

CHAPTER 112.

DETERMINATION OF RATES OF TUITION AND FEES

SECTION 59-112-10. Definitions.

As used in this chapter:

A. The words "state institution" mean those post- secondary educational institutions under the jurisdiction of:

- (1) the Board of Trustees, Clemson University;
- (2) the Board of Trustees, Medical University of South Carolina;
- (3) the Board of Trustees, South Carolina State University;
- (4) the Board of Trustees, College of Charleston;
- (5) the Board of Trustees, Lander University;
- (6) the Board of Trustees, Francis Marion University;
- (7) the Board of Visitors, The Citadel;
- (8) the Board of Trustees, the University of South Carolina;
- (9) the Board of Trustees, Winthrop University;
- (10) the Board of Trustees, Coastal Carolina University;
- (11) the State Board for Technical and Comprehensive Education.

B. The word "student" shall mean any person enrolled for studies in any State Institution.

C. The word "residence" or "reside" shall mean continuous and permanent physical presence within this State, provided, that temporary absences for short periods of time shall not affect the establishment of a residence.

D. The word "domicile" shall mean a person's true, fixed, principal residence and place of habitation; it shall indicate the place where such person intends to remain, and to which such person expects to return upon leaving without establishing a new domicile in another state. For purposes of this section one may have only one legal domicile; one is presumed to abandon automatically an old domicile upon establishing a new one. Housing provided on an academic session basis for students at State Institutions shall be presumed not to be a place of principal residence, as residency in such housing is by nature temporary.

E. The words "in-state rates" shall mean charges for tuition and fees established by State Institutions for persons who are domiciled in South Carolina in accordance with this chapter; the words "out-of-state rates" shall mean charges for tuition and fees established by State Institutions for persons who are not domiciled in South Carolina in accordance with this chapter.

F. The words "independent person" shall mean a person in his majority, or an emancipated minor, whose predominant source of income is his own earnings or income from employment, investments, or payments from trusts, grants, scholarships, loans or payments of alimony or separate maintenance made pursuant to court order.

G. The words "dependent" or "dependent person" mean:

- (1) one whose financial support is provided not through his own earnings or entitlements, but whose predominant source of income or support is payments from a parent, spouse, or guardian, and who qualifies as a dependent or an exemption on the federal tax return of the parent, spouse, or guardian; or
- (2) one for whom payments are made, under court order, for child support and the cost of his college education by an independent person meeting the provisions of Section 59-112-20 A or B.

The words "dependent" or "dependent person" do not include a spouse or former spouse who is the recipient of alimony or separate maintenance payments made pursuant to court order.

H. The word "minor" shall mean a person who has not attained the age of eighteen years; and the words "emancipated minor" shall mean a minor whose parents have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor.

I. The word “parent” shall mean a person’s natural or adoptive father or mother; or if one parent has custody of the child, the parent having custody; or if there is a guardian or other legal custodian of such person, then such guardian or legal custodian; provided, however, that where circumstances indicate that such guardianship or custodianship was created primarily for the purpose of conferring South Carolina domicile for tuition and fee purposes on such child or dependent person, it shall not be given such effect.

J. The word “spouse” shall mean the husband or wife of a married person.

SECTION 59-112-20. South Carolina domicile defined for purposes of rates of tuition and fees.

South Carolina domicile for tuition and fee purposes shall be established as follows in determinations of rates of tuition and fees to be paid by students entering or attending State Institutions:

A. Independent persons who reside in and have been domiciled in South Carolina for a period of no less than twelve months with an intention of making a permanent home therein, and their dependents, may be considered eligible for in-state rates.

B. Independent persons who reside in and have been domiciled in South Carolina for fewer than twelve months but who have full-time employment in the State, and their dependents, may be considered eligible for in-state rates for as long as such independent person is employed on a full-time basis in the State.

C. Where an independent person meeting the provisions of Section 59-112-20 B above, is living apart from his spouse, or where such person and his spouse are separated or divorced, the spouse and dependents of such independent person shall have domiciliary status for tuition and fee purposes only under the following circumstances:

(1) if the spouse requesting domiciliary status for tuition and fee purposes remains domiciled in South Carolina although living apart or separated from his or her employed spouse;

(2) if the dependent requesting domiciliary status for tuition and fee purposes is under the legal custody or guardianship, as defined in Section 59-112-10 I above, of an independent person who is domiciled in this State; or if such dependent is claimed as an income tax exemption by the parent not having legal custody but paying child-support, so long as either parent remains domiciled in South Carolina.

D. The residence and domicile of a dependent minor shall be presumed to be that of the parent of such dependent minor.

E. Independent persons who reside in and are domiciled in Chatham-Effingham and Bryan County Georgia, and their dependents, may be considered eligible for in-state rates for as long as the Georgia Board of Regents offers its Georgia Tuition Program by which it grants in-state tuition to students residing in the Beaufort and Jasper county area.

SECTION 59-112-30. Effect of change of residency.

When the domicile of a student or of the person upon whom a student is financially dependent changes after enrollment at a State Institution, tuition charges shall be adjusted as follows:

A. Except as provided in Section 59-112-20 B above, when domicile is taken in South Carolina, a student shall not become eligible for in-state rates until the beginning of the next academic session after expiration of twelve months from date of domicile in this State.

