit hour requirement for renewal (refer to Section 62-1200. 15 (C) for the required number of credit hours for mid-year students). The student may be eligible to receive the maximum number of terms of eligibility based on initial college enrollment.

E. Students who were not initially eligible for a LIFE Scholarship (as stated in this section) upon high school graduation or failed to meet the continued eligibility requirements for a LIFE Scholarship may earn or regain eligibility for a LIFE Scholarship Enhancement if they:

1. Meet all eligibility requirements as stipulated in Section 62-1200.10 and are recipients of a LIFE Scholarship;

2. Earn at least a 3.0 "LIFE GPA" and meet the annual credit hour requirement by the end of each academic year based on initial college enrollment to receive a LIFE Scholarship; and

3. Be a recipient of LIFE Scholarship funds at the time of LIFE Scholarship Enhancement funds disbursement.

62-1200.30. Transfer Students: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students must meet all eligibility requirements for a LIFE Scholarship and for a LIFE Scholarship Enhancement as stipulated in Section 62-1200.10.

B. Transfer students who receive the LIFE Scholarship and transfer mid-year to another institution may be eligible to receive the Scholarship for the spring term if they met the eligibility requirements at the end of the previous academic year (See "Transfer Student" Section B for eligibility requirements):

1. Freshmen who transfer mid-year to the same type of institution (two-year to two-year or four year to four-year) must have met the Scholarship requirements of the respective institution at the time of initial college enrollment; or

2. Freshmen who transfer mid-year from a two-year to a four-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a four-year institution; or

3. Freshmen who transfer mid-year from a four-year to a two-year institution must meet the eligibility requirements of a first-time entering freshmen enrolling at a two-year institution.

C. For determining initial eligibility for transfer students for the first-time at an eligible public or independent institution in South Carolina, students must meet the following requirements at the end of the previous academic year:

1. Earn a cumulative 3.0 LIFE GPA; and

2. Meet one of the following:

(a) earn a minimum of thirty credit hours (or equivalent) at all institutions if entering the second year of college based on initial college enrollment; or

(b) earn a minimum of sixty credit hours (or equivalent) at all institutions if entering the third year of college based on initial college enrollment; or

(c) earn a minimum of ninety credit hours (or equivalent) at all institutions if entering the fourth year of college based on initial college enrollment; or

(d) earn a minimum of one hundred twenty credit hours (or equivalent) at all institutions if entering the fifth year of college in an approved five-year bachelor's degree program based on initial college enrollment; or

(e) earn the required number of credit hours as stated in Section 62-1200.15 (C) for students who initially enroll mid-year based on initial college enrollment.

D. For eligibility in subsequent years, transfer students must earn a 3.0 LIFE GPA and meet the annual credit hour requirement (or its equivalent) at all eligible institutions by the end of the academic year based on initial college enrollment.

E. The institution where the student is transferring will determine the classification of the entering transferring student based on initial college enrollment and will use this classification to determine the remaining terms of eligibility in compliance with the "Terms of Eligibility" Section.

F. Students transferring to an eligible public or independent four-year South Carolina institution may be eligible to receive a LIFE Scholarship Enhancement if they meet the requirements under Section 62-1200.10 and:

1. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a minimum 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

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2. The student is a LIFE Scholarship recipient and transferring from an out-of-state institution or from an in-state four-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of enrollment, if the student earned a 3.0 LIFE GPA and minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

3. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution at the end of the academic year. The student must earn a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment) to receive a LIFE Scholarship Enhancement beginning the fall term of the second, third and/or fourth year of enrollment. Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

4. The student is a LIFE Scholarship recipient and transferring from a two-year institution to an eligible public or independent four-year institution mid-year (i.e., spring term). The student may be eligible to receive a LIFE Scholarship Enhancement for the spring term of the second, third or fourth year of initial college enrollment, if the student earned a 3.0 LIFE GPA and a minimum average of 30 credit hours by the end of each academic year of enrollment (based on initial date of college enrollment). Transfer students enrolled full-time in an eligible, approved five-year degree program may be eligible to receive a LIFE Scholarship Enhancement in their fifth year of college enrollment (based on initial date of college enrollment after high school graduation).

62-1200.35. Students with Disabilities: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Students who qualify under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 must meet all eligibility requirements as defined in “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections except for the full-time enrollment requirement, if approved by the Disability Services Provider at the home institution. Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973. It is the responsibility of the transfer student to provide written documentation concerning services from the previous institutional Disability Services Provider.

B. The institutional Disability Services Provider must provide written documentation to the Office of Financial Aid prior to each academic year or term verifying that the student is approved to be enrolled in less than full-time status or earn less than the required annual credit hours. The institution is responsible for retaining appropriate documentation according to the “Program Administration and Audits” Section.

C. For renewal, students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must meet all requirements as stated in the “Continued Eligibility” Section, except that if a student does not meet the annual credit hour requirement, the student must have been approved by the institutional Disability Services Provider in the prior academic year to be enrolled in less than “full-time” status or less than the required thirty credit hours. Each academic year, students must complete the required number of credit hours approved by the institutional Disability Services Provider for LIFE Scholarship and LIFE Scholarship Enhancement renewal and earn a 3.0 “LIFE GPA.” Students must comply with all institutional policies and procedures in accordance with ADA and Section 504 of the Rehabilitation Act of 1973.

D. Students who qualify under ADA and Section 504 of the Rehabilitation Act of 1973 may receive the maximum number of terms of eligibility as stated in the “Terms of Eligibility” Section.

