



**House  
Legislative  
Analysis  
Section**

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**POSTSECONDARY ENROLLMENT  
OPTIONS**

**House Bill 4642 as enrolled  
Public Act 161 of 1996  
First House Committee: Higher Education  
Second House Committee: Appropriations  
Senate Committee: Appropriations**

**House Bill 4643 as enrolled  
Public Act 160 of 1996  
House Committee: Higher Education  
Senate Committee: Education**

**Sponsor: Rep. Jessie Dalman  
Third Analysis (4-1-96)**

***THE APPARENT PROBLEM:***

The public school system often does not provide the type of learning atmosphere necessary to challenge the above average student. Although there are currently options available to some high school students to participate in more challenging classes, these opportunities are limited. Some argue that access to and funding for such programs needs to be increased in order to provide those students who have the desire and the capacity to excel with the opportunity to do so.

Michigan's current laws concerning dual enrollment or postsecondary options offer only limited access to students. In spite of recent efforts to give high school students greater access to postsecondary courses, only about 1,000 students took advantage of these opportunities last year. Currently access is limited to a small portion of the student population. When a student completes the coursework in a particular area of study before he or she reaches the 12th grade, he or she is unable to qualify for dual enrollment under the current law. Furthermore, information to help a potentially eligible student decide which if any courses would be available and/or beneficial to him or her is also largely unavailable under the current system. As a result, eligible students are often unaware of the opportunities are available to them.

The current law also denies students who have completed the district's high school graduation requirements tuition support. In most cases high school seniors have only one remaining required course as they enter their senior year. As a result, the district usually has half of its senior students take the course in the fall, while the other half takes the course in the spring. Under the current system those seniors who complete the course in the fall are ineligible to take advantage of

postsecondary opportunities during the second half of their senior year. This makes it impossible for many high school seniors to take advantage of the opportunity to attend postsecondary courses through the district.

***THE CONTENT OF THE BILLS:***

House Bill 4643 would create a new act, the Postsecondary Enrollment Options Act. The purpose of the act would be to provide a wider variety of options to high school students by encouraging qualified students to enroll in courses in postsecondary institutions. The bill would require school districts to pay tuition and other fees for eligible high school students to attend certain in-state postsecondary academic courses not generally offered by the school district. The bill would take effect July 1, 1996, with payment of eligible charges beginning October 1, 1996. The act would be repealed June 30, 2001. The Department of Education would promulgate rules necessary to implement the act under the Administrative Procedures Act. (However, if the Michigan Supreme Court rules that certain sections of the Administrative Procedures Act are unconstitutional and a statute requiring legislative review of administrative rules is not enacted within 90 days after the court's ruling, the department could not promulgate any rules.)

Foreign exchange students would be expressly excluded from eligibility for this program. However, all other high school students in at least grade 11 and enrolled in at least one high school class in a school district in this state, who had completed the requirements for a state endorsed diploma in all subject areas as specified in the Revised School Code, would be eligible to enroll in any authorized postsecondary courses. Authorized course

House Bills 4642 and 4643 (4-1-96)

would be offered through state universities, community colleges, or independent nonprofit degree-granting colleges or universities located in this state that had chosen to comply with the provisions of the bill. Those students in grade 12 who had not passed the proficiency test in all subject areas would be limited to attending those courses involving subject areas for which they had passed the state proficiency test at the appropriate level, computer science or foreign language classes not offered by the school district, and/or fine arts classes as permitted by the school district. Authorized or eligible postsecondary courses would include only academic courses which the postsecondary institution normally applies toward satisfaction of degree requirements, and could not include physical education; theology, divinity or religious education; and hobby craft or recreational courses. Students would not be allowed to take postsecondary courses in areas of study already available through the school district, except where the course offered by the school district was, by the determination of the board of the school district, unavailable to the student due to a scheduling conflict beyond the student's control. The bill would also prohibit students enrolled in the program from participating in college athletic programs. Students who were eligible to enroll in postsecondary courses under the act would be supplied with a letter from the student's principal indicating the student's eligibility.

