POSTSECONDARY ENROLLMENT OPTIONS ACT

Act 160 of 1996

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

The People of the State of Michigan enact:

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388.511 Short title.

Sec. 1.

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

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.512 Purpose of 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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.513 Definitions; rules; scope.

Sec. 3.

(1) As used in this act:

(a) "Community college" means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1864, 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 or department of treasury'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. For eligible students enrolled in an out-of-state college that is an eligible postsecondary institution, eligible charges must not exceed the lesser of the in-district

rate for the community college located in the district in which the eligible student resides or the in-district rate for the out-of-state college in which the eligible student is enrolled.

(d) "Eligible course" means a course offered by an eligible postsecondary institution that is offered for postsecondary credit; that is not offered by the school district or state approved nonpublic school in which the eligible student is enrolled, or that is offered by the school district or state approved nonpublic school but is determined by its governing board 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 offered in whole or in part when the school district or state approved nonpublic school is in session or, if approved by the school district or state approved nonpublic school, that is offered in whole when the school district or state approved nonpublic school is not in session; 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 achieved a qualifying score in each subject area on a readiness assessment or the Michigan merit examination, as applicable for the student, excluding an eligible student who enrolls in an eligible course that begins after April 30, 2020 and ends before the start of the 2020-2021 academic year or enrolls in an eligible course offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year and who has a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, an eligible course is limited to a course in a subject area for which he or she has achieved a qualifying score, 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. For each individual eligible student, unless there is a written agreement between the eligible student's school district and the eligible postsecondary institution to waive these limits, a course described in this subdivision is not an eligible course if the eligible student's enrollment in, and the payment of eligible charges under this act for, the course would exceed the following limits:

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

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

(iii) If the eligible student first enrolls in a course under this act when the eligible student is in grade 10, not more than 2 courses during the academic year in the eligible student's first academic year of enrollment under this act in an eligible postsecondary institution, not more than 4 courses during the academic year in the eligible student's second academic year of enrollment under this act in an eligible postsecondary institution, and not more than 4 courses during the academic year in the eligible student's third academic year of enrollment under this act in an eligible postsecondary institution.

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

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(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. However, an out-of-state college that is located within 20 miles of a border with this state and that chooses to comply with this act is also an eligible postsecondary institution for an eligible student if at least 1 of the following is met:

(i) The eligible student is enrolled in a school district, as that term is defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, that shares a border with the state in which the out-of-state college is located.

(ii) The eligible student is enrolled in a public school academy, as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, that is located in a school district described in subparagraph (i).

(iii) The eligible student is enrolled in a state approved nonpublic school that is located in a school district described in subparagraph (i).

(f) "Eligible student" means, except as otherwise provided in this subdivision, a student enrolled in at least 1 high school class in a school district or state approved nonpublic school in this state, except a foreign exchange pupil enrolled under a cultural exchange program or a student who does not have at least 1 parent or legal guardian who is a resident of this state. However, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. To be an eligible student, except as otherwise provided in this subdivision, a student who has not taken the Michigan merit examination must have achieved a qualifying score in all subject areas on a readiness assessment and a student who has taken the Michigan merit examination must have achieved a qualifying score in all subject areas on the Michigan merit examination, and, subject to subsection (2), the student must not have been enrolled in high school for more than 4 school years including the school year in which the student seeks to enroll in an eligible course under this act. Except as otherwise provided in this subdivision, if the student has not achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination, as applicable for the student, 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 achieved a qualifying score, in computer science or foreign language not offered by the school district, or in fine arts as permitted by the school district. For enrollment in eligible courses that begin after April 30, 2020 and end before the start of the 2020-2021 academic year and for enrollment in eligible courses offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year, a student is an eligible student and is not subject to the limitation described in the immediately preceding sentence if the student has achieved a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, regardless of whether or not the student has achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled in high school for that school year.

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

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

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(i) "Out-of-state college" means a state university, community college, or independent nonprofit degree-granting college or university that is located in another state and that is legally established under the laws of that other state.