E. In order to be eligible for the LIFE Scholarship and LIFE Scholarship Enhancement, students who no longer qualify under ADA and Section 504 of the Rehabilitation Act of 1973 must comply with all requirements set forth under the “Student Eligibility, Continued Eligibility, Regaining or Earning Eligibility, or Transfer Students” Sections.

62-1200.40. Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs: LIFE Scholarship and LIFE Scholarship Enhancement.

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

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

C. Students who enroll in one academic term at the home institution and also enroll in an internship, cooperative work program, travel study program or National or International Student Exchange Program that are approved by the home institution and that do not award full-time transfer credit during the same academic year, must complete an average of thirty credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on their initial college enrollment date (provided the student meets continued eligibility requirements).

D. For students enrolled in an internship, cooperative work program, travel study program or National or International Student Exchange Program during the entire academic year that is approved by the home institution but does not award full-time transfer credit for the entire academic year, LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year will be based on the prior year’s eligibility. Students who did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements).

E. Students enrolled in an internship, a cooperative work program, a travel study program or national or international student exchange program during the academic year that is approved by the home institution and did not use the entire eligibility for LIFE Scholarship and LIFE Scholarship Enhancement funds during this period shall be allowed to receive LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the student meets the continued eligibility requirements). In order to receive LIFE Scholarship and LIFE Scholarship Enhancement funds for summer school at the home institution, students must enroll in twelve credit hours during the summer. In order to maintain eligibility for the next academic year for students who only

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attend summer school at the home institution, the student must earn twelve credit hours during the academic year. For students who enroll in summer school and one other term of the academic year at the home institution, the student must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. The student must meet all eligibility requirements as specified in the “Student Eligibility” and “Continued Eligibility” Sections, except for the completion of the annual credit hour requirement for the academic year.

F. The home institution will be responsible for obtaining official certification of the student’s grade point average, credit hours earned, and satisfactory academic progress for the purposes of determining eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

62-1200.45. Military Mobilization: LIFE Scholarship and LIFE Scholarship Enhancement.

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

B. Service members who are enrolled in college and are mobilized for an entire academic year may renew the LIFE Scholarship and the LIFE Scholarship Enhancement for the next academic year, if they met the eligibility requirements at the end of the prior academic year. Service members who did not use the LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period due to military mobilization shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement funds during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets continued eligibility requirements).

C. Service members who are enrolled in college and are mobilized for one academic term must complete an average of thirty credit hours and earn a 3.0 “LIFE GPA” by the end of the academic year to be eligible for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year (see Section 62-1200.15 (3)(a-d) for example). Service members who did not use LIFE Scholarship and LIFE Scholarship Enhancement funds/terms of eligibility during this period shall be allowed to receive the LIFE Scholarship and LIFE Scholarship Enhancement during the succeeding summer or at the end of the maximum terms of eligibility based on initial college enrollment (provided the service member meets the continued eligibility requirements).

D. In order to receive the LIFE Scholarship and the LIFE Scholarship Enhancement for summer school for the unused term(s), the service member must enroll in twelve credit hours during the succeeding summer term at the home institution. For service members who enroll in summer school and one other term of the academic year, the service member must earn a total of twenty-seven credit hours (or its equivalent) for the academic year. In order to maintain eligibility for the next academic year for service members who only attend summer school, the member must earn twelve credit hours during the academic year. The service member must meet all eligibility requirements as specified in the “Student Eligibility” and “Continued Eligibility” Sections for the LIFE Scholarship and LIFE Scholarship Enhancement, except for the completion of the thirty credit hour requirement for the academic year.

E. The home institution will be responsible for receiving verification of military mobilization status, “LIFE GPA,” credit hours earned and terms of eligibility based on the service member’s initial college enrollment and eligibility for LIFE Scholarship and LIFE Scholarship Enhancement renewal for the next academic year.

F. Service members of the United States Armed Forces will not be penalized for any credit hours earned while on military mobilization. The credit hours earned will not count against the terms of eligibility, but will be used toward the annual credit hour requirement for the LIFE Scholarship and towards the minimum fourteen credit hour course level requirement for the LIFE Scholarship Enhancement.

62-1200.50. LIFE Scholarship Refunds and Repayments.

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

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

62-1200.55. Appeals Procedures: LIFE Scholarship and LIFE Scholarship Enhancement.

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

B. Students who did not meet the continued eligibility requirements for the LIFE Scholarship at the end of the academic year due to an extenuating circumstance may request an appeal with the Commission on Higher Education.

C. The Commission on Higher Education will allow a student to submit only one appeal each academic year based on an extenuating circumstance.

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

E. The LIFE Scholarship shall be suspended during the appeal period, but will be awarded retroactively if the appeal is granted.

F. Appeal Guidelines apply only to the LIFE Scholarship, not the LIFE Scholarship Enhancement. Students cannot appeal solely on the basis of a loss of a LIFE Scholarship Enhancement. However, students who appeal and are awarded the LIFE Scholarship under this section may be eligible to receive the LIFE Scholarship Enhancement.

G. The Appeals Committee’s decision is final.

62-1200.60. Institutional Policies and Procedures for Awarding: LIFE Scholarship and LIFE Scholarship Enhancement.

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A. All eligible institutions are responsible for ensuring that each student has met the criteria based on state law and regulation to determine eligibility for the LIFE Scholarship and the LIFE Scholarship Enhancement as stipulated in Section 62-1200.10 and Section 62-1200.15.

B. Each institution is responsible for reviewing all students based on the “LIFE GPA” calculation below to determine eligibility for the LIFE Scholarship. Institutions must use official transcripts from all eligible institutions for each student and the steps in Section E below.

C. The institution must use grades earned at all eligible institutions during any term (fall, spring, and/or summer) for calculating a “LIFE GPA” at the end of the academic year.

D. The student must certify by submitting a signed affidavit that he/she is responsible for submitting transcripts from all previous and current eligible institutions. Students who complete coursework at another institution at anytime during the academic year (fall, spring, summer) must submit an official transcript to the home institution at the end of the academic year to determine eligibility for the LIFE Scholarship.

E. Steps for calculating a “LIFE GPA:”

1. Convert all grades earned at an eligible institution to a 4.0 scale based on each institution’s grading policy where the grades were earned = Grade Points

2. Multiply the grade points by attempted credit hours = Quality Points (QP)

3. Divide the total quality points by the total number of attempted credit hours = LIFE GPA

4. “LIFE GPA” Formula:
$$\frac{\text{Grade Points X Attempted Credited Hours} = \text{QP}}{\text{Total Attempted Credit Hours}} = \text{LIFE GPA}$$

F. The “LIFE GPA” must include all grades earned at eligible institutions, including courses that do not transfer based on the institution’s policy and college courses taken while in high school.

G. The “LIFE GPA” must not include attempted credit hours earned for continuing education courses, non-degree credit courses for an associate’s degree or higher and remedial/developmental courses.

H. The student must meet the annual credit hour requirement at the end of the academic year based on initial college enrollment as defined in the “Continued Eligibility,” “Regaining or Earning Eligibility” or “Transfer Students” Sections.

I. LIFE Scholarship awards are to be used only for payment toward the cost-of-attendance as established by Title IV Regulations. Eligible four-year public and independent institutions shall identify award amounts up to the cost-of-tuition for thirty credit hours, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall identify award amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

J. The LIFE Scholarship Enhancement is an annual award. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

K. The institution shall specify exact LIFE Scholarship Enhancement amounts to be used only for payment toward the cost-of-attendance as established by Title IV Regulations at eligible four-year public and independent institutions in South Carolina. The annual LIFE Scholarship Enhancement award amount shall not exceed \$2,500.00 per academic year for no more than three years of instruction if enrolled in an eligible four-year degree program or for not more than four years of instruction if enrolled in an eligible approved five-year degree program. Students enrolled in an eligible 3 plus 2 program shall receive a LIFE Scholarship for no more than four years of instruction and a LIFE Scholarship Enhancement for no more than three years of instruction. Half of the LIFE Scholarship Enhancement funds shall be awarded in the fall term and half during the spring term (or its equivalent), assuming continued eligibility. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

L. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship must be applied to the unmet total cost of attendance in accord with Title IV Regulations before calculating the LIFE Scholarship Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

M. Students who have already been awarded a first bachelor's degree or graduate degree are not eligible to receive a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in a program of study that is structured so as not to require a bachelor's degree and leads to a graduate degree as defined in the "Program Definitions" Section must maintain their undergraduate status in order to receive a LIFE Scholarship and a LIFE Scholarship Enhancement each academic term, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina.

N. Eligible institutions shall provide an award notification to eligible students that contains the terms and conditions of the LIFE Scholarship and the LIFE Scholarship Enhancement. Institutions will notify students and the SC Commission on Higher Education of any adjustments in LIFE Scholarship and LIFE Scholarship Enhancement funds that may result from an over award, change in eligibility, change in the student's residency or change in financial status or other matters.

O. The institution must retain annual paper or electronic documentation for each LIFE Scholarship and LIFE Scholarship Enhancement award to include at a minimum:

1. Award notification;
2. Institutional disbursement to student;
3. Student's residency status;

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4. Refunds and repayments (if appropriate);
5. Enrollment and curriculum requirements;
6. Verification of a 3.0 “LIFE GPA” and the required number of annual credit hours based on initial college enrollment;
7. Affidavit documenting that the student: a) has never been convicted of any felonies and/or a second or subsequent alcohol/ drug-related misdemeanor offenses within the past academic year; b) understands that non-degree credit hours will not be used in calculating the “LIFE GPA” or credit hour requirements if they are enrolled in an associate’s degree or higher; and c) must certify that they have submitted transcripts from all previous and current institutions attended;
8. Institutional Student Information Record (ISIR) or affidavit documenting that the student is not in default or does not owe a refund or repayment on any state or federal financial aid;
9. High school transcript(s) and corresponding rank report (if applicable) verifying graduation or home school completion date, grade point averages and class ranks (first-time entering freshmen) or GED or Adult Education High School Diploma;
10. SAT or ACT scores (first-time entering freshmen);
11. Verification of student’s disability from Institutional Disability Service Provider and verification of reduced course-load requirement (if appropriate);
12. Military mobilization orders (if appropriate);
13. Beginning with the 2007-08 freshman class and thereafter, all institutions must retain documentation verifying that students met the minimum fourteen credit hour course level requirement by the end of the first year of college enrollment for the LIFE Scholarship Enhancement;
14. Verification from academic department of enrollment in a declared major in an eligible degree program (LIFE and Palmetto Fellows Scholarship Enhancement purposes only);
15. Documentation from Registrar or Admissions office that student’s final high school GPA has been calculated pursuant to a grading scale that is at least equal to the SC UGP (For students who are attempting to use a class rank from an out-of-state institution to qualify for the LIFE Scholarship); and
16. Verification from the institution that lawful presence of the student in the US has been verified.
17. Collect certification from education majors receiving enhancement/stipend monies of their completed contractual work agreement for the stipend.

