

1977 S.C. Op. Atty. Gen. 31 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-22, 1977 WL 24365

Office of the Attorney General

State of South Carolina

Opinion No. 77-22

January 18, 1977

\*1 The Board of Trustees of The University of South Carolina may adopt a plan under which tuition payments may be made in two or more equal portions with the amounts being paid in advance for a proportionate period of the semester.

TO: Phillip M. Grier, Esquire  
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QUESTION PRESENTED:

Whether the Board of Trustees may adopt a plan under which tuition may be paid in two or more equal portions, with the amounts being paid in advance for a proportionate period of the semester.

STATUTES AND CASES CITED:

1962 South Carolina Code, Section 22–104; Sections 22–104(9) and 22–22, as amended.

South Carolina Acts of 1953, Acts 139 & 290.

[DeLoach v. Scheper](#), 198 S.E. 409, 188 S.C. 21 (1938)

DISCUSSION OF THE ISSUE:

No constitutional or statutory provision appears to prohibit the Board of Trustees of the University of South Carolina from adopting a plan by which a student may pay his tuition in two or more equal portions with each amount being paid in advance for a proportionate period of the semester. Those statutes which provide for tuition seem broad enough to permit the adoption of such a payment plan.

Section 22–104(9) of of 1962 South Carolina Code, as amended, authorizes the Board of Trustees of the University of South Carolina to ‘fix tuition fees . . . for students attending the University . . .’ Although this subsection could be read narrowly so as to limit the Board's power to that of simply making a determination of the tuition fee that will be charged for a semester, such a restrictive interpretation does not appear to have been intended by the legislature. As stated in [DeLoach v. Scheper](#), 198 S.E. 409, 188 S.C. 21 (1938), ‘. . . the meaning of a statute is not to be looked for in a single section but in all the parts together and their relation to the end in view.’ When consideration is given to the broad powers given to the Board of Trustees in Section 22–104, such as in subsection 14, which authorizes the Board to adopt such measures as may be necessary for the proper operation of the University, a less restrictive interpretation of subsection 9 is suggested. The fixing or determination of the fees in subsection 9 would seem, necessarily, to include the power to determine the manner in which the fees should be paid such as by the proposed multi-payment plan.

That the legislature did not intend that such powers be withheld is also suggested by Section 22–22 of the 1962 South Carolina Code, as amended, the basis for which, Act No. 139, was passed in 1953 along with Act No. 290 which included what is

now Section 22–104(9). Section 22–22 authorizes the boards of trustees of the various State institutions of higher learning to prescribe both the amounts of the tuition fees and the conditions under which they should be paid. Because of the broad grant of authority, it appears that the legislature did not intend to exclude the power to adopt a payment plan such as that proposed.

\*2 The legislature has indicated through the language of Section 22–22 and the scope of authority granted by the entirety of Section 22–204 that the powers of the Board of Trustees of the University of South Carolina are such that subsection 9 of Section 22–204 should not be read restrictively so as to prohibit the adoption of the proposed multi-payment plan for tuition fees. In addition, no other statutory or constitutional provisions appear to pose an obstacle to the plan. Since the payments for tuition are to be made in advance for a limited portion of the semester, the plan does not seem to be a pledge or loan of the credit of the State in violation of Article 10, Section 6, of the South Carolina Constitution, as amended.

CONCLUSION:

With the absence of any constitutional or statutory prohibition, a broad reading of Section 22–204(9) should permit the adoption of the proposed payment plan by the Board of Trustees of the University of South Carolina.

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