

**SUBSTITUTE FOR
HOUSE BILL NO. 4735**

A bill to amend 1996 PA 160, entitled
"Postsecondary enrollment options act,"
by amending section 3 (MCL 388.513), as amended by 2012 PA 131.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) As used in this act:

2 (a) "Community college" means a community college established
3 under the community college act of 1966, 1966 PA 331, MCL 389.1 to
4 389.195, or under part 25 of the revised school code, 1976 PA 451,
5 MCL 380.1601 to 380.1607, or a federal tribally controlled
6 community college located in this state that is recognized under
7 the tribally controlled colleges and universities assistance act of
8 1978, 25 USC 1801 to ~~1852~~, **1864**, and is determined by the
9 department to meet the requirements for accreditation by a
10 recognized regional accrediting body.

1 (b) "Department" means the department of education.

2 (c) "Eligible charges" means tuition and mandatory course
3 fees, material fees, and registration fees required by an eligible
4 institution for enrollment in an eligible course. Eligible charges
5 also include any late fees charged by an eligible postsecondary
6 institution due to the school district's or department of
7 treasury's failure to make a required payment according to the
8 timetable prescribed under this act. Eligible charges do not
9 include transportation or parking costs or activity fees. **FOR**
10 **ELIGIBLE STUDENTS ENROLLED IN AN OUT-OF-STATE COLLEGE THAT IS AN**
11 **ELIGIBLE POSTSECONDARY INSTITUTION, ELIGIBLE CHARGES SHALL NOT**
12 **EXCEED THE LESSER OF THE IN-DISTRICT RATE FOR THE COMMUNITY COLLEGE**
13 **LOCATED IN THE DISTRICT IN WHICH THE ELIGIBLE STUDENT RESIDES OR**
14 **THE IN-DISTRICT RATE FOR THE OUT-OF-STATE COLLEGE IN WHICH THE**
15 **ELIGIBLE STUDENT IS ENROLLED.**

16 (d) "Eligible course" means a course offered by an eligible
17 postsecondary institution that is offered for postsecondary credit;
18 that is not offered by the school district or state approved
19 nonpublic school in which the eligible student is enrolled, or that
20 is offered by the school district or state approved nonpublic
21 school but is determined by its governing board to not be available
22 to the eligible student because of a scheduling conflict beyond the
23 eligible student's control; that is an academic course not
24 ordinarily taken as an activity course; that is a course that the
25 postsecondary institution normally applies toward satisfaction of
26 degree requirements; that is not a hobby, craft, or recreational
27 course; and that is in a subject area other than physical

1 education, theology, divinity, or religious education. However, for
2 an eligible student who has not achieved a qualifying score in each
3 subject area on a readiness assessment or the Michigan merit
4 examination, as applicable for the student, an eligible course is
5 limited to a course in a subject area for which he or she has
6 achieved a qualifying score, a course in computer science or
7 foreign language not offered by the school district, or a course in
8 fine arts as permitted by the school district. For each individual
9 eligible student, unless there is a written agreement between the
10 eligible student's school district and the eligible postsecondary
11 institution to waive these limits, a course described in this
12 subdivision is not an eligible course if the eligible student's
13 enrollment in, and the payment of eligible charges under this act
14 for, the course would exceed the following limits:

15 (i) Not more than 10 courses overall. This limit and the
16 limits under subparagraphs (ii) to (iv) do not apply to a course if
17 the eligible student does not receive tuition and fee support under
18 this act for that course.

19 (ii) If the eligible student first enrolls in a course under
20 this act when the eligible student is in grade 9, not more than 2
21 courses during each academic year in the eligible student's first,
22 second, or third academic year of enrollment under this act in an
23 eligible postsecondary institution and not more than 4 courses
24 during the academic year in the eligible student's fourth academic
25 year of enrollment under this act in an eligible postsecondary
26 institution.

27 (iii) If the eligible student first enrolls in a course under

1 this act when the eligible student is in grade 10, not more than 2
2 courses during the academic year in the eligible student's first
3 academic year of enrollment under this act in an eligible
4 postsecondary institution, not more than 4 courses during the
5 academic year in the eligible student's second academic year of
6 enrollment under this act in an eligible postsecondary institution,
7 and not more than 4 courses during the academic year in the
8 eligible student's third academic year of enrollment under this act
9 in an eligible postsecondary institution.

10 (iv) Subject to the overall course limit under subparagraph
11 (i), if the eligible student first enrolls in a course under this
12 act when the eligible student is in grade 11 or 12, not more than 6
13 courses during either of those academic years of enrollment in an
14 eligible postsecondary institution.

15 (e) "Eligible postsecondary institution" means a state
16 university, community college, or independent nonprofit degree-
17 granting college or university that is located in this state and
18 that chooses to comply with this act. **HOWEVER, AN OUT-OF-STATE**
19 **COLLEGE THAT IS LOCATED WITHIN 20 MILES OF A BORDER WITH THIS STATE**
20 **AND THAT CHOOSES TO COMPLY WITH THIS ACT IS ALSO AN ELIGIBLE**
21 **POSTSECONDARY INSTITUTION FOR AN ELIGIBLE STUDENT IF AT LEAST 1 OF**
22 **THE FOLLOWING IS MET:**

23 (i) **THE ELIGIBLE STUDENT IS ENROLLED IN A SCHOOL DISTRICT, AS**
24 **THAT TERM IS DEFINED IN SECTION 6 OF THE REVISED SCHOOL CODE, 1976**
25 **PA 451, MCL 380.6, THAT SHARES A BORDER WITH THE STATE IN WHICH THE**
26 **OUT-OF-STATE COLLEGE IS LOCATED.**

27 (ii) **THE ELIGIBLE STUDENT IS ENROLLED IN A PUBLIC SCHOOL**

1 ACADEMY, AS THAT TERM IS DEFINED IN SECTION 5 OF THE REVISED SCHOOL
2 CODE, 1976 PA 451, MCL 380.5, THAT IS LOCATED IN A SCHOOL DISTRICT
3 DESCRIBED IN SUBPARAGRAPH (i) .

