

FIRST CONFERENCE REPORT

The Committee of Conference on the matters of difference between the two Houses concerning

House Bill No. 4236, entitled

A bill to amend 1979 PA 94, entitled "The state school aid act of 1979," by amending sections 236, 236a, 236b, 236c, 237, 241, 245, 245a, 251, 252, 256, 263, 264, 265, 265a, 265b, 265c, 265d, 267, 268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, 283, and 289 (MCL 388.1836, 388.1836a, 388.1836b, 388.1836c, 388.1837, 388.1841, 388.1845, 388.1845a, 388.1851, 388.1852, 388.1856, 388.1863, 388.1864, 388.1865, 388.1865a, 388.1865b, 388.1865c, 388.1865d, 388.1867, 388.1868, 388.1869, 388.1870, 388.1874, 388.1874c, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, and 388.1889), sections 236, 236a, 236b, 236c, 241, 245, 251, 252, 256, 263, 264, 265a, 267, 268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, and 289 as amended and sections 245a, 265b, 265c, and 265d as added by 2018 PA 265, section 237 as amended by 2012 PA 201, section 265 as amended by 2018 PA 586, and section 283 as amended by 2017 PA 108.

Recommends:

First: That the Senate recede from the Substitute of the Senate as passed by the Senate.

Second: That the House and Senate agree to the Substitute of the House as passed by the House, amended to read as follows:

(attached)

Third: That the House and Senate agree to the title of the bill to read as follows:

A bill to amend 1979 PA 94, entitled "An act to make appropriations to aid in the support of the public schools, the intermediate school districts, community colleges, and public universities of the state; to make appropriations for certain other purposes relating to education; to provide for the disbursement of the appropriations; to authorize the issuance of certain bonds and provide for the security of those bonds; to



prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to create certain funds and provide for their expenditure; to prescribe penalties; and to repeal acts and parts of acts." by amending sections 236, 236a, 236b, 236c, 237, 241, 245, 245a, 251, 252, 256, 263, 263a, 264, 265, 265a, 265b, 265c, 265d, 267, 268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, 283, and 289 (MCL 388.1836, 388.1836a, 388.1836b, 388.1836c, 388.1837, 388.1841, 388.1845, 388.1845a, 388.1851, 388.1852, 388.1856, 388.1863, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1865b, 388.1865c, 388.1865d, 388.1867, 388.1868, 388.1869, 388.1870, 388.1874, 388.1874c, 388.1876, 388.1877, 388.1878, 388.1879, 388.1880, 388.1881, 388.1882, 388.1883, and 388.1889), sections 236, 236a, 236b, 236c, 241, 245, 251, 252, 256, 263, 264, 265a, 267, 268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, and 289 as amended and sections 245a, 265b, 265c, and 265d as added by 2018 PA 265, section 237 as amended by 2012 PA 201, sections 263a and 283 as amended by 2017 PA 108, and section 265 as amended by 2018 PA 586, and by adding section 275d.

 Scott VanSingel

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Conferees for the House

Conferees for the Senate



**SUBSTITUTE FOR
HOUSE BILL NO. 4236**

A bill to amend 1979 PA 94, entitled
"The state school aid act of 1979,"
by amending sections 236, 236a, 236b, 236c, 237, 241, 245, 245a,
251, 252, 256, 263, 263a, 264, 265, 265a, 265b, 265c, 265d, 267,
268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, 283,
and 289 (MCL 388.1836, 388.1836a, 388.1836b, 388.1836c, 388.1837,
388.1841, 388.1845, 388.1845a, 388.1851, 388.1852, 388.1856,
388.1863, 388.1863a, 388.1864, 388.1865, 388.1865a, 388.1865b,
388.1865c, 388.1865d, 388.1867, 388.1868, 388.1869, 388.1870,
388.1874, 388.1874c, 388.1876, 388.1877, 388.1878, 388.1879,
388.1880, 388.1881, 388.1882, 388.1883, and 388.1889), sections



236, 236a, 236b, 236c, 241, 245, 251, 252, 256, 263, 264, 265a, 267, 268, 269, 270, 274, 274c, 276, 277, 278, 279, 280, 281, 282, and 289 as amended and sections 245a, 265b, 265c, and 265d as added by 2018 PA 265, section 237 as amended by 2012 PA 201, sections 263a and 283 as amended by 2017 PA 108, and section 265 as amended by 2018 PA 586, and by adding section 275d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 236. (1) Subject to the conditions set forth in this article, the amounts listed in this section are appropriated for higher education for the fiscal year ending September 30, ~~2019,~~ **2020**, from the funds indicated in this section. The following is a summary of the appropriations in this section:

(a) The gross appropriation is ~~\$1,669,732,600.00.~~ **\$1,685,545,000.00.** After deducting total interdepartmental grants and intradepartmental transfers in the amount of \$0.00, the adjusted gross appropriation is ~~\$1,669,732,600.00.~~ **\$1,685,545,000.00.**

(b) The sources of the adjusted gross appropriation described in subdivision (a) are as follows:

(i) Total federal revenues, ~~\$123,526,400.00.~~ **\$128,026,400.00.**

(ii) Total local revenues, \$0.00.

(iii) Total private revenues, \$0.00.

(iv) Total other state restricted revenues, ~~\$500,188,300.00.~~ **\$349,419,300.00.**

(v) State general fund/general purpose money, ~~\$1,046,017,900.00.~~ **\$1,208,099,300.00.**

(2) Amounts appropriated for public universities are as follows:

(a) The appropriation for Central Michigan University is



~~\$87,415,000.00, \$85,654,400.00 for operations and \$1,760,600.00 for performance funding.~~ **\$89,227,800.00, \$87,096,900.00 for operations, \$532,800.00 for performance funding, and \$1,598,100.00 for costs incurred under the North American Indian tuition waiver.**

(b) The appropriation for Eastern Michigan University is ~~\$76,979,300.00, \$75,169,900.00 for operations and \$1,809,400.00 for performance funding.~~ **\$77,556,000.00, \$76,816,500.00 for operations, \$437,200.00 for performance funding, and \$302,300.00 for costs incurred under the North American Indian tuition waiver.**

(c) The appropriation for Ferris State University is ~~\$54,950,700.00, \$53,595,500.00 for operations and \$1,355,200.00 for performance funding.~~ **\$56,032,800.00, \$54,732,400.00 for operations, \$293,100.00 for performance funding, and \$1,007,300.00 for costs incurred under the North American Indian tuition waiver.**

(d) The appropriation for Grand Valley State University is ~~\$72,056,600.00, \$70,100,100.00 for operations and \$1,956,500.00 for performance funding.~~ **\$73,388,500.00, \$71,780,400.00 for operations, \$533,100.00 for performance funding, and \$1,075,000.00 for costs incurred under the North American Indian tuition waiver.**

(e) The appropriation for Lake Superior State University is ~~\$13,987,000.00, \$13,775,000.00 for operations and \$212,000.00 for performance funding.~~ **\$14,361,000.00, \$13,349,300.00 for operations, \$57,700.00 for performance funding, and \$954,000.00 for costs incurred under the North American Indian tuition waiver.**

(f) The appropriation for Michigan State University is ~~\$350,703,300.00, \$281,239,100.00 for operations, \$5,035,100.00 for performance funding, \$34,591,400.00 for MSU AgBioResearch, and \$29,837,700.00 for MSU Extension.~~ **\$353,872,800.00, \$285,805,100.00 for operations, \$1,526,600.00 for performance funding,**



1 \$1,467,700.00 for costs incurred under the North American Indian
 2 tuition waiver, \$34,937,300.00 for MSU AgBioResearch, and
 3 \$30,136,100.00 for MSU Extension.

4 (g) The appropriation for Michigan Technological University is
 5 ~~\$49,949,600.00, \$49,052,200.00 for operations and \$897,400.00 for~~
 6 ~~performance funding.~~ \$50,568,100.00, \$49,835,300.00 for operations,
 7 \$266,300.00 for performance funding, and \$466,500.00 for costs
 8 incurred under the North American Indian tuition waiver.

9 (h) The appropriation for Northern Michigan University is
 10 ~~\$47,998,400.00, \$47,137,400.00 for operations and \$861,000.00 for~~
 11 ~~performance funding.~~ \$48,909,100.00, \$47,576,200.00 for operations,
 12 \$232,900.00 for performance funding, and \$1,100,000.00 for costs
 13 incurred under the North American Indian tuition waiver.

