



HOUSE BILL No. 4643

March 21, 1995, Introduced by Reps. Dalman, Middaugh, Cropsey, McBryde, McManus, Goschka, DeLange and Walberg and referred to the Committee on Higher Education.

A bill 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:

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

3 Sec. 2. The purpose of this act is to provide a wider vari-
4 ety of options to high school pupils by encouraging and enabling
5 qualified pupils to enroll in courses or programs in eligible
6 postsecondary institutions.

7 Sec. 3. As used in this act:

8 (a) "Community college" means a community college
9 established under the community college act of 1966, Act No. 331

1 of the Public Acts of 1966, being sections 389.1 to 389.195 of
2 the Michigan Compiled Laws, or under part 25 of the school code
3 of 1976, Act No. 451 of the Public Acts of 1976, being sections
4 380.1601 to 380.1607 of the Michigan Compiled Laws, or a federal
5 tribally controlled community college located in this state that
6 is recognized under the tribally controlled community college
7 assistance act of 1978, Public Law 95-471, and is determined by
8 the department to meet the requirements for accreditation by a
9 recognized regional accrediting body.

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

11 (c) "Eligible charges" means tuition, mandatory course fees
12 or material fees, books, materials, and registration fees
13 required by an eligible institution for enrollment in an eligible
14 course. Eligible charges do not include transportation or park-
15 ing costs or activity fees.

16 (d) "Eligible course" means a course offered by an eligible
17 postsecondary institution that is not offered by the school dis-
18 trict in which the eligible student is enrolled; that is an aca-
19 demic course not ordinarily taken as an activity course; that is
20 not a hobby craft or recreational course; and that is in a
21 subject area other than physical education, theology, divinity,
22 or religious education. For an eligible student enrolled in
23 grade 12 who has not successfully completed the requirements for
24 a state endorsement in all subject areas under section 1279 of
25 Act No. 451 of the Public Acts of 1976, being section 380.1279 of
26 the Michigan Compiled Laws, an eligible course is limited to a
27 course in a subject area for which he or she has successfully

1 completed the requirements for a state endorsement, a course in
2 computer science or foreign language not offered by the school
3 district, or a course in fine arts as permitted by the school
4 district.

5 (e) "Eligible postsecondary institution" means a state uni-
6 versity, community college, or independent nonprofit
7 degree-granting college or university that is located in this
8 state and that complies with this act.

9 (f) "Eligible student" means, except as otherwise provided
10 in this subdivision, a student enrolled in a school district in
11 this state, except a foreign exchange pupil enrolled in a school
12 district under a cultural exchange program, who has successfully
13 completed the requirements for a state endorsement in all subject
14 areas under section 1279 of Act No. 451 of the Public Acts of
15 1976. However, for a student enrolled in a school district in
16 grade 12 who has not successfully completed the requirements for
17 a state endorsement in all subject areas under that section, the
18 student is an eligible student only for the limited purpose of
19 enrolling in 1 or more eligible courses under this act in a
20 subject area for which he or she has successfully completed the
21 requirements for a state endorsement, in computer science or for-
22 eign language not offered by the school district, or in fine arts
23 as permitted by the school district. For the purposes of this
24 subdivision, if a student's eligibility for a state endorsement
25 under section 1279 of Act No. 451 of the Public Acts of 1976 is
26 determined by the student's score on a Michigan education
27 assessment program (MEAP) test, the student shall not be

1 considered to qualify for a state endorsement in a subject area
2 unless the student scored at least satisfactory, as set by the
3 state board, on the test for that subject area.

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

7 (h) "School district" means that term as defined in section
8 6 of Act No. 451 of the Public Acts of 1976, being section 380.6
9 of the Michigan Compiled Laws, a local act school district as
10 defined in section 5 of Act No. 451 of the Public Acts of 1976,
11 being section 380.5 of the Michigan Compiled Laws, or a public
12 school academy organized under part 6a or 6b of Act No. 451 of
13 the Public Acts of 1976, being sections 380.501 to 380.507 and
14 380.511 to 380.518 of the Michigan Compiled Laws.

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

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

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

26 (3) At the time an eligible student registers for courses
27 under this act, the eligible student shall provide the eligible

1 postsecondary institution the letter described in subsection (1)
2 and with the form described in section 10(2). Within a reason-
3 able time after registration, the eligible postsecondary institu-
4 tion shall send written notice to the eligible student and his or
5 her school district. The notice shall indicate the course or
6 courses and hours of enrollment of that eligible student. The
7 eligible postsecondary institution shall notify the eligible stu-
8 dent about tuition, fees, books, materials, and other related
9 charges, as determined by the postsecondary institution, in the
10 customary manner used by the eligible postsecondary institution,
11 and shall notify the eligible student of the estimated amount of
12 the eligible charges that will be billed to the school district
13 under subsection (4).

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

20 (5) Upon receiving the bill under subsection (4), the school
21 district shall cause to be paid to the eligible postsecondary
22 institution on behalf of the eligible student an amount not to
23 exceed the lesser of the amount of the eligible charges or the
24 sum of the school district's local school operating revenue per
25 membership pupil and the state portion of the school district's
26 foundation allowance under section 20 of the state school aid act
27 of 1979, Act No. 94 of the Public Acts of 1979, being

1 section 388.1620 of the Michigan Compiled Laws, adjusted for the
2 proportion of the school year that the eligible student attends
3 the postsecondary institution. The eligible student is responsi-
4 ble for payment of the remainder of the costs associated with his
5 or her postsecondary enrollment. As used in this subsection,
6 "local school operating revenue per membership pupil" means that
7 term as defined in section 20 of Act No. 94 of the Public Acts of
8 1979.

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

13 (7) If an eligible student enrolled in an eligible course
14 under this act does not complete the eligible course, the post-
15 secondary institution shall forward to the school district any
16 funds that are refundable due to noncompletion of the course.

17 (8) A school district shall provide to an eligible student
18 enrolled in the school district copies of all correspondence in
19 the possession of the school district regarding the eligible
20 student's participation in postsecondary enrollment under this
21 act.

22 (9) If a school district pays for books for an eligible stu-
23 dent for a postsecondary course under this section, the books are
24 the property of the school district and shall be turned over to
25 the school district after the eligible student completes the
26 course.

1 (10) This section does not apply to any postsecondary
2 courses in which an eligible student is enrolled in addition to
3 being enrolled full-time in that eligible student's school dis-
4 trict; to a postsecondary course an eligible student is retaking
5 after failing to achieve a satisfactory grade; or to a course
6 contrary to the eligibility provisions of this act. In determin-
7 ing full-time enrollment in a school district under this act or
8 full-time equated membership under the state school aid act of
9 1979, Act No. 94 of the Public Acts of 1979, being
10 sections 388.1601 to 388.1772 of the Michigan Compiled Laws, for
11 pupils enrolled in a postsecondary institution under this act, a
12 pupil shall not be considered to be enrolled in a school district
13 less than full-time solely because of the effect of the pupil's
14 postsecondary enrollment on the number of class hours provided by
15 the school district to the pupil.

16 (11) This act does not require a school district to pay or
17 otherwise provide financial support for transportation or parking
18 costs necessary for an eligible student to participate in post-
19 secondary enrollment under this act. A school district is not
20 liable for any injury incurred by an eligible student that is
21 related to transportation necessary for the eligible student to
22 participate in postsecondary enrollment under this act.

23 Sec. 5. (1) An individual who has graduated from high
24 school is not eligible to enroll in a postsecondary course under
25 this act. An eligible student who has completed course require-
26 ments for high school graduation but who has not received a
27 diploma may enroll in a postsecondary course under this act.

1 (2) An eligible student enrolled in a postsecondary
2 institution under this act shall not participate in intercolle-
3 giate athletics at the postsecondary institution while he or she
4 is enrolled under this act. An eligible student who violates
5 this subsection forfeits his or her eligibility under this act.

6 Sec. 6. An eligible postsecondary institution may give pri-
7 ority to its postsecondary students when enrolling eligible stu-
8 dents in postsecondary courses under this act for high school
9 credit only. Once an eligible student has been enrolled in a
10 postsecondary course under this act, the postsecondary institu-
11 tion shall not displace the eligible student with another
12 student.

13 Sec. 7. (1) An eligible student may enroll in, and receive
14 payment by the school district of all or part of eligible charges
15 for, an eligible course under this act for high school credit or
16 postsecondary credit, or both. At the time an eligible student
17 enrolls in a postsecondary course under this act, he or she shall
18 designate whether the course is for high school or postsecondary
19 credit, or both, and shall notify both his or her high school and
20 the postsecondary institution of that designation. An eligible
21 student taking more than 1 postsecondary course under this act
22 may make different credit designations under this subsection for
23 different courses. An eligible student shall not audit a post-
24 secondary course in which he or she is enrolled under this act.

25 (2) A school district shall grant academic credit to an eli-
26 gible student enrolled in an eligible course for high school
27 credit under this act if he or she successfully completes the

1 course, as determined by the eligible postsecondary institution.
2 The amount of high school credit granted by a school district for
3 a postsecondary course completed under this act shall be deter-
4 mined by the school district.

5 (3) The high school credits granted to an eligible student
6 under this act shall be counted toward the graduation require-
7 ments and subject area requirements of the school district.
8 Evidence of successful completion of each course and high school
9 credits granted shall be included in the eligible student's high
10 school record. Subject to section 438 of subpart 2 of part C of
11 the general education provisions act, title IV of Public Law
12 90-247, 20 U.S.C. 1232g, commonly referred to as the family edu-
13 cational rights and privacy act of 1974, an eligible postsecond-
14 ary institution shall provide the school district with a copy of
15 the eligible student's grade in each course taken for high school
16 credit under this act. Upon the request of an eligible student,
17 his or her high school record and transcript shall also include
18 evidence of successful completion and postsecondary credits
19 granted for a course taken for postsecondary credit under this
20 act. In either case, the eligible student's high school record
21 and transcript shall indicate that the credits were earned at an
22 eligible postsecondary institution and identify the postsecondary
23 institution.

24 (4) If a student enrolls in an eligible postsecondary insti-
25 tution after leaving high school, the eligible postsecondary
26 institution shall award postsecondary credit for any
27 postsecondary course successfully completed by that student for

1 high school credit under this act at that eligible postsecondary
2 institution. An eligible postsecondary institution shall not
3 charge a student for credit awarded under this subsection.

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

7 Sec. 9. An eligible student enrolled in a postsecondary
8 course under this act for high school credit is not eligible for
9 any state administered program of postsecondary student financial
10 aid.

11 Sec. 10. (1) To the extent possible, a school district
12 shall provide counseling services to an eligible student and his
13 or her parent or guardian before the eligible student enrolls in
14 postsecondary courses under this act to ensure that the eligible
15 student and his or her parent or guardian are fully aware of the
16 benefits, risks, and possible consequences of enrolling in a
17 postsecondary course. Each school district shall provide infor-
18 mation to all high school students on the postsecondary enroll-
19 ment options under this act, including enrollment eligibility;
20 the institutions and types of courses that are eligible for par-
21 ticipation; the decision making process for granting academic
22 credits; an explanation of eligible charges that will be paid by
23 the school district and of financial arrangements for eligible
24 charges and for paying costs not paid for by the school district;
25 eligibility for payment of all or part of eligible charges by the
26 school district under this act; an explanation that, if the
27 student qualifies for payment of all or part of eligible charges

1 by the school district under this act, the school district will
2 pay that support directly to the postsecondary institution upon
3 being billed by the postsecondary institution and that the parent
4 and student are not responsible for that payment but are respon-
5 sible for payment of costs not paid for under this act; available
6 support services; the need to arrange an appropriate schedule;
7 consequences of failing or not completing a postsecondary course
8 in which the eligible student enrolls; the effect of enrolling in
9 a postsecondary course on the eligible student's ability to com-
10 plete the required high school graduation requirements; an expla-
11 nation of how the parent or legal guardian of a student in at
12 least grade 8 may request that the student be allowed to take a
13 test or assessment used for a state endorsement early in order to
14 qualify to be an eligible student; and the academic and social
15 responsibilities that must be assumed by the eligible student and
16 his or her parent or guardian. The person providing counseling
17 shall encourage the eligible student and his or her parent or
18 guardian to also use available counseling services at the eligi-
19 ble postsecondary institutions before the quarter or semester of
20 enrollment to ensure that anticipated plans are appropriate. A
21 school district may provide the counseling required under this
22 section in a group meeting if additional personalized counseling
23 is also made available.

24 (2) Before enrolling in an eligible course at an eligible
25 postsecondary institution under this act, an eligible student and
26 his or her parent or guardian shall file with the eligible
27 postsecondary institution a signed form provided by the eligible

1 student's school district stating that they have received the
2 information specified in subsection (1) and that they understand
3 the responsibilities that must be assumed in enrolling in the
4 course. Upon request, the department shall provide technical
5 assistance to a school district and to an eligible postsecondary
6 institution in developing appropriate forms and counseling guide-
7 lines for purposes of this section.

8 Sec. 11. By March 1 of each year, a school district shall
9 provide general information about the postsecondary enrollment
10 options under this act to all pupils in grade 8 or higher. To
11 assist the school district in planning, a pupil who will be an
12 eligible student and who intends to enroll in postsecondary
13 courses under this act during the following school year shall
14 inform the district by March 30 of each year of that intent. A
15 pupil is not bound by notifying or not notifying the district by
16 March 30.

17 Sec. 12. (1) Each intermediate school district annually
18 shall collect from each of its constituent school districts and
19 provide to the department at the same time that it submits the
20 annual comprehensive financial report required under section 18
21 of the state school aid act of 1979, Act No. 94 of the Public
22 Acts of 1979, being section 388.1618 of the Michigan Compiled
23 Laws, information for the immediately preceding school year on
24 all of the following:

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

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

6 (c) The percentage of the school district's enrollment rep-
7 resented by the eligible students described in subdivision (b),
8 both in the aggregate and by grade level.

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

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

19 Sec. 13. The department may promulgate rules it considers
20 necessary to implement this act. Rules shall be promulgated
21 under the administrative procedures act of 1969, Act No. 306 of
22 the Public Acts of 1969, being sections 24.201 to 24.328 of the
23 Michigan Compiled Laws.

24 Sec. 14. (1) This act shall take effect July 1, 1995.
25 Payment of all or part of eligible charges under this act for
26 postsecondary courses shall begin in the state fiscal year
27 beginning on October 1, 1995.

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

2 Sec. 15. This act shall not take effect unless all of the
3 following bills of the 88th Legislature are enacted into law:

4 (a) Senate Bill No. ____ or House Bill No. 4644 (request
5 no. 01807'95 a *).

6 (b) Senate Bill No. ____ or House Bill No. 4642 (request
7 no. 01807'95 b *).

8 (c) Senate Bill No. ____ or House Bill No. 4640 (request
9 no. 02366'95 *).

10 (d) Senate Bill No. ____ or House Bill No. 4641 (request
11 no. 02367'95 *).