

1979 S.C. Op. Atty. Gen. 31 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-21, 1979 WL 29027

Office of the Attorney General

State of South Carolina

Opinion No. 79-21

February 2, 1979

***1 SUBJECT: Education, Higher**

(1) All South Carolina students, without regard to subject major, enrolled at Allen University are eligible to apply and receive state tuition grant funds, provided these students meet the qualifications issued by the South Carolina Tuition Grants Agency.

(2) The effective date of eligibility for qualifying South Carolina students at Allen University is January 12, 1979, the date of approval by the South Carolina State Board of Education, which would encompass funds for Spring Semester 1979.

TO: R. Laine Ligon

Director

Tuition Grants Agency

411 Keenan Building

Columbia, S. C. 29201

QUESTIONS:

(1) Are students enrolled at Allen University eligible to apply for South Carolina Tuition Grant funds?

(2) What is the effective date of eligibility for these students?

STATUTES AND CASES:

[Section 59-113-10 et seq. of the Code of Laws of South Carolina, \(1976\).](#)

DISCUSSION:

A Higher Education Tuition Grant Committee was established pursuant to [Section 59-113-10, Code of Laws of South Carolina, 1976](#), to administer provisions of law regarding tuition grants in South Carolina. Students eligible for such grants must meet the qualifications set forth in [Section 59-113-20, Code of Laws of South Carolina, 1976](#), which states in pertinent part:

(d) has been accepted by or is registered in a South Carolina independent institution of higher learning as a full-time student whose academic programs are not comprised solely of sectarian instruction; and

(e) is not enrolled in a course of study leading to a degree in theology, divinity, or religious education.

Independent institution of higher education is defined in Section 59-113-50, which states:

For the purposes of this chapter, an independent institution of higher learning shall mean any independent senior college in South Carolina certified for teacher training by the State Department of Education, or accredited by the Southern Association of Colleges in Secondary Schools and any independent junior college accredited by the Southern Association of Colleges

and Secondary Schools, or accredited by any other accrediting agency recognized and designated by the State Department of Education.

On January 12, 1979, the South Carolina State Board of Education provisionally approved the teacher education program at Allen University for a period of three years. The subject areas included in the provisional approval were business education, biology, and English. Provisional approval permits Allen University to meet the requirements of a certified for teacher training independent senior college as provided in Section 59-113-50, cited above. Neither the aforementioned statutes nor rules and regulations of the State Board of Education require that every subject area in a teacher education program be approved in order that the program receive provisional approval. R-43-90, Code of Laws of South Carolina, 1976, as amended. R-43-90, which is entitled 'Policies and Procedures Utilized by the South Carolina State Board of Education in the approval of Programs of Study and Professional Education offered by Colleges and Universities in South Carolina', states the detailed requirements for approval or provisional approval of teacher education programs.

*2 As a practical consideration, entering freshman may or may not choose their major field of study or continue in a chosen field of study through graduation. Thus, the Tuition Grant Committee has no way of knowing how many freshman students at a given institution will later select the approved teacher training programs. Therefore, all South Carolina students, attending an independent institution of higher learning are entitled to apply for tuition grant funds, so long as they otherwise meet the statutory requirements.

The effective date of eligibility for students who meet the tuition grants qualifications at Allen University is January 12, 1979. This is the date of the final decision of the State Board of Education, granting provisional approval to the teacher education program at Allen University. In that Allen University's teacher education program obtained approval by the State Board of Education in compliance with § 59-113-50 during the present school term, tuition grant funds would be available to qualifying students for the Spring Semester of 1979.

CONCLUSION:

The Teacher Education Program at Allen University is a certified teacher training program by the State Department of Education for the purposes of tuition grants, and qualified students attending Allen University would be eligible for such tuition grants for the Spring Semester of 1979.

Paul S. League

Assistant Attorney General

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