



**House  
Legislative  
Analysis  
Section**

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**POSTSECONDARY ENROLLMENT  
OPTIONS**

**House Bill 4642 (Substitute H-4)  
First Committee: Higher Education  
Second Committee: Appropriations**

**House Bill 4643 (Substitute H-1)  
House Bill 4644 as introduced  
Committee: Higher Education**

**Revised Second Analysis (10-25-95)  
Sponsor: Rep. Jessie Dalman**

***THE APPARENT PROBLEM:***

The public school system often does not provide the type of learning atmosphere necessary to challenge the above average student. Although there are currently options available to some high school students to participate in more challenging classes, these opportunities are limited. Some argue that access to and funding for such programs needs to be increased in order to provide those students who have the desire and the capacity to excel with the opportunity to do so.

Michigan's current laws concerning dual enrollment or postsecondary options offer only limited access to students. In spite of recent efforts to give high school students greater access to postsecondary courses, only about 1,000 students took advantage of these opportunities last year. Currently access is limited to a small portion of the student population. When a student completes the coursework in a particular area of study before he or she reaches the 12th grade, he or she is unable to qualify for dual enrollment under the current law. Furthermore, information to help a potentially eligible student decide which if any courses would be available and/or beneficial to him or her is also largely unavailable under the current system. As a result, eligible students are often unaware of the opportunities are available to them.

The current law also denies students who have completed the district's high school graduation requirements tuition support. In most cases high school seniors have only one remaining required course as they enter their senior year. As a result, the district usually has half of its senior students take the course in the fall, while the other half takes the course in the spring. Under the current system those seniors who complete the course in the fall are ineligible to take advantage of postsecondary opportunities during the second half of

their senior year. This makes it impossible for many high school seniors to take advantage of the opportunity to attend postsecondary courses through the district.

***THE CONTENT OF THE BILLS:***

House Bill 4643 would create a new act, the Postsecondary Enrollment Options Act. The purpose of the act would be to provide a wider variety of options to high school students by encouraging qualified students to enroll in courses in postsecondary institutions. The bill would require school districts to pay tuition and other fees for eligible high school students to attend certain in-state postsecondary academic courses not generally offered by the school district. The bill would take effect July 1, 1995, with payment of eligible charges beginning October 1, 1995. The act would be repealed June 30, 2001. The Department of Education would promulgate rules necessary to implement the act.

Foreign exchange students would be expressly excluded from eligibility for this program. However, all other high school students who completed the requirements for a state endorsed diploma in all subject areas as specified in the School Code would be eligible to enroll in any authorized postsecondary courses offered through in-state colleges and universities. Those students in grade 12 who had not passed the proficiency test in all subject areas would be limited to attending those courses involving subject areas for which they had passed the state proficiency test at the appropriate level, computer science or foreign language classes not offered by the school district, and fine arts classes as permitted by the school district. Authorized or eligible postsecondary courses would include only academic courses which the postsecondary institution normally

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applies toward satisfaction of degree requirements, and could not include physical education; theology, divinity or religious education; and hobby craft or recreational courses. Students would not be allowed to take postsecondary courses in areas of study already available through the school district, except where the course offered by the school district is unavailable to the student due to a scheduling conflict beyond the student's control. The bill would also prohibit students enrolled in the program from participating in college athletic programs.

School districts would be required to provide general information concerning postsecondary enrollment opportunities to all students in the 8th grade or higher by March 1 of each year. Eligible students who intend to enroll in a postsecondary course through this act for the following school year would have to inform the district by March 30; however, students would not be bound by making or failing to make such a notification. The district would also be required to provide counseling and more specific information to interested students and their parents or guardians, fully advising them of the risks and benefits involved in enrolling in a postsecondary course.

Students in 11th grade or lower would also be allowed to seek eligibility through participation in regularly scheduled testing upon the written request of the student's parent or guardian. The student would not be required to pay to participate in the examination and unsuccessful attempts would not be required to be reflected in the district's annual education report.