14 (i) The appropriation for Oakland University is
 15 ~~\$52,819,200.00, \$51,235,900.00 for operations and \$1,583,300.00 for~~
 16 ~~performance funding.~~ \$53,432,500, \$52,719,900.00 for operations,
 17 \$427,500.00 for performance funding, and \$285,100.00 for costs
 18 incurred under the North American Indian tuition waiver.

19 (j) The appropriation for Saginaw Valley State University is
 20 ~~\$30,528,000.00, \$29,766,100.00 for operations and \$761,900.00 for~~
 21 ~~performance funding.~~ \$30,807,700.00, \$30,456,500.00 for operations,
 22 \$127,300.00 for performance funding, and \$223,900.00 for costs
 23 incurred under the North American Indian tuition waiver.

24 (k) The appropriation for University of Michigan - Ann Arbor
 25 is ~~\$320,782,400.00, \$314,589,100.00 for operations and~~
 26 ~~\$6,193,300.00 for performance funding.~~ \$322,773,600.00,
 27 \$320,255,800.00 for operations, \$1,714,300.00 for performance
 28 funding, and \$803,500.00 for costs incurred under the North
 29 American Indian tuition waiver.



(l) The appropriation for University of Michigan - Dearborn is ~~\$26,071,800.00, \$25,421,900.00 for operations and \$649,900.00 for performance funding.~~ **\$26,327,200.00, \$25,986,400.00 for operations, \$180,600.00 for performance funding, and \$160,200.00 for costs incurred under the North American Indian tuition waiver.**

(m) The appropriation for University of Michigan - Flint is ~~\$23,585,400.00, \$23,061,800.00 for operations and \$523,600.00 for performance funding.~~ **\$23,893,200.00, \$23,493,800.00 for operations, \$122,400.00 for performance funding, and \$277,000.00 for costs incurred under the North American Indian tuition waiver.**

(n) The appropriation for Wayne State University is ~~\$202,363,200.00, \$199,169,800.00 for operations and \$3,193,400.00 for performance funding.~~ **\$203,413,900.00, \$202,112,700.00 for operations, \$884,000.00 for performance funding, and \$417,200.00 for costs incurred under the North American Indian tuition waiver.**

(o) The appropriation for Western Michigan University is ~~\$111,151,000.00, \$109,376,800.00 for operations and \$1,774,200.00 for performance funding.~~ **\$112,290,100.00, \$110,976,000.00 for operations, \$546,200.00 for performance funding, and \$767,900.00 for costs incurred under the North American Indian tuition waiver.**

(3) The amount appropriated in subsection (2) for public universities is **\$1,536,854,300.00**, appropriated from the following:

(a) State school aid fund, ~~\$494,286,300.00.~~ **\$343,168,300.00.**

(b) State general fund/general purpose money, ~~\$1,027,054,600.00.~~ **\$1,193,686,000.00.**

(4) The amount appropriated for Michigan public school employees' retirement system reimbursement is ~~\$5,133,000.00,~~ **\$5,017,000.00**, appropriated from the state school aid fund.

(5) The amount appropriated for state and regional programs is



1 \$315,000.00, appropriated from general fund/general purpose money
2 and allocated as follows:

3 (a) Higher education database modernization and conversion,
4 \$200,000.00.

5 (b) Midwestern Higher Education Compact, \$115,000.00.

6 (6) The amount appropriated for the Martin Luther King, Jr. -
7 Cesar Chavez - Rosa Parks program is \$2,691,500.00, appropriated
8 from general fund/general purpose money and allocated as follows:

9 (a) Select student support services, \$1,956,100.00.

10 (b) Michigan college/university partnership program,
11 \$586,800.00.

12 (c) Morris Hood, Jr. educator development program,
13 \$148,600.00.

14 (7) Subject to subsection (8), the amount appropriated for
15 grants and financial aid is ~~\$139,583,200.00, \$139,283,200.00,~~
16 allocated as follows:

17 (a) State competitive scholarships, \$32,361,700.00.

18 (b) Tuition grants, \$38,021,500.00.

19 (c) Tuition incentive program, \$64,300,000.00.

20 (d) Children of veterans and officer's survivor tuition grant
21 programs, \$1,400,000.00.

22 (e) Project GEAR-UP, \$3,200,000.00.

23 ~~(f) North American Indian tuition waiver, \$300,000.00.~~

24 (8) The money appropriated in subsection (7) for grants and
25 financial aid is appropriated from the following:

26 (a) Federal revenues under the United States Department of
27 Education, Office of Elementary and Secondary Education, GEAR-UP
28 program, \$3,200,000.00.

29 (b) Federal revenues under the social security act, temporary



assistance for needy families, ~~\$120,326,400.00.~~ **\$124,826,400.00.**

~~(c) Contributions to children of veterans tuition grant program, \$100,000.00.~~

(c) (d) State general fund/general purpose money, \$15,956,800.00. \$11,256,800.00.

(9) For fiscal year ~~2018-2019~~ **2019-2020** only, in addition to the allocation under subsection (4), from the appropriations described in subsection (1), there is allocated an amount not to exceed ~~\$669,000.00~~ **\$1,234,000.00** for payments to participating public universities, appropriated from the state school aid fund. A university that receives money under this subsection shall use that money solely for the purpose of offsetting the normal cost contribution rate. As used in this subsection, "participating public universities" means public universities that are a reporting unit of the Michigan public school employees' retirement system under the public school employees retirement act of 1979, 1980 PA 300, MCL 38.1301 to 38.1437, and that pay contributions to the Michigan public school employees' retirement system for the state fiscal year.

(10) The amount appropriated for pregnant and parenting student services is \$150,000.00, appropriated from state general fund/general purpose money, and subject to the conditions of the pregnant and parenting services act, 2004 PA 500, MCL 390.1591 to 390.1596.

Sec. 236a. It is the intent of the legislature to provide appropriations for the fiscal year ending on September 30, ~~2020~~ **2021** for the items listed in section 236. The fiscal year ~~2019-2020~~ **2020-2021** appropriations are anticipated to be the same as those for fiscal year ~~2018-2019, 2019-2020~~, except that the amounts will



be adjusted for changes in caseload and related costs, federal fund match rates, economic factors, and available revenue. These adjustments will be determined after the January ~~2019-2020~~ consensus revenue estimating conference. **For fiscal year 2020-2021, the amount appropriated for Michigan public school employees' retirement system reimbursement is projected to be \$7,264,000.00.**

Sec. 236b. In addition to the funds appropriated in section 236, there is appropriated for grants and financial aid in fiscal year ~~2018-2019-2019-2020~~ an amount not to exceed \$6,000,000.00 for federal contingency funds. These funds are not available for expenditure until they have been transferred under section 393(2) of the management and budget act, 1984 PA 431, MCL 18.1393, for another purpose under this article.

Sec. 236c. In addition to the funds appropriated for fiscal year ~~2018-2019-2019-2020~~ in section 236, appropriations to the department of technology, management, and budget in the act providing general appropriations for fiscal year ~~2018-2019-2019-2020~~ for state building authority rent, totaling an estimated ~~\$155,478,500.00, \$144,995,300.00~~ provide funding for the state share of costs for previously constructed capital projects for state universities. These appropriations for state building authority rent represent additional state general fund support provided to public universities, and the following is an estimate of the amount of that support to each university:

(a) Central Michigan University,
~~\$12,936,500.00.~~ **\$12,141,800.00.**

(b) Eastern Michigan University, ~~\$7,083,900.00.~~ **\$7,673,600.00.**

(c) Ferris State University, ~~\$8,275,000.00.~~ **\$8,434,200.00.**

(d) Grand Valley State University,



1 ~~\$8,800,000.00.~~ **\$6,752,400.00.**

2 (e) Lake Superior State University,

3 ~~\$2,285,800.00.~~ **\$1,856,100.00.**

4 (f) Michigan State University, ~~\$16,790,400.00.~~ **\$15,514,900.00.**

5 (g) Michigan Technological University,

6 ~~\$6,782,000.00.~~ **\$6,912,500.00.**

7 (h) Northern Michigan University, ~~\$7,309,000.00.~~ **\$7,449,600.00.**

8 (i) Oakland University, ~~\$12,665,000.00.~~ **\$12,908,600.00.**

9 (j) Saginaw Valley State University,

10 ~~\$10,984,000.00.~~ **\$10,670,900.00.**

11 (k) University of Michigan - Ann Arbor,

12 ~~\$11,861,000.00.~~ **\$9,795,900.00.**

13 (l) University of Michigan - Dearborn,

14 ~~\$10,918,000.00.~~ **\$9,522,700.00.**

15 (m) University of Michigan - Flint,

16 ~~\$6,244,800.00.~~ **\$4,128,900.00.**

17 (n) Wayne State University, ~~\$16,480,200.00.~~ **\$16,008,000.00.**

18 (o) Western Michigan University,

19 ~~\$16,062,900.00.~~ **\$15,225,200.00.**

20 Sec. 237. All of the appropriations authorized under this
21 article are subject to the management and budget act, 1984 PA 431,
22 MCL 18.1101 to 18.1594.

