

# HOUSE BILL No. 6555

November 29, 2018, Introduced by Rep. Kahle and referred to the Committee on Education Reform.

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  
6       community college located in this state that is recognized under  
7       the tribally controlled colleges and universities assistance act of  
8       1978, 25 USC 1801 to 1864, and is determined by the department to  
9       meet the requirements for accreditation by a recognized regional  
10      accrediting body.

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

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

16 (d) "Eligible course" means a course offered by an eligible  
17 postsecondary institution that is offered for postsecondary credit;  
18 that is not offered by the school district or state approved  
19 nonpublic school in which the eligible student is enrolled, or that  
20 is offered by the school district or state approved nonpublic  
21 school but is determined by its governing board to not be available  
22 to the eligible student because of a scheduling conflict beyond the  
23 eligible student's control; that is an academic course not  
24 ordinarily taken as an activity course; that is a course that the  
25 postsecondary institution normally applies toward satisfaction of  
26 degree requirements; **THAT IS OFFERED IN WHOLE OR IN PART WHEN THE**  
27 **SCHOOL DISTRICT OR STATE APPROVED NONPUBLIC SCHOOL IS IN SESSION;**

1 that is not a hobby, craft, or recreational course; and that is in  
2 a subject area other than physical education, theology, divinity,  
3 or religious education. **A COURSE THAT IS OFFERED ONLY DURING A TIME**  
4 **WHEN THE SCHOOL DISTRICT OR STATE APPROVED NONPUBLIC SCHOOL IS NOT**  
5 **IN SESSION MAY BE AN ELIGIBLE COURSE UNDER THIS SUBDIVISION, AS**  
6 **DETERMINED BY THE SCHOOL DISTRICT OR STATE APPROVED NONPUBLIC**  
7 **SCHOOL.** However, for an eligible student who has not achieved a  
8 qualifying score in each subject area on a readiness assessment or  
9 the Michigan merit examination, as applicable for the student, an  
10 eligible course is limited to a course in a subject area for which  
11 he or she has achieved a qualifying score, a course in computer  
12 science or foreign language not offered by the school district, or  
13 a course in fine arts as permitted by the school district. For each  
14 individual eligible student, unless there is a written agreement  
15 between the eligible student's school district and the eligible  
16 postsecondary institution to waive these limits, a course described  
17 in this subdivision is not an eligible course if the eligible  
18 student's enrollment in, and the payment of eligible charges under  
19 this act for, the course would exceed the following limits:

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

24 (ii) If the eligible student first enrolls in a course under  
25 this act when the eligible student is in grade 9, not more than 2  
26 courses during each academic year in the eligible student's first,  
27 second, or third academic year of enrollment under this act in an

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

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

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

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

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

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

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

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

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

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

18 (h) "Michigan merit examination" means that examination  
19 developed under section 1279g of the revised school code, 1976 PA  
20 451, MCL 380.1279g.

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

25 (j) "Qualifying score" means a score on a readiness assessment  
26 or the Michigan merit examination that has been determined by the  
27 superintendent of public instruction to indicate readiness to

1 enroll in a postsecondary course in that subject area under this  
2 act.

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

10 (l) "School district" means that term as defined in section 6  
11 of the revised school code, 1976 PA 451, MCL 380.6, or a public  
12 school academy as defined in section 5 of the revised school code,  
13 1976 PA 451, MCL 380.5, except as provided in subdivision (e).

14 (m) "State approved nonpublic school" means that term as  
15 defined in section 6 of the revised school code, 1976 PA 451, MCL  
16 380.6.

