

Act No. 134
Public Acts of 2012
Approved by the Governor
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**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Emmons

ENROLLED SENATE BILL No. 710

AN ACT to amend 1996 PA 160, entitled "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," by amending the title and sections 3a, 4, 7, 9, 10, and 11 (MCL 388.513a, 388.514, 388.517, 388.519, 388.520, and 388.521), section 3a as added and section 9 as amended by 2004 PA 594.

The People of the State of Michigan enact:

TITLE

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

Sec. 3a. (1) Not later than July 1, 2005, the superintendent of public instruction shall do both of the following:

(a) Approve 1 or more readiness assessments that may be used for the purposes of determining eligible students beginning with participation in the 2006-2007 school year. Readiness assessments shall be aligned with state learning standards and shall provide high school students with an early indication of proficiency in the subject areas of English, mathematics, reading, social studies, and science and contain a comprehensive career planning program.

(b) Determine qualifying scores for each subject area component of a readiness assessment that indicate readiness to enroll in a postsecondary course in that subject area under this act.

(2) Not later than July 1, 2006, the superintendent of public instruction shall determine qualifying scores for each subject area component of the Michigan merit examination that indicate readiness to enroll in a postsecondary course in that subject area under this act.

(3) Unless the school district or state approved nonpublic school in which the student is enrolled elects to pay these costs, a student who takes a readiness assessment for the purposes of this act is responsible for paying all costs for taking and obtaining qualifying scores on a readiness assessment for the purposes of this act. This state is not responsible for any of these costs.

Sec. 4. (1) The school district or state approved nonpublic school 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) For an eligible student enrolled in a school district, within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her school district. For an eligible student enrolled in a state approved nonpublic school, within a reasonable time after registration, the eligible postsecondary

institution shall send written notice to the eligible student and his or her state approved nonpublic school and to the department. 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 or the department, as applicable, under subsection (4).

(4) For an eligible student enrolled in a school district, 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 eligible student is enrolled under this act. For an eligible student who is enrolled in a state approved nonpublic school, after the expiration of the eligible postsecondary institution's drop/add period for the course, both of the following apply:

(a) Eligible postsecondary institution shall send a bill to the department detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act.

(b) The department shall determine the amount of the eligible charges to be paid by the department of treasury to the eligible postsecondary institution on behalf of the eligible student under this act and shall deliver this information to the department of treasury by appropriate electronic means.

(5) For an eligible student enrolled in a school district, 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 statewide pupil-weighted average foundation allowance, as calculated under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 of the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the basic foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance shall be considered to be the basic foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. 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 the state school aid act of 1979, 1979 PA 94, MCL 388.1620.

(6) For an eligible student who is enrolled in a state approved nonpublic school, upon receiving from the department under subsection (4) the amount of the eligible charges to be paid on behalf of the eligible student, the department of treasury 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 statewide pupil-weighted average foundation allowance, as calculated under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 of the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the basic foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance shall be considered to be the basic foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. 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 department of treasury is required to pay under this act and that are not paid by the department of treasury.

(7) An eligible postsecondary institution shall not charge a late fee to an eligible student, a school district, the department, or the department of treasury 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.

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

(9) For an eligible student who is enrolled in a school district and who enrolls in an eligible course under this act, if the student does not complete the eligible course or, if the student enrolls in an eligible course for postsecondary credit only and the student does not successfully complete the eligible course, as determined by the eligible postsecondary institution, and if the school district has paid money for the course on behalf of the student, all of the following apply:

(a) The eligible 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 eligible student any refunded money in excess of the amount paid by the school district for the course on behalf of the eligible student.

(b) The eligible student shall repay to the school district any funds that were expended by the school district for the course that are not refunded to the school district by the eligible postsecondary institution. If the eligible student does not repay this money, the school district may impose sanctions against the eligible student as determined by school district policy. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

(10) For an eligible student who is enrolled in a state approved nonpublic school, and who enrolls in an eligible course under this act, if the eligible student does not complete the eligible course or, if the eligible student enrolls in an eligible course for postsecondary credit only and the eligible student does not successfully complete the eligible course, as determined by the eligible postsecondary institution, and if the department of treasury has paid money for the course on behalf of the eligible student, all of the following apply:

(a) The eligible postsecondary institution shall forward to the department of treasury any funds that are refundable due to noncompletion of the course. If applicable, the eligible postsecondary institution shall then refund to the eligible student any funds that are refundable due to noncompletion of the course and are in excess of the amount paid by the department of treasury for the course on behalf of the eligible student.