23 Sec. 241. (1) Subject to sections 244 and 265a, the funds
24 appropriated in section 236 to public universities shall be paid
25 out of the state treasury and distributed by the state treasurer to
26 the respective institutions in 11 equal monthly installments on the
27 sixteenth of each month, or the next succeeding business day,
28 beginning with October 16, ~~2018.~~ **2019.** Except for Wayne State
29 University, each institution shall accrue its July and August ~~2019~~



1 2020 payments to its institutional fiscal year ending June 30,
2 ~~2019-2020~~.

3 (2) All public universities shall submit higher education
4 institutional data inventory (HEIDI) data and associated financial
5 and program information requested by and in a manner prescribed by
6 the state budget director. For public universities with fiscal
7 years ending June 30, ~~2018-2019~~, these data shall be submitted to
8 the state budget director by October 15, ~~2018-2019~~. Public
9 universities with a fiscal year ending September 30, ~~2018-2019~~
10 shall submit preliminary HEIDI data by November 15, ~~2018-2019~~ and
11 final data by December 15, ~~2018-2019~~. If a public university fails
12 to submit HEIDI data and associated financial aid program
13 information in accordance with this reporting schedule, the state
14 treasurer may withhold the monthly installments under subsection
15 (1) to the public university until those data are submitted.

16 Sec. 245. (1) A public university shall maintain a public
17 transparency website available through a link on its website
18 homepage. The public university shall update this website within 30
19 days after the university's governing board adopts its annual
20 operating budget for the next academic year, or after the governing
21 board adopts a subsequent revision to that budget.

22 (2) The website required under subsection (1) shall include
23 all of the following concerning the public university:

24 (a) The annual operating budget and subsequent budget
25 revisions.

26 (b) A summary of current expenditures for the most recent
27 fiscal year for which they are available, expressed as pie charts
28 in the following 2 categories:

29 (i) A chart of personnel expenditures, broken into the



1 following subcategories:

2 (A) Earnings and wages.

3 (B) Employee benefit costs, including, but not limited to,
4 medical, dental, vision, life, disability, and long-term care
5 benefits.

6 (C) Retirement benefit costs.

7 (D) All other personnel costs.

8 (ii) A chart of all current expenditures the public university
9 reported as part of its higher education institutional data
10 inventory data under section 241(2), broken into the same
11 subcategories in which it reported those data.

12 (c) Links to all of the following for the public university:

13 (i) The current collective bargaining agreement for each
14 bargaining unit.

15 (ii) Each health care benefits plan, including, but not limited
16 to, medical, dental, vision, disability, long-term care, or any
17 other type of benefits that would constitute health care services,
18 offered to any bargaining unit or employee of the public
19 university.

20 (iii) Audits and financial reports for the most recent fiscal
21 year for which they are available.

22 (d) A list of all positions funded partially or wholly through
23 institutional general fund revenue that includes the position title
24 and annual salary or wage amount for each position.

25 (e) General fund revenue and expenditure projections for the
26 current fiscal year and the next fiscal year.

27 (f) A listing of all debt service obligations, detailed by
28 project, anticipated fiscal year payment for each project, and
29 total outstanding debt for the current fiscal year.



1 (g) The institution's policy regarding the transferability of
2 core college courses between community colleges and the university.

3 (h) A listing of all community colleges that have entered into
4 reverse transfer agreements with the university.

5 (3) On the website required under subsection (1), a public
6 university shall provide a dashboard or report card demonstrating
7 the university's performance in several "best practice" measures.
8 The dashboard or report card shall include at least all of the
9 following for the 3 most recent academic years for which the data
10 are available:

11 (a) Enrollment.

12 (b) Student retention rate.

13 (c) Six-year graduation rates.

14 (d) Number of Pell grant recipients and graduating Pell grant
15 recipients.

16 (e) Geographic origination of students, categorized as in-
17 state, out-of-state, and international.

18 (f) Faculty to student ratios and total university employee to
19 student ratios.

20 (g) Teaching load by faculty classification.

21 (h) Graduation outcome rates, including employment and
22 continuing education.

23 (4) For statewide consistency and public visibility, public
24 universities must use the icon badge provided by the department of
25 technology, management, and budget consistent with the icon badge
26 developed by the department of education for K-12 school districts.
27 It must appear on the front of each public university's homepage.
28 The size of the icon may be reduced to 150 x 150 pixels. The font
29 size and style for this reporting must be consistent with other



1 documents on each university's website.

2 (5) The state budget director shall determine whether a public
3 university has complied with this section. The state budget
4 director may withhold a public university's monthly installments
5 described in section 241 until the public university complies with
6 this section.

7 (6) By **the first business day of** November ~~15~~ of each year, a
8 public university shall report the following information to the
9 center and post the information on its website under the budget
10 transparency icon badge:

11 (a) Opportunities for earning college credit through the
12 following programs:

13 (i) State approved career and technical education or a tech
14 prep articulated program of study.

15 (ii) Direct college credit or concurrent enrollment.

16 (iii) Dual enrollment.

17 (iv) An early college/middle college program.

18 (b) For each program described in subdivision (a) that the
19 public university offers, all of the following information:

20 (i) The number of high school students participating in the
21 program.

22 (ii) The number of school districts that participate in the
23 program with the public university.

24 (iii) Whether a university professor, qualified local school
25 district employee, or other individual teaches the course or
26 courses in the program.

27 (iv) The total cost to the public university to operate the
28 program.



(v) The cost per credit hour for the course or courses in the program.

(vi) The location where the course or courses in the program are held.

(vii) Instructional resources offered to the program instructors.

(viii) Resources offered to the student in the program.

(ix) Transportation services provided to students in the program.

(7) A public university shall collect and report the number and percentage of all enrolled students who complete the Free Application for Federal Student Aid, broken out by undergraduate and graduate/professional classifications, to the center and post the information on its website under the budget transparency icon badge.

Sec. 245a. (1) A public university shall develop, maintain, and update a "campus safety information and resources" link, prominently displayed on the homepage of its website, to a section of its website containing all of the information required under subsection (2).

(2) The "campus safety information and resources" section of a public university's website shall include, but not be limited to, all of the following information:

(a) Emergency contact numbers for police, fire, health, and other services.

(b) Hours, locations, phone numbers, and electronic mail contacts for campus public safety offices and title IX offices.

(c) A listing of safety and security services provided by the university, including transportation, escort services, building



1 surveillance, anonymous tip lines, and other available security
2 services.

3 (d) A public university's policies applicable to minors on
4 university property.

5 (e) A directory of resources available at the university or
6 surrounding community for students or employees who are survivors
7 of sexual assault or sexual abuse.

8 (f) An electronic copy of "A Resource Handbook for Campus
9 Sexual Assault Survivors, Friends and Family", published in 2018 by
10 the office of the governor in conjunction with the first lady of
11 Michigan.

12 (g) Campus security policies and crime statistics pursuant to
13 the student right-to-know and campus security act, Public Law 101-
14 542, 104 Stat 2381. Information shall include all material prepared
15 pursuant to the public information reporting requirements under the
16 crime awareness and campus security act of 1990, title II of the
17 student right-to-know and campus security act, Public Law 101-542,
18 104 Stat 2381.

19 (3) A public university shall certify to the state budget
20 director by ~~August 31, 2018~~ **October 1, 2019 and the last business**
21 **day of each August thereafter** that it is in compliance with this
22 section. The state budget director may withhold a public
23 university's monthly installments described in section 241 until
24 the public university complies with this section.

25 Sec. 251. (1) Payments of the amounts included in section 236
26 for the state competitive scholarship program shall be distributed
27 pursuant to 1964 PA 208, MCL 390.971 to 390.981.

28 (2) Pursuant to section 6 of 1964 PA 208, MCL 390.976, the
29 department of treasury shall determine an actual maximum state



1 competitive scholarship award per student, which shall be not less
2 than \$1,000.00, that ensures that the aggregate payments for the
3 state competitive scholarship program do not exceed the
4 appropriation contained in section 236 for the state competitive
5 scholarship program. If the department determines that insufficient
6 funds are available to establish a maximum award amount equal to at
7 least \$1,000.00, the department shall immediately report to the
8 house and senate appropriations subcommittees on higher education,
9 the house and senate fiscal agencies, and the state budget director
10 regarding the estimated amount of additional funds necessary to
11 establish a \$1,000.00 maximum award amount.

