

HOUSE BILL NO. 4547

May 02, 2019, Introduced by Reps. Frederick, Howell and Kahle and referred to the Committee on Education.

A bill to amend 1996 PA 160, entitled
"Postsecondary enrollment options act,"
by amending sections 3 and 4 (MCL 388.513 and 388.514), section 3
as amended by 2018 PA 11 and section 4 as amended by 2012 PA 134.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) As used in this act:
- 2 (a) "Community college" means a community college established
- 3 under the community college act of 1966, 1966 PA 331, MCL 389.1 to
- 4 389.195, or under part 25 of the revised school code, 1976 PA 451,
- 5 MCL 380.1601 to 380.1607, or a federal tribally controlled



1 community college located in this state that is recognized under
2 the tribally controlled colleges and universities assistance act of
3 1978, 25 USC 1801 to 1864, and is determined by the department to
4 meet the requirements for accreditation by a recognized regional
5 accrediting body.

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

7 (c) "Eligible charges" means tuition and mandatory course
8 fees, material fees, and registration fees required by an eligible
9 institution for enrollment in an eligible course. Eligible charges
10 also include any late fees charged by an eligible postsecondary
11 institution due to the school district's or department of
12 treasury's failure to make a required payment according to the
13 timetable prescribed under this act. Eligible charges do not
14 include transportation or parking costs or activity fees. For
15 eligible students enrolled in an out-of-state college that is an
16 eligible postsecondary institution, eligible charges ~~shall~~**must** not
17 exceed the lesser of the in-district rate for the community college
18 located in the district in which the eligible student resides or
19 the in-district rate for the out-of-state college in which the
20 eligible student is enrolled.

21 (d) "Eligible course" means a course offered by an eligible
22 postsecondary institution that is offered for postsecondary credit;
23 that is not offered by the school district or state approved
24 nonpublic school in which the eligible student is enrolled, or that
25 is offered by the school district or state approved nonpublic
26 school but is determined by its governing board to not be available
27 to the eligible student because of a scheduling conflict beyond the
28 eligible student's control; that is an academic course not
29 ordinarily taken as an activity course; that is a course that the



1 postsecondary institution normally applies toward satisfaction of
2 degree requirements; **that is offered in whole or in part when the**
3 **school district or state approved nonpublic school is in session;**
4 that is not a hobby, craft, or recreational course; and that is in
5 a subject area other than physical education, theology, divinity,
6 or religious education. **A course that is offered only during a time**
7 **when the school district or state approved nonpublic school is not**
8 **in session may be an eligible course under this subdivision, as**
9 **determined by the school district or state approved nonpublic**
10 **school.** However, for an eligible student who has not achieved a
11 qualifying score in each subject area on a readiness assessment or
12 the Michigan merit examination, as applicable for the student, an
13 eligible course is limited to a course in a subject area for which
14 he or she has achieved a qualifying score, a course in computer
15 science or foreign language not offered by the school district, or
16 a course in fine arts as permitted by the school district. For each
17 individual eligible student, unless there is a written agreement
18 between the eligible student's school district and the eligible
19 postsecondary institution to waive these limits, a course described
20 in this subdivision is not an eligible course if the eligible
21 student's enrollment in, and the payment of eligible charges under
22 this act for, the course would exceed the following limits:

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

27 (ii) If the eligible student first enrolls in a course under
28 this act when the eligible student is in grade 9, not more than 2
29 courses during each academic year in the eligible student's first,



1 second, or third academic year of enrollment under this act in an
2 eligible postsecondary institution and not more than 4 courses
3 during the academic year in the eligible student's fourth academic
4 year of enrollment under this act in an eligible postsecondary
5 institution.

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

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

21 (e) "Eligible postsecondary institution" means a state
22 university, community college, or independent nonprofit degree-
23 granting college or university that is located in this state and
24 that chooses to comply with this act. However, an out-of-state
25 college that is located within 20 miles of a border with this state
26 and that chooses to comply with this act is also an eligible
27 postsecondary institution for an eligible student if at least 1 of
28 the following is met:

29 (i) The eligible student is enrolled in a school district, as



1 that term is defined in section 6 of the revised school code, 1976
2 PA 451, MCL 380.6, that shares a border with the state in which the
3 out-of-state college is located.

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

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

11 (f) "Eligible student" means, except as otherwise provided in
12 this subdivision, a student enrolled in at least 1 high school
13 class in a school district or state approved nonpublic school in
14 this state, except a foreign exchange pupil enrolled under a
15 cultural exchange program or a student who does not have at least 1
16 parent or legal guardian who is a resident of this state. However,
17 subject to subsection (2), the student ~~shall~~**must** not have been
18 enrolled in high school for more than 4 school years including the
19 school year in which the student seeks to enroll in an eligible
20 course under this act. To be an eligible student, a student who has
21 not taken the Michigan merit examination must have achieved a
22 qualifying score in all subject areas on a readiness assessment and
23 a student who has taken the Michigan merit examination must have
24 achieved a qualifying score in all subject areas on the Michigan
25 merit examination, and, subject to subsection (2), the student
26 ~~shall~~**must** not have been enrolled in high school for more than 4
27 school years including the school year in which the student seeks
28 to enroll in an eligible course under this act. However, if the
29 student has not achieved a qualifying score in all subject areas on



1 a readiness assessment or the Michigan merit examination, as
2 applicable for the student, the student is an eligible student only
3 for the limited purpose of enrolling in 1 or more eligible courses
4 under this act in a subject area for which he or she has achieved a
5 qualifying score, in computer science or foreign language not
6 offered by the school district, or in fine arts as permitted by the
7 school district. For the purposes of determining the number of
8 years a pupil has been enrolled in high school, a pupil who is
9 enrolled in high school for less than 90 days of a school year due
10 to illness or other circumstances beyond the control of the pupil
11 or the pupil's parent or guardian is not considered to be enrolled
12 in high school for that school year.

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

15 (h) "Michigan merit examination" means that examination
16 developed under section 1279g of the revised school code, 1976 PA
17 451, MCL 380.1279g.

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

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

27 (k) "Readiness assessment" means assessment instruments that
28 are aligned with state learning standards; that are used nationally
29 to provide high school students with an early indication of college



1 readiness proficiency in English, mathematics, reading, social
2 studies, and science and may contain a comprehensive career
3 planning program; and that are approved by the superintendent of
4 public instruction for the purposes of this act.

5 (l) "School district" means that term as defined in section 6
6 of the revised school code, 1976 PA 451, MCL 380.6, or a public
7 school academy as defined in section 5 of the revised school code,
8 1976 PA 451, MCL 380.5, except as provided in subdivision (e).

9 (m) "State approved nonpublic school" means that term as
10 defined in section 6 of the revised school code, 1976 PA 451, MCL
11 380.6.

12 (n) "State university" means a state institution of higher
13 education described in section 4, 5, or 6 of article VIII of the
14 state constitution of 1963.

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

28 Sec. 4. (1) The school district or state approved nonpublic
29 school in which an eligible student is enrolled shall provide to



1 the eligible student a letter signed by the student's principal
2 indicating the student's eligibility under this act.

3 (2) An eligible student may apply to an eligible postsecondary
4 institution to enroll in 1 or more eligible courses offered by that
5 eligible postsecondary institution and, if accepted, may enroll in
6 1 or more of those courses.

7 (3) For an eligible student enrolled in a school district,
8 within a reasonable time after registration, the eligible
9 postsecondary institution shall send written notice to the eligible
10 student and his or her school district. For an eligible student
11 enrolled in a state approved nonpublic school, within a reasonable
12 time after registration, the eligible postsecondary institution
13 shall send written notice to the eligible student and his or her
14 state approved nonpublic school and to the department. The notice
15 ~~shall~~**must** indicate the course or courses and hours of enrollment
16 of that eligible student. The eligible postsecondary institution
17 shall notify the eligible student about tuition, fees, books,
18 materials, and other related charges, as determined by the
19 postsecondary institution, in the customary manner used by the
20 eligible postsecondary institution, and shall notify the eligible
21 student of the estimated amount of the eligible charges that will
22 be billed to the school district or the department, as applicable,
23 under subsection (4).

24 (4) For an eligible student enrolled in a school district,
25 unless otherwise agreed between the eligible postsecondary
26 institution and the school district, after the expiration of the
27 institution's drop/add period for the course, an eligible
28 postsecondary institution shall send a bill to the eligible
29 student's school district detailing the eligible charges for each



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

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

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

14 (5) For an eligible student enrolled in a school district,
15 upon receiving the bill under subsection (4), the school district
16 shall cause to be paid to the eligible postsecondary institution on
17 behalf of the eligible student an amount equal to the lesser of the
18 amount of the eligible charges or the prorated percentage of the
19 statewide pupil-weighted average foundation allowance, as
20 calculated under section 20 of the state school aid act of 1979,
21 1979 PA 94, MCL 388.1620, for all school districts for the state
22 fiscal year that begins on October 1 of the academic year of
23 enrollment in the eligible postsecondary institution, with the
24 proration based on the ~~proportion of the school year that the~~
25 ~~eligible student attends the eligible postsecondary institution.~~
26 **number of hours of instruction that the eligible student attends**
27 **the eligible postsecondary institution divided by the number of**
28 **hours required under section 101 of the state school aid act of**
29 **1979, 1979 PA 94, MCL 388.1701, for full-time equivalency.** However,



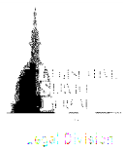
1 in the calculation of the statewide pupil-weighted average
2 foundation allowance for the purposes of this subsection, if a
3 school district's foundation allowance is above the basic
4 foundation allowance under section 20 of the state school aid act
5 of 1979, 1979 PA 94, MCL 388.1620, then the school district's
6 foundation allowance ~~shall~~**must** be considered to be the basic
7 foundation allowance. Not later than September 1 of each year, the
8 department shall notify the department of treasury of the amount of
9 the statewide pupil-weighted average foundation allowance as
10 calculated for the purposes of this subsection. A school district
11 may pay more money to an eligible postsecondary institution on
12 behalf of an eligible student than is required under this act, and
13 may use local school operating revenue for that purpose. The
14 eligible student is responsible for payment of the remainder of the
15 costs associated with his or her postsecondary enrollment that
16 exceed the amount the school district is required to pay under this
17 act and that are not paid by the school district. As used in this
18 subsection, "local school operating revenue" means that term as
19 defined in section 20 of the state school aid act of 1979, 1979 PA
20 94, MCL 388.1620.

21 (6) For an eligible student who is enrolled in a state
22 approved nonpublic school, upon receiving from the department under
23 subsection (4) the amount of the eligible charges to be paid on
24 behalf of the eligible student, the department of treasury shall
25 cause to be paid to the eligible postsecondary institution on
26 behalf of the eligible student an amount equal to the lesser of the
27 amount of the eligible charges or the prorated percentage of the
28 statewide pupil-weighted average foundation allowance, as
29 calculated under section 20 of the state school aid act of 1979,



1 1979 PA 94, MCL 388.1620, for all school districts for the state
2 fiscal year that begins on October 1 of the academic year of
3 enrollment in the eligible postsecondary institution, with the
4 proration based on the ~~proportion of the school year that the~~
5 ~~eligible student attends the eligible postsecondary institution.~~
6 **number of hours of instruction that the eligible student attends**
7 **the eligible postsecondary institution divided by the number of**
8 **hours required under section 101 of the state school aid act of**
9 **1979, 1979 PA 94, MCL 388.1701, for full-time equivalency.** However,
10 in the calculation of the statewide pupil-weighted average
11 foundation allowance for the purposes of this subsection, if a
12 school district's foundation allowance is above the basic
13 foundation allowance under section 20 of the state school aid act
14 of 1979, 1979 PA 94, MCL 388.1620, then the school district's
15 foundation allowance ~~shall~~**must** be considered to be the basic
16 foundation allowance. Not later than September 1 of each year, the
17 department shall notify the department of treasury of the amount of
18 the statewide pupil-weighted average foundation allowance as
19 calculated for the purposes of this subsection. The eligible
20 student is responsible for payment of the remainder of the costs
21 associated with his or her postsecondary enrollment that exceed the
22 amount the department of treasury is required to pay under this act
23 and that are not paid by the department of treasury.