(b) The eligible student shall repay to the department of treasury any funds that were expended by the department of treasury for the course that are not refunded to the department of treasury by the eligible postsecondary institution. This subdivision does not apply to an eligible student who does not complete the course due to a family or medical emergency, as determined by the eligible postsecondary institution.

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

(12) 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.

(13) 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 or state approved nonpublic school; 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 section or a school district's full-time equated membership under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1896, for a pupil 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. In determining full-time enrollment in a state approved nonpublic school under this section for a student enrolled in a postsecondary institution under this act, the student's enrollment in both the state approved nonpublic school and the postsecondary institution shall be counted as enrollment in the state approved nonpublic school and a student shall not be considered to be enrolled in a state approved nonpublic school less than full-time solely because of the effect of the student's postsecondary enrollment under this act, including necessary travel time, on the number of class hours provided by the state approved nonpublic school to the student.

(14) This act does not require a school district or the department of treasury 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, state approved nonpublic school, or this state 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.

(15) The legislature shall appropriate funds to the department of treasury for making payments required to be made by the department of treasury under this act.

Sec. 7. (1) An eligible student who is enrolled in a school district 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 who is enrolled in a school district 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 eligible 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.

(2) Except as otherwise provided in subsection (3), an eligible student who is enrolled in a state approved nonpublic school may enroll in, and receive payment by the department of treasury under section 4(6) of all or part of eligible charges for, an eligible course under this act only for postsecondary credit and may not receive high school credit for the course.

(3) If an eligible student who is enrolled in a state approved nonpublic school is enrolled in an eligible course that would have been considered a nonessential elective course under Snyder v Charlotte School Dist, 421 Mich 517 (1984), then the eligible student may enroll in, and receive payment by the department of treasury under section 4(6) 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 under this act in an eligible course described in this subsection, 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 eligible postsecondary institution of that designation. An eligible student taking more than 1 eligible course described in this subsection under this act may make different credit designations under this subsection for different courses.

(4) An eligible student shall not audit a postsecondary course in which he or she is enrolled under this act.

(5) 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.

(6) 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 20 USC 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.

(7) 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. 9. (1) Each school district or state approved nonpublic school 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 or department of treasury, as applicable, and of financial arrangements for eligible charges and for paying costs not paid for by the school district or department of treasury; eligibility for payment of all or part of eligible charges by the school district or department of treasury, as applicable, under this act; an explanation that, if the student qualifies for payment of all or part of eligible charges by the school district or department of treasury under this act, the school district or department of treasury, as applicable, will pay that support directly to the eligible postsecondary institution upon being billed by the eligible 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, including the possibility of being required to repay the school district or department of treasury, as applicable, for money paid on behalf of the eligible student; the effect of enrolling in a postsecondary course on the eligible student's ability to complete the required high school graduation requirements; 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 or state approved nonpublic school 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 or state approved nonpublic school 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 or state approved nonpublic school 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 or state approved nonpublic school and to an eligible postsecondary institution in developing appropriate forms and counseling guidelines for purposes of this section.

Sec. 10. By March 1 of each year, a school district or state approved nonpublic school 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, 1979 PA 94, MCL 388.1618, 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) Each eligible postsecondary institution shall annually report to the department, in the form and manner prescribed by the department, all of the following information:

(a) The number of eligible students who enrolled in the eligible postsecondary institution under this act during the preceding academic year.

(b) The total number of eligible courses completed by eligible students under this act at the eligible postsecondary institution during the preceding academic year.

(c) The number of eligible courses under subdivision (b) for which the eligible postsecondary institution granted postsecondary credit to the eligible student.

(d) The number of eligible courses under subdivision (b) for which the eligible postsecondary institution declined to grant postsecondary credit to the eligible student.

(3) 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 technology, management, and budget a summary annual report on the information received under this section.

Enacting section 1. This amendatory act takes effect July 1, 2012.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 96th Legislature are enacted into law:

(a) Senate Bill No. 622.

(b) Senate Bill No. 623.

(c) Senate Bill No. 709.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor