

HOUSE BILL NO. 6248

June 16, 2022, Introduced by Reps. O'Malley, Slagh and Posthumus and referred to the Committee on Education.

A bill to amend 1996 PA 160, entitled
"Postsecondary enrollment options act,"
by amending section 3 (MCL 388.513), as amended by 2020 PA 131.

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 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 or, if approved by the school district or state approved nonpublic
5 school, that is offered in whole when the school district or state
6 approved nonpublic school is not in session; that is not a hobby,
7 craft, or recreational course; and that is in a subject area other
8 than physical education, theology, divinity, or religious
9 education. However, for an eligible student who has not achieved a
10 qualifying score in each subject area on a readiness assessment or
11 the Michigan merit examination, as applicable for the student,
12 excluding an eligible student who enrolls in an eligible course
13 that begins after April 30, 2020 and ends before the start of the
14 2020-2021 academic year or enrolls in an eligible course offered
15 during the 2020-2021 academic year during the period beginning on
16 the effective date of the amendatory act that added this sentence
17 and ending on the last day of the 2020-2021 academic year and who
18 has a grade point average of at least 2.5, as determined by the
19 school district or state approved nonpublic school in which he or
20 she is enrolled, an eligible course is limited to a course in a
21 subject area for which he or she has achieved a qualifying score, a
22 course in computer science or foreign language not offered by the
23 school district, or a course in fine arts as permitted by the
24 school district. For each individual eligible student, unless there
25 is a written agreement between the eligible student's school
26 district and the eligible postsecondary institution to waive these
27 limits, a course described in this subdivision is not an eligible
28 course if the eligible student's enrollment in, and the payment of
29 eligible charges under this act for, the course would exceed the

1 following limits:

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

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

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

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

29 (e) "Eligible postsecondary institution" means a state

1 university, community college, or independent nonprofit degree-
2 granting college or university that is located in this state and
3 that chooses to comply with this act. However, an out-of-state
4 college that is located within 20 miles of a border with this state
5 and that chooses to comply with this act is also an eligible
6 postsecondary institution for an eligible student if at least 1 of
7 the following is met:

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

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

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

19 (f) "Eligible student" means, except as otherwise provided in
20 this ~~subdivision~~, **section**, a student enrolled in at least 1 high
21 school class in a school district or state approved nonpublic
22 school in this state, except a foreign exchange pupil enrolled
23 under a cultural exchange program or a student who does not have at
24 least 1 parent or legal guardian who is a resident of this state.
25 However, subject to subsection (2), the student must not have been
26 enrolled in high school for more than 4 school years including the
27 school year in which the student seeks to enroll in an eligible
28 course under this act. To be an eligible student, except as
29 otherwise provided in this subdivision, a student who has not taken

1 the Michigan merit examination must have achieved a qualifying
2 score in all subject areas on a readiness assessment and a student
3 who has taken the Michigan merit examination must have achieved a
4 qualifying score in all subject areas on the Michigan merit
5 examination, and, subject to subsection (2), the student must not
6 have been enrolled in high school for more than 4 school years
7 including the school year in which the student seeks to enroll in
8 an eligible course under this act. Except as otherwise provided in
9 this subdivision, if the student has not achieved a qualifying
10 score in all subject areas on a readiness assessment or the
11 Michigan merit examination, as applicable for the student, the
12 student is an eligible student only for the limited purpose of
13 enrolling in 1 or more eligible courses under this act in a subject
14 area for which he or she has achieved a qualifying score, in
15 computer science or foreign language not offered by the school
16 district, or in fine arts as permitted by the school district. For
17 enrollment in eligible courses that begin after April 30, 2020 and
18 end before the start of the 2020-2021 academic year and for
19 enrollment in eligible courses offered during the 2020-2021
20 academic year during the period beginning on the effective date of
21 the amendatory act that added this sentence and ending on the last
22 day of the 2020-2021 academic year, a student is an eligible
23 student and is not subject to the limitation described in the
24 immediately preceding sentence if the student has achieved a grade
25 point average of at least 2.5, as determined by the school district
26 or state approved nonpublic school in which he or she is enrolled,
27 regardless of whether or not the student has achieved a qualifying
28 score in all subject areas on a readiness assessment or the
29 Michigan merit examination. For the purposes of determining the

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

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

8 (h) "Michigan merit examination" means that examination
9 developed under section 1279g of the revised school code, 1976 PA
10 451, MCL 380.1279g.

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

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

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

27 (l) "School district" means that term as defined in section 6
28 of the revised school code, 1976 PA 451, MCL 380.6, or a public
29 school academy as that term is defined in section 5 of the revised

1 school code, 1976 PA 451, MCL 380.5, except as provided in
2 subdivision (e).

3 (m) "State approved nonpublic school" means that term as
4 defined in section 6 of the revised school code, 1976 PA 451, MCL
5 380.6.

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

9 ~~(2) The superintendent of public instruction shall promulgate~~
10 ~~rules establishing criteria and procedures under which a student~~
11 ~~who has been enrolled in high school for more than 4 years but not~~
12 ~~more than 5 years may be considered to be an eligible student. The~~
13 ~~rules must address special circumstances under which a student may~~
14 ~~qualify to be considered an eligible student under this subsection~~
15 ~~and may limit the number of courses in which a student who~~
16 ~~qualifies under this subsection may enroll. For the purposes of~~
17 ~~determining the number of years a pupil has been enrolled in high~~
18 ~~school, a pupil who is enrolled in high school for less than 90~~
19 ~~days of a school year due to illness or other circumstances beyond~~
20 ~~the control of the pupil or the pupil's parent or guardian is not~~
21 ~~considered to be enrolled for that school year.~~
22 **A fifth-year high**
23 **school student enrolled and in attendance at a school district,**
24 **intermediate school district, public school academy, or state**
25 **approved nonpublic school, including a student enrolled and in**
26 **attendance in an alternative education program operated by a school**
27 **district, intermediate school district, public school academy, or**
28 **state approved nonpublic school, is an eligible student under this**
29 **act if all of the following requirements are satisfied:**

(a) For a fifth-year high school student who is not enrolled

1 and in attendance at an early/middle college, all of the following:

2 (i) The student has not met all of the requirements to be
3 eligible to receive a high school diploma.

4 (ii) The student is enrolled in not more than 2 eligible
5 courses under this act or eligible courses under the career and
6 technical preparation act, 2000 PA 258, MCL 388.1901 to 388.1913,
7 at 1 time and not more than a total of 4 eligible courses under
8 this act or eligible courses under the career and technical
9 preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, during the
10 school year.

11 (iii) The student is not a foreign exchange student enrolled
12 under a cultural exchange program.

13 (iv) The student has at least 1 parent or legal guardian who is
14 a resident of this state.

15 (v) The student does not enroll in and receive tuition and fee
16 support for more than 10 total eligible courses under this act or
17 eligible courses under the career and technical preparation act,
18 2000 PA 258, MCL 388.1901 to 388.1913, including the eligible
19 courses taken when the student is a fifth-year high school student.
20 The requirement under this subdivision does not apply if there is a
21 written agreement between the student's school district,
22 intermediate school district, public school academy, or state
23 approved nonpublic school and the eligible postsecondary
24 institution to waive this requirement.

25 (b) For a fifth-year high school student who is enrolled and
26 in attendance at an early/middle college, the student has not met
27 all of the requirements to be eligible to receive a high school
28 diploma.

29 (c) The student has a plan on file at the school district,

1 intermediate school district, public school academy, or state
2 approved nonpublic school to complete graduation requirements
3 within the academic year, including eligible courses taken under
4 this act or eligible courses taken under the career and technical
5 preparation act, 2000 PA 258, MCL 388.1901 to 388.1913, as
6 applicable. The plan described in this subdivision must be signed
7 by the principal or an equivalent administrator or his or her
8 designee, the student's parent or legal guardian, and the student.
9 If the student is at least 18 years of age or is an emancipated
10 minor, the student may act on his or her own behalf under this
11 subdivision.

12 (3) Subsection (2) does not prohibit a school district,
13 intermediate school district, public school academy, or state
14 approved nonpublic school from supporting college-level courses or
15 career preparation courses for any student if it is in the best
16 interest of the student.

17 (4) As used in subsection (2):

18 (a) "Early/middle college" means a public high school designed
19 to allow a student to earn both a high school diploma and at least
20 1 of the following:

21 (i) An associate degree.

22 (ii) An industry-recognized technical certification.

23 (iii) Up to 60 transferrable college credits.

24 (iv) The right to participate in a registered apprenticeship.

25 (b) "Fifth-year high school student" means a student who is
26 enrolled in high school for more than 4 years but not more than 5
27 years. For the purposes of determining the number of years a
28 student has been enrolled in high school under this subdivision, a
29 student who is enrolled in high school for less than 90 days of a

1 school year due to illness or other circumstances beyond the
2 control of the student or the student's parent or legal guardian is
3 not considered to be enrolled for that school year.