24 (7) An eligible postsecondary institution shall not charge a
25 late fee to an eligible student, a school district, the department,
26 or the department of treasury for a payment that is made in
27 compliance with the timetable prescribed under this act even if the
28 payment would otherwise be considered late by the postsecondary
29 institution.



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

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

14 (a) The eligible postsecondary institution shall forward to
15 the school district any funds that are refundable due to
16 noncompletion of the course. The school district shall then forward
17 to the eligible student any refunded money in excess of the amount
18 paid by the school district for the course on behalf of the
19 eligible student.

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

29 (10) For an eligible student who is enrolled in a state



1 approved nonpublic school, and who enrolls in an eligible course
2 under this act, if the eligible student does not complete the
3 eligible course or, if the eligible student enrolls in an eligible
4 course for postsecondary credit only and the eligible student does
5 not successfully complete the eligible course, as determined by the
6 eligible postsecondary institution, and if the department of
7 treasury has paid money for the course on behalf of the eligible
8 student, all of the following apply:

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

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

23 (11) A school district, state approved nonpublic school, the
24 department, or the department of treasury shall make available to
25 an eligible student copies of all correspondence in the possession
26 of the school district, state approved nonpublic school,
27 department, or department of treasury regarding the eligible
28 student's participation in postsecondary enrollment under this act.
29 Correspondence described in this subsection ~~shall~~**must** be kept by



1 the school district, state approved nonpublic school, department,
2 or department of treasury for at least 1 year.

3 (12) If a school district pays for books for an eligible
4 student for a postsecondary course under this section, the books
5 are the property of the school district and ~~shall~~**must** be turned
6 over to the school district after the eligible student completes
7 the course.

8 (13) This section does not apply to any postsecondary courses
9 in which an eligible student is enrolled in addition to being
10 enrolled full-time in that eligible student's school district or
11 state approved nonpublic school; to a postsecondary course an
12 eligible student is retaking after failing to achieve a
13 satisfactory grade; or to a course contrary to the eligibility
14 provisions of this act. In determining full-time enrollment in a
15 school district under this section or a school district's full-time
16 equated membership under the state school aid act of 1979, 1979 PA
17 94, MCL 388.1601 to ~~388.1896~~, **388.1897**, for a pupil enrolled in a
18 postsecondary institution under this act, the pupil's enrollment in
19 both the school district and the postsecondary institution ~~shall~~
20 **must** be counted as enrollment in the school district and a pupil
21 shall not be considered to be enrolled in a school district less
22 than full-time solely because of the effect of the pupil's
23 postsecondary enrollment, including necessary travel time, on the
24 number of class hours provided by the school district to the pupil.
25 In determining full-time enrollment in a state approved nonpublic
26 school under this section for a student enrolled in a postsecondary
27 institution under this act, the student's enrollment in both the
28 state approved nonpublic school and the postsecondary institution
29 ~~shall~~**must** be counted as enrollment in the state approved nonpublic

1 school and a student shall not be considered to be enrolled in a
2 state approved nonpublic school less than full-time solely because
3 of the effect of the student's postsecondary enrollment under this
4 act, including necessary travel time, on the number of class hours
5 provided by the state approved nonpublic school to the student.

6 (14) This act does not require a school district or the
7 department of treasury to pay or otherwise provide financial
8 support for transportation or parking costs necessary for an
9 eligible student to participate in postsecondary enrollment under
10 this act. A school district, state approved nonpublic school, or
11 this state is not liable for any injury incurred by an eligible
12 student that is related to transportation necessary for the
13 eligible student to participate in postsecondary enrollment under
14 this act.

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

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.