School districts would be required to provide general information concerning postsecondary enrollment opportunities to all students in the 8th grade or higher by May 1 of 1996 and by March 1 of each following year. The district would also be required to provide counseling and more specific information to interested students and their parents or guardians, fully advising them of the risks and benefits involved in enrolling in a postsecondary course.

Prior to enrollment in a postsecondary course through the act, the student and his or her parent or guardian would be required to provide the postsecondary institution with a signed form, provided by the district, indicating the student was eligible to take a postsecondary course under the act, and that the student and his or her parents/guardian received information and counseling and understood the responsibilities involved in enrolling in the course as explained to them by the district's counselor. This would include information regarding:

- \*\* The student's enrollment eligibility;
- \*\* The types of courses and institutions available;

\*\* Eligibility for payment of all or part of the eligible charges by the school district;

\*\* Available support services;

\*\* The need to arrange an appropriate schedule;

\*\* The possible consequences of failing or not completing a postsecondary course;

\*\* The possible effect enrollment in a postsecondary course could have on the student's ability to complete the required high school graduation requirements;

\*\* The academic and social responsibilities that the student and his or her parents or guardian would have to assume;

\*\* The charges which would be paid by the school district;

\*\* The financial arrangements for eligible charges and for paying costs not covered by the school district;

\*\* How the school district would be responsible for paying the postsecondary institution directly and that the student would not be responsible for that payment but would be responsible for payment of those costs not paid for under the act; and

\*\* How the parent or guardian of a student in at least the tenth grade could request that the student be given the opportunity to take a test or assessment for state endorsement before grade twelve to qualify as an eligible student.

The counselor would also encourage the parent/guardian and student to make use of whatever counseling services were available through the eligible postsecondary institutions before the quarter or semester of enrollment to make certain that the student's plans were appropriate. The district could provide the required counseling in a group session, provided that additional personalized counseling was also made available. If requested, the department would provide assistance to the district and eligible postsecondary institutions in devising the appropriate forms and counseling guidelines.

The district would also be required to provide all eligible students with copies of all correspondence relating to their eligibility and participation in postsecondary courses and to retain copies of such correspondence for at least one year. Although postsecondary institutions would be allowed to give

priority to their own students during the enrollment process, the institution could not displace an already enrolled high school student with a postsecondary student. After registration, the postsecondary institution would be required to provide the student and the district with information regarding hours and dates of the postsecondary courses that the student would be attending. The postsecondary institution would notify the student of the tuition, fees, books and materials and other related charges in the same manner that students are customarily informed of these matters. The institution would also inform the student of the estimated amount of the eligible charges that would be billed to the district. Once a student were enrolled and attending a postsecondary course, the school district would be allowed to require the student to provide the district with reasonable written verification of his or her regular attendance of that postsecondary course.

Unless otherwise agreed, after the expiration of the institution's drop/add period for the course, the school district would be billed directly by the postsecondary institution. The district would pay for the student's tuition, mandatory course fees, material fees, and registration fees, from the state portion of the school district's foundation allowance, as allocated under the State School Aid Act, adjusted for the proportion of the school year that the student attends the postsecondary institution. In addition, if the school district chose to do so, it would be allowed to use local school operating revenue to increase the amount of money provided by the district towards a student's attendance of a postsecondary course. To the extent that the funds provided by the district were insufficient to cover the eligible costs, the student and/or his or her parents or guardian would be required to make up the difference. The district would have to pay any late fees, if those fees were incurred because the district's payment was not made in accordance with the timetable set up in the act. If the student failed to complete a course for which the district had provided funds, the postsecondary institution would be required to forward any amount refundable to the district; if the amount refunded was in excess of the amount paid by the district, it would be required to forward the excess to the student. Transportation and all risks of liability associated with transportation to and from the university would be the responsibility of the student. Furthermore, the student would be required to pay any activity fees, and transportation and parking costs.

A student taking a postsecondary course would have to designate whether credit for the course would be for high school or postsecondary credit, or both. School districts would be required to grant high school credit for postsecondary courses completed, although the

amount of high school credit to be allowed for a particular postsecondary course would be left to the discretion of the district. These credits would have to be applied toward the student's graduation and subject area requirements. The postsecondary institution would be required to provide the school district with a copy of the student's grade in any postsecondary course taken for high school credit under the bill. At the request of the student the high school would be required to reflect the student's successful completion of and postsecondary credit for courses taken under the bill. The district would also be required to reflect in the student's record and transcript that the student's credits were earned at a postsecondary level and identify the institution.

Intermediate school districts would be required to include dual enrollment figures within their annual comprehensive financial reports to the Department of Education. Such data collected from constituent local districts would include:

\*\* The amount of money expended by the district to pay for courses under the bill;

\*\* The number of eligible students enrolled in the district and the number of those who enrolled in one or more postsecondary courses and received payment for all or part of their eligible charges under the bill, and the percentage of the district's enrollment represented by those students, both by grade level and as a whole; and

\*\* The total number of postsecondary courses the district paid for under the bill, the number of courses for which students received postsecondary credit, the number of those courses for which high school credit was given, and the number of those courses that were not completed by the student.

The Department of Education would be required to prepare and submit an annual summary of this information to the House and Senate Fiscal Agencies and the Department of Management and Budget.

Finally, House Bill 4643 would require that a student's postsecondary enrollment, including necessary travel time, be treated as enrollment in the school district for the determination of full-time equated pupil memberships under the State School Aid Act of 1979. A pupil could not be considered less than full-time solely due to the effect of his or her participation in postsecondary enrollment. However, attendance of postsecondary courses which were in addition to full-time enrollment in the school district, or were contrary to the eligibility provisions contained in the bill, or

were courses that a student had to retake due to his or her failure to achieve a satisfactory grade could not be considered when computing the student's full-time equated membership.

House Bill 4642 would amend the State School Aid Act (MCL 388.1606 et al.) to replace language dealing with dual enrollment in high school and college level courses with a reference to the Postsecondary Enrollment Options Act (as proposed in House Bill 4643) and with language inserting requirements as to the manner and amount of payment to be made for postsecondary enrollments identical to those contained in House Bill 4643. (Current language provides that a student may attend a postsecondary institution and receive tuition and fee support from the district, if all of the following conditions are met:

- a) The student is in at least the 12th grade and has qualified for state endorsement in all subject areas, but has not completed all local requirements for graduation.
- b) The student is enrolled in the district and the postsecondary institution during the school district's regular academic year.
- c) The student is attending an academic course not offered by the district and not ordinarily taken as an "activity course." However, the district may not restrict a student from attending courses at a postsecondary institution solely upon the student's eligibility for tuition and fee support.

Also under current language in the State School Aid Act, the school district is required to mail a letter to all students who will be in the 12th grade in the upcoming school year explaining how students could be eligible to attend postsecondary courses with tuition and fee support from the district. If a student is interested in attending postsecondary courses under the act, the student can get a letter from his or her principal indicating the student's eligibility.

If the student attends the postsecondary institution, the institution is to bill the district, and the district pays the lesser of the actual tuition and fees or the district's per pupil state aid. The student and/or his or her parent/guardian are required to pay the difference. If the student fails to complete the course the institution must provide any refunded amount to the district.)

The bill would also require a school district, upon the written request of a student's parent or legal guardian, to allow a student in grade ten or higher to take, without charge, the tests necessary to allow the student to attend postsecondary courses under House Bill 4643

(the high school proficiency tests, GED test, or MEAP test). The student would be allowed to sit for an exam at any time the district either regularly offered the exam or offered a retest of the exam. However, the school district would not be required to report on the results of those students in grade ten or lower who were allowed to take these tests. (Note: House Bill 4640 would add this provision to the Revised School Code.)

Tie-bars. House Bills 4642 and 4643 are tie-barred to each other and are also tie-barred to House Bill 4640, which would provide information to high school students regarding college level equivalent courses.

### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

### ***ARGUMENTS:***

#### ***For:***

Above average students need to be continually challenged with progressively more difficult courses in order to help them achieve their potential. The current system deprives those students who have not reached grade 12, but have already completed the coursework provided by the school district, of the opportunity to continue to challenge their abilities. Current law restricts access to postsecondary courses to students who have reached the 12th grade. This is unfair to students who have completed the curriculum offered by the public schools before they reach 12th grade. No interest is served by preventing a youth who wants to learn from having access to classes that will provide challenges and better prepare the student for the next level of education. The chronological age of the student should not be the litmus test for his or her readiness to take on advanced courses, but rather, the student should be judged on his or her intelligence and abilities. Students who are not challenged by their schoolwork run the very real risk of losing interest in learning, and finding themselves unable to meet the challenges of further schooling when they are finally allowed to progress because they have not learned to push themselves to excel. The bills would extend the opportunity to attend postsecondary courses through the district to any student in the 10th grade or better who has shown him- or herself to be capable of doing so by passing the required test.

The bills would also require the district to provide students and parents or guardians with counseling regarding postsecondary enrollment opportunities, and the expectations which accompany attending such courses. This will help to insure that students attending such courses have a full appreciation of what will be

expected of them, thus hopefully minimizing the failure rate.

The bills would allow high school students who have completed the coursework offered by the public school system and passed the appropriate test the opportunity to take courses which are not directly available through the public schools. Students who have the ability to successfully take on courses at the postsecondary level need and deserve to be provided with the opportunity to do so. The program would provide the opportunity, the tuition, and the information necessary to encourage students to keep challenging themselves.

***Against:***

The provisions of these bills would not provide opportunities for students attending nonpublic schools. The added cost of extending this package to cover nonpublic school students would be minimal. It is estimated that if nonpublic schools were included, the number of eligible students would only increase by about 8,000 students.

Allowing nonpublic school students the same opportunities as provided for public school students would not violate the state constitution's ban on providing public aid to nonpublic schools. Not only has the U.S. Supreme Court held that school districts are not barred from providing a service to nonpublic schools to facilitate the education of a student (Zobrest et al. v Catalina Foothills School District), the Michigan Supreme Court, in Snyder v Charlotte Public School District, held that where a school district offers nonessential elective courses to public school students, the courses must be offered to nonpublic students as well.

Furthermore, the inclusion of nonpublic school students would not be considered parochial aid under the Michigan Supreme Court's ruling in Traverse City v Attorney General. In that case, the court outlined three rules used to distinguish between parochial aid and shared time. "First, under parochial aid the public funds are paid to a private agency whereas under shared time they are paid to a public agency. Second, parochial aid permitted the private school to choose and control a lay teacher, whereas under shared time the public school district chooses and controls the teacher. Thirdly, parochial aid permitted the private school to choose the subjects to be taught, so long as they are secular, whereas shared time means the public school system prescribes the public school subjects."

***Response:***

Anyone has access to the state's institutions of higher learning. The question here is whether private school students can have the public schools pay for their

tuition. Michigan's constitution bars the use of public funds for nonpublic schools.

***Against:***

The bills would provide students with the opportunity to attend courses at private universities at the public's expense. This would be an unconstitutional misuse of public funds to pay private schools, which would drain public funds from public education.

***Against:***

This program would enhance the educational opportunities of a few students at the expense of the majority of students. The distribution of funds for postsecondary enrollments will diminish the funds available for the general school population. Even though funds are allocated on a per pupil basis, they are distributed through a general operations budget in each school district and used to meet the needs of all students within the district. Expending these funds on postsecondary enrollments will reduce the amount left to spend upon general education for the rest of the district's K-12 students. Is it really fair to lower the quality of the general education offered by the school district in order to provide access to college courses for a relatively small number of students? Furthermore, it is unfair to provide this monetary support to all students regardless of their families' wealth. Clearly there are some students whose families can easily afford to provide them with opportunities to attend postsecondary courses without monetary assistance from the state. Does the state really want to provide financial assistance to every student without regard to need?

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.