

SHEEO State Authorization Inventory

South Carolina

Please note: For purposes of this survey, the terms “authorize” and “authorization” are used generically to include approve, certify, license, regulate, recognize, empower, or similar actions relative to the operation, provision, or availability of postsecondary education in your state.

1. Agency and Contact Information

- a. Agency Name: **South Carolina Commission on Higher Education**
- Description:
The South Carolina Commission on Higher Education licenses all out-of-state institutions that are operating or soliciting having a physical presence in South Carolina in any delivery format as well as in-state institutions not exempt by statute.
 - Contact Information:
Renea Eshleman
Program Manager, Non-public Postsecondary Institution Licensing
South Carolina Commission on Higher Education
1122 Lady Street
Suite 300
Columbia, SC 29201
803-737-2281
reshleman@che.sc.gov
 - Please state who institutions should contact if they have questions about your agency’s authority, policies, or application process?
Same as above.
- b. Links:
Regulations: <http://www.che.sc.gov/AcademicAffairs/License/Regulations.pdf>
Statute: http://www.che.sc.gov/AcademicAffairs/License/Licensing_Statute.pdf
- c. According to our records, the following agencies also have responsibility for authorization in the state.
None.
- d. If the division of responsibility among these agencies is not clear, please explain.
Not applicable.

2. Types of Educational Providers Authorized

- a. Please indicate the types of institutions that your agency authorizes, using the list below. Please answer “yes” or “no” to each item. Feel free to provide a short explanation of any ambiguity, including any necessary clarification of “in-state,” “out of state,” or other terminology.

- Yes* Public, in-state degree granting institutions
- Yes** Public, out-of-state degree granting institutions
- Yes*** Private, in-state, not-for-profit degree granting institutions
- Yes+ Private, out-of-state, not-for-profit degree granting institutions
- Yes Private, in-state, for-profit degree granting institutions
- Yes Private, out-of-state, for-profit degree granting institutions
- No Public, in-state, non-degree granting institutions
- Yes Public, out-of-state, non-degree granting institutions
- Yes++ Non degree, not-for profit institutions
- Yes+++ Non degree, for-profit institutions
- No Religious institutions
- No Tribally-controlled institutions

Clarifying comments:

- * The Commission approves programs at public institutions.
- ** If they have a physical presence.
- *** Unless they are exempt from oversight.
- + If they have a physical presence.
- ++ If they offer vocational- preparation programs.
- +++ If they offer vocational-preparation programs.

- b. Is an institution required to obtain approval from more than one agency to be authorized in your state (excluding purely programmatic approvals)? If so, please explain.

None known.

- c. Is accreditation required for an institution to be authorized in your state?

Yes. Out-of-state degree-granting by a recognized accrediting agency (U.S. Department of Education or CHEA).

- If yes, please explain:
- If yes, what type of accreditation is required? Please, check all that apply as appropriate.

- _____ Regional
- _____ National
- _____ Programmatic/specialized

Clarifying comments:

Yes; out-of-state degree-granting by a recognized accrediting agency (U.S. Department of Education or CHEA)

- d. Does your agency authorize specific academic programs offered by institutions or only institutions themselves?

Authorization is site and program specific.

- e. Do programs in certain subject areas require the separate approval by another state entity; for example, a professional licensing agency?

South Carolina Department of Labor, Licensing, and Regulation has oversight of specific occupations, including nursing, barbering, and cosmetology.

Nursing

Board of Nursing

<http://www.llr.sc.gov/POL/Nursing/>

Others

Board of Cosmetology

<http://www.llr.sc.gov/POL/Cosmetology/>

Board of Barbering

<http://www.llr.sc.gov/POL/Barber/>

3. Exemptions

- a. Are certain institutions or programs exempt by law or policy from your state authorization requirements?
- If yes, please describe which institutions or programs the exemption applies to and how it works? If available, please provide any pertinent web links.
 - If yes, how does the institution or program claim an exemption? For example, is the exemption automatic as long as it meets specified criteria, does the institution or program notify the agency and the exemption is granted, is there an application process, etc.?
- b. If an institution or program is exempt from state authorization, are there any other state requirements that an institution would need to fulfill in order to operate in your state (e.g., providing contact information, list of programs, etc.)?
- c. Does your state constitution or do your state laws provide any exemptions for religious institutions?

- Are all religious institutions exempt (please describe)?
Explanation attached at end of survey.
- Are religious institutions that award only religious degrees or certificates exempt (please describe)?
Explanation attached at end of survey.
- Are certain religious institutions exempt that meet other criteria (please describe)?

4. Authorization of Distance Education

- a. Does your agency require purely (100%) distance education programs, including online or correspondence study programs that enroll residents of your state, to be authorized without regard to physical presence?
South Carolina does not require authorization of institutions that only enroll South Carolina residents into online programs unless the institutions operate or solicit in such a way that they create a physical presence.
- b. If not, does your agency determine whether an institution must be authorized based on a physical presence or “operating” standard?

5. Physical Presence Policy – Common “Triggers”

- a. If your agency uses a physical presence standard, how does your agency define physical presence? If available, please provide a link to that policy or a citation to the relevant regulation giving that standard.
Explanation attached.
- b. Please specify whether any of the following activities would constitute a physical presence or signify “operating” in your state, assuming that the named activity is the institution’s sole activity in your state. **Please answer “yes” or “no” to each question. In addition you may provide a short explanation of any ambiguity.**
 - Permitting a student to complete an internship, externship, field experience, or clinical practicum organized by the institution?
No.
 - Does this apply only to distance education students or more generally?

- Permitting a student to complete an internship, externship, field experience, or clinical practicum found by the student acting independently?
No.
 - Does this apply only to distance education students or more generally?
- Employing full-time faculty in the state to provide instruction via distance education programs to students in the state?
Exclusively in South Carolina would require additional information.
 - What about adjunct faculty?
Same.
- Employing full-time faculty in the state to provide instruction via distance education programs solely to students outside of the state?
No.
 - What about adjunct faculty?
No.
- Having a contract/agreement between the institution and in-state institutions or in-state entities to provide services for students (i.e. library, gym, computer centers, etc.)?
Not if the students are enrolled in distance learning.
- Organized, consistent, on-the-ground recruiting of students in the state by employees or agents of the institution?
Yes.
 - What if the agent is only recruiting students in the state on an occasional basis (i.e. at job fairs)?
No; not for college fairs.
- Advertising in local media sources that are largely viewed by residents of the state?
Yes; those that target South Carolina residents.
- Advertising in national media sources that can be accessed by residents of the state?
No.
- Having computer servers or other equipment located in the state?
Possibly if identified to South Carolina.

- Hosting short term, face-to-face, seminars or conferences in the state where students meet in person?
If they are required as a part of a credit-bearing course for which students pay fees or at which recruiters provide information, enroll students, and take payments.
 - Employing mentors, tutors, or preceptors in the state to aid students, who are residents of the state, on an individual basis?
No.
 - Requiring a student to take a proctored exam at a location or with an entity in the state prescribed by the institution?
No.
 - Requiring a student to take a proctored exam with an entity in the state chosen by the student but approved by the institution?
No.
 - Other [please explain]
- c. Of the activities or conditions listed above that alone would not constitute a physical presence, are there any that if combined would create a physical presence?

6. Application Process

- a. Please provide a short description of the application process to obtain state authorization. If available, please provide web links to the specific references to all applicable state laws, regulations, manuals, forms, or other pertinent documents.
Description...Letter of intent, application, review, recommendation from review to executive staff, recommendation from executive staff to a subcommittee of the Commission, recommendation from the subcommittee to the full Commission.
http://www.che.sc.gov/AcademicAffairs/License/Procedures_for_DegreeGranting_Institutions.pdf
http://www.che.sc.gov/AcademicAffairs/License/Procedures_for_NonDegreeGranting_Institutions.pdf
- b. Generally, how long does it take to approve applications (assuming that the agency has received all required information from the institution)? Please provide a typical range if appropriate.
Approximately six months.