12 (3) The department of treasury shall implement a proportional
13 competitive scholarship maximum award level for recipients enrolled
14 less than full-time in a given semester or term.

15 (4) If a student who receives an award under this section has
16 his or her tuition and fees paid under the Michigan educational
17 trust program, pursuant to the Michigan education trust act, 1986
18 PA 316, MCL 390.1421 to 390.1442, and still has financial need, the
19 funds awarded under this section may be used for educational
20 expenses other than tuition and fees.

21 (5) If the department of treasury increases the maximum award
22 per eligible student from that provided in the previous fiscal
23 year, it shall not have the effect of reducing the number of
24 eligible students receiving awards in relation to the total number
25 of eligible applicants. Any increase in the maximum grant shall be
26 proportional for all eligible students receiving awards.

27 (6) Veterans Administration benefits shall not be considered
28 in determining eligibility for the award of scholarships under 1964
29 PA 208, MCL 390.971 to 390.981.



(7) Any unexpended and unencumbered funds remaining on September 30, ~~2019-2020~~ from the amounts appropriated in section 236 for the state competitive scholarship program for fiscal year ~~2018-2019-2019-2020~~ do not lapse on September 30, ~~2019, 2020~~, but continue to be available for the expenditure for state competitive scholarships ~~provided in the 2019-2020 fiscal year~~ under a work project account. ~~The use of these unexpended fiscal year 2018-2019 funds terminates at the end of the 2019-2020 fiscal year.~~

Sec. 252. (1) The amounts appropriated in section 236 for the state tuition grant program shall be distributed pursuant to 1966 PA 313, MCL 390.991 to 390.997a.

(2) Tuition grant awards shall be made to all eligible Michigan residents enrolled in undergraduate degree programs who are qualified and who apply ~~before~~ **by** March 1 of each year for the next academic year.

(3) Pursuant to section 5 of 1966 PA 313, MCL 390.995, and subject to subsections (7) and (8), the department of treasury shall determine an actual maximum tuition grant award per student, which shall be no less than ~~\$2,400.00, \$3,000.00~~, that ensures that the aggregate payments for the tuition grant program do not exceed the appropriation contained in section 236 for the state tuition grant program. If the department determines that insufficient funds are available to establish a maximum award amount equal to at least ~~\$2,400.00, \$3,000.00~~, the department shall immediately report to the house and senate appropriations subcommittees on higher education, the house and senate fiscal agencies, and the state budget director regarding the estimated amount of additional funds necessary to establish a ~~\$2,400.00~~ **\$3,000.00** maximum award amount. If the department determines that sufficient funds are available to



1 establish a maximum award amount equal to at least ~~\$2,400.00,~~
 2 **\$3,000.00**, the department shall immediately report to the house and
 3 senate appropriations subcommittees on higher education, the house
 4 and senate fiscal agencies, and the state budget director regarding
 5 the maximum award amount established and the projected amount of
 6 any projected year-end appropriation balance based on that maximum
 7 award amount. By February 18 of each fiscal year, the department
 8 shall analyze the status of award commitments, shall make any
 9 necessary adjustments, and shall confirm that those award
 10 commitments will not exceed the appropriation contained in section
 11 236 for the tuition grant program. The determination and actions
 12 shall be reported to the state budget director and the house and
 13 senate fiscal agencies no later than the final day of February of
 14 each year. If award adjustments are necessary, the students shall
 15 be notified of the adjustment by March 4 of each year. **The**
 16 **department is prohibited from using funds described in this section**
 17 **and appropriated in section 236(7)(b) to offset costs in any other**
 18 **student financial aid program.**

19 (4) Any unexpended and unencumbered funds remaining on
 20 September 30, ~~2019-2020~~ from the amounts appropriated in section
 21 236 for the tuition grant program for fiscal year ~~2018-2019-2019-~~
 22 ~~2020~~ do not lapse on September 30, ~~2019, 2020~~, but continue to be
 23 available for expenditure for tuition grants ~~provided in the 2019-~~
 24 ~~2020 fiscal year~~ under a work project account.

25 (5) The department of treasury shall continue a proportional
 26 tuition grant maximum award level for recipients enrolled less than
 27 full-time in a given semester or term.

28 (6) If the department of treasury increases the maximum award
 29 per eligible student from that provided in the previous fiscal



1 year, it shall not have the effect of reducing the number of
2 eligible students receiving awards in relation to the total number
3 of eligible applicants. Any increase in the maximum grant shall be
4 proportional for all eligible students receiving awards for that
5 fiscal year.

6 (7) Except as provided in subsection (4), the department of
7 treasury shall not award more than ~~\$4,200,000.00~~ **\$5,000,000.00** in
8 tuition grants to eligible students enrolled in the same
9 independent nonprofit college or university in this state. Any
10 decrease in the maximum grant shall be proportional for all
11 eligible students enrolled in that college or university, as
12 determined by the department. The limit described in this
13 subsection does not apply to any other student financial aid
14 program or in combination with any other student financial aid
15 program.

16 (8) The department of treasury shall not award tuition grants
17 to otherwise eligible students enrolled in an independent college
18 or university that does not report, in a form and manner directed
19 by and satisfactory to the department of treasury, by October 31 of
20 each year, all of the following:

21 (a) The number of students in the most recently completed
22 academic year who in any academic year received a state tuition
23 grant at the reporting institution and successfully completed a
24 program or graduated.

25 (b) The number of students in the most recently completed
26 academic year who in any academic year received a state tuition
27 grant at the reporting institution and took a remedial education
28 class.

29 (c) The number of students in the most recently completed



1 academic year who in any academic year received a Pell grant at the
2 reporting institution and successfully completed a program or
3 graduated.

4 (9) By February 1 ~~, 2019,~~ **of each year**, each independent
5 college and university participating in the tuition grant program
6 shall report to the senate and house appropriations subcommittees
7 on higher education, the senate and house fiscal agencies, and the
8 state budget director on its efforts to develop and implement
9 sexual assault response training for the institution's title IX
10 coordinator, campus law enforcement personnel, campus public safety
11 personnel, and any other campus personnel charged with responding
12 to on-campus incidents, including information on sexual assault
13 response training materials and the status of implementing sexual
14 assault response training for institutional personnel.

15 Sec. 256. (1) The funds appropriated in section 236 for the
16 tuition incentive program shall be distributed as provided in this
17 section and pursuant to the administrative procedures for the
18 tuition incentive program of the department of treasury.

19 (2) As used in this section:

20 (a) "Phase I" means the first part of the tuition incentive
21 program defined as the academic period of 80 semester or 120 term
22 credits, or less, leading to an associate degree or certificate.
23 Students must be enrolled in a certificate or associate degree
24 program and taking classes within the program of study for a
25 certificate or associate degree. Tuition will not be covered for
26 courses outside of a certificate or associate degree program.

27 (b) "Phase II" means the second part of the tuition incentive
28 program which provides assistance in the third and fourth year of
29 4-year degree programs.



1 (c) "Department" means the department of treasury.

2 (d) "High school equivalency certificate" means that term as
3 defined in section 4.

4 (3) An individual shall meet the following basic criteria and
5 financial thresholds to be eligible for tuition incentive program
6 benefits:

7 (a) To be eligible for phase I, an individual shall meet all
8 of the following criteria:

9 (i) Apply for certification to the department any time after he
10 or she begins the sixth grade but before August 31 of the school
11 year in which he or she graduates from high school or before
12 achieving a high school equivalency certificate.

13 (ii) Be less than 20 years of age at the time he or she
14 graduates from high school with a diploma or certificate of
15 completion or achieves a high school equivalency certificate or,
16 for students attending a 5-year middle college approved by the
17 Michigan department of education, be less than 21 years of age when
18 he or she graduates from high school.

19 (iii) Be a United States citizen and a resident of this state
20 according to institutional criteria.

21 (iv) Be at least a half-time student, earning less than 80
22 semester or 120 term credits at a participating educational
23 institution within 4 years of high school graduation or achievement
24 of a high school equivalency certificate. All program eligibility
25 expires 6 years from high school graduation or achievement of a
26 high school equivalency certificate.

27 (v) Meet the satisfactory academic progress policy of the
28 educational institution he or she attends.

