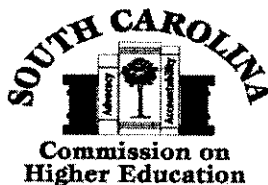


Agenda Item 4.04.B.



Dr. Conrad Festa
Executive Director

To: Members, SC Commission On Higher Education
From: Charles D. FitzSimons
Date: March 23, 2004
Re: Higher Education Excellence Enhancement Program - Regulations

On February 19th, the Commission staff met with the Presidents and Representatives of the Higher Education Excellence Enhancement Program's eligible institutions. At the meeting, the Presidents were given copies of the proposed regulations which had been submitted for publication in the State Register. The Presidents requested two minor amendments in the language of the regulations. Both amendments are in Article VIII section 62-904. The word "Grants" was changed to "Proposal Evaluation," and a sentence was added "Awards may be made for the amount of the entire proposal or a portion of the proposal, as deemed appropriate by the Commission."

For your convenience, both of these amendments are noted in the attached regulations as underlined and italicized insertions.

Document No _____
SOUTH CAROLINA COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 2-77-20
Article VIII

Higher Education Excellence Enhancement Program

Preamble:

The Commission on Higher Education proposes to establish regulations in order to enact the Higher Education Excellence Enhancement Program as created by the Act 24 of 2003. The purpose of the program is to enhance the educational opportunities of low-income and educationally disadvantaged students attending four-year colleges/universities where no less than sixty percent of the students enrolled receive PELL grants. The South Carolina Commission on Higher Education was appointed as the administrator of the program.

The Notice of Drafting was published in the State Register October 24, 2003.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments or a request to make comments during the public hearing to Mr. Charles FitzSimons, Director, Division of Facilities & Statistical Services, South Carolina Commission on Higher Education, 1333 Main Street (Suite 200), Columbia, SC 29201. To be considered, comments or requests must be received no later than 5PM March 27, 2004. If necessary, a public hearing will be held at the South Carolina Commission on Higher Education on April 1, 2004 at 10:30AM.

Preliminary Fiscal Impact Reasonableness:

No increase cost

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to Title 2 of the 1976 Code Section 2-77-10 and 2-77-20.

DESCRIPTION OF REGULATION:

Purpose:

The proposed regulation will establish criteria for administering the Higher Education Excellence Enhancement Program in accordance with the relevant code structure.

Legal Authority:

Title 2 of the 1976 Code Section 2-77-20

Plan for Implementation:

The proposed regulation will go into effect upon approval by the General Assembly and publication in the "State Register".

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to Title 2 of the 1976 Code Section 2-77-10 and 2-77-20. There are no scientific or technical studies necessary to promulgate these regulations.

PROPOSED REGULATIONS**Article VIII****Higher Education Excellence Enhancement Program**

Statutory Authority: 1976 Code Section 2-77-20

62-901 Purpose of the Higher Education Excellence Enhancement Program.

The purpose of the Higher Education Excellence Enhancement Program is to enhance the educational opportunities of low-income and educationally disadvantaged students attending four-year colleges/universities where no less than sixty percent of the students enrolled receive PELL grants.

62-902 Applications of Eligible Institutions

Eligible Institutions are outlined in Section 2-77-15, South Carolina Code of Laws, 1976, as amended. Institutions that meet eligibility criteria shall notify the South Carolina Commission on Higher Education of their eligibility prior to the beginning of each fiscal year. The South Carolina Commission on Higher Education will certify the eligibility of each institution annually.

62-903 Allocation of Appropriations

Appropriations are to be allocated among eligible Institutions in accordance with Section 2-77-20(c), South Carolina Code of Laws, 1976, as amended.

62-904 Funds to be Awarded based on Merit

Institutions may submit proposals for the funding of activities included in Section 2-77-30(a). Proposals must be submitted prior to a deadline to be established by the South Carolina Commission on Higher Education. Proposals shall be evaluated by a panel of Higher Education personnel selected by the South Carolina Commission on Higher Education with experience in Administration, Academics, Finance, Capital Construction or Maintenance, ~~Grants~~ Proposal Evaluation or other such areas deemed appropriate for the review of Institutional proposals. The South Carolina Commission on Higher Education will make the final awards after consideration of the panel's recommendations and priority requirements as outlined in Section 2-77-30(a) South Carolina Code of Laws, 1976, as amended. Awards may be made for the amount of the entire proposal, or a portion of the proposal, as deemed appropriate by the Commission. Institutions selected for awards, per section 62-903, shall enter into a contract with the South Carolina Commission on Higher Education for completion of the proposed activities. Participating Institutions must comply with Section 2-77-30(b) South Carolina Code of Laws, 1976, as amended. Upon successful completion of the contract, the participating Institution must comply with section 2-77-40 South Carolina Code of Laws, 1976, as amended.