P. It is the institution’s responsibility to ensure that only eligible students receive a LIFE Scholarship and LIFE Scholarship Enhancement award.

Q. Any student who has attempted to obtain or has obtained a LIFE Scholarship and a LIFE Scholarship Enhancement award through means of a willfully false statement or failure to reveal any material fact, condition, or circumstances affecting eligibility will be subject to applicable civil or criminal penalties, including loss of the LIFE Scholarship and the LIFE Scholarship Enhancement.

R. At the end of the spring term each academic year, the institution must notify all LIFE Scholarship recipients 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.

62-1200.65. Institutional Disbursements: LIFE Scholarship and LIFE Scholarship Enhancement.

A. Eligible four-year public and independent institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours a year, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) per academic year. Eligible two-year public or technical institutions shall award LIFE Scholarship amounts, which cannot exceed the cost-of-tuition for thirty credit hours plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. For students enrolled at eligible two-year independent institutions, the award amount for a LIFE Scholarship shall not exceed the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance (not to exceed a maximum award amount of \$5,000 including cost-of-tuition plus book allowance) per academic year. Half of the LIFE Scholarship shall be awarded during the fall term and half during the spring term (or its equivalent), assuming continued eligibility. LIFE Scholarship funds cannot be disbursed during the summer or any interim sessions with the exception to disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV regulations for any academic year.

B. Eligible four-year public and independent institutions only shall award LIFE Scholarship Enhancement amounts, which cannot exceed the cost-of-attendance for thirty credit hours a year, not to exceed \$2,500 per academic year. The LIFE Scholarship Enhancement cannot be disbursed during the summer or any interim sessions with the exception of disbursements that meet the requisites under the "Enrollment in Internships, Cooperative Work Programs, Travel Study Programs and National and International Student Exchange Programs" or "Military Mobilization" Sections. The LIFE Scholarship Enhancement in combination with all other gift aid, including Federal, State, private and institutional funds, shall not exceed the cost-of-attendance as defined in Title IV Regulations for any academic year.

C. The LIFE Scholarship and the LIFE Scholarship Enhancement may not be applied to a second bachelor's degree or a graduate degree program as defined in the "Program Definitions" Section. In the event of early graduation, the LIFE Scholarship and LIFE Scholarship Enhancement awards are discontinued. Students are eligible to receive the LIFE Scholarship for a maximum of eight consecutive terms (or its equivalent) and a LIFE Scholarship Enhancement for a maximum of six consecutive terms (or its equivalent) towards an undergraduate degree, as long as all other eligibility requirements are met and the program is approved by the Commission on Higher Education. In such cases where students are enrolled in a program of study that is structured so as not to require a bachelor's degree for acceptance into the program and leads to a graduate degree, which will be the students' first academic degree awarded, such students must maintain their undergraduate status to be awarded the LIFE Scholarship and the LIFE Scholarship Enhancement, with the exception of students majoring in the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at South University, the Doctor of Pharmacy Program at Presbyterian College, the Master's of Science in Physician Assistant Studies Program at the Medical University of South Carolina, the Doctor of Pharmacy Program at the University of South Carolina-Columbia and the Doctor of Pharmacy Program at the Medical University of South Carolina. Students who have already been awarded their first bachelor's degree or graduate degree are not eligible to be awarded a LIFE Scholarship or a LIFE Scholarship Enhancement. Students enrolled in an approved five-year degree program may be eligible to receive a LIFE Scholarship for a fifth year of full-time, undergraduate work and a LIFE Scholarship Enhancement for a fourth year of full-time undergraduate coursework.

D. In determining the amount awarded for the LIFE Scholarship Enhancement, all other sources of gift aid, including federal, State, private and institutional funds and the base LIFE Scholarship, must be applied to the unmet total cost-of-attendance in accord with Title IV Regulations before calculating the LIFE Scholarship

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Enhancement amount and receiving the funds. Adjustments to the financial aid package will be made to the base LIFE Scholarship and LIFE Scholarship Enhancement in accordance with prescribed Title IV Regulations in order to prevent an over award.

E. After the last day to register for each term of the academic year, the institution will verify enrollment of each recipient as a South Carolina resident who is a full-time, degree-seeking student. The institution must submit a request for LIFE Scholarship and LIFE Scholarship Enhancement funds and/or return of funds by the established deadline each term. In addition, a listing of all eligible recipients by identification numbers with award amounts for the term must be sent to the Commission on Higher Education. At this time any unused funds must be returned to the Commission on Higher Education immediately.

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

G. The student must be enrolled at the time of disbursement of LIFE Scholarship and LIFE Scholarship Enhancement funds as a full-time student at the home institution, and meet all requirements as established in the "Student Eligibility" Section for a LIFE Scholarship and the a LIFE Scholarship Enhancement. Students who are retroactively awarded must have been enrolled in a minimum of twelve credit hours (full-time) as a declared major in an eligible program under Section 62-1200.10 at the home institution at the time the LIFE Scholarship and LIFE Scholarship Enhancement would have been disbursed for that term.

H. The LIFE Scholarship and LIFE Scholarship Enhancement are to be annual awards. Half of the funds are to be disbursed in the fall term and half to be disbursed in the spring term. Students who change their major from an ineligible degree program to an eligible degree program during the same academic year shall not receive the LIFE Scholarship Enhancement until the beginning of the next academic year (i.e., fall term). Students who change their major from an eligible degree program to an ineligible degree program during the same academic year may continue to receive the LIFE Scholarship Enhancement during the current academic year; however, the student cannot be awarded the LIFE Scholarship Enhancement the next academic year of enrollment in an ineligible degree program.

62-1200.70. Program Administration and Audits: LIFE Scholarship and LIFE Scholarship Enhancement.

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

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

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

D. The participating institution shall identify to the Commission on Higher Education an institutional representative who is responsible for determining residency classification for the purposes of awarding the LIFE Scholarship.

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

62-1200.75. Suspension or Termination of Institutional Participation: LIFE Scholarship and LIFE Scholarship Enhancement.

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

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

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

D. The institution is responsible for determining South Carolina residency and lawful presence of all LIFE Scholarship and LIFE Scholarship Enhancement recipients. If it is determined that the institution has failed to verify the lawful presence and South Carolina residency of a LIFE Scholarship or LIFE Scholarship Enhancement recipient, the institution shall immediately reimburse the funds disbursed in error.

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

F. The student shall be required to provide a state recognized, unique identifier in order to award, disburse and/or transfer the student's LIFE Scholarship to an eligible institution.

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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:

With the S.C. General Assembly's approval of Governor McMaster's Act #156, effective July 1, 2024, the South Carolina Commission on Higher Education proposes the following revisions to Chapter 62 regulation, R.62-300 through 62-375, South Carolina Palmetto Fellows Scholarship and Scholarship Enhancement Program. The proposed regulation provides the allowance of education and accounting majors to be added to the Scholarship Enhancement Stipend. The proposed regulation provides the institutions the ability to award and disburse the Palmetto Fellows Enhancement Stipend for education, and accounting majors. We are also submitting these as emergency regulations to provide students immediate relief during the upcoming school year, effective for the Fall 2024 term, as directed by Act #156. The regular regulation will be sent through the S.C. General Assembly for approval once they reconvene.

Text:

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

A. Pursuant to Act 458 and amended by Act 95 and Act 162 in 2005, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Palmetto Fellows Scholarship Program. The General Assembly established the Palmetto Fellows Scholarship Program to foster scholarship among the

State's postsecondary students and retain outstanding South Carolina high school graduates in the State through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Program is to recognize the most academically talented high school seniors in South Carolina and to encourage them to attend eligible colleges or universities in the State. A secondary purpose is to help retain talented minority students who might otherwise pursue studies outside the State.

B. Pursuant to Act 115 and amended by Act 235 in 2008, the Commission on Higher Education shall promulgate regulation and establish procedures for administration of the Palmetto Fellows Scholarship Enhancement. The General Assembly established the Palmetto Fellows Scholarship Enhancement in order to foster scholarship among the State's postsecondary students through awards based on scholarship and achievement. The purpose of the Palmetto Fellows Scholarship Enhancement Program is to recognize the most academically talented college students throughout the state of South Carolina in the areas of 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

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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 in order to complete the requirements for a bachelor's degree. An approved five-year bachelor's degree program does not include institutional and cooperative "3 plus 2" programs.

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

E. "CIP (Classification of Instructional Program) Code" is defined as the U.S. Department of Education's standard for federal surveys and state reporting for institutional data (majors, minors, options and courses). For the purpose of receiving the Palmetto Fellows Scholarship Enhancement, CIP Codes have been approved 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.

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

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

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. Accounting majors are defined as CIP codes of 52.0301, 52.0304, 52.0305 or 52.0201 (Business Administration major with Accounting Concentration).

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.

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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). 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.

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

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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 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.

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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 at least fourteen credit hours of instruction in mathematics or life and physical science, accounting, or a combination of these ~~both~~ at the end of the first year ~~for the 2007 freshman class and thereafter~~ 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, ~~and~~ 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 a sophomore attending a 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 upon graduation work in a South Carolina public school for at least one school year for every year the stipend is received.

F. All accounting majors receiving the enhancement/stipend based on their status as an accounting major, in a CIP code of 52.0301, 52.0304, 52.0305 or 52.0204 (Business Administration major with Accounting Concentration) will need to have earned a minimum of 14 credit hours in math, science or accounting, by the end of the freshman year in order to receive the stipend.

~~G.~~ 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.

H. 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 25 on the ACT 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

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2. The alternate criteria of a score of at least 1400 on the SAT or 31 on the ACT 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 25 on the ACT 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 31 on the ACT 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.

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 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 31 on the ACT) 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

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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 31 on the ACT) 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.

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.

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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.

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;

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2. Earn at least a 3.0 cumulative GPA at the home institution for graduation purposes by the end of each academic year;

3. Earn a minimum of thirty credit hours for graduation purposes by the end of each academic year. Exempted credit hours (such as AP, CLEP, etc.), credit hours earned before high school graduation, and credit hours earned the summer term immediately following high school graduation cannot be used to meet the annual credit hour requirement;

4. Certify each academic year that he/she has not defaulted and does not owe a refund or repayment on any federal or state financial aid. If a student has an Institutional Student Information Record (ISIR) or its equivalent on file, the ISIR information will be used to verify default status or refund/repayment owed. Students who have not completed the Free Application for Federal Student Aid (FAFSA) must have an affidavit on file to verify that he/she is not in default and does not owe a refund or repayment on any federal or state financial aid, including the state grants/scholarships, Pell Grant, Supplemental Educational Opportunity Grant, Federal Perkins or Stafford Loan; and

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

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

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

2. Be enrolled and continuously enrolled at an eligible four-year public or independent institution as a full-time, degree-seeking student in a declared major in an eligible degree program;

3. Be making satisfactory academic progress toward completion of his/her declared major;

4. Be enrolled in the second year, third year, fourth year or fifth year (if enrolled in a Commission approved five-year bachelor's degree) at an eligible four-year independent or public institution; and

5. Successfully complete at least fourteen credit hours of instruction in education, mathematics, or life and physical science, or accounting, or a combination of these both at the end of the first year ~~for the 2007 freshman class and thereafter~~ 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.

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

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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.

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.

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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 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.

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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.

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.

Document No. 5269
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 and 60-9-30

43-170. Uniform Procedure for Selection or Reconsideration of Instructional Materials. (New)

Synopsis:

The State Board of Education (“State Board”) proposes this regulation which establishes consistent definitions and a two-prong threshold test for local educators and boards to determine if materials available to students in public schools are (1) Age and Developmentally Appropriate and (2) educationally suitable and aligned with the purpose of South Carolina’s instructional program. It furthermore creates a uniform process for local school boards to review and hold public hearings on complaints raised within its district and establishes an appellate process to the State Board of Education.

The Notice of Drafting was published in the *State Register* on September 22, 2023.

Section-by-Section Discussion:

Section I. New text added.
 Section II. New text added.
 Section III. New text added.
 Section IV. New text added.
 Section V. New text added.
 Section VI. New text added.
 Section VII. New text added.
 Section VIII. New text added.

Instructions:

Print the regulation as shown below.

Text:

43-170. Uniform Procedure for Selection or Reconsideration of Instructional Materials.

I. Definitions

A. For purposes of this regulation, “Instructional Material(s)” means materials used in a South Carolina K-12 public school classroom, made available in a public school library/media center, or included on a public school’s reading list, whether adopted and/or purchased from the state-adopted instructional materials list, adopted and/or purchased through a district instructional materials program, or otherwise purchased, donated to the school, or made available to students through other means, including but not limited to digital platforms. See S.C. Code Ann. Section 59-19-10. The term “Instructional Materials” as used herein includes any collection of books or materials purchased, acquired, or kept on public school grounds by any teacher or other public-school employee and made available to students, regardless of how or by whom such materials are acquired or purchased.

B. For purposes of this regulation, “Instructional Program” means the courses, activities, and programs that are offered, supported, or sponsored by a South Carolina K-12 public school, including but not limited to the sequence of courses or activities leading to a degree, diploma, or completion of a grade level as defined and required by the Code, Regulations, or the State Standards promulgated by the State Board of Education (“State Board”). See Sections 59-1-50 and 59-18-100; State Board Regs. R.43-231, R.43-232, R.43-234.

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C. For purposes of this regulation, “Age and Developmentally Appropriate” means topics, messages, materials, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. Instructional Material is not “Age and Developmentally Appropriate” for any age or age group of children if it includes descriptions or visual depictions of “sexual conduct,” as that term is defined by Section 16-15-305(C)(1).

II. Responsibility of District School Boards for Instructional Materials; Transparency

A. The selection, acquisition, use, curation, or removal of public-schools’ materials—including materials used in classroom instruction, stocked in the schools’ libraries, made available in media centers, used in school-controlled extracurricular activities, or promoted as optional, supplemental Instructional Material—constitutes government speech and involves the exercise of governmental judgment by public officials and employees who are administering a government program financed by public funds. The State Board of Education is statutorily authorized to regulate the selection, acquisition, use, curation, and removal of such materials, and public school district boards are constitutionally permitted and statutorily required to implement such regulations as they exercise their judgment and discretion when deciding what textbooks, library books, and other materials are (and are not) Age and Developmentally Appropriate, academically robust, and educationally suitable, and most useful, enlightening, and interesting to their students.

B. Each district school board of trustees is ultimately responsible for the selection or continued use of all Instructional Materials. This responsibility includes both the selection of new or additional Instructional Materials after the effective date of this Regulation (“New Instructional Materials”) and the retention and continued use of any Instructional Materials that are present in or already in use by a district (“Existing Instructional Materials”). A district’s board may, but is not required to, prospectively review and assess its Existing Instructional Materials for compliance with this regulation. Alternatively, a district’s board may review and assess its Existing Instructional Materials’ compliance with this regulation on a case-by-case basis if and when material is challenged pursuant to the procedure set out in Section IV of this regulation.

C. Each district board shall maintain at all times on its website a complete, current list or catalogue of all books and other materials that are available to students through any of a district’s libraries or media centers. This list or catalogue shall be regularly updated and prominently displayed on each districts’ website to ensure that this information is current, and readily accessible to students, their families, and other interested parties.

D. Separate from the list or catalogue required by the preceding paragraph, a complete list of the Instructional Materials that are used in or available to a student in any given class, course, or program that is offered, supported, or sponsored by a public school, or that are otherwise made available by any public school employee to a student on school premises, shall be provided upon reasonable request by any parent or legal guardian of a student in the district.

III. Criteria for a District’s Selection or Review of New or Existing Instructional Materials

A. Each district board is responsible for ensuring that New and Existing Instructional Materials are educationally suitable for use in the State’s public schools, including by ensuring the materials are Age and Developmentally Appropriate, as that term is defined herein, for the students served, and are consistent with the State’s defined Instructional Program requirements.

B. Upon the effective date of this regulation, a district may select New Instructional Materials or allow Existing Instructional Material to be provided to or remain available to students only if the Instructional Material is (a) Age and Developmentally Appropriate, as that term is defined herein, for students in each school based on grade and age level; and (b) aligned with and supportive of the Instructional Program of the school and district, including consistency with the then-current Profile of a South Carolina Graduate. Any materials that do not satisfy both of the foregoing requirements shall not be acquired, retained, or used by a public school district in this State.

C. When making decisions to select or retain specific Instructional Materials from among those that satisfy the mandatory threshold criteria contained in section III.B. above, each district board shall consider the following additional criteria to determine the educational suitability of the material:

- (1) The material's academic or educational rigor;
- (2) The material's educational significance;
- (3) The material's validity, accuracy, objectivity, currency, and appropriateness;
- (4) The finite availability of library shelf space and whether the space occupied by any particular volume could be better filled by a different volume with greater academic rigor, objectivity, or accuracy, literary or education merit, or quality;
- (5) The finite availability of instructional time and whether the time occupied teaching or learning any particular material could be better spent on material with greater academic rigor, objectivity, or accuracy, literary or educational merit, or quality.

D. In no event shall a school district board's decision to remove Existing Instructional Material or to reject the proposed addition of New Instructional Material be based primarily on or motivated by the district board's disagreement with or opposition to the viewpoints expressed therein.

E. A district board at all times remains ultimately responsible for the obligations described in this section and for ensuring compliance with the requirements of this regulation; however, a district board may delegate to the district superintendent or his designee(s) the task of (i) prospectively reviewing Existing Instructional Materials in the first instance and removing any materials that do not satisfy the requirements of this section, and (ii) reviewing potential New Instructional Material in the first instance and when deemed prudent or when requested by the district board, providing a report and recommendation to the district board regarding the material's educational suitability and compliance with this regulation's requirements.

IV. Public Participation in a District's Review of Existing Instructional Material

Beginning August 1, 2024, a parent or legal guardian of any student who attends a school within a school district and who has made a good faith effort to address their concerns regarding non-compliance with this regulation with school level or district level staff shall have the right to file a complaint requesting that specifically identified Existing Instructional Material be discontinued for any grade level or age group and/or removed by the district board from all district schools and/or should be subject to a requirement of parental consent for some or all grade levels or age groups pursuant to the following procedures:

A. Complainant shall file a petition with the district board, on a form promulgated by the State Department of Education ("SCDE") and provided by the SCDE to the district board, which the district board shall make readily available on its website, and which is the sole form that a district or district board may use for purposes of compliance with this regulation. No Complainant shall file more than five petitions in any given calendar month. On the form, the Complainant shall identify, with specificity, those Existing Instructional Materials that the Complainant requests be removed entirely from district schools, or the use of which Complainant requests should be discontinued for any grade level or age group, or which should be subject to a requirement of parental consent for some or all grade levels or age groups. Complainant's petition shall affirm that Complainant has read or watched or otherwise reviewed the challenged material and shall specify the reason(s) for Complainant's request and why Complainant believes the identified materials should be removed from district schools entirely or should be discontinued for any grade level or age group or which should be subject to a requirement of parental consent for some or all grade levels or age groups. Any complaint filed pursuant to this section must be based solely on the criteria listed above. Complainant shall further verify that the Complainant has made a good faith effort to address their concerns regarding non-compliance with this regulation with school level or district level staff.

B. Within 90 days after a complaint has been received, a quorum of the district board must conduct a public meeting to consider the complaint, and at that public meeting, vote to grant or deny, in whole or in part, the relief requested by the Complainant. This public meeting shall be held in accordance with the requirements of the

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South Carolina Freedom of Information Act, and the Complainant and other interested parties must be allowed to appear and present information in support of or in opposition to the relief requested in the complaint. Reasonable and even-handed limitations aligned with standing board policies on the number of other interested parties presenting information and the length of said presentation shall be acceptable in order to facilitate efficient meetings. A district board may, in its discretion, and in advance of the meeting described in this subsection, refer the complaint to a committee comprised of a least three district board members and whose membership is limited to the district board's members, to conduct an initial review of the complaint and the challenged material and to provide a report and recommendation to the full district board to be considered and either adopted or rejected by the district board at the public meeting required by this subsection to be held within 90 days after the board receives the complaint.

C. If the district board finds that Existing Instructional Materials identified in a complaint do not satisfy the requirements of this regulation, the district board shall remove entirely or discontinue use of said materials for any grade level or age group for which such use is inappropriate or unsuitable, or, shall make such materials available to students only upon receipt of the consent of a student's parent or legal guardian. The district board shall announce its decision in that meeting and shall provide an explanation for its conclusion and decision—either orally at the public meeting (if such meetings are recorded or transcribed) or in writing made publicly available within 15 days thereafter—specifically including an explanation of how the district board applied and complied with the decisional criteria and requirements of this regulation.

D. Any Complainant who is aggrieved by a decision of the district board under this process may file a written appeal to the State Board of Education (State Board) within 30 days after the district board announces its decision in a public meeting. Upon receipt of a written appeal, the State Board shall notify the district boards in the State or shall otherwise make available to them information identifying the materials at issue in any appeal(s) pending before the State Board. Any district boards in which a challenge to the same material is also pending shall stay their proceedings and abstain from further review or the rendering of a decision to await the State Board's decision to appeal.

E. At or before the second regularly scheduled meeting of the State Board after an appeal has been received pursuant to subsection IV.D., a quorum of the State Board or, in the discretion of the State Board, a committee comprised of at least five of the State Board's members, must conduct a public meeting to consider the appeal. If such meeting is conducted by a quorum of the State Board, the State Board shall, at that public meeting, vote to grant or deny, in whole or in part, the relief requested by the Complainant. If such meeting is conducted by a committee of the State Board, the committee shall provide a report and recommendation to the full State Board to be considered and either adopted or rejected by the State Board at its next regularly scheduled meeting. The public meetings contemplated in this subsection shall be held in accordance with the requirements of the South Carolina Freedom of Information Act, and the Complainant and other interested parties must be allowed to appear and present information in support of or in opposition to the relief requested in the complaint. If the State Board finds that Existing Instructional Materials identified in an appeal do not satisfy the requirements of this regulation, the State Board shall instruct the district board to remove entirely or discontinue use of said materials for any grade level or age group for which such use is inappropriate or unsuitable, or to make such materials available to a student only upon receipt of the consent of the student's parent or legal guardian. The State Board shall, at the time it communicates its decision to the district board, provide a written explanation for its conclusion and decision that is publicly available and that includes an explanation of how the State Board applied and complied with the decisional criteria and requirements of this regulation.

F. In no event shall the State Board's decision in a matter arising under subsection IV.D. and IV.E of this section be based primarily on or motivated primarily by disagreement with or opposition to the viewpoints expressed within the challenged material.

V. District's Selection of New Instructional Materials

A. Any New Instructional Material must be determined to comply with and satisfy the criteria set out in Section III of this regulation prior to being made available to students in the classroom, school library/media center, or reading list. Once available to students, such materials will be deemed Existing Instructional Materials that are subject to the challenge, review, and appeal process described in Section IV of this regulation.

B. In no event shall a decision in a matter arising under this Section be based primarily on or motivated primarily by disagreement with or opposition to the viewpoints expressed within the challenged material.

VI. Statewide Effect of the State Board of Education's Determination of the Educational Suitability or the Age or Developmental Appropriateness of Specific Instructional Materials

A. A decision by the State Board sitting in its capacity as an administrative appellate forum described in subsections IV.D. and IV.E of this regulation regarding the educational suitability or the Age or Developmental Appropriateness of a specific book or other Instructional Material pursuant to the criteria and requirements of this regulation shall be deemed conclusive and binding on all public schools, public school districts, and district boards in this State until such time as the State Board alters or revises its determination. At the time the State Board communicates such decision to the district board from which the appeal arose, the State Board shall also communicate its decision to each district board in the State. All district boards shall promptly comply with the State Board's conclusion by, in the case of Existing Instructional Material found unsuitable or age or developmentally inappropriate, removing the material, and in the case of any new instructional material found unsuitable or age or developmentally inappropriate, by not acquiring, obtaining, or purchasing such material in the future.

B. In addition, the State Board may, but is not required to, of its own volition and on its own initiative, make determinations regarding the educational suitability or the Age or Developmental Appropriateness of specific Instructional Materials pursuant to the criteria and requirements of this regulation. Such determinations shall be communicated to every district board in the State and shall be conclusive and binding on all public schools, public school districts, and district boards in this State until such time as the State Board alters or revises its determination.

C. A district board that is in receipt of a complaint submitted pursuant to subsection IV.A of this regulation may, by written request submitted to the State Board's chairperson within 30 days after the district's receipt of the complaint, request that the State Board accept jurisdiction over the complaint and consider and decide it in the first instance. The decision of whether to grant such a request is in the sole discretion of the State Board, and, if it declines such a request, the complaint shall be reviewed and decided by the district board pursuant to subsection IV.A, IV.B., and IV.C. of this regulation.

D. The fact that the State Board of Education has not opined on the educational suitability, or the age or developmental appropriateness of a given book or other Instructional Material does not give rise to any presumption that the material is or is not educationally suitable or Age and Developmentally Appropriate.

VII. Enforcement

If, after investigation, the State Board determines that a public school district, a district board, or a district employee has violated or failed to comply with or apply the criteria and requirements described in this regulation, the school district or the employee of the school district, as applicable, will be subject to the following:

A. For a first violation or failure, the State Board shall issue a written warning to the district board or to the employee, as applicable.

B. For a second or subsequent violation or failure, if the State Board determines that the violation or failure was knowing or intentional or willful or recklessly disregarded the district's or the employee's actual or constructive knowledge of the criteria and requirements in this regulation, the district Superintendent or the

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relevant employee or the district's board chairperson may be subject to a hearing conducted by the State Board, and any response that the Board, in its discretion, deems appropriate.

VIII. Preemption

A. This regulation shall, upon its effective date, preempt, supersede, and replace any district, local or school policy or practice to the extent such policy or program is inconsistent with this regulation.

B. The requirements of this regulation apply to and supplement the process by which local district boards selects or approves of textbooks; however, nothing in this regulation is intended to alter, diminish, or supersede the requirements and process for the selection and procurement of textbooks under S.C. Code Ann. Section 59-31-550 and its implementing regulations.

C. Nothing in this regulation is intended to supersede the provisions of the South Carolina Code, including South Carolina's Comprehensive Health Education Act (S.C. Code Ann. Section 59-32-5 *et. seq.*), Erin's Law (S.C. Code Ann. Section 59-32-20(B)), Gavin's Law (S.C. Code Ann. Section 16-15-430), or any other law relating to educating children about how to report sexual abuse.

D. Nothing in this regulation is intended to alter or diminish parents' rights under the Constitution, other laws, regulations, or policies to request that their child opt-out of participation in or the use of specific books, lessons, or materials used in his or her public school, even if those books, lessons, or materials are otherwise permissible under the standard and processes established by this regulation.

Fiscal Impact Statement:

No additional funding 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 regulation R.43-170.

Statement of Rationale:

School districts are required to provide instructional material that is Age and Developmentally Appropriate, educationally suitable, and aligned with the purpose of South Carolina's instructional program. Therefore, South Carolina must establish a clear, transparent, and uniform process that provides certainty for local educators, respects the legitimate prerogative of the parents, and protects students from materials that are not Age or Developmentally Appropriate.