29 (b) To be eligible for phase II, an individual shall meet



1 either of the following criteria in addition to the criteria in
2 subdivision (a):

3 (i) Complete at least 56 transferable semester or 84
4 transferable term credits.

5 (ii) Obtain an associate degree or certificate at a
6 participating institution.

7 (c) To be eligible for phase I or phase II, an individual ~~must~~
8 ~~not be incarcerated and~~ must be financially eligible as determined
9 by the department. An individual is financially eligible for the
10 tuition incentive program if he or she was eligible for Medicaid
11 from this state for 24 months within the 36 consecutive months
12 before application. The department shall accept certification of
13 Medicaid eligibility only from the department of health and human
14 services for the purposes of verifying if a person is Medicaid
15 eligible for 24 months within the 36 consecutive months before
16 application. Certification of eligibility may begin in the sixth
17 grade. ~~As used in this subdivision, "incarcerated" does not include~~
18 ~~detention of a juvenile in a state operated or privately operated~~
19 ~~juvenile detention facility.~~

20 (4) For phase I, the department shall provide payment on
21 behalf of a person eligible under subsection (3). The department
22 shall only accept standard per-credit hour tuition billings and
23 shall reject billings that are excessive or outside the guidelines
24 for the type of educational institution.

25 (5) For phase I, all of the following apply:

26 (a) Payments for associate degree or certificate programs
27 shall not be made for more than 80 semester or 120 term credits for
28 any individual student at any participating institution.

29 (b) For persons enrolled at a Michigan community college, the



1 department shall pay the current in-district tuition and mandatory
2 fees. For persons residing in an area that is not included in any
3 community college district, the out-of-district tuition rate may be
4 authorized.

5 (c) For persons enrolled at a Michigan public university, the
6 department shall pay lower division resident tuition and mandatory
7 fees for the current year.

8 (d) For persons enrolled at a Michigan independent, nonprofit
9 degree-granting college or university, or a Michigan federal
10 tribally controlled community college, or Focus: HOPE, the
11 department shall pay mandatory fees for the current year and a per-
12 credit payment that does not exceed the average community college
13 in-district per-credit tuition rate as reported on August 1, for
14 the immediately preceding academic year.

15 (6) A person participating in phase II may be eligible for
16 additional funds not to exceed \$500.00 per semester or \$400.00 per
17 term up to a maximum of \$2,000.00 subject to the following
18 conditions:

19 (a) Credits are earned in a 4-year program at a Michigan
20 degree-granting 4-year college or university.

21 (b) The tuition reimbursement is for coursework completed
22 within 30 months of completion of the phase I requirements.

23 (7) The department shall work closely with participating
24 institutions to develop an application and eligibility
25 determination process that will provide the highest level of
26 participation and ensure that all requirements of the program are
27 met.

28 (8) Applications for the tuition incentive program may be
29 approved at any time after the student begins the sixth grade. If a



1 determination of financial eligibility is made, that determination
2 is valid as long as the student meets all other program
3 requirements and conditions.

4 (9) Each institution shall ensure that all known available
5 restricted grants for tuition and fees are used prior to billing
6 the tuition incentive program for any portion of a student's
7 tuition and fees.

8 (10) The department shall ensure that the tuition incentive
9 program is well publicized and that eligible Medicaid clients are
10 provided information on the program. The department shall provide
11 the necessary funding and staff to fully operate the program.

12 (11) Any unexpended and unencumbered funds remaining on
13 September 30, ~~2019-2020~~ from the amounts appropriated in section
14 236 for the tuition incentive program for fiscal year ~~2018-2019~~
15 ~~2019-2020~~ do not lapse on September 30, ~~2019, 2020~~, but continue to
16 be available for expenditure for tuition incentive program funds
17 ~~provided in the 2019-2020 fiscal year under a work project account.~~
18 ~~The use of these unexpended fiscal year 2018-2019 funds terminates~~
19 ~~at the end of the 2019-2020 fiscal year.~~

20 (12) The department of treasury shall collaborate with the
21 center to use the P-20 longitudinal data system to report the
22 following information for each qualified postsecondary institution:

23 (a) The number of phase I students in the most recently
24 completed academic year who in any academic year received a tuition
25 incentive program award and who successfully completed a degree or
26 certificate program. Cohort graduation rates for phase I students
27 shall be calculated using the established success rate methodology
28 developed by the center in collaboration with the postsecondary
29 institutions.



(b) The number of students in the most recently completed academic year who in any academic year received a Pell grant at the reporting institution and who successfully completed a degree or certificate program. Cohort graduation rates for students who received Pell grants shall be calculated using the established success rate methodology developed by the center in collaboration with the postsecondary institutions.

(13) If a qualified postsecondary institution does not report the data necessary to comply with subsection (12) to the P-20 longitudinal data system, the institution shall report, in a form and manner satisfactory to the department of treasury and the center, all of the information needed to comply with subsection (12) by December 1, ~~2019~~. **2020**.

(14) Beginning in fiscal year ~~2019-2020~~, **2020-2021**, if a qualified postsecondary institution does not report the data necessary to complete the reporting in subsection (12) to the P-20 longitudinal data system by October 15 for the prior academic year, the department of treasury shall not award phase I tuition incentive program funding to otherwise eligible students enrolled in that institution until the data are submitted.

Sec. 263. (1) Included in the appropriation in section 236 for fiscal year ~~2018-2019~~ **2019-2020** for MSU AgBioResearch is \$2,982,900.00 and included in the appropriation in section 236 for MSU Extension is \$2,645,200.00 for Project GREEN. Project GREEN is intended to address critical regulatory, food safety, economic, and environmental problems faced by this state's plant-based agriculture, forestry, and processing industries. "GREEN" is an acronym for Generating Research and Extension to Meet Environmental and Economic Needs.



(2) The department of agriculture and rural development and Michigan State University, in consultation with agricultural commodity groups and other interested parties, shall develop Project GREEN and its program priorities.

Sec. 263a. (1) Not later than September 30 of each year, Michigan State University shall submit a report on MSU AgBioResearch and MSU Extension to the house and senate appropriations subcommittees on agriculture and on higher education, the house and senate standing committees on agriculture, the house and senate fiscal agencies, and the state budget director for the preceding academic fiscal year.

(2) The report required under subsection (1) shall include all of the following:

(a) Total funds expended by MSU AgBioResearch and by MSU Extension identified by state, local, private, federal, and university fund sources.

~~(b) The metric goals that were used to evaluate the impacts of programs operated by MSU Extension and MSU AgBioResearch. The following metric goals will be used to evaluate the impacts of those programs:~~

~~(i) Increasing the number of agriculture and food-related firms collaborating with and using services of research and extension faculty and staff by 3% per year.~~

~~(ii) Increasing the number of individuals utilizing MSU Extension's educational services by 5% per year.~~

~~(iii) Increasing external funds generated in support of research and extension, beyond state appropriations, by 10% over the amounts generated in the past 3 state fiscal years.~~

~~(iv) Increasing the sector's total economic impact to at least~~



~~\$125,000,000,000.00.~~

~~(v) Increasing Michigan's agricultural exports to at least
\$4,250,000,000.00.~~

~~(vi) Improving access by Michigan consumers to healthy foods by
20%.~~

(b) (e) A review of major programs within both MSU AgBioResearch and MSU Extension with specific reference to accomplishments, impacts, and the metrics described in subdivision ~~(b)~~, including a specific accounting of Project GREEN expenditures and the impact of those expenditures. **a specific accounting of Project GREEN expenditures and the impact of those expenditures.** The program review for MSU AgBioResearch and MSU Extension should include the following:

(i) The number of agriculture and food-related firms collaborating with and using services of research and extension faculty and staff.

(ii) The number of individuals utilizing MSU Extension's educational services.

(iii) External funds generated in support of research and extension.

(iv) Efforts to improve access to healthy foods for Michigan consumers.

Sec. 264. Included in the appropriation in section 236 for fiscal year ~~2018-2019~~ **2019-2020** for Michigan State University is \$80,000.00 for the Michigan Future Farmers of America Association. This \$80,000.00 allocation shall not supplant any existing support that Michigan State University provides to the Michigan Future Farmers of America Association.

