

Act No. 131
Public Acts of 2020
Approved by the Governor
July 8, 2020
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**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Frederick, Howell and Kahle

ENROLLED HOUSE BILL No. 4547

AN ACT to amend 1996 PA 160, entitled “An act to establish a postsecondary enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools, certain nonpublic schools, and certain postsecondary institutions; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts,” 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:

Sec. 3. (1) As used in this act:

(a) “Community college” means a community college established under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195, or under part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tribally controlled community college located in this state that is recognized under the tribally controlled colleges and universities assistance act of 1978, 25 USC 1801 to 1864, and is determined by the department to meet the requirements for accreditation by a recognized regional accrediting body.

(b) “Department” means the department of education.

(c) “Eligible charges” means tuition and mandatory course fees, material fees, and registration fees required by an eligible institution for enrollment in an eligible course. Eligible charges also include any late fees charged by an eligible postsecondary institution due to the school district’s or department of treasury’s failure to make a required payment according to the timetable prescribed under this act. Eligible charges do not include transportation or parking costs or activity fees. For eligible students enrolled in an out-of-state college that is an eligible postsecondary institution, eligible charges must not exceed the lesser of the in-district rate for the community college located in the district in which the eligible student resides or the in-district rate for the out-of-state college in which the eligible student is enrolled.

(d) “Eligible course” means a course offered by an eligible postsecondary institution that is offered for postsecondary credit; that is not offered by the school district or state approved nonpublic school in which the eligible student is enrolled, or that is offered by the school district or state approved nonpublic school but is determined by its governing board to not be available to the eligible student because of a scheduling conflict beyond the eligible student’s control; that is an academic course not ordinarily taken as an activity course; that is a course that the postsecondary institution normally applies toward satisfaction of degree requirements; that is offered in whole or in part when the school district or state approved nonpublic school is in session or, if approved by the school district or state approved nonpublic school, that is offered in whole when the school district or state approved nonpublic school is not in session; that is not a hobby, craft, or recreational course; and that is in a subject area other than physical education, theology, divinity, or religious education. However, for an eligible student who has not achieved a qualifying score in each subject area on a readiness assessment or the Michigan

merit examination, as applicable for the student, excluding an eligible student who enrolls in an eligible course that begins after April 30, 2020 and ends before the start of the 2020-2021 academic year or enrolls in an eligible course offered during the 2020-2021 academic year during the period beginning on the effective date of the amendatory act that added this sentence and ending on the last day of the 2020-2021 academic year and who has a grade point average of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, an eligible course is limited to a course in a subject area for which he or she has achieved a qualifying score, a course in computer science or foreign language not offered by the school district, or a course in fine arts as permitted by the school district. For each individual eligible student, unless there is a written agreement between the eligible student's school district and the eligible postsecondary institution to waive these limits, a course described in this subdivision is not an eligible course if the eligible student's enrollment in, and the payment of eligible charges under this act for, the course would exceed the following limits:

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

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

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

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

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

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

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

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

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

of at least 2.5, as determined by the school district or state approved nonpublic school in which he or she is enrolled, regardless of whether or not the student has achieved a qualifying score in all subject areas on a readiness assessment or the Michigan merit examination. For the purposes of determining the number of years a pupil has been enrolled in high school, a pupil who is enrolled in high school for less than 90 days of a school year due to illness or other circumstances beyond the control of the pupil or the pupil's parent or guardian is not considered to be enrolled in high school for that school year.

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

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

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

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

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

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

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

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

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

Sec. 4. (1) The school district or state approved nonpublic school in which an eligible student is enrolled shall provide to the eligible student a letter signed by the student's principal indicating the student's eligibility under this act.

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

(3) For an eligible student enrolled in a school district, within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her school district. For an eligible student enrolled in a state approved nonpublic school, within a reasonable time after registration, the eligible postsecondary institution shall send written notice to the eligible student and his or her state approved nonpublic school and to the department. The notice must indicate the course or courses and hours of enrollment of that eligible student. The eligible postsecondary institution shall notify the eligible student about tuition, fees, books, materials, and other related charges, as determined by the postsecondary institution, in the customary manner used by the eligible postsecondary institution, and shall notify the eligible student of the estimated amount of the eligible charges that will be billed to the school district or the department, as applicable, under subsection (4).