- c. What is the authorization duration?
Typically five years with annual reporting.
- d. What does an institution need to do to maintain authorization?
Annual reporting and continue to operate in compliance with the standards.
- e. What kinds of information or data must an institution report to your agency as a condition for continued authorization? How frequently is this reported or updated? Is this information published or shared publicly?
We require updated publications, financial statements, enrollment reports, and fees. Reporting is annual and made public generally under FOIA.
- f. Can an institution lose its authorized status? If so, how?
Yes, an institution can lose its authorized status through failure to demonstrate compliance with the standards or by cancellation of surety bond.
- g. Can a multi-institutional system or college corporation apply to your agency for authorization on behalf of all of its component institutions? If so, please describe the process.
No, currently authorization is institution/site/program specific.
- h. Would multi-institution public systems be treated the same as multi-location for-profit institutions?
Yes; the same.
- i. What distinctive features in your authorization process would be useful for applicants to know (e.g., certain times during the year that you process applications for authorization, sharing of applications or information about proposed programs with institutions or other stakeholders in your state for comment)?
- j. Is your agency currently planning to amend its application process by the end of 2011?
 - o If yes, please provide a brief description of the anticipated change.
 - o If yes, when does the agency expect the change to be fully implemented?

7. Fees Associated with Authorization

- a. Is there an application fee to initiate the authorization process? If so, what is the fee or fee schedule? Please provide a web link if available.
Yes. Please see <http://www.che.sc.gov/AcademicAffairs/License/Regulations.pdf>

- b. Are there any other costs associated with the state authorization process (e.g. site visits, hiring a reviewer, surety bond, tuition recovery fund, agent licensing, etc.)? Also required for out-of-state institutions is a surety bond by an entity licensed to do business in South Carolina. The amount of the bond is based upon anticipated tuition revenues with a \$20,000 minimum bond for an out-of-state institution to operate or solicit in South Carolina. Also, if the review requires consultants, institutions pay honorarium and expenses.
- c. What are the costs, if any, to renew authorization? Annual fees are one-half of one percent of gross tuition income for the prior year; minimum is \$115, maximum \$3,750.
- d. What costs are associated with receiving a waiver or exemption to authorization? None.

8. Interstate Reciprocity

- a. Do your state regulations explicitly allow or prohibit interstate reciprocal agreements about authorization? If so, please describe. No.
- b. What is the process, if any, to obtain a reciprocal agreement with your state? Not applicable.
- c. Are there any reciprocal agreements currently in place or under consideration? If so, please list those agreements. Not applicable.
- d. If interstate reciprocal agreements are not addressed in your regulations, would your agency consider establishing such agreements? Please elaborate. Unlikely success because of competitive climate and inconsistency of standards and enforcement for authorization and accreditation.

9. Consumer Protection and Student Complaints

- a. Does your agency have a process for handling complaints about postsecondary institutions or programs?
 - o If yes, please describe the process or provide a web link to the material that describes the complaint process.
http://www.che.sc.gov/AcademicAffairs/License/Complaint_procedures_and_form.pdf

- If yes, does this complaint process extend to institutions not authorized by the agency that may enroll residents of the state (such as explicitly distance education programs with no physical presence or exempt institutions)?
Yes.
 - If available, please provide a web link to the complaint form.
See above.
 - Who is the contact person for receiving complaints? Please include name, title, address, phone, and email if available.
Included at link above.
- b. If your agency has no formal process for handling complaints related to postsecondary institutions, what state agency would handle a complaint?

10. Enforcement

- a. If your agency finds that an institution or program is operating in your state without authorization, what is the resulting warning or enforcement action?
Notify the institution, if determined must be authorized, provide initial licensing packet, issue cease and desist, include on illegally operating list on Commission's web site.
- b. Can an institution or program appeal a warning or enforcement action? If yes, please describe the process or provide web links to the regulations/policies.

