

Act No. 160
Public Acts of 1996
Approved by the Governor
April 4, 1996
Filed with the Secretary of State
April 8, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Dalman, Middaugh, Cropsey, McBryde, McManus, Goschka, DeLange and Walberg

ENROLLED HOUSE BILL No. 4643

AN ACT to establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "postsecondary enrollment options act".

Sec. 2. The purpose of this act is to provide a wider variety of options to high school pupils by encouraging and enabling qualified pupils to enroll in courses or programs in eligible postsecondary institutions.

Sec. 3. As used in this act:

(a) "Community college" means a community college established under the community college act of 1966, Act No. 331 of the Public Acts of 1966, being sections 389.1 to 389.195 of the Michigan Compiled Laws, or under part 25 of the revised school code, Act No. 451 of the Public Acts of 1976, being sections 380.1601 to 380.1607 of the Michigan Compiled Laws, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled community college assistance act of 1978, Public Law 95-471, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

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

(c) "Eligible charges" means tuition and mandatory course fees, material fees, and registration fees required by an eligible institution for enrollment in an eligible course. Eligible charges also include any late fees charged by an eligible postsecondary institution due to the school district's failure to make a required payment according to the timetable prescribed under this act. Eligible charges do not include transportation or parking costs or activity fees.

(d) "Eligible course" means a course offered by an eligible postsecondary institution that is not offered by the school district in which the eligible student is enrolled, or that is offered by the school district but is determined by the board of the school district to not be available to the eligible student because of a scheduling conflict beyond the eligible student's control; that is an academic course not ordinarily taken as an activity course; that is a course that the postsecondary institution normally applies toward satisfaction of degree requirements; that is not a hobby craft or recreational course; and that is in a subject area other than physical education, theology, divinity, or religious education. However, for an eligible student who has not successfully completed the requirements for a state endorsement in all

subject areas under section 1279 of Act No. 451 of the Public Acts of 1976, being section 380.1279 of the Michigan Compiled Laws, an eligible course is limited to a course in a subject area for which he or she has successfully completed the requirements for a state endorsement, a course in computer science or foreign language not offered by the school district, or a course in fine arts as permitted by the school district.

(e) "Eligible postsecondary institution" means a state university, community college, or independent nonprofit degree-granting college or university that is located in this state and that chooses to comply with this act.

(f) "Eligible student" means, except as otherwise provided in this subdivision, a student enrolled in at least 1 high school class in at least grade 11 in a school district in this state, except a foreign exchange pupil enrolled in a school district under a cultural exchange program, who has successfully completed the requirements for a state endorsement in all subject areas under section 1279 of Act No. 451 of the Public Acts of 1976. However, for a student enrolled in a school district in grade 12 who has not successfully completed the requirements for a state endorsement in all subject areas under that section, the student is an eligible student only for the limited purpose of enrolling in 1 or more eligible courses under this act in a subject area for which he or she has successfully completed the requirements for a state endorsement, in computer science or foreign language not offered by the school district, or in fine arts as permitted by the school district.

(g) "Intermediate school district" means that term as defined in section 4 of Act No. 451 of the Public Acts of 1976, being section 380.4 of the Michigan Compiled Laws.

(h) "School district" means that term as defined in section 6 of Act No. 451 of the Public Acts of 1976, being section 380.6 of the Michigan Compiled Laws, a local act school district as defined in section 5 of Act No. 451 of the Public Acts of 1976, being section 380.5 of the Michigan Compiled Laws, or a public school academy organized under part 6a or 6b of Act No. 451 of the Public Acts of 1976, being sections 380.501 to 380.507 and 380.511 to 380.518 of the Michigan Compiled Laws.

(i) "State university" means a state institution of higher education described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

Sec. 4. (1) The school district in which an eligible student is enrolled shall provide to the eligible student a letter signed by the student's principal indicating the student's eligibility under this act.

(2) An eligible student may apply to an eligible postsecondary institution to enroll in 1 or more eligible courses offered by that eligible postsecondary institution and, if accepted, may enroll in 1 or more of those courses.

(3) Within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her school district. The notice shall indicate the course or courses and hours of enrollment of that eligible student. The eligible postsecondary institution shall notify the eligible student about tuition, fees, books, materials, and other related charges, as determined by the postsecondary institution, in the customary manner used by the eligible postsecondary institution, and shall notify the eligible student of the estimated amount of the eligible charges that will be billed to the school district under subsection (4).

(4) Unless otherwise agreed between the eligible postsecondary institution and the school district, after the expiration of the institution's drop/add period for the course, an eligible postsecondary institution shall send a bill to the eligible student's school district detailing the eligible charges for each eligible course in which the student is enrolled under this act.

(5) Upon receiving the bill under subsection (4), the school district shall cause to be paid to the eligible postsecondary institution on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the state portion of the foundation allowance paid on behalf of that particular eligible student under section 20 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1620 of the Michigan Compiled Laws, with the proration based on the proportion of the school year that the eligible student attends the postsecondary institution. A school district may pay more money to an eligible postsecondary institution on behalf of an eligible student than is required under this act, and may use local school operating revenue for that purpose. The eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the school district is required to pay under this act and that are not paid by the school district. As used in this subsection, "local school operating revenue" means that term as defined in section 20 of Act No. 94 of the Public Acts of 1979.

(6) An eligible postsecondary institution shall not charge a late fee to an eligible student or a school district for a payment that is made in compliance with the timetable prescribed under this act even if the payment would otherwise be considered late by the postsecondary institution.

(7) A school district may require an eligible student to provide, on a form supplied by the school district, reasonable verification that the eligible student is regularly attending a postsecondary course.

(8) If an eligible student enrolled in an eligible course under this act does not complete the eligible course, and if the school district has paid money for the course on behalf of the student, the postsecondary institution shall forward to the school district any funds that are refundable due to noncompletion of the course. The school district shall then forward

to the student any refunded money in excess of the amount paid by the school district for the course on behalf of the student.

(9) A school district shall make available to an eligible student enrolled in the school district copies of all correspondence in the possession of the school district regarding the eligible student's participation in postsecondary enrollment under this act. Correspondence described in this subsection shall be kept by the school district for at least 1 year.

(10) If a school district pays for books for an eligible student for a postsecondary course under this section, the books are the property of the school district and shall be turned over to the school district after the eligible student completes the course.

(11) This section does not apply to any postsecondary courses in which an eligible student is enrolled in addition to being enrolled full-time in that eligible student's school district; to a postsecondary course an eligible student is retaking after failing to achieve a satisfactory grade; or to a course contrary to the eligibility provisions of this act. In determining full-time enrollment in a school district under this act or full-time equated membership under Act No. 94 of the Public Acts of 1979, being sections 388.1601 to 388.1772 of the Michigan Compiled Laws, for pupils enrolled in a postsecondary institution under this act, the pupil's enrollment in both the school district and the postsecondary institution shall be counted as enrollment in the school district and a pupil shall not be considered to be enrolled in a school district less than full-time solely because of the effect of the pupil's postsecondary enrollment, including necessary travel time, on the number of class hours provided by the school district to the pupil.

(12) This act does not require a school district to pay or otherwise provide financial support for transportation or parking costs necessary for an eligible student to participate in postsecondary enrollment under this act. A school district is not liable for any injury incurred by an eligible student that is related to transportation necessary for the eligible student to participate in postsecondary enrollment under this act.

Sec. 5. An eligible student enrolled in a postsecondary institution under this act shall not participate in intercollegiate athletics at the postsecondary institution while he or she is enrolled under this act. An eligible student who violates this subsection forfeits his or her eligibility under this act.

Sec. 6. An eligible postsecondary institution may give priority to its postsecondary students when enrolling eligible students in postsecondary courses under this act for high school credit only. Once an eligible student has been enrolled in a postsecondary course under this act, the postsecondary institution shall not displace the eligible student with another student.

Sec. 7. (1) An eligible student may enroll in, and receive payment by the school district under section 4(5) of all or part of eligible charges for, an eligible course under this act for high school credit or postsecondary credit, or both. At the time an eligible student enrolls in a postsecondary course under this act, he or she shall designate whether the course is for high school or postsecondary credit, or both, and shall notify both his or her high school and the postsecondary institution of that designation. An eligible student taking more than 1 postsecondary course under this act may make different credit designations under this subsection for different courses. An eligible student shall not audit a postsecondary course in which he or she is enrolled under this act.

(2) A school district shall grant academic credit to an eligible student enrolled in an eligible course for high school credit under this act if he or she successfully completes the course, as determined by the eligible postsecondary institution. The amount of high school credit granted by a school district for a postsecondary course completed under this act shall be determined by the school district.

(3) The high school credits granted to an eligible student under this act shall be counted toward the graduation requirements and subject area requirements of the school district. Evidence of successful completion of each course and high school credits granted shall be included in the eligible student's high school record. Subject to section 438 of subpart 2 of part C of the general education provisions act, title IV of Public Law 90-247, 20 U.S.C. 1232g, commonly referred to as the family educational rights and privacy act of 1974, an eligible postsecondary institution shall provide the school district with a copy of the eligible student's grade in each course taken for high school credit under this act. Upon the request of an eligible student, his or her high school record and transcript shall also include evidence of successful completion and postsecondary credits granted for a course taken for postsecondary credit under this act. In either case, the eligible student's high school record and transcript shall indicate that the credits were earned at an eligible postsecondary institution and identify the postsecondary institution.

