

1978 WL 35090 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 31, 1978

*1 Dr. Howard R. Boozer
Commission on Higher Education
1429 Senate Street
Columbia, SC 29201

Dear Dr. Boozer:

This is in reply to your request for an opinion from this Office whether the Commission on Higher Education may legally utilize uniform ratios, factors, and assumptions (including uniform faculty salaries and student fee assumptions), as components of a formula design to distribute state funds equitably among the colleges and universities in South Carolina. This opinion supplements our previous opinion dated January 27, 1978, to Dr. M. M. Nance, a copy of which is enclosed.

As stated in the previous opinion, the Commission on Higher Education is granted the authority to coordinate the overall budgetary presentation to the Budget and Control Board and, further, to provide for the equitable and effective allocation of funds among the institutions of higher learning in South Carolina. To provide equitable allocation of funds among these institutions, it is apparent the Commission must adopt some form of uniform factors in their budgetary formulas. By using these uniform factors, the Commission can ensure that each institution of higher learning in South Carolina gets their fair share of the limited resources available.

It is the opinion of this Office that the Commission on Higher Education may utilize uniform ratios, factors and assumptions as components of a formula design to distribute state funds among the institutions of higher learning, provided such uniform factors are reasonable in relation to that subject matter and provided that the Commission does not impinge upon the authority of the trustees of the various institutions of higher learning to set student fees as referred to in our opinion dated January 27, 1978. If the institution is not satisfied with the recommendations of the Commission on Higher Education, it may request a hearing before the appropriate committee of the General Assembly in the form of a supplemental budgetary request.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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