11. Legislative or Regulatory Changes

- a. Is your agency or state legislature planning to amend its regulations or alter its physical presence policy by the end of 2011?
No.
- If yes, please provide a brief description of the anticipated change.
 - If yes, when does the agency expect the change to be fully implemented?
- b. Is your agency or state legislature making changes in your state regulations or statutes so that institutions with locations in your state would be considered legally authorized in accordance with the federal institutional eligibility regulations?
No.
- If yes, please provide a brief description of the anticipated change.

- If yes, when does the agency expect the change to be fully implemented?
- c. Is your agency or state legislature making any other changes in your state regulations or statutes with regard to state authorization?

No.

- If yes, please provide a brief description of the anticipated change.
- If yes, when does the agency expect the change to be fully implemented?

12. Is there anything else about the authorization process in your state that we and others ought to know about?

Religious Exemption Attachment

South Carolina Commission on Higher Education

Nonpublic Postsecondary Institution Licensing 1333 Main Street, Suite 200, Columbia, SC 29201 Telephone (803) 737-2260; FAX (803) 737-2297

Web site: www.che.sc.gov

EXPLANATION OF EXEMPTION FOR “INSTITUTIONS WHOSE SOLE PURPOSE IS RELIGIOUS OR THEOLOGICAL TRAINING” Code Section 59-58-30(4) Exclusions 1. CITATION FOR EXEMPTION.

The South Carolina Commission on Higher Education is the licensing authority for private postsecondary education under the provisions of the Nonpublic Postsecondary Institution License Act, Chapter 58 of Title 59, South Carolina Code of Laws, 1976, as amended. Section 59-58-30 of the law states that the definition of a “nonpublic educational institution” does not include “(4) Institutions whose sole purpose is religious or theological training.” 2. CITATION FOR DEFINITION OF “RELIGIOUS OR THEOLOGICAL.” Section 59-58-20(18) defines “religious or theological training” as “...the awarding of nonacademic degrees, diplomas, or certificates with a specific theological, biblical, divinity, or other religious designation.” 3. TYPE OF DEGREES EXEMPT INSTITUTIONS MAY AWARD. Bible colleges and theological seminaries are exempt from licensure requirements if they limit their South Carolina offerings to courses for Bible or theological credentials. Credentials must be titled clearly to label them as professional, such as “Associate of Biblical Studies” or “Bachelor of General Ministry,” or “Master of Divinity.” An exempt institution may offer programs that prepare graduates for service in ministry. In addition to religious terms in the degree title, the curriculum must support religious or theological content and objectives. An exempt institution may not award Ph.D. degrees, or associate’s, bachelor’s, or master’s degrees in arts or sciences. 4. APPROPRIATE ADVISING. Institutions must take care that students are not misled about the purposes and uses of credentials it awards. Publications and advising should clearly state that use of credentials issued by unlicensed or unaccredited institutions is limited; that this type of credential may not be accepted by employers for jobs; and it is unlikely that institutions that hold recognized accreditation will accept the credit for transfer. The description of each program where the major is in a specific field (such as Christian Education or Pastoral/Ministerial/Christian Counseling) should include a specific disclaimer that the program does not meet requirements for professional licensure or certification. 5. PROHIBITION OF CLAIMS. As stated in South Carolina Commission on Higher Education Regulation 62-25.K., “An institution exempt from the Commission’s oversight may not claim that it is under authority of the Nonpublic Postsecondary Institution License Act or the Commission. It may not claim that the South Carolina Commission on Higher Education recognizes it, grants it authority to operate, offer, or award a credential, or use any other misleading language referring to approval, recognition, authority, licensure, accreditation, certification, registration, or oversight.” Regulation 62-26 states that “Reference in advertising to accreditation shall name the agency and shall be limited to accreditation currently held by the institution through nationally recognized accrediting agencies as defined and listed by the United States Department of Education.”