Sec. 265. (1) Payments under section 265a for performance



1 funding for fiscal years ~~2018-2019~~, 2019-2020, and 2020-2021, and
 2 **2021-2022** shall only be made to a public university that certifies
 3 to the state budget director by ~~August 31, 2018~~ **October 1, 2019**
 4 that its board did not adopt an increase in tuition and fee rates
 5 for resident undergraduate students after September 1, ~~2017-2018~~
 6 for the ~~2017-2018~~ **2018-2019** academic year and that its board will
 7 not adopt an increase in tuition and fee rates for resident
 8 undergraduate students for the ~~2018-2019~~ **2019-2020** academic year
 9 that is greater than ~~3.8%~~ **4.4%** or ~~\$490.00~~, **\$587.00**, whichever is
 10 greater. As used in this subsection:

11 (a) "Fee" means any board-authorized fee that will be paid by
 12 more than 1/2 of all resident undergraduate students at least once
 13 during their enrollment at a public university, as described in the
 14 higher education institutional data inventory (HEIDI) user manual.
 15 A university increasing a fee that applies to a specific subset of
 16 students or courses shall provide sufficient information to prove
 17 that the increase applied to that subset will not cause the
 18 increase in the average amount of board-authorized total tuition
 19 and fees paid by resident undergraduate students in the ~~2018-2019~~
 20 **2019-2020** academic year to exceed the limit established in this
 21 subsection.

22 (b) "Tuition and fee rate" means the average of full-time
 23 rates paid by a majority of students in each undergraduate class,
 24 based on an unweighted average of the rates authorized by the
 25 university board and actually charged to students, deducting any
 26 uniformly rebated or refunded amounts, for the 2 semesters with the
 27 highest levels of full-time equated resident undergraduate
 28 enrollment during the academic year, as described in the higher
 29 education institutional data inventory (HEIDI) user manual.



(2) The state budget director shall implement uniform reporting requirements to ensure that a public university receiving a payment under section 265a for performance funding has satisfied the tuition restraint requirements of this section. The state budget director shall have the sole authority to determine if a public university has met the requirements of this section. Information reported by a public university to the state budget director under this subsection shall also be reported to the house and senate appropriations subcommittees on higher education and the house and senate fiscal agencies.

(3) Universities that exceed the tuition and fee rate cap described in subsection (1) shall not receive a planning or construction authorization for a state-funded capital outlay project in fiscal ~~year 2019-2020, fiscal year~~ **years** 2020-2021, ~~or fiscal year 2021-2022, or~~ **2022-2023**.

(4) Notwithstanding any other provision of this act, the legislature may at any time adjust appropriations for a university that adopts an increase in tuition and fee rates for resident undergraduate students that exceeds the rate cap established in subsection (1).

Sec. 265a. (1) Appropriations to public universities in section 236 for fiscal years ~~2018-2019, 2019-2020, and 2020-2021,~~ **and 2021-2022** for performance funding shall be paid only to a public university that complies with section 265 and certifies to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies by ~~August 31, 2018~~ **October 1, 2019** that it complies with all of the following requirements:

(a) The university participates in reverse transfer agreements



1 described in section 286 with at least 3 Michigan community
2 colleges.

3 (b) The university does not and will not consider whether dual
4 enrollment credits earned by an incoming student were utilized
5 towards his or her high school graduation requirements when making
6 a determination as to whether those credits may be used by the
7 student toward completion of a university degree or certificate
8 program.

9 (c) The university actively participates in and submits timely
10 updates to the Michigan Transfer Network created as part of the
11 Michigan Association of Collegiate Registrars and Admissions
12 Officers transfer agreement.

13 (2) Any performance funding amounts under section 236 that are
14 not paid to a public university because it did not comply with 1 or
15 more requirements under subsection (1) are unappropriated and
16 reappropriated for performance funding to those public universities
17 that meet the requirements under subsection (1), distributed in
18 proportion to their performance funding appropriation amounts under
19 section 236.

20 (3) The state budget director shall report to the house and
21 senate appropriations subcommittees on higher education and the
22 house and senate fiscal agencies by ~~September 30, 2018,~~ **October 15,**
23 **2019**, regarding any performance funding amounts that are not paid
24 to a public university because it did not comply with 1 or more
25 requirements under subsection (1) and any reappropriation of funds
26 under subsection (2).

27 (4) Performance funding amounts described in section 236 are
28 distributed based on the following formula:

29 (a) Proportional to each university's share of total



1 operations funding appropriated in fiscal year 2010-2011, 50%.

2 (b) Based on weighted undergraduate completions in critical
3 skills areas, 11.1%.

4 (c) Based on research and development expenditures, for
5 universities classified in Carnegie classifications as doctoral
6 universities: moderate research activity, doctoral universities:
7 higher research activity, or doctoral universities: highest
8 research activity only, 5.6%.

9 (d) Based on 6-year graduation rate, total degree completions,
10 and institutional support as a percentage of core expenditures, and
11 the percentage of students receiving Pell grants, scored against
12 national Carnegie classification peers and weighted by total
13 undergraduate fiscal year equated students, 33.3%.

14 (5) For purposes of determining the score of a university
15 under subsection (4)(d), each university is assigned 1 of the
16 following scores:

17 (a) A university classified as in the top 20%, a score of 3.

18 (b) A university classified as above national median, a score
19 of 2.

20 (c) A university classified as improving, a score of 2. It is
21 the intent of the legislature that, beginning in the ~~2019-2020~~
22 **2020-2021** state fiscal year, a university classified as improving
23 is assigned a score of 1.

24 (d) A university that is not included in subdivision (a), (b),
25 or (c), a score of 0.

26 (6) As used in this section, "Carnegie classification" means
27 the basic classification of the university according to the most
28 recent version of the Carnegie classification of institutions of
29 higher education, published by the Carnegie Foundation for the



1 Advancement of Teaching.

2 (7) It is the intent of the legislature to allocate more
3 funding based on **an updated set of** performance metrics in future
4 years. **Updated metrics will be based on the outcome of joint**
5 **hearings between the house and senate appropriations subcommittees**
6 **on higher education and community colleges intended to be held in**
7 **the fall of 2019.**

8 Sec. 265b. (1) Appropriations to public universities in
9 section 236 for the fiscal year ending September 30, ~~2019-2020~~ for
10 operations funding shall be reduced by 10% pursuant to the
11 procedures described in subdivision (a) for a public university
12 that fails to submit certification to the state budget director,
13 the house and senate appropriations subcommittees on higher
14 education, and the house and senate fiscal agencies by ~~August 31,~~
15 ~~2018~~**October 1, 2019** that the university complies with sections
16 274c and 274d and that it complies with all of the requirements
17 described in subdivisions (b) to (i), as follows:

18 (a) If a university fails to submit certification, the state
19 budget director shall withhold 10% of that university's annual
20 operations funding until the university submits certification. If a
21 university fails to submit certification by the end of the fiscal
22 year, the 10% of its annual operations funding that is withheld
23 shall lapse to the general fund.

24 (b) For title IX investigations of alleged sexual misconduct,
25 the university prohibits the use of medical experts that have an
26 actual or apparent conflict of interest.

27 (c) For title IX investigations of alleged sexual misconduct,
28 the university prohibits the issuance of divergent reports to
29 complainants, respondents, and administration and instead requires



1 that identical reports be issued to them.

2 (d) Consistent with the university's obligations under 20 USC
3 1092(f), the university notifies each individual who reports having
4 experienced sexual assault by a student, faculty member, or staff
5 member of the university that the individual has the option to
6 report the matter to law enforcement, to the university, to both,
7 or to neither, as the individual may choose.

8 (e) The university provides both of the following:

9 (i) For all freshmen and incoming transfer students enrolled,
10 an in-person sexual misconduct prevention presentation or course,
11 which must include contact information for the title IX office of
12 the university.

13 (ii) For all students not considered freshmen or incoming
14 transfer students, an online or electronic sexual misconduct
15 prevention presentation or course.

16 (f) The university prohibits seeking compensation from the
17 recipient of any medical procedure, treatment, or care provided by
18 a medical professional who has been convicted of a felony arising
19 out of the medical procedure, treatment, or care.

20 (g) The university ~~has or plans to have~~ **had** a third party
21 review its title IX compliance office and related policies and
22 procedures by the end of the 2018-2019 academic year. A copy of the
23 third-party review shall be transmitted to the state budget
24 director, the house and senate appropriations subcommittees on
25 higher education, and the house and senate fiscal agencies. After
26 the third-party review has been conducted for the 2018-2019
27 academic year, the university shall have a third-party review once
28 every three years and a copy of the third-party review shall be
29 transmitted to the state budget director, the house and senate



1 appropriations subcommittees on higher education, and the house and
2 senate fiscal agencies.