(4) For an eligible student enrolled in a school district, unless otherwise agreed between the eligible postsecondary institution and the school district, after the expiration of the institution's drop/add period for the course, an eligible postsecondary institution shall send a bill to the eligible student's school district detailing the eligible charges for each eligible course in which the eligible student is enrolled under this act. For an eligible student who is enrolled in a state approved nonpublic school, after the expiration of the eligible postsecondary institution's drop/add period for the course, both of the following apply:

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

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

(5) For an eligible student enrolled in a school district, upon receiving the bill under subsection (4), the school district shall cause to be paid to the eligible postsecondary institution on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, a school district shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the school district is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. A school district may pay more money to an eligible postsecondary institution on behalf of an eligible student than is required under this act, and may use local school operating revenue for that purpose. The eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the school district is required to pay under this act and that are not paid by the school district. As used in this subsection, "local school operating revenue" means that term as defined in section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620.

(6) For an eligible student who is enrolled in a state approved nonpublic school, upon receiving from the department under subsection (4) the amount of the eligible charges to be paid on behalf of the eligible student, the department of treasury shall cause to be paid to the eligible postsecondary institution on behalf of the eligible student an amount equal to the lesser of the amount of the eligible charges or the prorated percentage of the statewide pupil-weighted average foundation allowance, as calculated under this subsection and section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, for all school districts for the state fiscal year that begins on October 1 immediately preceding the academic year of enrollment in the eligible postsecondary institution, with the proration based on the proportion of the school year that the eligible student attends the eligible postsecondary institution. In determining the proportion of the school year that an eligible student attends an eligible postsecondary institution under this subsection, the department shall take into account, according to guidelines published by the department under subsection (16), an eligible student's attendance at an eligible postsecondary institution for an eligible course that occurs in whole or in part when the state approved nonpublic school is not in session during the summer immediately following that regularly scheduled school year. However, in the calculation of the statewide pupil-weighted average foundation allowance for the purposes of this subsection, if a school district's foundation allowance is above the target foundation allowance under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, then the school district's foundation allowance must be considered to be the target foundation allowance. Not later than September 1 of each year, the department shall notify the department of treasury of the amount of the statewide pupil-weighted average foundation allowance as calculated for the purposes of this subsection. The eligible student is responsible for payment of the remainder of the costs associated with his or her postsecondary enrollment that exceed the amount the department of treasury is required to pay under this act and that are not paid by the department of treasury.

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

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

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

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

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

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

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

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

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

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

(13) This section does not apply to any postsecondary courses in which an eligible student is enrolled in addition to being enrolled full-time in that eligible student's school district or state approved nonpublic school; to a postsecondary course an eligible student is retaking after failing to achieve a satisfactory grade; or to a course contrary to the eligibility provisions of this act. In determining full-time enrollment in a school district under this section or a school district's full-time equated membership under the state school aid act of 1979, 1979 PA 94, MCL 388.1601 to 388.1897, for a pupil enrolled in a postsecondary institution under this act, the pupil's enrollment in both the school district and the postsecondary institution must be counted as enrollment in the school district and a pupil is not considered to be enrolled in a school district less than full-time solely because of the effect of the pupil's postsecondary enrollment, including necessary travel time, on the number of class hours provided by the school district to the pupil. In determining full-time enrollment in a state approved nonpublic school under this section for a student enrolled in a postsecondary institution under this act, the student's enrollment in both the state approved nonpublic school and the postsecondary institution must be counted as enrollment in the state approved nonpublic school and a student is not considered to be enrolled in a state approved nonpublic school less than full-time solely because of the effect of the student's postsecondary enrollment under this act, including necessary travel time, on the number of class hours provided by the state approved nonpublic school to the student.

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

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

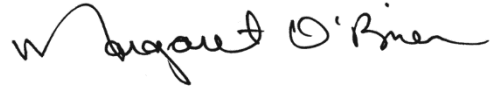
(16) By September 1, 2020, the department shall publish guidelines regarding how to determine the prorated

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor