**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑149‑55 SO AS TO PROVIDE THAT A STUDENT WITH AN INTELLECTUAL DISABILITY MAY BE ELIGIBLE FOR A LIFE SCHOLARSHIP AND TO DEFINE THE TERM INTELLECTUAL DISABILITY; AND TO AMEND SECTION 59‑149‑30, RELATING TO THE FULL‑TIME ENROLLMENT REQUIREMENT FOR A LIFE SCHOLARSHIP, SECTION 59‑149‑50, AS AMENDED, RELATING TO REQUIREMENTS FOR A LIFE SCHOLARSHIP, AND SECTION 59‑149‑60, RELATING TO THE DURATION OF A LIFE SCHOLARSHIP, ALL SO AS TO MAKE CONFORMING CHANGES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 149, Title 59 of the 1976 Code is amended by adding:

“Section 59‑149‑55. (A) For the purposes of this chapter:

(1) ‘Comprehensive transition and postsecondary program for students with intellectual disabilities’ means a degree, certificate, or nondegree program:

(a) offered by a public institution of higher learning as defined in Section 59‑103‑5(2);

(b) designed to support students with intellectual disabilities who are seeking to continue academic, career, technical, and independent living instruction at an institution of higher learning to prepare for gainful employment;

(c) that includes an advising and curriculum structure; and

(d) that requires students with intellectual disabilities to participate in not less than a half‑time basis, as determined by the institution, with this participation focusing on academic components and occurring through one or more of the following activities:

(i) regular enrollment in credit‑bearing courses with nondisabled students offered by the institution;

(ii) auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive academic credit;

(iii) enrollment in noncredit‑bearing, nondegree courses with nondisabled students; and

(iv) participation in internships or work‑based training in settings with nondisabled individuals.

(2) For the purposes of this chapter, ‘institution of higher learning’ means a state‑supported post‑secondary educational institution, including technical and comprehensive educational institutions;

(3) ‘Student with an intellectual disability’ means a student:

(a) with mental retardation or a cognitive impairment characterized by significant limitations in:

(i) intellectual and cognitive functioning; and

(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

(3) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act as set forth in the United States Code, Title 20, Section 1400 et seq.

(B) A person with an intellectual disability may receive a LIFE Scholarship to pursue a comprehensive transition and post‑secondary program approved by the Commission on Higher Education if he satisfies subsection (A)(1) of Section 59‑149‑50, and need not satisfy the remaining requirements of that section or any other standardize test, grade point average, or academic progress requirement of this chapter except as provided in this section.

(C)(1) The Commission on Higher Education shall determine an appropriate rate of academic progress that an intellectually disabled person receiving a LIFE Scholarship under this section must achieve program in which he is enrolled. This determination must, at a minimum, specify:

(a) the appropriate duration for successful completion of the program; and

(b) what constitutes the appropriate level of participation required in subsection (A)(1)(d).

(2) A disabled person receiving a LIFE Scholarship under this section is exempt from the full‑time enrollment requirements of Section 59‑149‑30 and the duration of scholarship requirements of Section 59‑149‑60.”

SECTION 2. Section 59‑149‑30 of the 1976 Code is amended to read:

“Section 59‑149‑30. (A) Full‑time enrollment as defined in Title IV of the Federal Higher Education Act is a requirement for eligibility. The student must be admitted, enrolled, and classified as a degree‑seeking undergraduate student.

(B) The provisions of this section do not apply to an intellectually disabled student receiving a LIFE scholarship pursuant to Section 59‑149‑55.”

SECTION 3. Section 59‑149‑50 of the 1976 Code, as last amended by Act 178 of 2008, is further amended to read:

“Section 59‑149‑50. (A)(1) To be eligible for a LIFE Scholarship, a student must be either a student who has graduated from a high school located in this State, a student who has completed at least three of the final four years of high school within 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, a student who has graduated 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, 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. These students also must meet the requirements of subsection (B), except as provided in Section 59‑149‑55, and be eligible for in‑state tuition and fees as determined pursuant to Chapter 112, Title 59 and applicable regulations.

(2) In addition, the student must have graduated from high school with a minimum of a 3.0 cumulative grade average on a 4.0 scale and have scored 1100 or better on the Scholastic Aptitude Test (SAT) or have the equivalent ACT score; provided that, if the student is to attend such a public or independent two‑year college or university in this State, including a technical college, the SAT requirement does not apply. If a student chooses to attend such a public or independent institution of this State and does not make the required SAT score or the required high school grade point average, as applicable, the student may earn a LIFE Scholarship after his freshman year if he meets the grade point average and semester credit hour requirements of subsection (B). For the purpose of meeting the rank criteria pursuant to this section, 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 LIFE Scholarship.

(B) Students receiving a LIFE Scholarship to retain it and students currently enrolled in an eligible institution to receive such a scholarship must earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours each year for the maximum of semesters permitted at that institution by Section 59‑149‑60. The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student’s grade point average at all public or independent institutions attended by the student.

(C) Students who were LIFE Scholarship recipients seeking a degree at such a public or independent institution of this State during their freshman or other year who failed to earn a cumulative 3.0 at the end of the term they attempted the requisite number of hours required by subsection (B) may regain eligibility if their cumulative grade average is a 3.0 at the end of the term they have attempted at least sixty hours if they are a sophomore or ninety hours if they are a junior.

(D) Beginning with school year 2002‑2003, an entering freshman at a four‑year institution to be eligible for a LIFE Scholarship in addition to the other requirements of this chapter shall meet two of the following three criteria:

(1) have the grade point average required by this section;

(2) have the Scholastic Aptitude Test (SAT) or equivalent ACT score required by this section;

(3) be in the top thirty percent of his high school graduating class.

For home school students and students whose high school graduating class is less than fifty students, the Commission on Higher Education may define alternative criteria for students to meet the requirement of item (3).

After receipt of a LIFE Scholarship by an entering freshman beginning with school year 2002‑2003, a student shall meet the criteria established in this chapter to retain or regain the scholarship.

For an exceptionally gifted student who is accepted into college without having attended high school, the Commission on Higher Education shall define alternative criteria for the student to qualify for a LIFE Scholarship.

(E) The provisions of subsection (A)(2) and subsections (B), (C), and (D) do not apply to an intellectually disabled person receiving a LIFE scholarship pursuant to Section 59‑149‑55.”

SECTION 4. Section 59‑149‑60 of the 1976 Code is amended to read:

“Section 59‑149‑60. (A) The student may receive a LIFE Scholarship for not more than ten semesters for a five‑year degree program, eight semesters for a four‑year degree program, or four semesters for a two‑year degree program.

(B) The provisions of this section do not apply to an intellectually disabled student receiving a LIFE scholarship pursuant to Section 59‑149‑55.”

SECTION 5. This act takes effect upon approval of the Governor.

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