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## FY 2021-22 Proviso 117.71 Fines and Fees Report

### Background

Per Proviso 117.73 of the FY 2022-23 Appropriations Act, the South Carolina Commission on Higher Education, along with all other state agencies, is required to produce a report showing the total of fines and fees that were charged and collected by the agency in the prior fiscal year.

### Fines and Fees Received by CHE by Source, FY 2021-2022

<u>Description</u>	<u>Amount</u>
Initial	\$16,773.55
Annual	\$130,785.62
Late Fee	\$949.11
Move Site	\$750.00
Additional program or site	\$4,686.64
Name Change	\$ 0.00
Agent Permit	\$1,650.00
Other	\$0.00
Transcript	\$540.00
SARA	\$147,500.00
Total	\$315,951.26

### Purpose for Which Funds Were Expended by Agency

The South Carolina Nonpublic Post-Secondary Institution License Act authorizes the Commission to be the sole authority for licensing nonpublic educational institutions established in South Carolina and for those established elsewhere which want to operate in or confer degrees in this State, and permits the Commission to set reasonable fees for the administration of these activities. In addition, the licensing group administers the State Authorization Reciprocity Agreements (SARA), which is the voluntary, interstate reciprocity agreement that establishes



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comparable standards for interstate offering of postsecondary distance education. The Commission approves or disapproves participation in these agreements by accredited degree-granting institutions of higher education in this State and is authorized to establish fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the Commission.

### **Amount of Funds Transferred to the General Fund or to Another Entity**

Licensing fees are not transferred to the General Fund or to any other entities.

### **Link to Report on the Commission on Higher Education Website:**

[https://che.sc.gov/sites/che/files/Documents/News/Data%20Center/Fines\\_and\\_Fees\\_Report\\_Final.pdf](https://che.sc.gov/sites/che/files/Documents/News/Data%20Center/Fines_and_Fees_Report_Final.pdf)



## Proviso Requiring Fines and Fees Report

South Carolina General Assembly

124th Session, 2021-22

H. 5150

General Appropriations Bill for Fiscal Year 2022-23

Ratified Version

PART IB

OPERATION OF STATE GOVERNMENT

### SECTION 117 - X900 - GENERAL PROVISIONS

117.70. (GP: Fines and Fees Report) In order to promote accountability and transparency, each state agency must provide and release to the public via the agency's website, a report of all aggregate amounts of fines and fees that were charged and collected by that state agency in the prior fiscal year. The report shall include, but not be limited to: (1) the code section, regulation, or proviso that authorized the fines and fees to be charged, collected, or received; (2) the amount of the fine or fee; (3) the amount received by source; (4) the purpose for which the funds were expended by the agency; (5) the amount of funds transferred to the general fund, if applicable, and the authority by which the transfer took place; and (6) the amount of funds transferred to another entity, if applicable, and the authority by which the transfer took place, as well as the name of the entity to which the funds were transferred. The report must be posted online by September first. Additionally, the report must be delivered to the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee by September first. Funds appropriated to and/or authorized for use by each state agency shall be used to accomplish this directive.

## Authorization of Fines and Fees

### Title 59 - Education

#### CHAPTER 58

#### Nonpublic Post-Secondary Institution Licensing

##### SECTION 59-58-70. Fees.

The commission may set reasonable fees for administration of this chapter including, but not limited to, licenses, agent permits, renewals, penalties for late renewals, penalties for failure to provide information as required, penalties for repeat violations, consultants, complaint investigations, and supplementary applications for amendments of the license.

*HISTORY: 1992 Act No. 497, Section 1; 2002 Act No. 284, Section 5.*

### Title 59 - Education

#### CHAPTER 103

#### State Commission on Higher Education

#### ARTICLE 1

#### General Provisions

##### SECTION 59-103-17. Interstate reciprocity for postsecondary distance education.

A. The Commission on Higher Education may enter into interstate reciprocity agreements, including, but not limited to, the State Authorization Reciprocity Agreement, that authorize accredited degree-granting institutions of higher education that offer postsecondary distance education to do so through such reciprocity agreements. The commission shall administer these agreements and shall approve or disapprove participation in these agreements by accredited degree-granting institutions of higher education in this State. The commission may assume and exercise all powers, duties, and responsibilities associated with and required under the terms of an interstate reciprocity agreement.

B. The commission may develop policies, procedures, or regulations necessary for the implementation of this section, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the commission. Participation in interstate reciprocity agreements shall be voluntary to eligible institutions of higher education in this State.