3 (h) The university requires that the governing board and the
4 president or chancellor of the university receive not less than
5 quarterly reports from their title IX coordinator or title IX
6 office. The report shall contain aggregated data of the number of
7 sexual misconduct reports that the office received for the academic
8 year, the types of reports received, including reports received
9 against employees, and a summary of the general outcomes of the
10 reports and investigations. A member of the governing board may
11 request to review a title IX investigation report involving a
12 complaint against an employee, and the university shall provide the
13 report in a manner it considers appropriate. The university shall
14 protect the complainant's anonymity, and the report shall not
15 contain specific identifying information.

16 (i) If allegations against an employee are made in more than 1
17 title IX complaint that resulted in the university finding that no
18 misconduct occurred, the university requires that the title IX
19 officer promptly notify the president or chancellor and a member of
20 the university's governing board in writing and take all
21 appropriate steps to ensure that the matter is being investigated
22 thoroughly, including hiring an outside investigator for future
23 cases involving that employee. A third-party title IX investigation
24 under this subdivision does not prohibit the university from
25 simultaneously conducting its own title IX investigation through
26 its own title IX coordinator.

27 (2) Each public university that receives an appropriation in
28 section 236 shall also certify that its president or chancellor and
29 a member of its governing board has reviewed all title IX reports



1 involving the alleged sexual misconduct of an employee of the
 2 university, and shall send the certification to the house and
 3 senate appropriations subcommittees on higher education, the house
 4 and senate fiscal agencies, and the state budget director by ~~August~~
 5 ~~31, 2018.~~ **October 1, 2019.**

6 (3) For purposes of this section, "sexual misconduct"
 7 includes, but is not limited to, any of the following:

8 (a) Intimate partner violence.

9 (b) Nonconsensual sexual conduct.

10 (c) Sexual assault.

11 (d) Sexual exploitation.

12 (e) Sexual harassment.

13 (f) Stalking.

14 Sec. 265c. By February 1, ~~2019,~~ **2020 and February 1 of every**
 15 **even-numbered year thereafter,** the Michigan Community College
 16 Association, the Michigan Association of State Universities, and
 17 the Michigan Independent Colleges and Universities, on behalf of
 18 their member colleges and universities, shall submit to the senate
 19 and house appropriations subcommittees on higher education, the
 20 senate and house appropriations subcommittees on community
 21 colleges, the senate and house fiscal agencies, and the state
 22 budget director a comprehensive report detailing the number of
 23 academic program partnerships between public community colleges,
 24 public universities, and private colleges and universities,
 25 including, but not limited to, the following information:

26 (a) The names of the baccalaureate degree programs of study
 27 offered by public and private universities on community college
 28 campuses.

29 (b) The names of the articulation agreements for baccalaureate



1 degree programs of study between public community colleges, public
2 universities, and private colleges and universities.

3 (c) The number of students enrolled and number of degrees
4 awarded through articulation agreements, and the number of courses
5 offered, number of students enrolled, and number of degrees awarded
6 through on-campus programs named in subdivision (a) from July 1,
7 ~~2017-2018~~ through June 30, ~~2018-2019~~.

8 Sec. 265d. ~~The legislature encourages each~~ **Each** public
9 university that receives an appropriation in section 236 **is**
10 **encouraged** to enter into a memorandum of understanding with at
11 least 1 local law enforcement agency with jurisdiction on or around
12 campus for the communication and coordination of responses to
13 incidents of sexual assault.

14 Sec. 267. All public universities shall submit the amount of
15 tuition and fees actually charged to a full-time resident
16 undergraduate student for academic year ~~2018-2019-2019-2020~~ as part
17 of their higher education institutional data inventory (HEIDI) data
18 by **October 1, 2019, and by** August 31 of each year **thereafter**. A
19 public university shall report any revisions for any semester of
20 the reported academic year ~~2018-2019-2019-2020~~ tuition and fee
21 charges to HEIDI within 15 days of being adopted.

22 Sec. 268. (1) For the fiscal year ending September 30, ~~2019,~~
23 **2020**, it is the intent of the legislature that funds be allocated
24 for unfunded North American Indian tuition waiver costs incurred by
25 public universities under 1976 PA 174, MCL 390.1251 to 390.1253,
26 from the general fund.

27 ~~(2) Appropriations in section 236(7)(f) for North American~~
28 ~~Indian tuition waivers shall be paid to universities under section~~
29 ~~2a of 1976 PA 174, MCL 390.1252a. Allocations shall be adjusted for~~



~~amounts included in university operations appropriations. If funds are insufficient to support the entire cost of waivers, amounts shall be prorated proportionate to each institution's shortfall as a percentage of its fiscal year 2018-2019 state appropriation for operations.~~

(2) ~~(3)~~ By February 15 of each year, the department of civil rights shall annually submit to the state budget director, the house and senate appropriations subcommittees on higher education, and the house and senate fiscal agencies a report on North American Indian tuition waivers for the preceding academic year that includes, but is not limited to, all of the following information:

(a) The number of waiver applications received and the number of waiver applications approved.

(b) For each university submitting information under subsection ~~(4)~~, ~~(3)~~, all of the following:

(i) The number of graduate and undergraduate North American Indian students enrolled each term for the previous academic year.

(ii) The number of North American Indian waivers granted each term, including to continuing education students, and the monetary value of the waivers for the previous academic year.

(iii) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who withdrew from the university each term during the previous academic year. For purposes of this subparagraph, a withdrawal occurs when a student who has been awarded the waiver withdraws from the institution at any point during the term, regardless of enrollment in subsequent terms.

(iv) The number of graduate and undergraduate students attending under a North American Indian tuition waiver who



1 successfully complete a degree or certificate program, separated by
 2 degree or certificate level, and the graduation rate for graduate
 3 and undergraduate students attending under a North American Indian
 4 tuition waiver who complete a degree or certificate within 150% of
 5 the normal time to complete, separated by the level of the degree
 6 or certificate.

7 (3) ~~(4)~~—A public university that receives funds under section
 8 236 shall provide to the department of civil rights any information
 9 necessary for preparing the report detailed in subsection ~~(3)~~, **(2)**,
 10 using guidelines and procedures developed by the department of
 11 civil rights.

12 (4) ~~(5)~~—The department of civil rights may consolidate the
 13 report required under this section with the report required under
 14 section 223, but a consolidated report must separately identify
 15 data for universities and data for community colleges.

16 Sec. 269. For fiscal year ~~2018-2019~~, **2019-2020**, from the
 17 amount appropriated in section 236 to Central Michigan University
 18 for operations, \$29,700.00 shall be paid to Saginaw Chippewa Tribal
 19 College for the costs of waiving tuition for North American Indians
 20 under 1976 PA 174, MCL 390.1251 to 390.1253.

21 Sec. 270. For fiscal year ~~2018-2019~~, **2019-2020**, from the
 22 amount appropriated in section 236 to Lake Superior State
 23 University for operations, \$100,000.00 shall be paid to Bay Mills
 24 Community College for the costs of waiving tuition for North
 25 American Indians under 1976 PA 174, MCL 390.1251 to 390.1253.

26 Sec. 274. It is the intent of the legislature that public and
 27 private organizations that conduct human embryonic stem cell
 28 derivation subject to section 27 of article I of the state
 29 constitution of 1963 will provide information to the director of



the department of health and human services by December 1, ~~2018~~
2019 that includes all of the following:

(a) Documentation that the organization conducting human embryonic stem cell derivation is conducting its activities in compliance with the requirements of section 27 of article I of the state constitution of 1963 and all relevant National Institutes of Health guidelines pertaining to embryonic stem cell derivation.

(b) A list of all human embryonic stem cell lines submitted by the organization to the National Institutes of Health for inclusion in the Human Embryonic Stem Cell Registry before and during fiscal year ~~2017-2018, 2018-2019~~, and the status of each submission as approved, pending approval, or review completed but not yet accepted.

(c) Number of human embryonic stem cell lines derived and not submitted for inclusion in the Human Embryonic Stem Cell Registry, before and during fiscal year ~~2017-2018, 2018-2019~~.

Sec. 274c. By February 1 ~~, 2019,~~ **of each year**, each university receiving funds under section 236 shall report to the senate and house appropriations subcommittees on higher education, the senate and house fiscal agencies, and the state budget director on its efforts to develop and implement sexual assault response training for the university's title IX coordinator, campus law enforcement personnel, campus public safety personnel, and any other campus personnel charged with responding to on-campus incidents, including information on sexual assault response training materials and the status of implementing sexual assault response training for campus personnel.

