

SUBSTITUTE FOR
SENATE BILL NO. 1109

A bill to establish a vocational education 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 "vocational education 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 interested pupils to enroll in courses or programs in eligible
6 postsecondary vocational education programs.

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, 1966 PA 331,

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1 MCL 389.1 to 389.195, or under part 25 of the revised school
2 code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tri-
3 bally controlled community college located in this state that is
4 recognized under the tribally controlled community college
5 assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is
6 determined by the department to meet the requirements for accred-
7 itation by a recognized regional accrediting body.

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

9 (c) "Eligible charges" means tuition and mandatory course
10 fees, material fees, and registration fees required by a voca-
11 tional education program for enrollment in an eligible course.
12 Eligible charges also include any late fees charged by a voca-
13 tional education program due to the school district's failure to
14 make a required payment according to the timetable prescribed
15 under this act. Eligible charges do not include transportation
16 or parking costs or activity fees.

17 (d) "Eligible course" means a course offered by a vocational
18 education program that is not offered by or available at no cost
19 through the school district in which the eligible student is
20 enrolled, or that is offered by or available at no cost through
21 the school district but is determined by the board of the school
22 district to not be available to the eligible student because of a
23 scheduling conflict beyond the eligible student's control; that
24 is a vocational education course not ordinarily taken as an
25 activity course; that is a course that the vocational education
26 program normally applies toward satisfaction of certificate,

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1 degree, or program completion requirements; and that is not a
2 hobby craft or recreational course.

3 (e) "Eligible student" means a student enrolled in at least
4 1 high school class in at least grade 11 in a school district in
5 this state, except a foreign exchange pupil enrolled in a school
6 district under a cultural exchange program, who is making
satisfactory progress in meeting local attendance and diploma
requirements.

7 (f) "Intermediate school district" means that term as
8 defined in section 4 of the revised school code, 1976 PA 451, MCL
9 380.4.

10 (g) "School district" means that term as defined in section
11 6 of the revised school code, 1976 PA 451, MCL 380.6, a local act
12 school district as defined in section 5 of the revised school
13 code, 1976 PA 451, MCL 380.5, or a public school academy orga-
14 nized under part 6a of the revised school code, 1976 PA 451, MCL
15 380.501 to 380.507.

16 (h) "Vocational education program" means a program that
17 teaches a trade, occupation, or vocation and that is operated by
18 a community college located in this state that chooses to comply
19 with this act.

20 Sec. 4. (1) An eligible student may apply to a vocational
21 education program to enroll in 1 or more eligible courses offered
22 by that vocational education program and, if accepted, may enroll
23 in 1 or more of those courses.

24 (2) Within a reasonable time after registration, the voca-
25 tional education program shall send written notice to the eligi-
26 ble student and his or her school district. The notice shall
27 indicate the course or courses and hours of enrollment of that

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1 eligible student. The vocational education program shall notify
2 the eligible student about tuition, fees, books, materials, and
3 other related charges, as determined by the vocational education
4 program, in the customary manner used by the vocational education
5 program, and shall notify the eligible student of the estimated
6 amount of the eligible charges that will be billed to the school
7 district under subsection (3).

8 (3) Unless otherwise agreed between the vocational education
9 program and the school district, after the expiration of the
10 vocational education program's drop/add period for the course,
11 the vocational education program shall send a bill to the eligi-
12 ble student's school district detailing the eligible charges for
13 each eligible course in which the student is enrolled under this
14 act.

15 (4) Upon receiving the bill under subsection (3), the school
16 district shall cause to be paid to the vocational education pro-
17 gram on behalf of the eligible student an amount equal to the
18 lesser of the amount of the eligible charges or the prorated per-
19 centage of the state portion of the foundation allowance paid on
20 behalf of that particular eligible student under section 20 of
21 the state school aid act of 1979, 1979 PA 94, MCL 388.1620, with
22 the proration based on the proportion of the school year that the
23 eligible student attends the vocational education program. A
24 school district may pay more money to a vocational education pro-
25 gram on behalf of an eligible student than is required under this
26 act, and may use local school operating revenue for that
27 purpose. The eligible student is responsible for payment of the

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1 remainder of the costs associated with his or her enrollment in
2 the vocational educational program that exceed the amount the
3 school district is required to pay under this act and that are
4 not paid by the school district. As used in this subsection,
5 "local school operating revenue" means that term as defined in
6 section 20 of the state school aid act of 1979, 1979 PA 94, MCL
7 388.1620.