B. When South Carolina domicile is lost, eligibility for in-state rates shall end on the last day of the academic session in which the loss occurs; however, application of this subsection shall be at the discretion of the institution involved.

C. Notwithstanding the other provisions of this section, any dependent person who has been domiciled with his family in South Carolina for a period of not less than three years immediately prior to his enrollment may enroll in a state-supported institution of higher learning at the in-state rate and may continue to be enrolled at such rate even if the parent, spouse or guardian upon whom he is dependent moves his domicile from this State.

SECTION 59-112-40. Effect of marriage.

Except as provided in Section 59-112-20 above, marriage shall effect determinations of domicile for tuition and fee purposes only insofar as it operates to evince an intention by the parties to make a permanent home in South Carolina.

SECTION 59-112-50. Military personnel and their dependents.

Notwithstanding other provisions of this chapter, during the period of their assignment to duty in South Carolina, members of the armed services of the United States stationed in South Carolina and their dependents are eligible for in-state rates. When such armed service personnel are ordered away from the State, their dependents are eligible for in-state tuition rates so long as they remain continuously enrolled at the state institution where they are enrolled at the time the assignment ends. These persons and their dependents are eligible for in-state rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge.

SECTION 59-112-60. Faculty, administrative employees and dependents; eligibility to attend classes and receive tuition assistance.

(A) Except as provided in this section, full-time faculty and administrative employees of State Institutions and their spouses and children are excluded from the provisions of this chapter.

(B) Employees of public colleges, universities, and technical colleges may attend classes at an institution of higher learning and receive tuition assistance in accordance with Budget and Control Board guidelines and regulations.

SECTION 59-112-70. Abatement of rates for nonresidents on scholarship. waiver for students participating in international Sister-State agreement or student exchange programs.

(A) Notwithstanding other provisions of this chapter, the governing boards listed in Section 59-112-10A, are authorized to adopt policies for the abatement of any part or all of the out-of-state rates for students who are recipients of scholarship aid.

(B) State-supported colleges and universities, including the technical colleges, may waive the nonresident portion of tuition and fees for those students who are participating in an international Sister-State agreement program which the Governor and the General Assembly have entered to promote the economic development of South Carolina. The nonresident fee waiver for the students is applicable only for those Sister-State agreements where South Carolina students receive reciprocal consideration. The Commission on Higher Education, through coordination with the State Budget and Control Board, will annually notify institutions of the Sister-State agreements eligible for the nonresident fee waiver. The credit hours generated by these students must be included in the Mission Resource Requirement for funding.

(C) State-supported colleges and universities that have an established and ongoing relationship in one or more degree programs with an international institution, the terms of which have been formally approved by the institution's board of trustees, and a relationship that includes regular arrangements for the enrollment of qualified students and the exchange of faculty between the institutions, although not necessarily in equal exchange numbers, may waive the nonresident portion of tuition and fees for nonresident students enrolled in the program.

SECTION 59-112-80. Administration of chapter; burden of proving eligibility on students.

Each State Institution shall designate an official to administer the provisions of this chapter. Students making application to pay tuition and fees at in-state rates shall have the burden of proving to the satisfaction of the aforesaid officials of State Institutions that they have fulfilled the requirements of this chapter before they shall be permitted to pay tuition and fees at such rate.

SECTION 59-112-90. Penalties for willful misrepresentations.

Where it appears to the satisfaction of officials charged with administration of these provisions that a person has gained domiciliary status improperly by making or presenting willful misrepresentations of fact, such persons shall be charged tuition and fees past due and unpaid at the out-of-state rate, plus interest at a rate of eight percent per annum, plus a penalty amounting to twenty-five percent of the out-of-state rate for one semester; and until these charges have been paid no such student shall be allowed to receive transcripts or graduate from any State Institution.

SECTION 59-112-100. Regulations.

The Commission on Higher Education may prescribe uniform regulations for application of the provisions of this chapter and may provide for annual review of such regulations.

SECTION 59-112-110. University of South Carolina's Aiken Campus and Aiken Technical College; in-state tuition for certain Georgia residents.

The University of South Carolina's Aiken Campus and Aiken Technical College may offer in-state tuition to a student whose legal residence is in the Richmond/Columbia County area of the State of Georgia as long as the Georgia Board of Regents continues its Georgia Tuition Program by which in-state tuition is offered to students residing in the Aiken/Edgefield/McCormick County area of the State of South Carolina, or students residing in the Aiken/Edgefield County area of the State of South Carolina if the Georgia Board of Regents does not include McCormick County residents in its Georgia Tuition Program.

SECTION 59-112-120. In-state tuition at technical colleges for bordering state residents.

The South Carolina Technical Colleges may offer in-state rates to residents of bordering North Carolina and Georgia communities if a reciprocal agreement is in effect with the two-year colleges in these neighboring regions or when students from these out-of-state communities are employed by South Carolina employers who pay South Carolina taxes.

SECTION 59-112-130. Institutions with law schools; fee waivers.

A public institution of higher learning with a law school may offer fee waivers to no more than four percent of the law school student body. This waiver does not affect the capacity of the fee waivers for four percent of the undergraduate student body. This waiver must not be applied to fees for out-of-state students.