Sec. 275d. The legislature urges each university that receives an appropriation in section 236 to not take disciplinary action



1 **against an employee for communicating with a member of the**
2 **legislature or a legislator's staff.**

3 Sec. 276. (1) Included in the appropriation for fiscal year
4 ~~2018-2019-2019-2020~~ for each public university in section 236 is
5 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
6 future faculty program that is intended to increase the pool of
7 academically or economically disadvantaged candidates pursuing
8 faculty teaching careers in postsecondary education. Preference may
9 not be given to applicants on the basis of race, color, ethnicity,
10 gender, or national origin. Institutions should encourage
11 applications from applicants who would otherwise not adequately be
12 represented in the graduate student and faculty populations. Each
13 public university shall apply the percentage change applicable to
14 every public university in the calculation of appropriations in
15 section 236 to the amount of funds allocated to the future faculty
16 program.

17 (2) The program shall be administered by each public
18 university in a manner prescribed by the workforce development
19 agency. The workforce development agency shall use a good faith
20 effort standard to evaluate whether a fellowship is in default.

21 Sec. 277. (1) Included in the appropriation for fiscal year
22 ~~2018-2019-2019-2020~~ for each public university in section 236 is
23 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
24 college day program that is intended to introduce academically or
25 economically disadvantaged schoolchildren to the potential of a
26 college education. Preference may not be given to participants on
27 the basis of race, color, ethnicity, gender, or national origin.
28 Public universities should encourage participation from those who
29 would otherwise not adequately be represented in the student



1 population.

2 (2) Individual program plans of each public university shall
3 include a budget of equal contributions from this program, the
4 participating public university, the participating school district,
5 and the participating independent degree-granting college. College
6 day funds shall not be expended to cover indirect costs. Not more
7 than 20% of the university match shall be attributable to indirect
8 costs. Each public university shall apply the percentage change
9 applicable to every public university in the calculation of
10 appropriations in section 236 to the amount of funds allocated to
11 the college day program.

12 (3) The program described in this section shall be
13 administered by each public university in a manner prescribed by
14 the workforce development agency.

15 Sec. 278. (1) Included in section 236 for fiscal year ~~2018-~~
16 ~~2019-2019-2020~~ is funding for the Martin Luther King, Jr. - Cesar
17 Chavez - Rosa Parks select student support services program for
18 developing academically or economically disadvantaged student
19 retention programs for 4-year public and independent educational
20 institutions in this state. Preference may not be given to
21 participants on the basis of race, color, ethnicity, gender, or
22 national origin. Institutions should encourage participation from
23 those who would otherwise not adequately be represented in the
24 student population.

25 (2) An award made under this program to any 1 institution
26 shall not be greater than \$150,000.00, and the amount awarded shall
27 be matched on a 70% state, 30% college or university basis.

28 (3) The program described in this section shall be
29 administered by the workforce development agency.



1 Sec. 279. (1) Included in section 236 for fiscal year ~~2018-~~
2 ~~2019-2019-2020~~ is funding for the Martin Luther King, Jr. - Cesar
3 Chavez - Rosa Parks college/university partnership program between
4 4-year public and independent colleges and universities and public
5 community colleges, which is intended to increase the number of
6 academically or economically disadvantaged students who transfer
7 from community colleges into baccalaureate programs. Preference may
8 not be given to participants on the basis of race, color,
9 ethnicity, gender, or national origin. Institutions should
10 encourage participation from those who would otherwise not
11 adequately be represented in the transfer student population.

12 (2) The grants shall be made under the program described in
13 this section to Michigan public and independent colleges and
14 universities. An award to any 1 institution shall not be greater
15 than \$150,000.00, and the amount awarded shall be matched on a 70%
16 state, 30% college or university basis.

17 (3) The program described in this section shall be
18 administered by the workforce development agency.

19 Sec. 280. (1) Included in the appropriation for fiscal year
20 ~~2018-2019-2019-2020~~ for each public university in section 236 is
21 funding for the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks
22 visiting professors program which is intended to increase the
23 number of instructors in the classroom to provide role models for
24 academically or economically disadvantaged students. Preference may
25 not be given to participants on the basis of race, color,
26 ethnicity, gender, or national origin. Public universities should
27 encourage participation from those who would otherwise not
28 adequately be represented in the student population.

29 (2) The program described in this section shall be



administered by the workforce development agency.

Sec. 281. (1) Included in the appropriation for fiscal year ~~2018-2019~~**2019-2020** in section 236 is funding under the Martin Luther King, Jr. - Cesar Chavez - Rosa Parks initiative for the Morris Hood, Jr. educator development program which is intended to increase the number of academically or economically disadvantaged students who enroll in and complete K-12 teacher education programs at the baccalaureate level. Preference may not be given to participants on the basis of race, color, ethnicity, gender, or national origin. Institutions should encourage participation from those who would otherwise not adequately be represented in the teacher education student population.

(2) The program described in this section shall be administered by each state-approved teacher education institution in a manner prescribed by the workforce development agency.

(3) Approved teacher education institutions may and are encouraged to use student support services funding in coordination with the Morris Hood, Jr. funding to achieve the goals of the program described in this section.

Sec. 282. Each institution receiving funds for fiscal year ~~2018-2019~~**2019-2020** under section 278, 279, or 281 shall provide to the workforce development agency by April 15, ~~2019~~**2020** the unobligated and unexpended funds as of March 31, ~~2019~~**2020** and a plan to expend the remaining funds by the end of the fiscal year. Notwithstanding the award limitations in sections 278 and 279, the amount of funding reported as not being expended will be reallocated to the institutions that intend to expend all funding received under section 278, 279, or 281.

Sec. 283. (1) Using the data provided to the center as



1 required by section 244 of this act, the center shall use the P-20
2 longitudinal data system to inform interested Michigan high schools
3 and the public regarding the aggregate academic status of its
4 students. The center shall work with the universities and the
5 Michigan Association of State Universities and in cooperation with
6 the Michigan Association of Secondary School Principals.

7 (2) Michigan high schools shall systematically inform the
8 public universities about the use of information received under
9 this section in a manner prescribed by the Michigan Association of
10 Secondary School Principals in cooperation with the Michigan
11 Association of State Universities.

12 Sec. 289. (1) ~~Not less than~~ **At least once** every 4 years, the
13 auditor general shall audit higher education institutional data
14 inventory (HEIDI) data submitted by all public universities under
15 section 241 and may perform audits of selected public universities
16 if determined necessary. The audits shall be based upon the
17 definitions, requirements, and uniform reporting categories
18 established by the state budget director in consultation with the
19 HEIDI advisory committee. The auditor general shall submit a report
20 of findings to the house and senate appropriations committees and
21 the state budget director no later than July 1 of each year an
22 audit takes place.

23 (2) Student credit hours reports shall not include the
24 following:

25 (a) Student credit hours generated through instructional
26 activity by faculty or staff in classrooms located outside
27 Michigan, with the exception of instructional activity related to
28 study-abroad programs or field programs.

29 ~~(b) Student credit hours generated through distance learning~~



~~instruction for students not eligible for the public university's in-state main campus resident tuition rate. However, in instances where a student is enrolled in distance education and non-distance education credit hours in a given term and the student's non-distance education enrollment is at a campus or site located within Michigan, student credit hours per the student's eligibility for in-state or out-of-state tuition rates may be reported.~~

~~(b) (e) Student credit hours generated through credit by examination.~~

~~(d) Student credit hours generated through inmate prison programs regardless of teaching location.~~

~~(c) (e) Student credit hours generated in new degree programs created on or after January 1, 1975 and before January 1, 2013, that were not specifically authorized for funding by the legislature, except spin-off programs converted from existing core programs, and student credit hours generated in any new degree programs created after January 1, 2013, that are specifically excluded from reporting by the legislature under this section.~~

~~(3) "Distance learning instruction" as used in subsection (2) means instruction that occurs solely in other than a traditional classroom setting where the student and instructor are in the same physical location and for which a student receives course credits and is charged tuition and fees. Examples of distance learning instruction are instruction delivered solely through the internet, cable television, teleconference, or mail.~~

Enacting section 1. In accordance with section 30 of article IX of the state constitution of 1963, total state spending from state sources for higher education for fiscal year 2019-2020 under article III of the state school aid act of 1979, 1979 PA 94, MCL



1 388.1836 to 388.1891, is estimated at \$1,557,518,600.00 and the
2 amount of that state spending from state sources to be paid to
3 local units of government for fiscal year 2019-2020 is estimated at
4 \$0.00.

5 Enacting section 2. This amendatory act takes effect October
6 1, 2019.