8 (5) A vocational education program shall not charge a late
9 fee to an eligible student or a school district for a payment
10 that is made in compliance with the timetable prescribed under
11 this act even if the payment would otherwise be considered late
12 by the vocational education program.

13 (6) A school district may require an eligible student to
14 provide, on a form supplied by the school district, reasonable
15 verification that the eligible student is regularly attending a
16 vocational education course under this act.

17 (7) If an eligible student enrolled in an eligible course
18 under this act does not complete the eligible course, and if the
19 school district has paid money for the course on behalf of the
20 student, the vocational education program shall forward to the
21 school district any funds that are refundable due to noncomple-
22 tion of the course. The school district shall then forward to
23 the student any refunded money in excess of the amount paid by
24 the school district for the course on behalf of the student.

25 (8) A school district shall make available to an eligible
26 student enrolled in the school district copies of all
27 correspondence in the possession of the school district regarding

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1 the eligible student's participation in a vocational education
2 course under this act. Correspondence described in this subsec-
3 tion shall be kept by the school district for at least 1 year.

4 (9) If a school district pays for books for an eligible stu-
5 dent for a vocational education course under this section, the
6 books are the property of the school district and shall be turned
7 over to the school district after the eligible student completes
8 the course.

9 (10) This section does not apply to any vocational education
10 courses in which an eligible student is enrolled in addition to
11 being enrolled full-time in that eligible student's school dis-
12 trict; to a vocational education course an eligible student is
13 retaking after failing to achieve a satisfactory grade; or to a
14 course contrary to the eligibility provisions of this act. In
15 determining full-time enrollment in a school district under this
16 act or full-time equated membership under the state school aid
17 act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, for pupils
18 enrolled in a vocational education program under this act, the
19 pupil's enrollment in both the school district and the vocational
20 education program shall be counted as enrollment in the school
21 district and a pupil shall not be considered to be enrolled in a
22 school district less than full-time solely because of the effect
23 of the pupil's enrollment in 1 or more vocational education
24 courses under this act, including necessary travel time, on the
25 number of class hours provided by the school district to the
26 pupil.

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1 (11) This act does not require a school district to pay or
2 otherwise provide financial support for transportation or parking
3 costs necessary for an eligible student to participate in a voca-
4 tional education program under this act. A school district is
5 not liable for any injury incurred by an eligible student that is
6 related to transportation necessary for the eligible student to
7 participate in a vocational education program under this act.

8 Sec. 5. An eligible student enrolled in a vocational educa-
9 tion program under this act shall not participate in intercolle-
10 giate athletics while he or she is enrolled in the vocational
11 education program under this act. An eligible student who vio-
12 lates this section forfeits his or her eligibility under this
13 act.

14 Sec. 6. A vocational education program may give priority to
15 its postsecondary students when enrolling eligible students in
16 vocational education courses under this act for high school
17 credit only. Once an eligible student has been enrolled in a
18 vocational education course under this act, the vocational educa-
19 tion program shall not displace the eligible student with another
20 student.

21 Sec. 7. (1) An eligible student may enroll in, and receive
22 payment by the school district under section 4(4) of all or part
23 of eligible charges for, an eligible course under this act for
24 high school credit or postsecondary credit, or both. At the time
25 an eligible student enrolls in a vocational education course
26 under this act, he or she shall designate whether the course is
27 for high school or postsecondary credit, or both, and shall

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1 notify both his or her high school and the vocational education
2 program of that designation. An eligible student taking more
3 than 1 eligible course under this act may make different credit
4 designations under this subsection for different courses. An
5 eligible student shall not audit a course in which he or she is
6 enrolled under this act.

7 (2) A school district shall grant academic credit to an eli-
8 gible student enrolled in an eligible course for high school
9 credit under this act if he or she successfully completes the
10 course, as determined by the vocational education program. The
11 amount of high school credit granted by a school district for a
12 course completed under this act shall be determined by the school
13 district.

14 (3) The high school credits granted to an eligible student
15 under this act shall be counted toward the graduation require-
16 ments and subject area requirements of the school district.
17 Evidence of successful completion of each course and high school
18 credits granted shall be included in the eligible student's high
19 school record. Subject to section 444 of subpart 4 of part C of
20 the general education provisions act, title IV of Public Law
21 90-247, 20 U.S.C. 1232g, commonly referred to as the family edu-
22 cational rights and privacy act of 1974, a vocational education
23 program shall provide the school district with a copy of the eli-
24 gible student's grade in each course taken for high school credit
25 under this act. Upon the request of an eligible student, his or
26 her high school record and transcript shall also include evidence
27 of successful completion and postsecondary credits granted for a

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1 course taken for postsecondary credit under this act. In either
2 case, the eligible student's high school record and transcript
3 shall indicate that the credits were earned at a vocational edu-
4 cation program and identify the vocational education program.

5 (4) If a student enrolls in a vocational education program
6 after leaving high school, the vocational education program, in
7 accordance with institutional policy, shall award postsecondary
8 credit for postsecondary courses successfully completed by that
9 student for high school credit under this act at that vocational
10 education program. A vocational education program shall not
11 charge a student for credit awarded under this subsection.

12 Sec. 8. This act does not restrict the ability of an eligi-
13 ble student or any other pupil to enroll in any vocational educa-
14 tion program without tuition and fee support under this act.

15 Sec. 9. (1) Each school district shall provide information
16 to all high school students on the vocational education enroll-
17 ment options under this act, including enrollment eligibility;
18 the programs and types of courses that are eligible for partici-
19 pation; the decision making process for granting academic cred-
20 its; an explanation of eligible charges that will be paid by the
21 school district and of financial arrangements for eligible
22 charges and for paying costs not paid for by the school district;
23 eligibility for payment of all or part of eligible charges by the
24 school district under this act; an explanation that, if the stu-
25 dent qualifies for payment of all or part of eligible charges by
26 the school district under this act, the school district will pay
27 that support directly to the vocational education program upon

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1 being billed by the vocational education program and that the
2 student is not responsible for that payment but is responsible
3 for payment of costs not paid for under this act; available sup-
4 port services; the need to arrange an appropriate schedule; con-
5 sequences of failing or not completing a vocational education
6 course in which the eligible student enrolls; the effect of
7 enrolling in a postsecondary course on the eligible student's
8 ability to complete the required high school graduation require-
9 ments; and the academic and social responsibilities that must be
10 assumed by the eligible student and his or her parent or
11 guardian.

12 (2) To the extent possible, a school district shall provide
13 counseling services to an eligible student and his or her parent
14 or guardian before the eligible student enrolls in vocational
15 education courses under this act to ensure that the eligible stu-
16 dent and his or her parent or guardian are fully aware of the
17 benefits, risks, and possible consequences of enrolling in the
18 course. The person providing the counseling shall encourage the
19 eligible student and his or her parent or guardian to also use
20 available counseling services at the vocational education program
21 before the quarter or semester of enrollment to ensure that
22 anticipated plans are appropriate. A school district may provide
23 the counseling required under this section in a group meeting if
24 additional personalized counseling is also made available.

25 (3) Before enrolling in an eligible course at a vocational
26 education program under this act, an eligible student and his or
27 her parent or guardian shall file with the vocational education

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1 program a signed form provided by the eligible student's school
2 district stating that the student is an eligible student and has
3 received the information and counseling specified in subsections
4 (1) and (2) and that the student understands the responsibilities
5 that must be assumed in enrolling in the course. Upon request,
6 the department shall provide technical assistance to a school
7 district and to a vocational education program in developing
8 appropriate forms and counseling guidelines for purposes of this
9 section.

10 Sec. 10. By May 1, 1999, and by March 1 of each succeeding
11 year, a school district shall provide general information about
12 the vocational education enrollment options under this act to all
13 pupils in grade 8 or higher.

14 Sec. 11. (1) Each intermediate school district annually
15 shall collect from each of its constituent school districts and
16 provide to the department at the same time that it submits the
17 annual comprehensive financial report required under section 18
18 of the state school aid act of 1979, 1979 PA 94, MCL 388.1618,
19 information for the immediately preceding school year on all of
20 the following:

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

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

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

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

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

14 Sec. 12. (1) The department may promulgate rules it consid-
15 ers necessary to implement this act. Rules shall be promulgated
16 under the administrative procedures act of 1969, 1969 PA 306, MCL
17 24.201 to 24.328.

18 (2) If the Michigan supreme court rules that sections 45 and
19 46 of the administrative procedures act of 1969, 1969 PA 306, MCL
20 24.245 and 24.246, are unconstitutional and a statute requiring
21 legislative review of administrative rules is not enacted within
22 90 days after the Michigan supreme court ruling, the department
23 may not promulgate rules under this section.

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1 Sec. 13. (1) This act shall take effect April 1, 1999.
2 Payment of all or part of eligible charges under this act for
3 eligible courses shall begin in the state fiscal year beginning
4 on October 1, 1999.

5 (2) This act is repealed effective June 30, 2004.