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

20 (2) The superintendent of public instruction shall promulgate  
21 rules establishing criteria and procedures under which a student  
22 who has been enrolled in high school for more than 4 years but not  
23 more than 5 years may be considered to be an eligible student. The  
24 rules ~~shall~~**MUST** address special circumstances under which a  
25 student may qualify to be considered an eligible student under this  
26 subsection and may limit the number of courses in which a student  
27 who qualifies under this subsection may enroll. For the purposes of

1 determining the number of years a pupil has been enrolled in high  
2 school, a pupil who is enrolled in high school for less than 90  
3 days of a school year due to illness or other circumstances beyond  
4 the control of the pupil or the pupil's parent or guardian is not  
5 considered to be enrolled for that school year.

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

10       (2) An eligible student may apply to an eligible postsecondary  
11 institution to enroll in 1 or more eligible courses offered by that  
12 eligible postsecondary institution and, if accepted, may enroll in  
13 1 or more of those courses.

14       (3) For an eligible student enrolled in a school district,  
15 within a reasonable time after registration, the eligible  
16 postsecondary institution shall send written notice to the eligible  
17 student and his or her school district. For an eligible student  
18 enrolled in a state approved nonpublic school, within a reasonable  
19 time after registration, the eligible postsecondary institution  
20 shall send written notice to the eligible student and his or her  
21 state approved nonpublic school and to the department. The notice  
22 ~~shall~~**MUST** indicate the course or courses and hours of enrollment  
23 of that eligible student. The eligible postsecondary institution  
24 shall notify the eligible student about tuition, fees, books,  
25 materials, and other related charges, as determined by the  
26 postsecondary institution, in the customary manner used by the  
27 eligible postsecondary institution, and shall notify the eligible



1 student of the estimated amount of the eligible charges that will  
2 be billed to the school district or the department, as applicable,  
3 under subsection (4).

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

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

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

23 (5) For an eligible student enrolled in a school district,  
24 upon receiving the bill under subsection (4), the school district  
25 shall 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

1 statewide pupil-weighted average foundation allowance, as  
2 calculated under section 20 of the state school aid act of 1979,  
3 1979 PA 94, MCL 388.1620, for all school districts for the state  
4 fiscal year that begins on October 1 of the academic year of  
5 enrollment in the eligible postsecondary institution, with the  
6 proration based on the ~~proportion of the school year that the~~  
7 ~~eligible student attends the eligible postsecondary institution.~~

8 **NUMBER OF HOURS OF INSTRUCTION THAT THE ELIGIBLE STUDENT ATTENDS**  
9 **THE ELIGIBLE POSTSECONDARY INSTITUTION DIVIDED BY THE NUMBER OF**

10 **HOURS REQUIRED UNDER SECTION 101 OF THE STATE SCHOOL AID ACT OF**  
11 **1979, 1979 PA 94, MCL 388.1701, FOR FULL-TIME EQUIVALENCY.** However,

12 in the calculation of the statewide pupil-weighted average  
13 foundation allowance for the purposes of this subsection, if a  
14 school district's foundation allowance is above the basic  
15 foundation allowance under section 20 of the state school aid act  
16 of 1979, 1979 PA 94, MCL 388.1620, then the school district's  
17 foundation allowance ~~shall~~ **MUST** be considered to be the basic  
18 foundation allowance. Not later than September 1 of each year, the  
19 department shall notify the department of treasury of the amount of  
20 the statewide pupil-weighted average foundation allowance as  
21 calculated for the purposes of this subsection. A school district  
22 may pay more money to an eligible postsecondary institution on  
23 behalf of an eligible student than is required under this act, and  
24 may use local school operating revenue for that purpose. The  
25 eligible student is responsible for payment of the remainder of the  
26 costs associated with his or her postsecondary enrollment that  
27 exceed the amount the school district is required to pay under this

1 act and that are not paid by the school district. As used in this  
2 subsection, "local school operating revenue" means that term as  
3 defined in section 20 of the state school aid act of 1979, 1979 PA  
4 94, MCL 388.1620.

5 (6) For an eligible student who is enrolled in a state  
6 approved nonpublic school, upon receiving from the department under  
7 subsection (4) the amount of the eligible charges to be paid on  
8 behalf of the eligible student, the department of treasury shall  
9 cause to be paid to the eligible postsecondary institution on  
10 behalf of the eligible student an amount equal to the lesser of the  
11 amount of the eligible charges or the prorated percentage of the  
12 statewide pupil-weighted average foundation allowance, as  
13 calculated under section 20 of the state school aid act of 1979,  
14 1979 PA 94, MCL 388.1620, for all school districts for the state  
15 fiscal year that begins on October 1 of the academic year of  
16 enrollment in the eligible postsecondary institution, with the  
17 proration based on the ~~proportion of the school year that the~~  
18 ~~eligible student attends the eligible postsecondary institution.~~

19 **NUMBER OF HOURS OF INSTRUCTION THAT THE ELIGIBLE STUDENT ATTENDS**  
20 **THE ELIGIBLE POSTSECONDARY INSTITUTION DIVIDED BY THE NUMBER OF**  
21 **HOURS REQUIRED UNDER SECTION 101 OF THE STATE SCHOOL AID ACT OF**  
22 **1979, 1979 PA 94, MCL 388.1701, FOR FULL-TIME EQUIVALENCY.** However,  
23 in the calculation of the statewide pupil-weighted average  
24 foundation allowance for the purposes of this subsection, if a  
25 school district's foundation allowance is above the basic  
26 foundation allowance under section 20 of the state school aid act  
27 of 1979, 1979 PA 94, MCL 388.1620, then the school district's

1 foundation allowance ~~shall~~**MUST** be considered to be the basic  
2 foundation allowance. Not later than September 1 of each year, the  
3 department shall notify the department of treasury of the amount of  
4 the statewide pupil-weighted average foundation allowance as  
5 calculated for the purposes of this subsection. The eligible  
6 student is responsible for payment of the remainder of the costs  
7 associated with his or her postsecondary enrollment that exceed the  
8 amount the department of treasury is required to pay under this act  
9 and that are not paid by the department of treasury.

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

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

21 (9) For an eligible student who is enrolled in a school  
22 district and who enrolls in an eligible course under this act, if  
23 the student does not complete the eligible course or, if the  
24 student enrolls in an eligible course for postsecondary credit only  
25 and the student does not successfully complete the eligible course,  
26 as determined by the eligible postsecondary institution, and if the  
27 school district has paid money for the course on behalf of the

1 student, all of the following apply:

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

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

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

26 (a) The eligible postsecondary institution shall forward to  
27 the department of treasury any funds that are refundable due to

1 noncompletion of the course. If applicable, the eligible  
2 postsecondary institution shall then refund to the eligible student  
3 any funds that are refundable due to noncompletion of the course  
4 and are in excess of the amount paid by the department of treasury  
5 for the course on behalf of the eligible student.

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

13 (11) A school district, state approved nonpublic school, the  
14 department, or the department of treasury shall make available to  
15 an eligible student copies of all correspondence in the possession  
16 of the school district, state approved nonpublic school,  
17 department, or department of treasury regarding the eligible  
18 student's participation in postsecondary enrollment under this act.  
19 Correspondence described in this subsection ~~shall~~**MUST** be kept by  
20 the school district, state approved nonpublic school, department,  
21 or department of treasury for at least 1 year.

22 (12) If a school district pays for books for an eligible  
23 student for a postsecondary course under this section, the books  
24 are the property of the school district and ~~shall~~**MUST** be turned  
25 over to the school district after the eligible student completes  
26 the course.

27 (13) This section does not apply to any postsecondary courses

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

27 (14) This act does not require a school district or the

1 department of treasury to pay or otherwise provide financial  
2 support for transportation or parking costs necessary for an  
3 eligible student to participate in postsecondary enrollment under  
4 this act. A school district, state approved nonpublic school, or  
5 this state is not liable for any injury incurred by an eligible  
6 student that is related to transportation necessary for the  
7 eligible student to participate in postsecondary enrollment under  
8 this act.

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

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