

SENATE BILL No. 1326

May 12, 2010, Introduced by Senator PATTERSON and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1278d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1278D. (1) A SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
2 INTERMEDIATE SCHOOL DISTRICT, THE PRESIDENT OF THE SCHOOL BOARD OF
3 THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF
4 DIRECTORS OF THE PUBLIC SCHOOL ACADEMY, THE SUPERINTENDENT OF THE
5 SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT, AND THE PRINCIPAL
6 OF THE HIGH SCHOOL ARE JOINTLY AND SEVERALLY LIABLE TO AN
7 INDIVIDUAL FOR DAMAGES DESCRIBED IN SUBSECTION (2) IF ALL OF THE
8 FOLLOWING APPLY:

1 (A) THE INDIVIDUAL IS A FORMER PUPIL OF THE SCHOOL DISTRICT,
2 PUBLIC SCHOOL ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT WHO WAS
3 AWARDED A HIGH SCHOOL DIPLOMA BY THE SCHOOL DISTRICT, PUBLIC SCHOOL
4 ACADEMY, OR INTERMEDIATE SCHOOL DISTRICT.

5 (B) WITHIN 2 YEARS AFTER THE DATE THE INDIVIDUAL WAS AWARDED
6 THE HIGH SCHOOL DIPLOMA, THE INDIVIDUAL ENROLLED IN A POSTSECONDARY
7 INSTITUTION.

8 (C) THE INDIVIDUAL WAS REQUIRED BY THE POSTSECONDARY
9 INSTITUTION, AFTER AN ASSESSMENT OF THE INDIVIDUAL'S COMPETENCY
10 LEVEL ADMINISTERED BY THE POSTSECONDARY INSTITUTION, TO COMPLETE A
11 REMEDIAL COURSE AS A PREREQUISITE TO TAKING A COLLEGE FRESHMAN
12 LEVEL COURSE IN THE SAME SUBJECT AREA AS THE REMEDIAL COURSE.

13 (D) THE INDIVIDUAL SUCCESSFULLY COMPLETED AND RECEIVED HIGH
14 SCHOOL CREDIT FOR A COURSE WHILE IN HIGH SCHOOL THAT COVERED
15 SUBSTANTIALLY THE SAME SUBJECT MATTER AS THE REMEDIAL COURSE.

16 (2) IN AN ACTION UNDER SUBSECTION (1), THE INDIVIDUAL MAY
17 RECOVER AN AMOUNT EQUAL TO 3 TIMES THE TUITION AND FEES PAID BY THE
18 INDIVIDUAL FOR EACH REMEDIAL COURSE DESCRIBED IN SUBSECTION (1) OR
19 \$10,000.00, WHICHEVER IS GREATER, AND ANY OTHER MONETARY DAMAGES
20 SUFFERED BY THE INDIVIDUAL AS A RESULT OF BEING UNPREPARED TO BEGIN
21 A COLLEGE FRESHMAN LEVEL COURSE.

22 (3) A DETERMINATION OF LIABILITY UNDER SUBSECTION (1) MAY BE
23 MADE USING THE INDIVIDUAL'S HIGH SCHOOL TRANSCRIPT AND INFORMATION
24 PROVIDED BY THE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR
25 INTERMEDIATE SCHOOL DISTRICT CONCERNING COURSE CONTENT.

26 (4) AS USED IN THIS SECTION, "POSTSECONDARY INSTITUTION" MEANS
27 AN ACCREDITED VOCATIONAL-TECHNICAL PROGRAM, COMMUNITY COLLEGE,

1 COLLEGE, OR UNIVERSITY LOCATED IN THIS STATE.