Prior to enrollment in a postsecondary course through the act, the student and his or her parent or guardian would be required to provide the postsecondary institution with a signed form, provided by the district, indicating the student and his or her parent or guardian received information and understood the responsibilities involved in enrolling in the course as explained to them by the district's counselor. This would include information regarding:

- \*\* The student's enrollment eligibility;
- \*\* The types of courses and institutions available;
- \*\* Eligibility for payment of all or part of the eligible charges by the school district;
- \*\* Available support services;
- \*\* The need to arrange an appropriate schedule;

\*\* The possible consequences of failing or not completing a post secondary course;

\*\* The possible effect enrollment in a postsecondary course could have on the student's ability to complete the required high school graduation requirements;

\*\* The academic and social responsibilities that the student and his or her parents or guardian would have to assume;

\*\* The charges which would be paid by the school district;

\*\* The financial arrangements for eligible charges and for paying costs not covered by the school district;

\*\* How the school district would be responsible for paying the postsecondary institution directly and that the parent/guardian and child would not be responsible for that payment but would be responsible for payment of those costs not paid for under the act; and

\*\* How the parent or guardian of a student in at least the eighth grade could request that the student be given the opportunity to take a test or assessment for state endorsement before grade twelve to qualify as an eligible student.

The counselor would also encourage the parent/guardian and student to make use of whatever counseling services are available through the eligible postsecondary institutions.

The district would also be required to provide all eligible students with copies of all correspondence relating to their eligibility and participation in postsecondary courses. Although postsecondary institutions would be allowed to give priority to their own students during the enrollment process, the institution could not displace an already enrolled high school student with a postsecondary student. Once a student were enrolled and attending a postsecondary course, the school district would be allowed to require the student to provide the district with reasonable written verification of his or her regular attendance of that postsecondary course.

After enrollment, the school district would be billed directly by the postsecondary institution. The district would pay for the student's tuition, course fees, registration fees, books, and materials from the district's per pupil foundation allowance, as allocated under the State School Aid Act. To the extent that these funds are insufficient to cover the eligible costs

the student and/or his or her parents or guardian would be required to make up the difference. If the student failed to complete the course, the institution would refund the grant money to the district. Transportation and all risks of liability associated with transportation to and from the university would be the responsibility of the student. Furthermore, the student would be required to pay any activity fees, and transportation and parking costs.

A student taking a postsecondary course would have to designate whether credit for the course would be for high school or postsecondary credit, or both. School districts would be required to grant high school credit for postsecondary courses completed, although the amount of high school credit to be allowed for a particular postsecondary course would be left to the discretion of the district. These credits would have to be applied toward the student's graduation and subject area requirements. The postsecondary institution would be required to provide the school district with a copy of the student's grade in any postsecondary course taken for high school credit under the bill. At the request of the student the high school would be required to reflect the student's successful completion of and postsecondary credit for courses taken under the bill. The district would also be required to reflect in the student's record and transcript that the student's credits were earned at a postsecondary level and identify the institution.

Intermediate school districts would be required to include dual enrollment figures within their annual comprehensive financial reports to the Department of Education. Such data collected from constituent local districts would include:

\*\* The amount of money expended by the district to pay for courses under the bill;

\*\* The number of eligible students enrolled in the district and the number of those who enrolled in one or more postsecondary courses and received payment for all or part of their eligible charges under the bill, and the percentage of the district's enrollment represented by those students, both by grade level and as a whole; and

\*\* The total number of postsecondary courses the district paid for under the bill, the number of courses for which students received postsecondary credit, the number of those courses for which high school credit was given, and the number of those courses that were not completed by the student.

The Department of Education would be required to prepare and submit an annual summary of this information to the House and Senate Fiscal Agencies and the Department of Management and Budget.

House Bill 4642 would amend the State School Aid Act (MCL 388.1606 et al.) to replace language dealing with dual enrollment in high school and college level courses with a reference to the Postsecondary Enrollment Options Act, as proposed in House Bill 4643. (Current language provides that a student may attend a postsecondary institution and receive tuition and fee support from the district, if all of the following conditions are met:

a) The student is in at least the 12th grade and has qualified for state endorsement in all subject areas, but has not completed all local requirements for graduation.

b) The student is enrolled in the district and the postsecondary institution during the school district's regular academic year.

c) The student is attending an academic course not offered by the district and not ordinarily taken as an "activity course." However, the district may not restrict a student from attending courses at a postsecondary institution solely upon the student's eligibility for tuition and fee support.

Also under current language in the State School Aid Act, the school district is required to mail a letter to all students who will be in the 12th grade in the upcoming school year explaining how students could be eligible to attend postsecondary courses with tuition and fee support from the district. If a student is interested in attending postsecondary courses under the act, the student can get a letter from his or her principal indicating the student's eligibility.

If the student attends the postsecondary institution, the institution is to bill the district, and the district pays the lesser of the actual tuition and fees or the district's per pupil state aid. The student and/or his or her parent/guardian are required to pay the difference. If the student fails to complete the course the institution must provide any refunded amount to the district.)

The bill would require a school district, upon the written request of a student's parent or legal guardian, to allow a student in grade 10 or higher to take, without charge, the tests necessary to allow the student to attend postsecondary courses under House Bill 4643 (the high school proficiency tests, GED test, or MEAP test). However, the school district would not be required to report on the results of those grade 10 students who

were allowed to take these tests. (Note: House Bill 4644, which would add these provisions to the School Code, would allow students in grade 8 or higher to take the exams.)

Other provisions. The bill would also clarify the method for allocating pupil memberships for students attending both public school academies and local or intermediate districts. The current language of the State School Aid Act would not allow a pupil to be counted for membership in both a public school academy and a district or intermediate district on the same count day. Under the bill, a pupil who is counted as a member of a public school academy and spends less than 1/2 of his or her instructional time in a district or intermediate district through a cooperative educational program would be counted only as a member of the public school academy. The instructional time spent at the district or intermediate district would then have to be included in the full-time equated membership determination. However, if a pupil who had been counted as a member of a public school academy was not part of a cooperative education program and neither the public school academy and the local or intermediate district provided 1/2 or more of the pupil's instructional time, then the pupil could be counted in membership in both the public school academy and the local or intermediate district on a prorated basis.

Finally, House Bills 4642 and 4643 would require that a student's postsecondary enrollment, including necessary travel time, be treated as enrollment in the school district to compute the student's number of class hours provided by the district for the determination of full-time equated pupil memberships under the School Aid Act of 1979.

Tie-bars. House Bills 4642, 4643, and 4644 are tie-barred to each other. House Bills 4643 and 4644 are also tie-barred to House Bills 4640 and 4641, which would provide opportunities for high school students to take college level equivalent courses, and provide funding. However, the Appropriations Committee substitute for House Bill 4642 is not tie-barred to House Bill 4641, but is tie-barred to House Bill 4640.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, House Bill 4643, which would create the Postsecondary Enrollment Options Program, could increase local costs from \$125 for a single, in-district course at a community college to nearly \$9,000 for a student in the highest revenue K-12 district enrolled in 5 courses at a nearby high-tuition independent college. House Bill 4644 would create a slight increase in local costs by requiring school

districts to pay for students in the 8th grade and above to take the MEAP test or any state endorsed high school diploma test normally given in grades 10 and 11. (5-8-95)

According to the House Fiscal Agency, House Bill 4642 would expand the number of potentially eligible students by allowing students in the tenth grade, after meeting the endorsed-diploma requirement, to enroll in postsecondary education which the local district would have to fund out of its foundation allowance. The cost would be indeterminate because of the unknown number of enrollees. (10-18-95)

### ***ARGUMENTS:***

#### ***For:***

Above average students need to be continually challenged with progressively more difficult courses in order to help them achieve their potential. The current system deprives those students who have not reached grade 12, but have already completed the coursework provided by the school district, of the opportunity to continue to challenge their abilities. Current law restricts access to postsecondary courses to students who have reached the 12th grade. This is unfair to students who have completed the curriculum offered by the public schools before they reach 12th grade. No interest is served by preventing a youth who wants to learn from having access to classes that will provide challenges and better prepare the student for the next level of education. The chronological age of the student should not be the litmus test for his or her readiness to take on advanced courses, but rather, the student should be judged on his or her intelligence and abilities. Students who are not challenged by their schoolwork run the very real risk of losing interest in learning, and finding themselves unable to meet the challenges of further schooling when they are finally allowed to progress because they have not learned to push themselves to excel. The bills would extend the opportunity to attend postsecondary courses through the district to any student in the 9th grade or better who has shown him- or herself to be capable of doing so by passing the required test.

The bills would also require the district to provide students and parents or guardians with counseling regarding postsecondary enrollment opportunities, and the expectations which accompany attending such courses. This will help to insure that students attending such courses have a full appreciation of what will be expected of them, thus hopefully minimizing the failure rate.



The bills would allow high school students who have completed the coursework offered by the public school system and passed the appropriate test the opportunity to take courses which are not directly available through the public schools. Students who have the ability to successfully take on courses at the postsecondary level need and deserve to be provided with the opportunity to do so. The program would provide the opportunity, the tuition, and the information necessary to encourage students to keep challenging themselves.

### ***Against:***

The provisions of these bills would not provide opportunities for students attending nonpublic schools. The added cost of extending this package to cover nonpublic school students would be minimal. It is estimated that if nonpublic schools were included, the number of eligible students would only increase by about 8,000 students.

Allowing nonpublic school students the same opportunities as provided for public school students would not violate the state constitution's ban on providing public aid to nonpublic schools. Not only has the U.S. Supreme Court held that school districts are not barred from providing a service to nonpublic schools to facilitate the education of a student (Zobrest et al. v Catalina Foothills School District), the Michigan Supreme Court, in Snyder v Charlotte Public School District, held that where a school district offers nonessential elective courses to public school students, the courses must be offered to nonpublic students as well.

Furthermore, the inclusion of nonpublic school students would not be considered parochial aid under the Michigan Supreme Court's ruling in Traverse City v Attorney General. In that case, the court outlined three rules used to distinguish between parochial aid and shared time. "First, under parochial aid the public funds are paid to a private agency whereas under shared time they are paid to a public agency. Second, parochial aid permitted the private school to choose and control a lay teacher, whereas under shared time the public school district chooses and controls the teacher. Thirdly, parochial aid permitted the private school to choose the subjects to be taught, so long as they are secular, whereas shared time means the public school system prescribes the public school subjects."

### ***Response:***

Anyone has access to the state's institutions of higher learning. The question here is whether private school students can have the public schools pay for their tuition. Michigan's constitution bars the use of public funds for nonpublic schools.

### ***Against:***

The bills would provide students with the opportunity to attend courses at private universities at the public's expense. This would be an unconstitutional misuse of public funds to pay private schools, which would drain public funds from public education.

### ***Against:***

This program would enhance the educational opportunities of a few students at the expense of the majority of students. The distribution of funds for postsecondary enrollments will diminish the funds available for the general school population. Even though funds are allocated on a per pupil basis, they are distributed through a general operations budget in each school district and used to meet the needs of all students within the district. Expending these funds on postsecondary enrollments will reduce the amount left to spend upon general education for the rest of the district's K-12 students. Is it really fair to lower the quality of the general education offered by the school district in order to provide access to college courses for a relatively small number of students?

### ***Against:***

Who will decide when a scheduling conflict exists, thus allowing the student to attend a postsecondary course already offered by the school district? The student should not be allowed to create a conflict in his or her schedule and then claim a right to attend a course at a postsecondary institution which is already offered by the district. The school district should retain the authority to make the call as to whether a true conflict exists.

### ***Against:***

The language of House Bills 4644 and 4642 is in conflict. House Bill 4644 requires districts to allow students in the eighth grade or higher to take the exams necessary to allow them to enroll in postsecondary courses, while House Bill 4642 would only require the schools to allow students in the tenth grade or higher to take the exams.

### ***POSITIONS:***

The State Board of Education supports the bills. (10-20-95)

The Michigan Catholic Conference supports the bills. (10-23-95)

The Presidents Council, State Universities of Michigan, supports the bills. (10-23-95)

The Association of Independent Colleges and Universities of Michigan supports the bills. (10-24-95)

The Michigan Association of Nonpublic Schools supports the bills, and would support them even more if nonpublic school students were included. (10-23-95)

The Michigan Education Association supports the bills. (10-24-95)

The Michigan Association of School Administrators has no position on the bills at present. (10-23-95)

The Michigan Association of Secondary School Principals believes that it is inappropriate to make the changes suggested in these bills at this time and would wait until the changes currently being made to the School Code are completed. (10-20-95)

The Michigan Congress of Parents and Teachers opposes the bills. (10-24-95)