

SENATE BILL NO. 159

January 27, 1999, Introduced by Senator ROGERS and referred to the Committee on Appropriations.

A bill to establish a vocational education enrollment options program for certain students enrolled in Michigan schools; to prescribe certain duties of public schools; to prescribe certain powers and duties of certain state departments, officials, and agencies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "vocational education enrollment options act".

3 Sec. 2. The purpose of this act is to provide a wider vari-
4 ety of options to high school pupils by encouraging and enabling
5 interested pupils to enroll in courses or programs in eligible
6 postsecondary vocational education programs.

7 Sec. 3. As used in this act:

8 (a) "Community college" means a community college
9 established under the community college act of 1966, 1966 PA 331,

1 MCL 389.1 to 389.195, or under part 25 of the revised school
2 code, 1976 PA 451, MCL 380.1601 to 380.1607, or a federal tri-
3 bally controlled community college located in this state that is
4 recognized under the tribally controlled community college
5 assistance act of 1978, Public Law 95-471, 92 Stat. 1325, and is
6 determined by the department to meet the requirements for accred-
7 itation by a recognized regional accrediting body.

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

9 (c) "Eligible charges" means tuition and mandatory course
10 fees, material fees, and registration fees required by a voca-
11 tional education program for enrollment in an eligible course.
12 Eligible charges also include any late fees charged by a voca-
13 tional education program due to the school district's failure to
14 make a required payment according to the timetable prescribed
15 under this act. Eligible charges do not include transportation
16 or parking costs or activity fees.

17 (d) "Eligible course" means a course offered by a vocational
18 education program that is not offered by or available at no cost
19 through the school district in which the eligible student is
20 enrolled, or that is offered by or available at no cost through
21 the school district but is determined by the board of the school
22 district to not be available to the eligible student because of a
23 scheduling conflict beyond the eligible student's control; that
24 is a vocational education course not ordinarily taken as an
25 activity course; that is a course that the vocational education
26 program normally applies toward satisfaction of certificate,

1 degree, or program completion requirements; and that is not a
2 hobby craft or recreational course.

3 (e) "Eligible student" means a student enrolled in at least
4 1 high school class in at least grade 11 in a school district in
5 this state, except a foreign exchange pupil enrolled in a school
6 district under a cultural exchange program, who is making satis-
7 factory progress in meeting local attendance and diploma
8 requirements.

9 (f) "Intermediate school district" means that term as
10 defined in section 4 of the revised school code, 1976 PA 451, MCL
11 380.4.

12 (g) "School district" means that term as defined in section
13 6 of the revised school code, 1976 PA 451, MCL 380.6, a local act
14 school district as defined in section 5 of the revised school
15 code, 1976 PA 451, MCL 380.5, or a public school academy orga-
16 nized under the revised school code, 1976 PA 451, MCL 380.1 to
17 380.1852.

18 (h) "Vocational education program" means a program that
19 teaches a trade, occupation, or vocation and that is operated by
20 a community college located in this state that chooses to comply
21 with this act.

22 Sec. 4. (1) An eligible student may apply to a vocational
23 education program to enroll in 1 or more eligible courses offered
24 by that vocational education program and, if accepted, may enroll
25 in 1 or more of those courses.

26 (2) Within a reasonable time after registration, the
27 vocational education program shall send written notice to the

1 eligible student and his or her school district. The notice
2 shall indicate the course or courses and hours of enrollment of
3 that eligible student. The vocational education program shall
4 notify the eligible student about tuition, fees, books, materi-
5 als, and other related charges, as determined by the vocational
6 education program, in the customary manner used by the vocational
7 education program, and shall notify the eligible student of the
8 estimated amount of the eligible charges that will be billed to
9 the school district under subsection (3).

10 (3) Unless otherwise agreed between the vocational education
11 program and the school district, after the expiration of the
12 vocational education program's drop/add period for the course,
13 the vocational education program shall send a bill to the eligi-
14 ble student's school district detailing the eligible charges for
15 each eligible course in which the student is enrolled under this
16 act.

17 (4) Upon receiving the bill under subsection (3), the school
18 district shall cause to be paid to the vocational education pro-
19 gram on behalf of the eligible student an amount equal to the
20 lesser of the amount of the eligible charges or the prorated per-
21 centage of the state portion of the foundation allowance paid on
22 behalf of that particular eligible student under section 20 of
23 the state school aid act of 1979, 1979 PA 94, MCL 388.1620, with
24 the proration based on the proportion of the school year that the
25 eligible student attends the vocational education program. A
26 school district may pay more money to a vocational education
27 program on behalf of an eligible student than is required under

1 this act, and may use local school operating revenue for that
2 purpose. The eligible student is responsible for payment of the
3 remainder of the costs associated with his or her enrollment in
4 the vocational educational program that exceed the amount the
5 school district is required to pay under this act and that are
6 not paid by the school district. As used in this subsection,
7 "local school operating revenue" means that term as defined in
8 section 20 of the state school aid act of 1979, 1979 PA 94, MCL
9 388.1620.

10 (5) A vocational education program shall not charge a late
11 fee to an eligible student or a school district for a payment
12 that is made in compliance with the timetable prescribed under
13 this act even if the payment would otherwise be considered late
14 by the vocational education program.

15 (6) A school district may require an eligible student to
16 provide, on a form supplied by the school district, reasonable
17 verification that the eligible student is regularly attending a
18 vocational education course under this act.

19 (7) If an eligible student enrolled in an eligible course
20 under this act does not complete the eligible course, and if the
21 school district has paid money for the course on behalf of the
22 student, the vocational education program shall forward to the
23 school district any funds that are refundable due to noncomple-
24 tion of the course. The school district shall then forward to
25 the student any refunded money in excess of the amount paid by
26 the school district for the course on behalf of the student.

1 (8) A school district shall make available to an eligible
2 student enrolled in the school district copies of all
3 correspondence in the possession of the school district regarding
4 the eligible student's participation in a vocational education
5 course under this act. Correspondence described in this subsec-
6 tion shall be kept by the school district for at least 1 year.

7 (9) If a school district pays for books for an eligible stu-
8 dent for a vocational education course under this section, the
9 books are the property of the school district and shall be turned
10 over to the school district after the eligible student completes
11 the course.

12 (10) This section does not apply to any vocational education
13 courses in which an eligible student is enrolled in addition to
14 being enrolled full-time in that eligible student's school dis-
15 trict; to a vocational education course an eligible student is
16 retaking after failing to achieve a satisfactory grade; or to a
17 course contrary to the eligibility provisions of this act. In
18 determining full-time enrollment in a school district under this
19 act or full-time equated membership under the state school aid
20 act of 1979, 1979 PA 94, MCL 388.1601 to 388.1772, for pupils
21 enrolled in a vocational education program under this act, the
22 pupil's enrollment in both the school district and the vocational
23 education program shall be counted as enrollment in the school
24 district and a pupil shall not be considered to be enrolled in a
25 school district less than full-time solely because of the effect
26 of the pupil's enrollment in 1 or more vocational education
27 courses under this act, including necessary travel time, on the

1 number of class hours provided by the school district to the
2 pupil.

3 (11) This act does not require a school district to pay or
4 otherwise provide financial support for transportation or parking
5 costs necessary for an eligible student to participate in a voca-
6 tional education program under this act. A school district is
7 not liable for any injury incurred by an eligible student that is
8 related to transportation necessary for the eligible student to
9 participate in a vocational education program under this act.

10 Sec. 5. An eligible student enrolled in a vocational educa-
11 tion program under this act shall not participate in intercolle-
12 giate athletics while he or she is enrolled in the vocational
13 education program under this act. An eligible student who vio-
14 lates this section forfeits his or her eligibility under this
15 act.

16 Sec. 6. A vocational education program may give priority to
17 its postsecondary students when enrolling eligible students in
18 vocational education courses under this act for high school
19 credit only. Once an eligible student has been enrolled in a
20 vocational education course under this act, the vocational educa-
21 tion program shall not displace the eligible student with another
22 student.

23 Sec. 7. (1) An eligible student may enroll in, and receive
24 payment by the school district under section 4 of all or part of
25 eligible charges for, an eligible course under this act for high
26 school credit or postsecondary credit, or both. At the time an
27 eligible student enrolls in a vocational education course under

1 this act, he or she shall designate whether the course is for
2 high school or postsecondary credit, or both, and shall notify
3 both his or her high school and the vocational education program
4 of that designation. An eligible student taking more than 1 eli-
5 gible course under this act may make different credit designa-
6 tions under this subsection for different courses. An eligible
7 student shall not audit a course in which he or she is enrolled
8 under this act.

9 (2) A school district shall grant academic credit to an eli-
10 gible student enrolled in an eligible course for high school
11 credit under this act if he or she successfully completes the
12 course, as determined by the vocational education program. The
13 amount of high school credit granted by a school district for a
14 course completed under this act shall be determined by the school
15 district.

16 (3) The high school credits granted to an eligible student
17 under this act shall be counted toward the graduation require-
18 ments and subject area requirements of the school district.
19 Evidence of successful completion of each course and high school
20 credits granted shall be included in the eligible student's high
21 school record. Subject to section 444 of subpart 4 of part C of
22 the general education provisions act, title IV of Public Law
23 90-247, 20 U.S.C. 1232g, commonly referred to as the family edu-
24 cational rights and privacy act of 1974, a vocational education
25 program shall provide the school district with a copy of the eli-
26 gible student's grade in each course taken for high school credit
27 under this act. Upon the request of an eligible student, his or

1 her high school record and transcript shall also include evidence
2 of successful completion and postsecondary credits granted for a
3 course taken for postsecondary credit under this act. In either
4 case, the eligible student's high school record and transcript
5 shall indicate that the credits were earned at a vocational edu-
6 cation program and identify the vocational education program.

7 (4) If a student enrolls in a vocational education program
8 after leaving high school, the vocational education program, in
9 accordance with institutional policy, shall award postsecondary
10 credit for postsecondary courses successfully completed by that
11 student for high school credit under this act at that vocational
12 education program. A vocational education program shall not
13 charge a student for credit awarded under this subsection.

14 Sec. 8. This act does not restrict the ability of an eligi-
15 ble student or any other pupil to enroll in any vocational educa-
16 tion program without tuition and fee support under this act.

17 Sec. 9. (1) Each school district shall provide information
18 to all high school students on the vocational education enroll-
19 ment options under this act, including enrollment eligibility;
20 the programs and types of courses that are eligible for partici-
21 pation; the decision making process for granting academic cred-
22 its; an explanation of eligible charges that will be paid by the
23 school district and of financial arrangements for eligible
24 charges and for paying costs not paid for by the school district;
25 eligibility for payment of all or part of eligible charges by the
26 school district under this act; an explanation that, if the
27 student qualifies for payment of all or part of eligible charges

1 by the school district under this act, the school district will
2 pay that support directly to the vocational education program
3 upon being billed by the vocational education program and that
4 the student is not responsible for that payment but is responsi-
5 ble for payment of costs not paid for under this act; available
6 support services; the need to arrange an appropriate schedule;
7 consequences of failing or not completing a vocational education
8 course in which the eligible student enrolls; the effect of
9 enrolling in a postsecondary course on the eligible student's
10 ability to complete the required high school graduation require-
11 ments; and the academic and social responsibilities that must be
12 assumed by the eligible student and his or her parent or
13 guardian.

14 (2) To the extent possible, a school district shall provide
15 counseling services to an eligible student and his or her parent
16 or guardian before the eligible student enrolls in vocational
17 education courses under this act to ensure that the eligible stu-
18 dent and his or her parent or guardian are fully aware of the
19 benefits, risks, and possible consequences of enrolling in the
20 course. The person providing the counseling shall encourage the
21 eligible student and his or her parent or guardian to also use
22 available counseling services at the vocational education program
23 before the quarter or semester of enrollment to ensure that
24 anticipated plans are appropriate. A school district may provide
25 the counseling required under this section in a group meeting if
26 additional personalized counseling is also made available.

1 (3) Before enrolling in an eligible course at a vocational
2 education program under this act, an eligible student and his or
3 her parent or guardian shall file with the vocational education
4 program a signed form provided by the eligible student's school
5 district stating that the student is an eligible student and has
6 received the information and counseling specified in subsections
7 (1) and (2) and that the student understands the responsibilities
8 that must be assumed in enrolling in the course. Upon request,
9 the department shall provide technical assistance to a school
10 district and to a vocational education program in developing
11 appropriate forms and counseling guidelines for purposes of this
12 section.

13 Sec. 10. By May 1, 2000, and by March 1 of each succeeding
14 year, a school district shall provide general information about
15 the vocational education enrollment options under this act to all
16 pupils in grade 8 or higher.

17 Sec. 11. (1) Each intermediate school district annually
18 shall collect from each of its constituent school districts and
19 provide to the department at the same time that it submits the
20 annual comprehensive financial report required under section 18
21 of the state school aid act of 1979, 1979 PA 94, MCL 388.1618,
22 information for the immediately preceding school year on all of
23 the following:

24 (a) The amount of money expended by the school district for
25 payments required under this act.

26 (b) The number of eligible students who were enrolled in the
27 school district and the number of those eligible students who

1 enrolled in 1 or more eligible courses under this act and
2 received payment of all or part of eligible charges under this
3 act, both in the aggregate and by grade level.

4 (c) The percentage of the school district's enrollment rep-
5 resented by the eligible students described in subdivision (b),
6 both in the aggregate and by grade level.

7 (d) The total number of eligible courses for which the
8 school district made payment under this act, the number of those
9 courses for which postsecondary credit was granted, the number of
10 those courses for which high school credit was granted, and the
11 number of those courses that were not completed by the eligible
12 student.

13 (2) Not later than March 1 of each year, the department
14 shall prepare and submit to the house and senate fiscal agencies
15 and the department of management and budget a summary annual
16 report on the information received under subsection (1).

17 Sec. 12. (1) The department may promulgate rules it consid-
18 ers necessary to implement this act. Rules shall be promulgated
19 under the administrative procedures act of 1969, 1969 PA 306, MCL
20 24.201 to 24.328.

21 (2) If the Michigan supreme court rules that sections 45 and
22 46 of the administrative procedures act of 1969, 1969 PA 306, MCL
23 24.245 and 24.246, are unconstitutional and a statute requiring
24 legislative review of administrative rules is not enacted within
25 90 days after the Michigan supreme court ruling, the department
26 may not promulgate rules under this section.

1 Sec. 13. (1) This act shall take effect April 1, 2000.
2 Payment of all or part of eligible charges under this act for
3 eligible courses shall begin in the state fiscal year beginning
4 on October 1, 2000.

5 (2) This act is repealed effective June 30, 2005.