4 (iii) THE ELIGIBLE STUDENT IS ENROLLED IN A STATE APPROVED
5 NONPUBLIC SCHOOL THAT IS LOCATED IN A SCHOOL DISTRICT DESCRIBED IN
6 SUBPARAGRAPH (i) .

7 (f) "Eligible student" means, except as otherwise provided in
8 this subdivision, a student enrolled in at least 1 high school
9 class in a school district or state approved nonpublic school in
10 this state, except a foreign exchange pupil enrolled under a
11 cultural exchange program or a student who does not have at least 1
12 parent or legal guardian who is a resident of this state. However,
13 subject to subsection (2), the student shall not have been enrolled
14 in high school for more than 4 school years including the school
15 year in which the student seeks to enroll in an eligible course
16 under this act. To be an eligible student, a student who has not
17 taken the Michigan merit examination must have achieved a
18 qualifying score in all subject areas on a readiness assessment and
19 a student who has taken the Michigan merit examination must have
20 achieved a qualifying score in all subject areas on the Michigan
21 merit examination, and, subject to subsection (2), the student
22 shall not have been enrolled in high school for more than 4 school
23 years including the school year in which the student seeks to
24 enroll in an eligible course under this act. However, if the
25 student has not achieved a qualifying score in all subject areas on
26 a readiness assessment or the Michigan merit examination, as
27 applicable for the student, the student is an eligible student only

1 for the limited purpose of enrolling in 1 or more eligible courses
2 under this act in a subject area for which he or she has achieved a
3 qualifying score, in computer science or foreign language not
4 offered by the school district, or in fine arts as permitted by the
5 school district. For the purposes of determining the number of
6 years a pupil has been enrolled in high school, a pupil who is
7 enrolled in high school for less than 90 days of a school year due
8 to illness or other circumstances beyond the control of the pupil
9 or the pupil's parent or guardian is not considered to be enrolled
10 in high school for that school year.

11 (g) "Intermediate school district" means that term as defined
12 in section 4 of the revised school code, 1976 PA 451, MCL 380.4.

13 (h) "Michigan merit examination" means that examination
14 developed under section 1279g of the revised school code, 1976 PA
15 451, MCL 380.1279g.

16 **(I) "OUT-OF-STATE COLLEGE" MEANS A DEGREE-GRANTING COLLEGE OR**
17 **UNIVERSITY LOCATED IN ANOTHER STATE THAT IS DETERMINED BY THE**
18 **DEPARTMENT TO MEET BOTH OF THE FOLLOWING:**

19 **(i) SERVES THE SAME FUNCTIONS IN THAT OTHER STATE AS ARE**
20 **SERVED BY A STATE UNIVERSITY, COMMUNITY COLLEGE, OR INDEPENDENT**
21 **NONPROFIT DEGREE-GRANTING COLLEGE OR UNIVERSITY LOCATED IN THIS**
22 **STATE.**

23 **(ii) IS LEGALLY ESTABLISHED UNDER THE LAWS OF THAT OTHER**
24 **STATE.**

25 **(J) ~~(i)~~"Qualifying score"** means a score on a readiness
26 assessment or the Michigan merit examination that has been
27 determined by the superintendent of public instruction to indicate

1 readiness to enroll in a postsecondary course in that subject area
2 under this act.

3 **(K)** ~~(j)~~—"Readiness assessment" means assessment instruments
4 that are aligned with state learning standards; that are used
5 nationally to provide high school students with an early indication
6 of college readiness proficiency in English, mathematics, reading,
7 social studies, and science and may contain a comprehensive career
8 planning program; and that are approved by the superintendent of
9 public instruction for the purposes of this act.

10 **(I)** ~~(k)~~—"School district" means that term as defined in
11 section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a
12 public school academy as defined in section 5 of the revised school
13 code, 1976 PA 451, MCL 380.5, **EXCEPT AS PROVIDED IN SUBDIVISION**
14 **(E)**.

15 **(M)** ~~(l)~~—"State approved nonpublic school" means that term as
16 defined in section 6 of the revised school code, 1976 PA 451, MCL
17 380.6.

18 **(N)** ~~(m)~~—"State university" means a state institution of higher
19 education described in section 4, 5, or 6 of article VIII of the
20 state constitution of 1963.

21 (2) The superintendent of public instruction shall promulgate
22 rules establishing criteria and procedures under which a student
23 who has been enrolled in high school for more than 4 years but not
24 more than 5 years may be considered to be an eligible student. The
25 rules shall address special circumstances under which a student may
26 qualify to be considered an eligible student under this subsection
27 and may limit the number of courses in which a student who

1 qualifies under this subsection may enroll. For the purposes of
2 determining the number of years a pupil has been enrolled in high
3 school, a pupil who is enrolled in high school for less than 90
4 days of a school year due to illness or other circumstances beyond
5 the control of the pupil or the pupil's parent or guardian is not
6 considered to be enrolled for that school year.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.