(j) "Qualifying score" means a score on a readiness assessment or the Michigan merit examination that has been determined by the superintendent of public instruction to indicate readiness to enroll in a postsecondary course in that subject area under this act.

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

(l) "School district" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6, or a public school academy as that term is defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5, except as provided in subdivision (e).

(m) "State approved nonpublic school" means that term as defined in section 6 of the revised school code, 1976 PA 451, MCL 380.6.

(n) "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.

(2) The superintendent of public instruction shall promulgate rules establishing criteria and procedures under which a student who has been enrolled in high school for more than 4 years but not more than 5 years may be considered to be an eligible student. The rules must address special circumstances under which a student may qualify to be considered an eligible student under this subsection and may limit the number of courses in which a student who qualifies under this subsection may enroll. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled for that school year.

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History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 1997, Act 178, Imd. Eff. Dec. 30, 1997 ;-- Am. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2005, Act 180, Imd. Eff. Oct. 20, 2005 ;-- Am. 2012, Act 131, Eff. July 1, 2012 ;-- Am. 2018, Act 11, Eff. May 7, 2018 ;-- Am. 2020, Act 131, Imd. Eff. July 8, 2020

388.513a Readiness assessment; duties of superintendent of public instruction.

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.

History: Add. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.514 Student eligibility; letter signed by student's principal; application for enrollment; notice to be sent by postsecondary institution; bill detailing eligible charges; payment by school district or department of treasury; late fee; attendance verification; refund; availability of correspondence; books as school property; section inapplicable to certain courses; transportation and parking costs not required; guidelines prorated percentage of average foundation allowance.

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 must 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) The 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

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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 this subsection and 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 immediately preceding 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. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, a school district shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the school district is not in session during the summer immediately following that regularly scheduled school year. 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 target 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 must be considered to be the target 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 this subsection and 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 immediately preceding 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. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, the department shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the state approved nonpublic school is not in session during the summer immediately following that regularly scheduled school year. 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 target foundation

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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 must be considered to be the target 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, both 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, both 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.

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(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. The school district, state approved nonpublic school, department, or department of treasury shall keep correspondence described in this subsection 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 must 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 388.1897l, for a pupil enrolled in a postsecondary institution under this act, the pupil's enrollment in both the school district and the postsecondary institution must be counted as enrollment in the school district and a pupil is not 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 must be counted as enrollment in the state approved nonpublic school and a student is not 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.

(16) By September 1, 2020, the department shall publish guidelines regarding how to determine the prorated percentage of the statewide pupil-weighted average foundation allowance under subsections (5) and (6). By September 1, 2021 and by September 1 each year thereafter, the department shall update and republish the guidelines described under this subsection.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012 ;-- Am. 2020, Act 131, Imd. Eff. July 8, 2020

388.515 Participation in intercollegiate athletics prohibited; exceptions.

Sec. 5.

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(1) Except as otherwise provided in this section, 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.

(2) This section does not apply to an eligible student to whom all of the following apply:

(a) The eligible student is enrolled in an early middle college program.

(b) The eligible student is in his or her fifth year of high school in the early middle college program described in subdivision (a).

(c) The eligible student is not eligible to participate in interscholastic athletic activities in the high school, but not because of academic ineligibility.

(3) As used in this section, "early middle college program" means a 5-year high school program.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2022, Act 230, Imd. Eff. Dec. 13, 2022

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388.516 Priority of students.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.517 Academic credit.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

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388.518 Enrollment without tuition or fee support.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

388.519 Information and counseling services.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2004, Act 594, Imd. Eff. Jan. 5, 2005 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.520 General information.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.521 Annual comprehensive financial report; summary annual report.

Sec. 11.

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(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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996 ;-- Am. 2012, Act 134, Eff. July 1, 2012

388.522 Rules.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996
Compiler's Notes: In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) (“An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.”) of the Administrative Procedures Act of 1969, in providing for the

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Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

388.523 Repealed. 2000, Act 258, Eff. Apr. 1, 2001.

Compiler's Notes: The repealed section pertained to effective date and repeal of act.

388.524 Conditional effective date.

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.

History: 1996, Act 160, Imd. Eff. Apr. 8, 1996

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