(4) If a student enrolls in an eligible postsecondary institution after leaving high school, the eligible postsecondary institution, in accordance with institutional policy, shall award postsecondary credit for postsecondary courses successfully completed by that student for high school credit under this act at that eligible postsecondary institution. An eligible postsecondary institution shall not charge a student for credit awarded under this subsection.

Sec. 8. This act does not restrict the ability of an eligible student or any other pupil to enroll in any postsecondary institution without tuition and fee support under this act.

Sec. 9. (1) Each school district shall provide information to all high school students on the postsecondary enrollment options under this act, including enrollment eligibility; the institutions and types of courses that are eligible for participation; the decision making process for granting academic credits; an explanation of eligible charges that will be paid by the school district and of financial arrangements for eligible charges and for paying costs not paid for by the school district; eligibility for payment of all or part of eligible charges by the school district under this act; an explanation that, if the student qualifies for payment of all or part of eligible charges by the school district under this act, the school district will pay that support directly to the postsecondary institution upon being billed by the postsecondary institution and that the student is not responsible for that payment but is responsible for payment of costs not paid for under this act; available support services; the need to arrange an appropriate schedule; consequences of failing or not completing a postsecondary course in which the eligible student enrolls; the effect of enrolling in a postsecondary course on the eligible student's ability to complete the required high school graduation requirements; an explanation of how the parent or legal guardian of a student in at least grade 10 may request that the student be allowed to take a test or assessment used for a state endorsement early in order to qualify to be an eligible student; and the academic and social responsibilities that must be assumed by the eligible student and his or her parent or guardian.

(2) To the extent possible, a school district shall provide counseling services to an eligible student and his or her parent or guardian before the eligible student enrolls in postsecondary courses under this act to ensure that the eligible student and his or her parent or guardian are fully aware of the benefits, risks, and possible consequences of enrolling in a postsecondary course. The person providing the counseling shall encourage the eligible student and his or her parent or guardian to also use available counseling services at the eligible postsecondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate. A school district may provide the counseling required under this section in a group meeting if additional personalized counseling is also made available.

(3) Before enrolling in an eligible course at an eligible postsecondary institution under this act, an eligible student and his or her parent or guardian shall file with the eligible postsecondary institution a signed form provided by the eligible student's school district stating that the student is an eligible student and has received the information and counseling specified in subsections (1) and (2) and that the student understands the responsibilities that must be assumed in enrolling in the course. Upon request, the department shall provide technical assistance to a school district and to an eligible postsecondary institution in developing appropriate forms and counseling guidelines for purposes of this section.

Sec. 10. By May 1, 1996, and by March 1 of each succeeding year, a school district shall provide general information about the postsecondary enrollment options under this act to all pupils in grade 8 or higher.

Sec. 11. (1) Each intermediate school district annually shall collect from each of its constituent school districts and provide to the department at the same time that it submits the annual comprehensive financial report required under section 18 of the state school aid act of 1979, Act No. 94 of the Public Acts of 1979, being section 388.1618 of the Michigan Compiled Laws, information for the immediately preceding school year on all of the following:

(a) The amount of money expended by the school district for payments required under this act.

(b) The number of eligible students who were enrolled in the school district and the number of those eligible students who enrolled in 1 or more postsecondary courses and received payment of all or part of eligible charges under this act, both in the aggregate and by grade level.

(c) The percentage of the school district's enrollment represented by the eligible students described in subdivision (b), both in the aggregate and by grade level.

(d) The total number of postsecondary courses for which the school district made payment under this act, the number of those courses for which postsecondary credit was granted, the number of those courses for which high school credit was granted, and the number of those courses that were not completed by the eligible student.

(2) Not later than March 1 of each year, the department shall prepare and submit to the house and senate fiscal agencies and the department of management and budget a summary annual report on the information received under subsection (1).

Sec. 12. (1) The department may promulgate rules it considers necessary to implement this act. Rules shall be promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(2) If the Michigan supreme court rules that sections 45 and 46 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, the department may not promulgate rules under this section.

Sec. 13. (1) This act shall take effect April 1, 1996. Payment of all or part of eligible charges under this act for postsecondary courses shall begin in the state fiscal year beginning on October 1, 1996.

(2) This act is repealed effective June 30, 2001.

Sec. 14. This act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

(a) House Bill No. 4640.

(b) House Bill No. 4642.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.