DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2009 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 104.

 INITIATIVES FOR RESEARCH AND ACADEMIC EXCELLENCE

ARTICLE 1.

 EXCELLENCE FOR STUDENTS

**SECTION 59‑104‑10.** Admission standards; adoption of admission policies.

(A) In consultation and coordination with the public institutions of higher learning in this State, the State Commission on Higher Education shall ensure that minimal admissions standards are maintained by the institutions.

The commission, with the institutions, shall monitor the effect of compliance with admissions prerequisites that are effective at the institution.

(B) The boards of trustees of each public institution of higher learning, excluding the State Board for Technical and Comprehensive Education, shall adopt admission policies reflecting the desired mix of in‑state and out‑of‑state enrollment appropriate for each institution. Changes in the policies affecting the mix of in‑state and out‑of‑state enrollment must be approved by the board of trustees of the affected institution. The boards shall submit the policies to the commission by July 1, 1989, and any subsequent changes to the policies must be submitted to the commission. These admission policies and standards shall be reviewed by the commission as provided in Section 59‑103‑45(3). For purposes of this section enrollment must be calculated on a full‑time equivalency basis with the equivalent of one full‑time student being a student enrolled for thirty credit hours in an academic year. Out‑of‑state students mean students who are not eligible for in‑state rates for tuition and fees under Chapter 112 of Title 59.

**SECTION 59‑104‑20.** Palmetto Fellows Scholarship Program established; adjudication of delinquency; drug and alcohol offenses.

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

(B) Students, either new or continuing, must not have been adjudicated delinquent or been convicted or pled guilty or nolo contendere to any felonies or any second or subsequent alcohol or drug‑related offenses under the laws of this or any other state or under the laws of the United States in order to be eligible for a Palmetto Fellows 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.

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

(D) 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 persons meeting the requirements of this section.

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

(F) For purposes of subsection (E):

(1) “Public or independent institution” means a:

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

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

(2) “Resident student” means a:

(a) student who is either a member of a class graduating from a high school located in this State, a home school student who has successfully completed a high school home school program in this State in the manner required by law, or a student graduating from a preparatory high school outside this State, while a dependent of a parent or guardian who is a legal resident of this State and has custody of the dependent; and

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

(G) In addition to qualifications established by regulation, to qualify for a Palmetto Fellows Scholarship, a student shall:

(1) meet the following three criteria:

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

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

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

(2) meet the following two criteria:

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

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

Qualifying scores must be certified by the high school on the Palmetto Fellows Scholarship application by the scholarship application deadline. For the purposes of meeting the rank criteria pursuant to this subsection, 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.

(H) Notwithstanding another provision of law, a student who met the initial eligibility requirements to receive a Palmetto Fellows Scholarship Award as a senior in high school and has met the continuing eligibility requirements shall receive the award. A student who received a Palmetto Fellows Scholarship Award as a senior in high school but declined the award is eligible to reapply for the annual scholarship, providing he meets all of the initial and continuing academic eligibility requirements of the Palmetto Fellows program, if he transfers to a qualifying South Carolina institution of higher learning. The number of semesters or academic years a student attended an out‑of‑state institution are to be deducted from the number of semesters or academic years a student is eligible for the scholarship. All funding provided for Palmetto Fellows Scholarships regardless of its source or allocation must be used to implement the provisions of this subsection.

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

**SECTION 59‑104‑25.** Additional Palmetto Fellows Scholarship stipend.

(A) A resident student who is at least a sophomore attending a four‑year public or private institution of higher learning in this State, who is majoring in science or mathematics as defined below, 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 three thousand three hundred dollars each year for no more than three additional years of instruction, including his sophomore year, if the student enrolled in a four‑year degree program, or for not more than four additional years of instruction, including his sophomore year, if enrolled in a five‑year degree program or a 3 plus 2 program. A year is defined as thirty credit hours of instruction or its equivalent each year. 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 his science or mathematics major. In addition, during his freshman year, the student must have successfully completed a total of at least fourteen credit hours of instruction in mathematics courses, or life and physical science courses, or a combination of both. For purposes of meeting the required minimum level of instruction in mathematics and life and physical science courses during a student’s freshman year, advanced placement courses in mathematics and life and physical sciences taken in high school on which the student scored high enough on the advanced placement test to receive credit at his institution and for which he received credit, count toward the fulfillment of this minimum requirement.

(B) The Commission on Higher Education by regulation shall define what constitutes a science or mathematics major but at a minimum shall include majors in science or mathematics disciplines, computer science or informational technology, engineering, science education, math education, and health care and related disciplines including medicine and dentistry; provided, that nothing herein prevents a student from changing majors within acceptable science or mathematics disciplines. Additionally, the Commission on Higher Education annually shall communicate with high school guidance counselors regarding the list of qualifying majors.

(C) If the additional Palmetto Fellows Scholarship stipend is lost, it may be regained in the same manner the underlying Palmetto Fellows Scholarship is regained if lost.

(D) In addition, the amount of the Palmetto Fellows Scholarship for a recipient who does not receive the enhanced stipend provided by this section, beginning with the 2007 academic year, shall be increased to an amount equal to that received by a LIFE Scholarship recipient also receiving the enhanced stipend provided by Section 59‑149‑15.

**SECTION 59‑104‑30.** Developmental education plans, studies, and programs.

Each public institution of higher learning in this State shall develop a plan for developmental education in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The commission shall conduct a study as well as evaluations and reviews of developmental education in this State. The commission shall develop appropriate methods of funding developmental education programs and courses.

**SECTION 59‑104‑40.** Technical education system shall convert to semester calendar; limitation on offering of certain courses.

(A) The technical education system in this State shall convert from the quarter calendar to the semester calendar, if funds are appropriated for this purpose. The Commission on Higher Education shall request state appropriations for the conversion to be funded and completed over a two‑year period.

(B) The State Board for Technical and Comprehensive Education, in consultation with the commission, shall limit the offering of courses designed for college transfer in those technical colleges that do not have approved college transfer programs. The offering of ‘college parallel’ general education courses in institutions not authorized to award the associate in arts or associate in science degree is limited to those necessary to support approved nontransfer programs. The commission, after consultation with the State Board for Technical and Comprehensive Education and with public senior colleges and universities, shall establish rules and procedures by which this limitation must be regulated. The commission shall establish procedures concerning courses acceptable for transfer as provided in Section 59‑103‑45(1).

ARTICLE 3.

 EXCELLENCE IN INSTRUCTION AND EDUCATIONAL SERVICES

**SECTION 59‑104‑210.** Competitive grants program established.

A competitive grants program is established to improve undergraduate education in South Carolina. The State Commission on Higher Education shall administer the program, promulgate appropriate regulations, and request annual state appropriations for this purpose. All public and private nonproprietary post‑secondary institutions accredited by the Commission on Colleges of the Southern Association of Colleges and Schools are eligible to participate in this program.

**SECTION 59‑104‑220.** Governor’s Professor of the Year Award established.

The Governor’s Professor of the Year Award is established as follows:

(1) Each public or private institution of higher learning in this State is eligible to nominate one faculty member for this award who has demonstrated exceptional teaching performance.

(2) The Governor’s office in conjunction with the Commission on Higher Education shall establish a committee to choose the Professor of the Year from a senior institution and a Professor of the Year from an institution offering no degree above the associate’s degree. The committee must consist of representatives of the Governor’s office, the commission, and appropriate civic, business, government, and academic organizations.

(3) Each award must include a citation and a payment of five thousand dollars. Up to ten finalists may be awarded five hundred dollars each by the Commission on Higher Education. The Governor’s office shall host an appropriate ceremony at which the awards must be presented.

(4) The commission shall request annual state appropriations for the award.

**SECTION 59‑104‑230.** Endowed professorships program.

The Commission on Higher Education shall request state funds and establish procedures to implement a program of endowed professorships at senior public institutions of higher learning to enable the institutions to attract or retain productive faculty scholars who are making or show promise of making substantial contributions to the intellectual life of the State.

Each professorship must be supported by the income from an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private funds specifically donated for this purpose.

The State Treasurer shall establish a separate fund consisting of any funds appropriated for all endowed professorships plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for endowed professorships. Funds in the specified amounts to support each endowment may be transferred by the commission to each eligible institution.

**SECTION 59‑104‑240.** Salary enhancement program for technical colleges and two‑year campuses.

(A) The Commission on Higher Education shall request state funds to implement a program to endow salary enhancements for outstanding faculty in technical colleges and two‑year campuses of the University of South Carolina. The purpose of the program is to enable the state’s two‑year college systems to retain and reward outstanding instructional personnel.

(B) The commission, in collaboration with the State Board for Technical and Comprehensive Education and the University of South Carolina, shall establish procedures to implement the program. Each salary enhancement must be supported by an endowment fund created especially for that purpose. Half of the corpus of each fund must be provided by the commission through this program, and half must be provided by the institution from private sources specifically donated for this purpose.

(C) The State Treasurer shall establish a separate fund consisting of any funds appropriated for all salary enhancements plus accrued interest received. Any amount remaining in the established fund at the end of any fiscal year must be carried forward to the next fiscal year to be used for salary enhancements. Funds in the specified amounts to support each salary enhancement may be transferred by the commission to each eligible institution.

**SECTION 59‑104‑250.** Technical college libraries shall convert to computer‑based automated system compatible with State library systems.

All libraries in the technical colleges in this State shall convert to a computer‑based automated system that is compatible with existing state library systems and allows for appropriate networking with public colleges and universities if funds are appropriated for this purpose. The Commission on Higher Education shall request special appropriations to accomplish the conversion.

**SECTION 59‑104‑260.** Commission shall encourage development of joint programs.

The Commission on Higher Education shall encourage the development of joint programs that take advantage of the strengths of the public colleges and universities and discourage the development of independent competitive programs. The programs must be developed through planning and cooperation among the institutions in both academic and nonacademic areas.

ARTICLE 5.

 EXCELLENCE IN RESEARCH FOR ECONOMIC DEVELOPMENT

**SECTION 59‑104‑410.** Research Investment Fund created.

A Research Investment Fund is created to establish or expand research programs in public institutions of higher learning in this State which are related to the continued economic development of South Carolina. The fund must consist of appropriations to the State Commission on Higher Education which it allocates to the institutions for research. The funds must be apportioned among the three senior universities and the four‑year colleges in a manner that takes into account the previous year’s expenditures of externally generated funds for research by the institutions as reported to the commission. However, the commission may make exceptions to accommodate economic development opportunities in any area of the State.

**SECTION 59‑104‑420.** Criteria for use of fund.

(A) The fund must be used for research which:

(1) has a direct, positive impact on economic development, education, health, or welfare in this State;

(2) has an existing base in faculty expertise, resources, and facilities;

(3) serves to improve the quality of undergraduate and graduate education for South Carolina citizens in accordance with the institutions’ stated missions as given in the commission’s master plan and as developed by the institution and approved by the commission as provided in Section 59‑103‑45(5).

(B) The fund must not be used for capital construction projects.

**SECTION 59‑104‑430.** Comprehensive reports to be made at the end of fiscal year.

At the end of each fiscal year, comprehensive reports must be made to the Commission on Higher Education on the expenditures of funds and the results realized from the research programs. At the end of two fiscal years and each fiscal year after that, the commission shall reexamine the process of appropriating funds for research and the results obtained from the expenditures and recommend changes and alterations in the funding of research by the State if the changes are considered advisable by the commission.

**SECTION 59‑104‑440.** Allocation of funds.

(A) With the exception of the University of South Carolina, Clemson University, and the Medical University of South Carolina, institutions seeking financial support from the fund for research projects shall submit proposals to the commission for its review and approval.

(B) The portion of the fund allocated to the three senior universities excepted in subsection (A) must be distributed in a manner that takes into account the previous year’s expenditures of externally generated funds for research which each university reported to the commission.

(C) No funds allocated under the provisions of this chapter nor matching funds received pursuant to terms of this chapter may be used to increase an institution’s future years’ formula funding as computed by the Commission on Higher Education.

ARTICLE 7.

 IMPROVING ACCOUNTABILITY THROUGH PLANNING AND ASSESSMENT

**SECTION 59‑104‑610.** Statewide planning system.

The State Commission on Higher Education shall maintain a statewide planning system to address strategic issues in public and private higher education. The system must focus upon the following goals to:

(1) identify future directions for higher education in South Carolina and recommend appropriate methods for meeting the resultant challenges;

(2) review major goals identified by the public and private institutions of higher learning in this State and ascertain their relationship to higher education in South Carolina;

(3) assure the maintenance and continued development of the quality of higher education in South Carolina;

(4) assure the maintenance and continued provision of access to and equality of educational opportunity in higher education in South Carolina;

(5) measure and monitor an institution’s standard of achievement in regard to the performance indicators for quality academic success as contained in Section 59‑103‑30.

**SECTION 59‑104‑620.** Advisory Council on Planning.

(A) The Commission on Higher Education shall establish an Advisory Council on Planning to assist the commission and the institutions of higher learning in maintaining planning as a high priority.

(B) The advisory council shall report to the executive committee of the commission, which shall serve as the standing committee on planning for the commission.

(C) The advisory council shall submit to the executive committee of the commission its advice, reports, and draft plans.

**SECTION 59‑104‑630.** Individual planning process.

The Commission on Higher Education shall ensure that each public institution of higher learning in this State maintains its individual planning process.

**SECTION 59‑104‑640.** Prospectus for planning; statewide planning document; revisions.

(A) The chief executive officer of the Commission on Higher Education shall develop a prospectus for planning each year.

(B) In the initial year, the Advisory Council on Planning is responsible for developing a statewide planning document for submission to the commission.

(C) After the initial year and annually thereafter, the advisory council shall prepare revisions of the planning document for consideration by the commission. The revisions must conform to, but need not be limited to, the prospectus provided by the commission.

**SECTION 59‑104‑650.** Institutional effectiveness program.

(A) The goals for maintaining an effective system of quality assessment by institutions of higher learning in South Carolina are to:

(1) assure that a system for measuring institutional achievement in regard to the performance indicators for quality academic success as contained in Section 59‑103‑30 is in effect on every public college and university campus in this State;

(2) provide a vehicle for disseminating the results of these measurements to the constituents within the State;

(3) provide data relative to the effectiveness of each institution that can be used to initiate curriculum, programmatic, or policy changes within the institution necessary to meet the standards for these performance indicators.

(B) The process by which these goals must be attained is as follows:

(1) Each institution of higher learning is responsible for maintaining a system to measure institutional achievement in regard to the performance indicators for quality academic success in accord with provisions, procedures, and requirements developed by the Commission on Higher Education. The system for measuring such institutional achievement must include, but is not limited to, a description of criteria by which such institutional achievement is being assessed.

(2) As a part of South Carolina’s statewide planning process, each institution shall provide the commission with an annual report on the results of its institutional achievement program.

(3) The commission shall prepare a report that must include results of institutional achievement, including student assessment programs. Information from private colleges and universities must be included for those institutions that voluntarily provide the information to the commission.

**SECTION 59‑104‑660.** State‑supported institutions to establish procedures and programs to measure student achievement.

(A) All state‑supported institutions of higher learning shall establish their own procedures and programs to measure student achievement which must include, but are not limited to, the performance indicators contained in Section 59‑103‑30(B)(6) and (7). The procedures and programs must be submitted to the Commission on Higher Education as part of the plan for measuring institutional achievement and must:

(1) derive from institutional initiatives, recognizing the diversity of South Carolina public colleges and universities, the tradition of institutional autonomy, and the capacity of faculty and administrators to identify their own problems and solve them creatively;

(2) be consistent with each institution’s mission and educational objectives;

(3) involve faculty in setting the standards of achievement, selecting the measurement instruments, and analyzing the results;

(4) follow student progress through the curriculum, as appropriate;

(5) include follow‑up of graduates.

(B) As part of their annual report on institutional achievement, all state‑supported colleges and universities shall describe their progress in developing assessment programs and submit information on student achievement to the commission.