

1976 S.C. Op. Atty. Gen. 285 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4430, 1976 WL 23047

Office of the Attorney General

State of South Carolina

Opinion No. 4430

August 25, 1976

*1 The State's disapproval of the teacher training program of an independent senior college (which is not accredited by the Southern Association) disqualifies all students for state tuition grants while attending such school during the period of disapproval.

TO: R. Laine Ligon
Director
Higher Education Tuition Grants Committee

QUESTION:

For the purpose of state tuition grants, what students are affected by the withdrawal of the State's approval of the teacher training program of institutions of higher learning which are not approved by the Southern Association?

AUTHORITIES:

56 Statutes at Large 2579, 1970 Act. No. 1191 (§§ 22–91, *et seq.*, Code of Laws of South Carolina, as amended).

'Policies and Procedures Utilized by the South Carolina State Board of Education in the Approval of Programs of Study in Professional Education Offered by Colleges and Universities in South Carolina, As Amended.'

[Jones v. South Carolina State Highway Department, 247 SC 132, 146 SE2d 166 \(1966\).](#)

17 South Carolina Digest, Statutes, Key 238, Legislative Grants.

DISCUSSION:

By Act No. 1191 of 1970, qualified residents of South Carolina attending 'independent institutions of higher learning' are entitled to receive tuition grants from the State of South Carolina. See 56 Statutes at Large, Act No. 1191, § 2 at page 2580 (1970). The term 'independent institutions of higher learning' is defined by the Act to mean 'any independent senior college in South Carolina certified for teacher training by the State Department of Education, or accredited by the Southern Association of Colleges and Secondary Schools . . .'. When the State denies approval of the teacher training program at an institution, 'course credits of students who were admitted to the teacher education program before the effective date of the denial of approval will be accepted for certification upon successful completion of the remainder of the courses of study and satisfaction of all other requirements for certification. During the period during which the institution is not approved for teacher education, course credits earned by students who are admitted to the teacher education program on or after the effective date of the denial of approval will not be accepted for certification.' 'Policies and Procedures,' *supra*. The certification of the institution itself and the certification of the individual prospective teachers by the State are two separate and distinct actions by the State.

The Act expressly requires the institution to be approved by the Southern Association or certified by the State for teacher training. Where the terms of a statute are clear and unambiguous, as the terms of this Act are, they must be applied according to their literal meaning. Jones v. South Carolina State Highway Department, supra. See also, 17 South Carolina Digest, Statutes, Key 238, supra. According to the clear language of the Act, any institution which is not approved or accredited pursuant to the terms of the Act is not 'an independent institution of higher learning' for the purposes of the State tuition grants.

CONCLUSION:

*2 If an institution is not accredited by the Southern Association, disapproval of its teacher training program by the State removes the institution from the definition of 'independent institution of higher learning', and students attending such an institution would no longer be eligible for the State tuition grants unless the students transfer to an appropriately approved or certified institution or until the disapproved institution is recertified under the provisions of the Act.

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