C. Nothing in this section may be construed to prohibit institutions of higher education in this State that do not participate in any interstate reciprocity agreement entered into by the commission from offering postsecondary distance education.

D. Nothing in this section may be construed to prohibit or reduce the commission's authority over institutions of higher education offering distance education in this State if the institution is not a participant in the interstate reciprocity agreement in which the commission participates.

*HISTORY: 2016 Act No. 146 (H.4639), Section 1, eff March 14, 2016.*

**Chapter 62**  
**State Commission on Higher Education**  
**Article I**  
**Licensing Nonpublic Postsecondary Educational Institutions**

**62-23 Fees.**

A. Initial and annual institutional license fees are one-half of one percent of the actual or expected gross income of the licensed program(s), but not less than one hundred fifteen dollars or more than five thousand dollars per location. Gross annual income is computed after a normal tax accounting year of an institution. Any tuition earned for licensed programs during that twelve-month period shall be included as the gross annual income. The only expense that can be deducted from gross tuition is refunds made to students. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

B. Late filing fees are as follows:



(1) An institution submitting its application for renewal or its annual periodic reports more than five business days after the due date shall be assessed an additional charge of ten percent of the institution's annual fee for each five business days the report is past due, but not less than fifty dollars for each five-day increment, not to exceed one-hundred percent of the annual fee. If the renewal or annual report is submitted by the due date but is incomplete, the Commission will notify the institution and establish a specific date by which the remainder of the report must be submitted. If the remainder of the report is not submitted by the established date, the Commission may reactivate the late fee.

(2) The Commission may waive or reduce the late fee in case of mitigating circumstances as determined by the Commission.

C. Amendment of license to move an existing location or site: \$60

D. Amendment of license for each additional program or site: one-half of one percent of the projected additional gross tuition income for the first year, but not less than fifty dollars or more than two-thousand five hundred dollars per program. For out-of-state institutions licensed to offer their program(s) to residents of the State, gross income means that income generated from students enrolled in the State.

E. Re-issuance of license for program name change or institution name change: \$30.

F. Initial and renewal of agent permit: \$30.

G. Re-issuance of agent permit: \$10.

H. All fees shall be submitted at the time of application and are nonrefundable.

I. The Commission may assess a fine for failure to respond in a timely manner to a request from the Commission for information or for repeat violations involving deceptive trade or sales practices or advertising. In assessing a fine, the Commission must consider the nature of the violation and whether the institution has a history of infractions. A fine may not exceed one thousand dollars per year, and if the institution does not pay the fine within 30 days of written notification by the

Commission, late fees may be assessed as described in this section, or the Commission may proceed with revocation of the license.

J. All fees shall be paid by check or money order payable to the “South Carolina Commission on Higher Education.”

K. The Commission may periodically adjust fees based on the consumer price index or other appropriate indicator.

*HISTORY: Added by State Register Volume 17, Issue No. 7, eff July 23, 1993. Amended by State Register Volume 20, Issue No. 2, eff February 23, 1996; State Register Volume 26, Issue No. 5, eff May 24, 2002; State Register Volume 27, Issue No. 3, eff March 28, 2003.*

## Schedule of Fines and Fees, FY 2021-2022

Nonpublic Postsecondary Educational Institutional Licensing Fee Schedule		
FY 2021-2022		
Initial: One-half of one percent expected gross tuition	Minimum	\$
	Maximum	
Annual: One-half of one percent last year’s gross	Minimum	\$
	Maximum	
Late filing fees: More than five business days after the due date ten percent of the annual fee for each five business days the report is past due	Minimum for each five-day increment	\$ 50.00
Move an existing location or site		\$ 75.00
Additional program or site: One-half of one percent of the projected additional gross tuition income for the first year.	Minimum	\$ 75.00
	Maximum	\$2,750.00
Program or institution name change		\$ 30.00
Initial and renewal of agent permit		\$ 30.00
Re-issuance of agent permit		\$ 10.00
Transcript		\$ 10.00

The fee schedule for institutions applying to participate in the State Authorization Reciprocity Agreement (SARA) follows the schedule established by the National Council for State Authorization Reciprocity Agreements (NC-SARA). The annual fee to participate varies by an institution's full-time equivalent (FTE) enrollment.

<u>SARA Fee Schedule – FY 2021-2022</u>		
Annual Fee	Less than 2,500 FTE	\$2,000.00
	2,500-9,999 FTE Students	\$4,000.00
	10,000 or More FTE	\$6,000.00