6. CLAIMS OF ACCREDITATION. The Commission encourages institutions that do not hold recognized accreditation to use a statement such as, “The *institution* is not accredited by a recognized accrediting agency.” However, institutions accredited by an agency that is not recognized must include a disclosure that, “The *accrediting body name* is not recognized by the U. S. Department of Education or the Council for Higher Education Accreditation.” Information about accreditation (or lack thereof) must be restricted so that it does not confuse students about the meaning of accreditation. 7. FURTHER REVIEW; AUTHORIZATION TO INVESTIGATE. The Commission reserves the right to examine the status of any exempt institution based on information available in the future to the Commission or based on changes in authority the General Assembly grants to the Commission. The Commission may review information, web sites, and publications and inform institutions to make additions, deletions, and corrections. Regulation 62-27 gives the Commission the authority to intervene on the behalf of a person filing a complaint against an institution that is exempt from the oversight of the Commission. 8. INFORMING THE COMMISSION. So that the staff might better be able to respond to inquiries from the public, please inform the Commission of activities of exempt institutions. 9. LETTER OF EXEMPTION. Make a request in writing for a letter from the Commission specifically acknowledging exemption. Include the name of the institution, officials of the institution, a list of the programs to be offered, and a copy of publications. 10. RECOGNIZED ACCREDITING AGENCIES. The Commission recommends that officials at exempt institutions contact a recognized accrediting agency and carefully consider complying with the requirements for recognized accreditation, especially in the areas of faculty credentials, curricula structure, and credit awards. Three recognized accrediting agencies that accredit theological institutions are: Association for Biblical Higher Education (formerly The Accrediting Association of Bible Colleges) Commission on Accreditation P. O. Box 780339 5575 S. Semoran Boulevard, Suite 26 Orlando, FL 32822-1781 407.207.0808 Fax 407.207.0840 www.abhe.org; info@abhe.org *ABHE accredits colleges that offer certificates, diplomas, associate and/or baccalaureate degrees aimed at preparing students for Christian ministries through biblical, church/vocational, and general studies.* Association of Theological Schools in the United States and Canada (ATS) Commission on Accrediting 10 Summit Park Drive Pittsburgh, PA 15275-1103 Telephone 412.788.6505 Fax 412.788.6510 www.ats.edu/ *ATS accredits graduate professional schools of theology, theological seminaries, and graduate programs in theology.*

Transnational Association of Christian Colleges and Schools (TRACS)
P.O. Box 328, Forest, Virginia 24551 Phone (434) 525-9539 Fax (434) 525-9538
www.tracs.org

TRACS accredits Christian postsecondary institutions offering certificates, diplomas, and/or degrees in Christian education.

For additional information contact Nonpublic Postsecondary Institution Licensing: Renea Eshleman, Program Manager 803.737.2281 reshleman@che.sc.gov

Revised 8/12/2010 - 5/30/2011

Operating or Soliciting Attachment

South Carolina Commission on Higher Education Nonpublic Postsecondary Institution Licensing 1333 Main Street, Suite 200, Columbia, SC 29201 Telephone (803) 737-2260; FAX (803) 737-2297; Web site: www.che.sc.gov

Renea H. Eshleman, Program Manager Telephone 803.737.2281 E-mail reshleman@che.sc.gov

Lane Goodwin, Program Coordinator Telephone 803.737.3918 E-mail lgoodwin@che.sc.gov

CLARIFICATION OF JURISDICTION (Updated 7/1/2011) The SC Commission on Higher Education is the administering agency of the Nonpublic Postsecondary Institution License Act. The Commission does not have jurisdiction where institutions enroll SC residents into online courses or programs where the institution does not conduct activities defined as operating or soliciting in South Carolina.

Please refer to the Nonpublic Postsecondary Institution License Act; Chapter 62, SC Commission on Higher Education (CHE) Regulations; and forms, policies, and procedures of the Commission. Contact CHE licensing staff to obtain forms and ask any questions.

SECTION 59-58-20. Definitions, includes the following:

(17) "Operating or soliciting" refers to having actual presence¹ within the State of South Carolina and includes for the purposes of application of this Chapter: (a) an instructional or administrative site within South Carolina whether owned, leased, rented, or provided without charge;

¹ [The Commission does not require licensing of institutions that enroll residents of South Carolina into online or distance programs unless the institution operates or solicits in South Carolina.] ² [The Commission does not require licensing of institutions where a practicum or clinical experience is in South Carolina; however, the SC Board of Nursing requires approval of programs that lead to initial licensure. www.llr.sc.gov.] ³ [The Commission does not require licensing of institutions that offer programs online or at a distance where the sole activity is employment of faculty members who are residents of South Carolina.] ⁴ [The Commission does not require licensing of institutions where an in-state proctor administers exams for courses delivered by distance learning.] ⁵ [The Commission does not require licensing of institutions that use search engine marketing (Yahoo, Bing, Google) or web site advertisements that originate outside the borders of South Carolina.]

(b) instruction whether theory or clinical² [within or (strikethrough)] originating from South Carolina utilizing teachers³, trainers, counselors, advisors, sponsors, or mentors⁴; (c) an agent, recruiter, in-state liaison personnel, institution, or business that solicits for enrollment or credits or for the award of an educational or occupational credential; and

(d) advertising, promotional material, or public solicitation in any form that targets South Carolina residents through distribution or advertising in the state.⁵

Refer to SECTION 59-58-30., for exclusions to the licensing authority. Briefly, they include institutions chartered before 1953; institutions that offer kindergarten through high school; religious or theological training; recreational programs; South Carolina publicly supported institutions; courses or programs regulated and licensed or approved under an occupational licensing law of the State (such as cosmetology, barbering, nursing www.llr.sc.gov); employer-sponsored training; test review courses; programs or courses on federal military installations; and

accredited institutions conducting seasonal recruiting through high school recruiting fairs. The Commission reserves the right to examine the status of any exempt institution based on information available in the future to the Commission or based on changes in authority the General Assembly grants to the Commission.

Institutions that offer on-line programs that are for teacher/administrator certification.

The South Carolina Department of Education prescribes the parameters for credentials for teacher/administrator certification. The awarding institution must hold regional accreditation and completion of the program must lead to educator certification in the state of origin. Institutions that offer education programs must closely monitor SC residents who apply to enroll in education programs to ensure that students enroll only into programs that comply with the SC DOE requirements. For more information, contact the SC Department of Education, Division of Educator Quality and Leadership, Office of Educator Certification (www.scteachers.org) Bill Billingsley (803.734.8323) <mailto:BBillingsley@scteachers.org>. The following information is from the March 17, 2011, US Department of Education, Office of Postsecondary Education, GEN-11-05 “Dear Colleague” letter subject: Implementation of Program Integrity Regulations. Question 16: If a State does not regulate such activities by out-of-State institutions, the institution is considered to be legally operating in that State. Question 22: If...the State does not require the institution to obtain State approval under the circumstances to offer distance education to its residents, would the institution be required for the purposes of section 600.9(c) to have a document from the State stating that no approval by that State is required? No. However, an institution would be expected to demonstrate upon request from the Department that no State approval was required. SC does not require that an exempt institution apply for an exemption. This explanation will demonstrate to the Department that no approval is required in SC where the institution is exempt. Regarding student complaints, Regulation 62-27 gives the Commission the authority to intervene on the behalf of a person filing a complaint against an institution that is exempt from the oversight of the Commission. Under requirements of Federal Regulation 668.43(b), institutions must provide students with contact information for filing complaints with the institution’s State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student’s complaint. Out-of-state institutions must publish the information even though South Carolina does not otherwise regulate the out-of-State institution's provision of distance education.

The following is the suggested language for South Carolina.

Residents of South Carolina may access a complaint form through the web site of the Commission

http://www.che.sc.gov/AcademicAffairs/License/Complaint_procedures_and_form.pdf

The form must be completed, signed, and notarized. It may be submitted with the required documentation to reshleman@che.sc.gov or sent to Nonpublic Institution Licensing, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201.