

1981 S.C. Op. Atty. Gen. 66 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-44, 1981 WL 96570

Office of the Attorney General

State of South Carolina

Opinion No. 81-44

May 5, 1981

\*1 Dr. Howard R. Boozer  
Executive Director  
South Carolina Commission on Higher Education  
Rutledge Building  
1429 Senate Street  
Columbia, South Carolina 29201

Dear Dr. Boozer:

Your letter of April 22, 1981, concerns the status of Sherman College of Straight Chiropractic and the circumstances existing with its application for Candidate Status with the appropriate accreditation agency, as required by the provisions of Act No. 307 of 1980 (1980 Acts 1123).

Act No. 380 is now codified as [Section 59–103–120, Code](#) of Laws, 1976, Supp., and requires that the Commission on Higher Education (C.H.E.), within one hundred eighty (180) days after the effective date of the Act (July 22, 1980):

‘—publish a list of accrediting agencies—for accreditation of chiropractic colleges or schools—. Any chiropractic college doing business in this State shall, upon publication of said list—forthwith apply for such accreditation or candidate status—.

‘Failure to obtain such accreditation or candidate status within one (1) year after publication of the list of approved agencies shall result in C.H.E. revoking the status of such school as a recognized college of chiropractic.’

C.H.E., on June 5, 1980, approved the Council on Chiropractic Education and the Southern Association of Colleges and Schools as accrediting agencies and published a list of those two approved agencies on June 9, 1980. The one-year deadline for a chiropractic college to achieve ‘accreditation or candidate status’ is, therefore, June 9, 1981.

On June 6, 1980, Sherman initiated an application to the Southern Association of Colleges and Schools for Candidate Status, and on March 8–11, 1981, a SACS examining team visited Sherman College to evaluate its application. The report of that team is now being written and its recommendation will be acted on by the Executive Council of SACS Commission on Colleges at a meeting to be held on June 19, 1981.

Sherman College cannot, therefore, achieve candidate status as required by [Section 59–103–120 of the Code](#) of Laws, by June 9, 1981, although it applied ‘forthwith’ after publication of the list of approved agencies by C.H.E. on June 9, 1981.

‘Candidate status’ is not defined in the Act but is a term of art having a particular meaning as applied to institutions seeking accreditation in the manner required by [Section 59–103–120](#). More properly, it means a Candidate for Accreditation classification and does not assure or imply eventual accreditation. To achieve this status, the institutions must provide evidence of sound planning, adequate resources to implement those plans and demonstration of the potential for attaining its goals within a reasonable time. A Candidate for Accreditation may remain in that status for a maximum of six (6) years, and if accreditation is not achieved within that period, it will be dropped from the Candidate for Accreditation list.

Sherman College moved promptly after the publication of the accrediting agencies to achieve candidate status. It has been visited by an examining team of the accrediting agency, which is currently preparing its report that will not be acted upon by SACS until approximately ten (10) days after the deadline for achieving candidate status has expired. It has done all that is required of it and its failure to achieve accreditation is not due to its own fault or neglect.

\*2 In my opinion, to deny it achievement of candidate status within the required limitations of time would raise serious constitutional questions; moreover, these circumstances present a substantial compliance with the terms of the law in [Lovelle v. Thornton](#), 234 S.C. 21, 106 S.E.2d 531. It is my opinion, therefore, that, should candidate status be granted to Sherman College, it should be recognized as having come within appropriate limitations of the law.

Very truly yours,

Daniel R. McLeod  
Attorney General

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