

1978 WL 35269 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 18, 1978

*1 Dr. Howard R. Boozer
Executive Director
South Carolina 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 private degree granting institutions chartered by the Secretary of State prior to 1953 must be licensed by the Commission on Higher Education if it amends its charter to begin awarding baccalaureate degrees.

[§ 59-46-10 et seq.](#), Code of Laws of South Carolina, 1976, as amended, provides for the licensure of all 'nonpublic educational institutions.' However, [§ 59-46-10\(3\)](#) provides that 'nonpublic educational institutions' shall not include any degree granting school, institute, college, junior college, university or entity which was chartered by the Secretary of State before 1953 or colleges of chiropractic.

When the terms of a statute are clear and not ambiguous, there is no room for construction and the statute should be accorded its literal meaning. [McMillen Feed Mills, Inc. of South Carolina v. Mayer](#), 265 S.C. 500, 220 S.E.2d 221 (1975). It is therefore the opinion of this Office that any degree granting school or college chartered by the Secretary of State before 1953 would be exempt from licensure by the Commission on Higher Education since by legal definition it is not a 'nonpublic educational institution.' Whether or not the institution amends its charter to confer additional degrees would not affect its status under [§ 59-46-10](#).

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

Sincerely,

Frank H. DuRant
Assistant Attorney General

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